

Official Journal

of the European Union

L 316

English edition

Legislation

Volume 51

26 November 2008

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⁽¹⁾ Text with EEA relevance

I

(Acts adopted under the EC Treaty/Euratom Treaty whose publication is obligatory)

REGULATIONS

COMMISSION REGULATION (EC) No 1168/2008

of 25 November 2008

establishing the standard import values for determining the entry price of certain fruit and vegetables

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 1234/2007 of 22 October 2007 establishing a common organisation of agricultural markets and on specific provisions for certain agricultural products (Single CMO Regulation) ⁽¹⁾,

Having regard to Commission Regulation (EC) No 1580/2007 of 21 December 2007 laying down implementing rules for Council Regulations (EC) No 2200/96, (EC) No 2201/96 and (EC) No 1182/2007 in the fruit and vegetable sector ⁽²⁾, and in particular Article 138(1) thereof,

Whereas:

Regulation (EC) No 1580/2007 lays down, pursuant to the outcome of the Uruguay Round multilateral trade negotiations, the criteria whereby the Commission fixes the standard values for imports from third countries, in respect of the products and periods stipulated in Annex XV, Part A thereto,

HAS ADOPTED THIS REGULATION:

Article 1

The standard import values referred to in Article 138 of Regulation (EC) No 1580/2007 are fixed in the Annex hereto.

Article 2

This Regulation shall enter into force on 26 November 2008.

This Regulation shall be binding in its entirety and directly applicable in all Member States.

Done at Brussels, 25 November 2008.

For the Commission

Jean-Luc DEMARTY

*Director-General for Agriculture and
Rural Development*

⁽¹⁾ OJ L 299, 16.11.2007, p. 1.

⁽²⁾ OJ L 350, 31.12.2007, p. 1.

ANNEX

Standard import values for determining the entry price of certain fruit and vegetables

(EUR/100 kg)

CN code	Third country code ⁽¹⁾	Standard import value
0702 00 00	AL	25,7
	MA	59,9
	TR	74,7
	ZZ	53,4
0707 00 05	EG	188,1
	JO	184,6
	MA	72,0
	TR	90,5
	ZZ	133,8
0709 90 70	MA	65,2
	TR	123,8
	ZZ	94,5
0805 20 10	MA	61,0
	TR	70,0
	ZZ	65,5
0805 20 30, 0805 20 50, 0805 20 70, 0805 20 90	CN	54,3
	HR	50,0
	IL	76,8
	TR	60,4
	ZZ	60,4
0805 50 10	TR	64,5
	ZA	71,5
	ZZ	68,0
0808 10 80	CA	88,7
	CL	67,1
	MK	35,3
	US	113,6
	ZA	106,7
	ZZ	82,3
0808 20 50	CN	73,6
	KR	112,1
	TR	106,0
	ZZ	97,2

⁽¹⁾ Nomenclature of countries laid down by Commission Regulation (EC) No 1833/2006 (OJ L 354, 14.12.2006, p. 19). Code 'ZZ' stands for 'of other origin'.

COMMISSION REGULATION (EC) No 1169/2008**of 25 November 2008****amending Regulation (EC) No 1449/2007 as regards the dates for lodging import licence applications in 2008 under the tariff quotas for sugar**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 1234/2007 of 22 October 2007 establishing a common organisation of agricultural markets and on specific provisions for certain agricultural products ('Single CMO' Regulation) ⁽¹⁾, and in particular Article 148(c), in conjunction with Article 4 thereof,

Whereas:

(1) Article 5 of Commission Regulation (EC) No 1449/2007 of 7 December 2007 derogating from Regulations (EC) No 2402/96, (EC) No 2058/96, (EC) No 2375/2002, (EC) No 2305/2003, (EC) No 950/2006, (EC) No 955/2005, (EC) No 969/2006, (EC) No 1100/2006, (EC) No 1918/2006, (EC) No 1964/2006, (EC) No 1002/2007 and (EC) No 508/2007 as regards the dates for lodging applications and the issuing of import licences in 2008 under the tariff quotas for sweet potatoes, manioc starch, cereals, rice, sugar and olive oil and derogating from Regulations (EC) No 1445/95, (EC) No 1518/2003, (EC) No 596/2004 and (EC) No 633/2004 as regards the dates of issuing of export licences in 2008 in the beef and veal, pigmeat, eggs and poultrymeat sectors ⁽²⁾ provides for a derogation for 2008 regarding the dates for lodging import licence applications under the tariff quotas for sugar.

(2) Commission Regulation (EC) No 950/2006 of 28 June 2006 laying down detailed rules of application for the 2006/07, 2007/08 and 2008/09 marketing years for the import and refining of sugar products under certain tariff

quotas and preferential agreements ⁽³⁾, as amended by Regulation (EC) No 892/2008 ⁽⁴⁾, opened new tariff quotas with order numbers 09.4431 to 09.4437. The derogation regarding the dates for lodging import licence applications should be extended to cover these new quotas and Regulation (EC) No 1449/2007 should be amended accordingly.

(3) The measures provided for in this Regulation are in accordance with the opinion of the Management Committee for the Common Organisation of Agricultural Markets,

HAS ADOPTED THIS REGULATION:

Article 1

Article 5(1) of Regulation (EC) No 1449/2007 is replaced by the following:

'1. By way of derogation from Article 4(2) of Regulation (EC) No 950/2006, applications for import licences for sugar products under quotas 09.4331 to 09.4351, 09.4315 to 09.4320, 09.4324 to 09.4328, 09.4365, 09.4366, 09.4380, 09.4390 and 09.4431 to 09.4437 for 2008 may no longer be lodged after 13.00 (Brussels time) on Friday 12 December 2008.'

