

Official Journal

of the European Union

L 205



English edition

Legislation

Volume 56

1 August 2013

Contents

II *Non-legislative acts*

REGULATIONS

- ★ **Commission Implementing Regulation (EU) No 743/2013 of 31 July 2013 introducing protective measures on imports of bivalve molluscs from Turkey intended for human consumption ⁽¹⁾** 1

Commission Implementing Regulation (EU) No 744/2013 of 31 July 2013 establishing the standard import values for determining the entry price of certain fruit and vegetables 3

Commission Implementing Regulation (EU) No 745/2013 of 31 July 2013 fixing the import duties in the cereals sector applicable from 1 August 2013 5

DECISIONS

2013/411/EU:

- ★ **Council Decision of 22 July 2013 on the position to be adopted, on behalf of the European Union, in the EEA Joint Committee concerning an amendment to Annex XIII to the EEA Agreement** 8

2013/412/Euratom:

- ★ **Council Decision of 22 July 2013 renewing the membership of the Scientific and Technical Committee and repealing the Decision of 13 November 2012 appointing the members of the Scientific and Technical Committee** 11

Price: EUR 3

(Continued overleaf)

⁽¹⁾ Text with EEA relevance

EN

Acts whose titles are printed in light type are those relating to day-to-day management of agricultural matters, and are generally valid for a limited period.

The titles of all other acts are printed in bold type and preceded by an asterisk.

2013/413/EU:

- ★ **Commission Implementing Decision of 30 July 2013 authorising Member States to provide for derogations from certain provisions of Council Directive 2000/29/EC in respect of potatoes, other than potatoes intended for planting, originating in the regions of Akkar and Bekaa of Lebanon** (*notified under document C(2013) 4683*) 13

Notice to readers — Council Regulation (EU) No 216/2013 of 7 March 2013 on the electronic publication of the *Official Journal of the European Union* (see page 3 of the cover)

Note to readers — way of referring to acts (see page 3 of the cover)



II

(Non-legislative acts)

REGULATIONS

COMMISSION IMPLEMENTING REGULATION (EU) No 743/2013

of 31 July 2013

introducing protective measures on imports of bivalve molluscs from Turkey intended for human consumption**(Text with EEA relevance)**

THE EUROPEAN COMMISSION,

Having regard to the Treaty on the Functioning of the European Union,

Having regard to Council Directive 97/78/EC of 18 December 1997 laying down the principles governing the organisation of veterinary checks on products entering the Community from third countries ⁽¹⁾, and in particular Article 22(1) thereof,

Whereas:

- (1) The Commission's audit service, the Food and Veterinary Office has carried out a follow-up audit in Turkey to evaluate the official controls of the production of fishery products and bivalve molluscs intended for export to the Union. The audit identified several deficiencies in the implementation of official controls and in particular significant shortcomings of analyses in the official laboratories visited. Consequently, the Turkish competent authority cannot reliably guarantee that Union health standards for all bivalve molluscs exported to the Union are met.
- (2) In addition, Member States have reported a high number of non-compliant consignments of bivalve molluscs originating in Turkey which were not fulfilling Union microbiological standards.
- (3) In order to protect human health, it is appropriate to subject the bivalve molluscs originating in Turkey to appropriate checks, with the purpose of preventing products unfit for human consumption from being placed on the market. The competent authorities should place the consignments concerned under official detention in the border inspection post of entry into the Union until they receive the results of such checks.
- (4) The very short shelf life of live and chilled bivalve molluscs rules out testing at the Union border as a less restrictive trade measure. Consignments of those

molluscs would have been unfit for human consumption before the laboratory results become available. Therefore, it is appropriate to suspend imports into the Union of live and chilled bivalve molluscs originating in Turkey until the Turkish authorities will be in position to provide the necessary guarantees.

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

HAS ADOPTED THIS REGULATION:

Article 1

This Regulation shall apply to live, chilled, frozen and processed bivalve molluscs intended for human consumption and originating in Turkey.

Article 2

Member States shall not allow importation into the Union of live and chilled bivalve molluscs from Turkey.