Article 2

This Regulation shall enter into force on the third day following its publication in the *Official Journal of the European Union*.

This Regulation shall be binding in its entirety and directly applicable in all Member States.

Done at Brussels, 25 November 2008.

For the Commission

Jean-Luc DEMARTY

*Director-General for Agriculture and
Rural Development*

⁽¹⁾ OJ L 299, 16.11.2007, p. 1.

⁽²⁾ OJ L 323, 8.12.2007, p. 8.

⁽³⁾ OJ L 178, 1.7.2006, p. 1.

⁽⁴⁾ OJ L 245, 13.9.2008, p. 5.

DIRECTIVES

COMMISSION DIRECTIVE 2008/107/EC

of 25 November 2008

amending Council Directive 91/414/EEC to include abamectin, epoxiconazole, fenpropimorph, fenpyroximate and tralkoxydim as active substances

(Text with EEA relevance)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Directive 91/414/EEC of 15 July 1991 concerning the placing of plant protection products on the market ⁽¹⁾, and in particular Article 6(1) thereof,

Whereas:

(1) Commission Regulations (EC) No 451/2000 ⁽²⁾ and (EC) No 1490/2002 ⁽³⁾ lay down the detailed rules for the implementation of the third stage of the programme of work referred to in Article 8(2) of Directive 91/414/EEC and establish a list of active substances to be assessed, with a view to their possible inclusion in Annex I to Directive 91/414/EEC. That list includes abamectin, epoxiconazole, fenpropimorph, fenpyroximate and tralkoxydim.

(2) For those active substances the effects on human health and the environment have been assessed in accordance with the provisions laid down in Regulations (EC) No 451/2000 and (EC) No 1490/2002 for a range of uses proposed by the notifiers. Moreover, those Regulations designate the rapporteur Member States which have to submit the relevant assessment reports and recommendations to the European Food Safety Authority (EFSA) in accordance with Article 10(1) of Regulation (EC) No 1490/2002. For abamectin the rapporteur Member State was the Netherlands and all relevant information was submitted on 27 October 2005. For epoxiconazole, fenpropimorph and fenpyroximate the rapporteur Member State was Germany and all relevant information

was submitted on 28 April 2005, 17 March 2005 and 25 October 2005 respectively. For tralkoxydim the rapporteur Member State was the United Kingdom and all relevant information was submitted on 6 September 2005.

(3) The assessment reports have been peer reviewed by the Member States and the EFSA and presented to the Commission on 29 May 2008 for abamectin, on 26 March 2008 for epoxiconazole and tralkoxydim, on 14 April 2008 for fenpropimorph, on 5 May 2008 for fenpyroximate in the format of the EFSA Scientific Reports ⁽⁴⁾. These reports have been reviewed by the Member States and the Commission within the Standing Committee on the Food Chain and Animal Health and finalised on 11 July 2008 in the format of the Commission review reports for abamectin, epoxiconazole, fenpropimorph, fenpyroximate and tralkoxydim.

(4) It has appeared from the various examinations made that plant protection products containing abamectin, epoxiconazole, fenpropimorph, fenpyroximate and tralkoxydim may be expected to satisfy, in general, the requirements laid down in Article 5(1)(a) and (b) of Directive 91/414/EEC, in particular with regard to the uses which were examined and detailed in the Commission review reports. It is therefore appropriate to include these active substances in Annex I, in order to ensure that in all Member States the authorisations of plant protection products containing these active substances can be granted in accordance with the provisions of that Directive.

⁽⁴⁾ EFSA Scientific Report (2008) 148. Conclusion regarding the peer review of the pesticide risk assessment of the active substance abamectin (finalised 29 May 2008).
EFSA Scientific Report (2008) 138. Conclusion regarding the peer review of the pesticide risk assessment of the active substance epoxiconazole (finalised 26 March 2008).
EFSA Scientific Report (2008) 144. Conclusion regarding the peer review of the pesticide risk assessment of the active substance fenpropimorph (finalised 14 April 2008).
EFSA Scientific Report (2008) 143. Conclusion regarding the peer review of the pesticide risk assessment of the active substance fenpyroximate (finalised 5 May 2008).
EFSA Scientific Report (2008), Conclusion regarding the peer review of the pesticide risk assessment of the active substance tralkoxydim (finalised 26 March 2008).

⁽¹⁾ OJ L 230, 19.8.1991, p. 1.

⁽²⁾ OJ L 55, 29.2.2000, p. 25.

⁽³⁾ OJ L 224, 21.8.2002, p. 23.