Article 3

1. Member States shall, using appropriate sampling plans and detection methods, carry out tests on consignments of frozen and processed bivalve molluscs originating in Turkey as provided for in paragraph 2.

Those tests shall take place at the border inspection post of entry into the Union of the consignments concerned.

2. Member States shall carry out the tests necessary to identify:

- (a) the contamination level of *Escherichia coli* in all consignments of frozen bivalve molluscs;
- (b) the presence of marine biotoxins in all consignments of frozen or processed bivalve molluscs.

⁽¹⁾ OJ L 24, 30.1.1998, p. 9.

3. The consignments subjected to tests referred to in paragraphs 1 and 2 shall stay under supervision of competent authorities at the border inspection post concerned until the results of those tests are received and assessed.

4. If the tests referred to in paragraphs 1 and 2 indicate that a consignment is likely to be injurious to human health, the competent authority shall immediately seize and destroy the consignments.

Article 4

All expenditures incurred in the application of this Regulation shall be charged to the operator or his representative

responsible for the consignment at the time of presentation of that consignment to the border inspection post of entry into the Union.

Article 5

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

It shall apply until 4 August 2014.

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

Done at Brussels, 31 July 2013.

For the Commission
The President
José Manuel BARROSO

COMMISSION IMPLEMENTING REGULATION (EU) No 744/2013**of 31 July 2013****establishing the standard import values for determining the entry price of certain fruit and vegetables**

THE EUROPEAN COMMISSION,

Having regard to the Treaty on the Functioning of the European Union,

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 Implementing Regulation (EU) No 543/2011 of 7 June 2011 laying down detailed rules for the application of Council Regulation (EC) No 1234/2007 in respect of the fruit and vegetables and processed fruit and vegetables sectors ⁽²⁾, and in particular Article 136(1) thereof,

Whereas:

- (1) Implementing Regulation (EU) No 543/2011 lays down, pursuant to the outcome of the Uruguay Round multi-lateral 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 XVI, Part A thereto.

- (2) The standard import value is calculated each working day, in accordance with Article 136(1) of Implementing Regulation (EU) No 543/2011, taking into account variable daily data. Therefore this Regulation should enter into force on the day of its publication in the *Official Journal of the European Union*,

HAS ADOPTED THIS REGULATION:

Article 1

The standard import values referred to in Article 136 of Implementing Regulation (EU) No 543/2011 are fixed in the Annex to this Regulation.

Article 2

This Regulation shall enter into force on the day of 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, 31 July 2013.

*For the Commission,
On behalf of the President,*

Jerzy PLEWA
*Director-General for Agriculture and
Rural Development*

⁽¹⁾ OJ L 299, 16.11.2007, p. 1.

⁽²⁾ OJ L 157, 15.6.2011, 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
0707 00 05	TR	147,7
	ZZ	147,7
0709 93 10	TR	115,9
	ZZ	115,9
0805 50 10	AR	84,6
	BO	73,4
	CL	73,3
	TR	71,0
	UY	86,3
	ZA	97,2
	ZZ	81,0
0806 10 10	CL	140,3
	EG	222,7
	MA	158,2
	MX	242,3
	TR	174,4
	ZZ	187,6
0808 10 80	AR	176,4
	BR	131,1
	CL	118,3
	CN	99,8
	NZ	133,0
	US	149,4
	ZA	120,3
	ZZ	132,6
0808 30 90	AR	125,2
	CL	143,8
	NZ	177,1
	TR	159,1
	ZA	120,2
	ZZ	145,1
0809 29 00	CA	303,6
	TR	314,3
	ZZ	309,0
0809 30	TR	148,7
	ZZ	148,7
0809 40 05	BA	55,4
	TR	115,1
	XS	63,5
	ZZ	78,0

⁽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 IMPLEMENTING REGULATION (EU) No 745/2013
of 31 July 2013
fixing the import duties in the cereals sector applicable from 1 August 2013