(5) Without prejudice to that conclusion, it is appropriate to obtain further information on certain specific points. Article 6(1) of Directive 91/414/EEC provides that inclusion of a substance in Annex I may be subject to conditions. Therefore, it is appropriate to require that abamectin should be subjected to further studies on the specification and further information is required to confirm the risk to birds and mammals, to aquatic organisms, and to groundwater with respect to the metabolite U8. Epoxiconazole should be subjected to further testing of its potential endocrine disrupting properties and to a monitoring programme to assess the long-range atmospheric transport and related environmental risks; further information is required as regards the residues of its metabolites in primary crops, rotational crops and products of animal origin as well as information to address the long-term risk to herbivorous birds and mammals. Fenpropimorph should be subjected to further testing to confirm the mobility in soil of metabolite BF-421-7. Fenpyroximate should be subjected to further testing for confirmation of the risk to aquatic organisms from metabolites containing the benzyl moiety and the risk of biomagnification in aquatic food chains. Tralkoxydim should be subjected to further testing for confirmation of the long-term risk to herbivorous mammals. All the above mentioned studies and information should be presented by the notifiers within the deadlines set in Annex I of this Directive.

(6) A reasonable period should be allowed to elapse before an active substance is included in Annex I in order to permit Member States and the interested parties to prepare themselves to meet the new requirements which will result from the inclusion.

(7) Without prejudice to the obligations defined by Directive 91/414/EEC as a consequence of including an active substance in Annex I, Member States should be allowed a period of six months after inclusion to review existing authorisations of plant protection products containing abamectin, epoxiconazole, fenpropimorph, fenpyroximate and tralkoxydim to ensure that the requirements laid down by Directive 91/414/EEC, in particular in its Article 13 and the relevant conditions set out in Annex I, are satisfied. Member States should vary, replace or withdraw, as appropriate, existing authorisations, in accordance with the provisions of Directive 91/414/EEC. By way of derogation from the above deadline, a longer period should be provided for the submission and assessment of the complete Annex III dossier of each plant protection product for each intended use in accordance with the uniform principles laid down in Directive 91/414/EEC.

(8) The experience gained from previous inclusions in Annex I to Directive 91/414/EEC of active substances assessed

in the framework of Commission Regulation (EEC) No 3600/92 ⁽¹⁾ has shown that difficulties can arise in interpreting the duties of holders of existing authorisations in relation to access to data. In order to avoid further difficulties it therefore appears necessary to clarify the duties of the Member States, especially the duty to verify that the holder of an authorisation demonstrates access to a dossier satisfying the requirements of Annex II to that Directive. However, this clarification does not impose any new obligations on Member States or holders of authorisations compared to the directives which have been adopted until now amending Annex I.

(9) It is therefore appropriate to amend Directive 91/414/EEC accordingly.

(10) The measures provided for in this Directive are in accordance with the opinion of the Standing Committee on the Food Chain and Animal Health,

HAS ADOPTED THIS DIRECTIVE:

Article 1

Annex I to Directive 91/414/EEC is amended as set out in the Annex to this Directive.

Article 2

Member States shall adopt and publish by 31 October 2009 at the latest the laws, regulations and administrative provisions necessary to comply with this Directive. They shall forthwith communicate to the Commission the text of those provisions and a correlation table between those provisions and this Directive.

They shall apply those provisions from 1 November 2009.

When Member States adopt those provisions, they shall contain a reference to this Directive or be accompanied by such a reference on the occasion of their official publication. Member States shall determine how such reference is to be made.

Article 3

1. Member States shall in accordance with Directive 91/414/EEC, where necessary, amend or withdraw existing authorisations for plant protection products containing abamectin, epoxiconazole, fenpropimorph, fenpyroximate and tralkoxydim as active substances by 31 October 2009.

⁽¹⁾ OJ L 366, 15.12.1992, p. 10.

By that date they shall in particular verify that the conditions in Annex I to that Directive relating to abamectin, epoxiconazole, fenpropimorph, fenpyroximate and tralkoxydim are met, with the exception of those identified in part B of the entry concerning that active substance, and that the holder of the authorisation has, or has access to, a dossier satisfying the requirements of Annex II to that Directive in accordance with the conditions of Article 13 of that Directive.

2. By way of derogation from paragraph 1, for each authorised plant protection product containing abamectin, epoxiconazole, fenpropimorph, fenpyroximate and tralkoxydim as either the only active substance or as one of several active substances all of which were listed in Annex I to Directive 91/414/EEC by 30 April 2009 at the latest, Member States shall re-evaluate the product in accordance with the uniform principles provided for in Annex VI to Directive 91/414/EEC, on the basis of a dossier satisfying the requirements of Annex III to that Directive and taking into account part B of the entry in Annex I to that Directive concerning abamectin, epoxiconazole, fenpropimorph, fenpyroximate and tralkoxydim respectively. On the basis of that evaluation, they shall determine whether the product satisfies the conditions set out in Article 4(1)(b), (c), (d) and (e) of Directive 91/414/EEC.

Following that determination Member States shall:

(a) in the case of a product containing abamectin, epoxiconazole, fenpropimorph, fenpyroximate and tralkoxydim as

the only active substance, where necessary, amend or withdraw the authorisation by 30 April 2013 at the latest; or

(b) in the case of a product containing abamectin, epoxiconazole, fenpropimorph, fenpyroximate and tralkoxydim as one of several active substances, where necessary, amend or withdraw the authorisation by 30 April 2013 or by the date fixed for such an amendment or withdrawal in the respective Directive or Directives which added the relevant substance or substances to Annex I to Directive 91/414/EEC, whichever is the latest.

Article 4

This Directive shall enter into force on 1 May 2009.

Article 5

This Directive is addressed to the Member States.

Done at Brussels, 25 November 2008.

For the Commission
Androulla VASSILIOU
Member of the Commission

ANNEX

The following entry shall be added at the end of the table in Annex I to Directive 91/414/EEC:

No	Common name, identification numbers	IUPAC name	Purity ⁽¹⁾	Entry into force	Expiration of inclusion	Specific provisions
'216	Abamectin CAS No 71751-41-2 abamectin B _{1a} CAS No 65195-55-3 Avermectin B _{1b} CAS No 65195-56-4 abamectin CIPAC No 495	AvermectinB _{1a} (10E,14E,16E,22Z)- (1R,4S,5'S,6S,6'R,8R,12S, 13S,20R,21R,24S)-6'-[(S)- sec-butyl]-21,24-dihydroxy- 5',11,13,22-tetramethyl-2- oxo-3,7,19-trioxate- tricyclo[15.6.1.1 ^{4,8} 0 ^{20,24}]pentacos- 10.14,16,22-tetraene-6- spiro-2'-(5',6'-dihydro-2'H- pyran)-12-yl 2,6-dideoxy-4- O-(2,6-dideoxy-3-O-methyl- α-L-arabino-hexopyranosyl)- 3-O-methyl-α-L-arabino- hexopyranoside AvermectinB _{1b} (10E,14E,16E,22Z)- (1R,4S,5'S,6S,6'R,8R,12S, 13S,20R,21R,24S)-21,24- dihydroxy-6'-isopropyl- 5',11,13,22-tetramethyl-2- oxo-3,7,19-trioxate- tricyclo[15.6.1.1 ^{4,8} 0 ^{20,24}]pentacos- 10.14,16,22-tetraene-6- spiro-2'-(5',6'-dihydro-2'H- pyran)-12-yl 2,6-dideoxy-4- O-(2,6-dideoxy-3-O-methyl- α-L-arabino-hexopyranosyl)- 3-O-methyl-α-L-arabino- hexopyranoside	≥ 850 g/kg	1 May 2009	30 April 2019	PART A Only uses as insecticide, acaricide. PART B In assessing applications to authorise plant protection products containing abamectin for uses other than citrus, lettuce and tomatoes, Member States shall pay particular attention to the criteria in Article 4(1)(b), and shall ensure that any necessary data and information are provided before such an authorisation is granted. For the implementation of the uniform principles of Annex VI, the conclusions of the review report on (abamectin) and in particular Appendices I and II thereof, as finalised in the Standing Committee on the Food Chain and Animal Health on 11 July 2008 shall be taken into account. In this overall assessment Member States must pay particular attention to: — the operator safety and ensure that conditions of use prescribe the application of adequate personal protective equipment, — the residues in food of plant origin and evaluate the dietary exposure of consumers, — the protection of bees, non-target arthropods, birds, mammals and aquatic organisms. In relation to these identified risks risk mitigation measures, such as buffer zones, waiting periods, should be applied where appropriate. The Member States concerned shall request the submission of: — further studies on the specification, — information to further address the risk assessment for birds and mammals, — information to address the risk to aquatic organisms with respect to the major soil metabolites, — information to address the risk to groundwater with respect to the metabolite U8. They shall ensure that the notifiers provide such studies to the Commission within two years from the entry into force of this Directive.

No	Common name, identification numbers	IUPAC name	Purity ⁽¹⁾	Entry into force	Expiration of inclusion	Specific provisions
217	Epoxiconazole CAS No 135319-73-2 (formerly 106325-08-0) CIPAC No 609	(2RS, 3SR)-1-[3-(2-chlorophenyl)-2,3-epoxy-2-(4-fluorophenyl)propyl]-1H-1,2,4-triazole	≥ 920 g/kg	1 May 2009	30 April 2019	PART A Only uses as fungicide may be authorised. PART B For the implementation of the uniform principles of Annex VI, the conclusions of the review report on epoxiconazole, and in particular Appendices I and II thereof, as finalised in the Standing Committee on the Food Chain and Animal Health on 11 July 2008 shall be taken into account. In this overall assessment Member States must pay particular attention to: — the operator safety and ensure that conditions of use prescribe the application of adequate personal protective equipment where appropriate, — the dietary exposure of consumers to the epoxiconazole (triazole) metabolites, — the potential for long-range transport via air, — the risk to aquatic organisms, birds and mammals. Conditions of authorisation shall include risk mitigation measures, where appropriate. The Member States concerned shall ensure that the notifier submits to the Commission further studies addressing the potential endocrine disrupting properties of epoxiconazole within two years after the adoption of the OECD test guidelines on endocrine disruption or, alternatively, of Community agreed test guidelines. The Member States concerned shall ensure that the notifier presents to the Commission not later than 30 June 2009 a monitoring programme to assess the long-range atmospheric transport of epoxiconazole and related environmental risks. The results of this monitoring shall be submitted as a monitoring report to the Commission by 31 December 2011 at the latest. The concerned Member States shall ensure that the notifier submits within two years from the entry into force of this Directive, at the latest, information on residues of epoxiconazole metabolites in primary crops, rotational crops and products of animal origin and information to further address the long-term risk to herbivorous birds and mammals.

No	Common name, identification numbers	IUPAC name	Purity ⁽¹⁾	Entry into force	Expiration of inclusion	Specific provisions
218	Fenpropimorph CAS No 67564-91-4 CIPAC No 427	(RS)-cis-4-[3-(4-tert-butyl-phenyl)-2-methylpropyl]-2,6-dimethylmorpholine	≥ 930 g/kg	1 May 2009	30 April 2019	PART A Only uses as fungicide may be authorised. PART B For the implementation of the uniform principles of Annex VI, the conclusions of the review report on fenpropimorph, and in particular Appendices I and II thereof, as finalised in the Standing Committee on the Food Chain and Animal Health on 11 July 2008 shall be taken into account. In this overall assessment Member States must pay particular attention to: — the operators and workers safety. Authorised conditions of use must prescribe the application of adequate personal protective equipment and risk mitigation measures to reduce the exposure, such as restrictions of the daily work rate, — the protection of the groundwater, when the active substance is applied in regions with vulnerable soil and/or climatic conditions, — the protection of aquatic organisms. Conditions of authorisation should include risk mitigation measures, where appropriate, such as buffer zones, reduction of run-off and drift reduction nozzles. The Member States concerned shall request the submission of further studies to confirm the mobility in soil of the metabolite BF-421-7. They shall ensure that the notifiers at whose request fenpropimorph has been included in this Annex provide such studies to the Commission within two years from the entry into force of this Directive.

No	Common name, identification numbers	IUPAC name	Purity ⁽¹⁾	Entry into force	Expiration of inclusion	Specific provisions
219	Fenpyroximate CAS No 134098-61-6 CIPAC No 695	tert-butyl (E)-alpha-(1,3-dimethyl-5-phenoxy-pyrazol-4-ylmethyl)eneamino-oxy)-p-toluate	> 960 g/kg	1 May 2009	30 April 2019	PART A Only uses as acaricide may be authorised. The following uses must not be authorised: — applications in high crops with a high risk of spray drift, for example tractor mounted air-blast sprayer and hand-held applications. PART B For the implementation of the uniform principles of Annex VI, the conclusions of the review report on fenpyroximate, and in particular Appendices I and II thereof, as finalised in the Standing Committee on the Food Chain and Animal Health on 11 July 2008 shall be taken into account. In this overall assessment Member States must pay particular attention to: — the operator and worker safety and ensure that conditions of use prescribe the application of adequate personal protective equipment, — the impact on aquatic organisms and non-target arthropods and must ensure that the conditions of authorisation include, where appropriate, risk mitigation measures. The Member States concerned shall request the submission of information to further address: — the risk to aquatic organisms from metabolites containing the benzyl moiety, — the risk of biomagnification in aquatic food chains. They shall ensure that the notifiers at whose request fenpyroximate has been included in this Annex provide such information to the Commission within two years from the entry into force of this Directive.

No	Common name, identification numbers	IUPAC name	Purity ⁽¹⁾	Entry into force	Expiration of inclusion	Specific provisions
220	Tralkoxydim CAS No 87820-88-0 CIPAC No 544	(RS)-2-[(EZ)-1-(ethoxyimi- no)propyl]-3-hydroxy-5- methylcyclohex-2-en-1-one	≥ 960 g/kg	1 May 2009	30 April 2019	PART A Only uses as herbicide may be authorised. PART B For the implementation of the uniform principles of Annex VI, the conclusions of the review report on tralkoxydim, and in particular Appendices I and II thereof, as finalised in the Standing Committee on the Food Chain and Animal Health on 11 July 2008 shall be taken into account. In this overall assessment Member States must pay particular attention to: — the protection of the groundwater, in particular from the soil metabolite R173642 when the active substance is applied in regions with vulnerable soil and/or climatic conditions, — the protection of herbivorous mammals. Conditions of use shall include risk mitigation measures, where appropriate. The Member States concerned shall request the submission of: — information to further address the long-term risk to herbivorous mammals arising from the use of tralkoxydim. They shall ensure that the notifiers at whose request tralkoxydim has been included in this Annex provide such information to the Commission within two years from the entry into force of this Directive.

⁽¹⁾ Further details on identity and specification of active substance are provided in the review report.

II

(Acts adopted under the EC Treaty/Euratom Treaty whose publication is not obligatory)

DECISIONS

COMMISSION

COMMISSION DECISION

of 21 November 2008

amending Decision 2003/63/EC authorising Member States to provide for temporary derogations from Council Directive 2000/29/EC in respect of potatoes, other than potatoes intended for planting, originating in certain provinces of Cuba

(notified under document number C(2008) 6950)

(2008/882/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

(3) The United Kingdom has asked for an extension of that derogation.

Having regard to the Treaty establishing the European Community,

(4) The situation justifying that derogation remains unchanged and the derogation should therefore continue to apply.

Having regard to Council Directive 2000/29/EC of 8 May 2000 on protective measures against the introduction into the Community of organisms harmful to plants or plant products and against their spread within the Community ⁽¹⁾, and in particular Article 15(1) thereof,

(5) Decision 2003/63/EC should, therefore, be amended accordingly.

(6) The measures provided for in this Decision are in accordance with the opinion of the Standing Committee on Plant Health,

Whereas:

HAS ADOPTED THIS DECISION:

(1) Pursuant to Directive 2000/29/EC, potatoes, other than potatoes intended for planting, originating in Cuba may not be introduced into the Community. However, that Directive permits derogations from that rule provided there is no risk of spreading harmful organisms.

Article 1

Article 3 of Decision 2003/63/EC is replaced by the following:

(2) Commission Decision 2003/63/EC ⁽²⁾, provides for a derogation for the importation of potatoes, other than potatoes intended for planting, originating in certain provinces of Cuba, subject to specific conditions.

'Article 3

Article 1 shall apply to potatoes, other than potatoes intended for planting, that are introduced into the Community, in the periods:

⁽¹⁾ OJ L 169, 10.7.2000, p. 1.

⁽²⁾ OJ L 24, 29.1.2003, p. 11.

(i) between 1 January and 31 May 2009;

(ii) between 1 January and 31 May 2010;

(iii) between 1 January and 31 May 2011.'

Article 2

This Decision is addressed to the Member States.

Done at Brussels, 21 November 2008.

For the Commission
Androulla VASSILIOU
Member of the Commission

COMMISSION DECISION

of 21 November 2008

amending Annex II to Council Decision 79/542/EEC as regards the regionalisation for Brazil in the list of third countries or parts thereof from which imports into the Community of certain fresh meat is authorised

*(notified under document number C(2008) 6977)***(Text with EEA relevance)**

(2008/883/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Directive 2002/99/EC of 16 December 2002 laying down the animal health rules governing the production, processing, distribution and introduction of products of animal origin for human consumption ⁽¹⁾, and in particular the introductory phrase of Article 8, the first subparagraph of point 1 of Article 8 and point 4 of Article 8 thereof,

Whereas:

- (1) Council Decision 79/542/EEC of 21 December 1976 drawing up a list of third countries or parts of third countries, and laying down animal and public health and veterinary certification conditions, for importation into the Community of certain live animals and their fresh meat ⁽²⁾ establishes the sanitary conditions for the importation into the Community of live animals, excluding equidae, and the importation of fresh meat of such animals, including equidae, but excluding meat preparations.
- (2) Decision 79/542/EEC provides that imports of fresh meat intended for human consumption are only allowed if such meat comes from a territory of a third country or a part thereof listed in Part 1 of Annex II to that Decision, and the fresh meat meets the requirements set out in the appropriate veterinary certificate for that meat in accordance with the models set out in Part 2 of that Annex, taking into account any specific conditions or supplementary guarantees required for the meat.
- (3) Requirements for imports of meat from third countries depend largely on the animal health status of the

exporting third country or region. If a region is free of foot-and-mouth disease without vaccination, imports of bone-in fresh meat is allowed, whereas if the region is free of foot-and-mouth disease with vaccination, then only de-boned and matured meat may be imported into the Community. The World Organisation for Animal Health (OIE) determines the foot-and-mouth disease status of the OIE member countries and the Commission's inspections verify the animal health status of third countries and their ability to meet Community requirements.

- (4) In July 2008, the status of free of foot-and-mouth disease with vaccination was reinstated by the OIE for the Brazilian State of Mato Grosso do Sul.
- (5) Considering the free of foot-and-mouth disease status of Mato Grosso do Sul, and considering the results of the Commission's inspections carried out in Brazil, that State should be re-included in the list of territories from which imports into the Community of fresh de-boned and matured bovine meat are authorised under the uniform conditions applicable to the other Brazilian States free of foot-and-mouth disease with vaccination and currently authorised for such imports into the Community.
- (6) Certain parts of the Brazilian States of Mato Grosso and Minas Gerais are at present not included in the list of territories in Part 1 of Annex II to Decision 79/542/EEC from which imports into the Community of fresh de-boned and matured bovine meat are authorised. However, the entirety of those States is recognised by the OIE as free of foot-and-mouth disease with vaccination. In addition, the results of the Commission's inspections carried out in Brazil provided sufficient guarantees as regards the animal health controls in place in the entirety of the States of Mato Grosso and Minas Gerais, in particular taking into account the system of specifically approved farms. Based on the OIE recognition and on those guarantees, it is opportune to include the entirety of the States of Mato Grosso and Minas Gerais in the list of territories from which imports into the Community of fresh de-boned and matured bovine meat are authorised.

⁽¹⁾ OJ L 18, 23.1.2003, p. 11.

⁽²⁾ OJ L 146, 14.6.1979, p. 15.

(7) The State of Mato Grosso do Sul and all parts of the States of Minas Gerais and Mato Grosso will be allowed to export fresh de-boned and matured bovine meat under the uniform conditions applicable to the Brazilian States free of foot-and-mouth disease with vaccination and currently authorised for such imports into the Community.

(8) Decision 79/542/EEC should therefore be amended accordingly.

(9) The measures provided for in this Decision are in accordance with the opinion of the Standing Committee on the Food Chain and Animal Health,

HAS ADOPTED THIS DECISION:

Article 1

Part 1 of Annex II to Decision 79/542/EEC is replaced by the text in the Annex to this Decision.

Article 2

Consignments of fresh de-boned and matured beef from the territory with code BR-1 as defined in Commission Decision 2008/642/EC ⁽¹⁾ from animals slaughtered before 1 December 2008 may be imported into the Community until 14 January 2009.

Article 3

This Decision shall apply from 1 December 2008.

Article 4

This Decision is addressed to the Member States.

Done at Brussels, 21 November 2008.

For the Commission

Androulla VASSILIOU

Member of the Commission

⁽¹⁾ OJ L 207, 5.8.2008, p. 36.

ANNEX

PART 1

List of third countries or parts thereof (*)

Country	Code of Territory	Description of territory	Veterinary certificate		Specific conditions	Closing date (**)	Opening date (***)
			Model(s)	SG			
1	2	3	4	5	6	7	8
AL — Albania	AL-0	Whole country	—				
AR — Argentina	AR-0	Whole country	EQU				
	AR-1	The provinces of: Buenos Aires, Catamarca, Corrientes (except the departments of Berón de Astrada, Capital, Empedrado, General Paz, Itati, Mbucuruyá, San Cosme and San Luís del Palmar), Entre Ríos, La Rioja, Mendoza, Misiones, Part of Neuquén (excluding territory included in AR-4), part of Río Negro (excluding territory included in AR-4), San Juan, San Luis, Santa Fe, Tucuman, Cordoba, La Pampa, Santiago del Estero, Chaco Formosa, Jujuy and Salta, excluding the buffer area of 25 km from the border with Bolivia and Paraguay that extends from the Santa Catalina District in the Province of Jujuy, to the Laishi District in the Province of Formosa	BOV	A	1		18 March 2005
			RUF	A	1		1 December 2007
	AR-2	Chubut, Santa Cruz and Tierra del Fuego	BOV, OVI, RUW, RUF				1 March 2002
	AR-3	Corrientes: the departments of Berón de Astrada, Capital, Empedrado, General Paz, Itati, Mbucuruyá, San Cosme and San Luís del Palmar	BOV RUF	A	1		1 December 2007
	AR-4	Part of Río Negro (except: in Avellaneda the zone located north of the Provincial road 7 and east of the Provincial road 250, in Conesa the zone located east of the Provincial road 2, in El Cuy the zone located north of the Provincial road 7 from its intersection with the Provincial road 66 to the border with the Department of Avellaneda, and in San Antonio the zone located east of the Provincial roads 250 and 2), part of Neuquén (except in Confluencia the zone located east of the Provincial road 17, and in Picun Leufú the zone located east of the Provincial road 17)	BOV, OVI, RUW, RUF				1 August 2008
AU — Australia	AU-0	Whole country	BOV, OVI, POR, EQU, RUF, RUW, SUF, SUW				
BA — Bosnia and Herzegovina	BA-0	Whole country	—				
BH — Bahrain	BH-0	Whole country	—				

1	2	3	4	5	6	7	8
BR — Brazil	BR-0	Whole country	EQU				
	BR-1	State of Minas Gerais, State of Espírito Santo, State of Goiás, State of Mato Grosso, State of Rio Grande Do Sul, State of Mato Grosso Do Sul (except for the designated high surveillance zone of 15 km from the external borders in the municipalities of Porto Mutinho, Bela Vista, Ponta Porã, Aral Moreira, Coronel Sapucaia, Paranhos, Sete Quedas, Japorã and Mundo Novo and the designated high surveillance zone in the municipalities of Corumbá and Ladário).	BOV	A and H	1		1 December 2008
	BR-2	State of Santa Catarina	BOV	A and H	1		31 January 2008
	BR-3	States of Paraná and São Paulo	BOV	A and H	1		1 August 2008
BW — Botswana	BW-0	Whole country	EQU, EQW				
	BW-1	The veterinary disease control zones 3c, 4b, 5, 6, 8, 9 and 18	BOV, OVI, RUF, RUW	F	1		1 December 2007
	BW-2	The veterinary disease control zones 10, 11, 12, 13 and 14	BOV, OVI, RUF, RUW	F	1		7 March 2002
BY — Belarus	BY-0	Whole country	—				
BZ — Belize	BZ-0	Whole country	BOV, EQU				
CA — Canada	CA-0	Whole country	BOV, OVI, POR, EQU, SUF, SUW, RUF, RUW	G			
CH — Switzerland	CH-0	Whole country	•				
CL — Chile	CL-0	Whole country	BOV, OVI, POR, EQU, RUF, RUW, SUF				
CN — China	CN-0	Whole country	—				
CO — Colombia	CO-0	Whole country	EQU				
CR — Costa Rica	CR-0	Whole country	BOV, EQU				
CU — Cuba	CU-0	Whole country	BOV, EQU				

1	2	3	4	5	6	7	8
DZ — Algeria	DZ-0	Whole country	—				
ET — Ethiopia	ET-0	Whole country	—				
FK — Falkland Islands	FK-0	Whole country	BOV, OVI, EQU				
GL — Greenland	GL-0	Whole country	BOV, OVI, EQU, RUF, RUW				
GT — Guatemala	GT-0	Whole country	BOV, EQU				
HK — Hong Kong	HK-0	Whole country	—				
HN — Honduras	HN-0	Whole country	BOV, EQU				
HR — Croatia	HR-0	Whole country	BOV, OVI, EQU, RUF, RUW				
IL — Israel	IL-0	Whole country	—				
IN — India	IN-0	Whole country	—				
IS — Iceland	IS-0	Whole country	BOV, OVI, EQU, RUF, RUW				
KE — Kenya	KE-0	Whole country	—				
MA — Morocco	MA-0	Whole country	EQU				
ME — Montenegro	ME-0	Whole country	BOV, OVI, EQU				
MG — Madagascar	MG-0	Whole country	—				
MK — former Yugoslav Republic of Macedonia (****)	MK-0	Whole country	OVI, EQU				
MU — Mauritius	MU-0	Whole country	—				
MX — Mexico	MX-0	Whole country	BOV, EQU				
NA — Namibia	NA-0	Whole country	EQU, EQW				
	NA-1	South of the cordon fences which extend from Palgrave Point in the west to Gam in the east	BOV, OVI, RUF, RUW	F	1		
NC — New Caledonia	NC-0	Whole country	BOV, RUF, RUW				
NI — Nicaragua	NI-0	Whole country	—				

1	2	3	4	5	6	7	8
NZ — New Zealand	NZ-0	Whole country	BOV, OVI, POR, EQU, RUF, RUW, SUF, SUW				
PA — Panama	PA-0	Whole country	BOV, EQU				
PY — Paraguay	PY-0	Whole country	EQU				
	PY-1	Whole country except for the designated high surveillance zone of 15 km from the external borders	BOV	A	1		1 August 2008
RS — Serbia (****)	RS-0	Whole country	BOV, OVI, EQU				
RU — Russian Federation	RU-0	Whole country	—				
	RU-1	Region of Murmansk, Yamalo-Nenets autonomous area	RUF				
SV — El Salvador	SV-0	Whole country	—				
SZ — Swaziland	SZ-0	Whole country	EQU, EQW				
	SZ-1	Area west of the "red line" fences which extends northwards from the River Usutu to the frontier with South Africa west of Nkalashane	BOV, RUF, RUW	F	1		
	SZ-2	The veterinary foot-and-mouth surveillance and vaccination control areas as gazetted as a Statutory Instrument under legal notice No 51 of 2001	BOV, RUF, RUW	F	1		4 August 2003
TH — Thailand	TH-0	Whole country	—				
TN — Tunisia	TN-0	Whole country	—				
TR — Turkey	TR-0	Whole country	—				
	TR-1	The provinces of Amasya, Ankara, Aydin, Balikesir, Bursa, Cankiri, Corum, Denizli, Izmir, Kastamonu, Kutahya, Manisa, Usak, Yozgat and Kirikkale	EQU				
UA — Ukraine	UA-0	Whole country	—				
US — United States	US-0	Whole country	BOV, OVI, POR, EQU, SUF, SUW, RUF, RUW	G			
UY — Uruguay	UY-0	Whole country	EQU				
			BOV	A	1		1 November 2001
			OVI	A	1		

1	2	3	4	5	6	7	8
ZA — South Africa	ZA-0	Whole country	EQU, EQW				
	ZA-1	The whole country except: — the part of the foot-and-mouth disease control area situated in the veterinary regions of Mpumalanga and northern provinces, in the district of Ingwavuma of the veterinary region of Natal and in the border area with Botswana east of longitude 28°, and — the district of Camperdown, in the province of KwaZuluNatal	BOV, OVI, RUF, RUW	F	1		
ZW — Zimbabwe	ZW-0	Whole country	—				

(*) Without prejudice to specific certification requirements provided for in Community agreements with third countries.

(**) Meat from animals slaughtered on or before the date indicated in column 7 can be imported into the Community for 90 days from that date.
Consignments on the high seas can be imported into the Community if certified before the date indicated in column 7 for 40 days from that date.

(NB: no date in column 7 means that there are no time restrictions).

(***) Only meat from animals slaughtered on or after the date indicated in column 8 can be imported into the Community (no date in column 8 means that there are no time restrictions).

(****) The former Yugoslav Republic of Macedonia; provisional code that does not prejudice in any way the definitive nomenclature for this country, which will be agreed following the conclusion of negotiations currently taking place on this subject in the United Nations.

(*****) Not including Kosovo as defined by United Nations Security Council Resolution 1244 of 10 June 1999.

• = Certificates in accordance with the agreement between the European Community and the Swiss Confederation on trade in agricultural products (OJ L 114, 30.4.2002, p. 132).

— = No certificate laid down and fresh meat imports are prohibited (except for those species where indicated in the line for the whole country).

1 = Category restrictions:

No offal authorised (except, in the case of bovine species, diaphragm and masseter muscles).'

III

(Acts adopted under the EU Treaty)

ACTS ADOPTED UNDER TITLE V OF THE EU TREATY

COUNCIL DECISION 2008/884/CFSP

of 21 November 2008

implementing Joint Action 2007/369/CFSP on the establishment of the European Union Police Mission in Afghanistan (EUPOL AFGHANISTAN)

THE COUNCIL OF THE EUROPEAN UNION,

HAS DECIDED AS FOLLOWS:

Article 1

Having regard to Joint Action 2007/369/CFSP on the establishment of the European Union Police Mission in Afghanistan (EUPOL AFGHANISTAN), and in particular Article 13(2) thereof, in conjunction with the second indent of the first subparagraph of Article 23(2) of the Treaty on European Union,

The financial reference amount intended to cover the expenditure related to EUPOL AFGHANISTAN for the period from 1 December 2008 until 30 November 2009 shall be EUR 64 000 000.

Article 2

Whereas:

This Decision shall enter into force on the date of its adoption.

Article 3

(1) On 30 May 2007, the Council adopted Joint Action 2007/369/CFSP ⁽¹⁾ for a period of three years. The operational phase of EUPOL AFGHANISTAN began on 15 June 2007.

This Decision shall be published in the *Official Journal of the European Union*.

Done at Brussels, 21 November 2008.

(2) It is up to the Council to adopt the financial reference amount intended to cover the expenditure related to EUPOL AFGHANISTAN for the period from 1 December 2008 until 30 November 2009,

For the Council
The President
E. WOERTH

⁽¹⁾ OJ L 139, 31.5.2007, p. 33.

NOTE TO THE READER

The institutions have decided no longer to quote in their texts the last amendment to cited acts.

Unless otherwise indicated, references to acts in the texts published here are to the version of those acts currently in force.