THE EUROPEAN COMMISSION,

Having regard to the Treaty on the Functioning of the European Union,

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 (EU) No 642/2010 of 20 July 2010 laying down detailed rules for the application of Council Regulation (EC) No 1234/2007 in respect of import duties in the cereals sector ⁽²⁾, and in particular Article 2(1) thereof,

Whereas:

(1) Article 136(1) of Regulation (EC) No 1234/2007 states that the import duty on products covered by CN codes 1001 19 00, 1001 11 00, ex 1001 91 20 (common wheat seed), ex 1001 99 00 (high quality common wheat other than for sowing), 1002 10 00, 1002 90 00, 1005 10 90, 1005 90 00, 1007 10 90 and 1007 90 00 is to be equal to the intervention price valid for such products on importation and increased by 55 %, minus the cif import price applicable to the consignment in question. However, that duty may not exceed the rate of duty in the Common Customs Tariff.

(2) Article 136(2) of Regulation (EC) No 1234/2007 lays down that, in order to calculate the import duty

referred to in paragraph 1 of that Article, representative cif import prices are to be established on a regular basis for the products in question.

(3) Under Article 2(2) of Regulation (EU) No 642/2010, the price to be used for the calculation of the import duty on products covered by CN codes 1001 19 00, 1001 11 00, ex 1001 91 20 (common wheat seed), ex 1001 99 00 (high quality common wheat other than for sowing), 1002 10 00, 1002 90 00, 1005 10 90, 1005 90 00, 1007 10 90 and 1007 90 00 is the daily cif representative import price determined as specified in Article 5 of that Regulation.

(4) Import duties should be fixed for the period from 1 August 2013 and should apply until new import duties are fixed and enter into force.

(5) Given the need to ensure that this measure applies as soon as possible after the updated data have been made available, this Regulation should enter into force on the day of its publication,

HAS ADOPTED THIS REGULATION:

Article 1

From 1 August 2013, the import duties in the cereals sector referred to in Article 136(1) of Regulation (EC) No 1234/2007 shall be those fixed in Annex I to this Regulation on the basis of the information contained in Annex II.

Article 2

This Regulation shall enter into force on the day of 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, 31 July 2013.

*For the Commission,
On behalf of the President,*

Jerzy PLEWA
*Director-General for Agriculture and
Rural Development*

⁽¹⁾ OJ L 299, 16.11.2007, p. 1.

⁽²⁾ OJ L 187, 21.7.2010, p. 5.

ANNEX I

Import duties on the products referred to in Article 136(1) of Regulation (EC) No 1234/2007 applicable from 1 August 2013

CN code	Description	Import duties ⁽¹⁾ (EUR/t)
1001 19 00	Durum wheat, high quality	0,00
1001 11 00	medium quality	0,00
	low quality	0,00
ex 1001 91 20	Common wheat seed	0,00
ex 1001 99 00	High quality common wheat other than for sowing	0,00
1002 10 00	Rye	0,00
1002 90 00		
1005 10 90	Maize seed other than hybrid	0,00
1005 90 00	Maize other than seed ⁽²⁾	0,00
1007 10 90	Grain sorghum other than hybrids for sowing	0,00
1007 90 00		

⁽¹⁾ The importer may benefit, under Article 2(4) of Regulation (EU) No 642/2010, from a reduction in the duty of:

- EUR 3/t, where the port of unloading is located on the Mediterranean Sea (beyond the Strait of Gibraltar) or on the Black Sea, for goods arriving in the Union via the Atlantic Ocean or the Suez Canal,
- EUR 2/t, where the port of unloading is located in Denmark, Estonia, Ireland, Latvia, Lithuania, Poland, Finland, Sweden, the United Kingdom or on the Atlantic coast of the Iberian Peninsula, for goods arriving in the Union via the Atlantic Ocean.

⁽²⁾ The importer may benefit from a flat-rate reduction of EUR 24/t where the conditions laid down in Article 3 of Regulation (EU) No 642/2010 are met.

ANNEX II

Factors for calculating the duties laid down in Annex I

17.7.2013-30.7.2013

1. Averages over the reference period referred to in Article 2(2) of Regulation (EU) No 642/2010:

(EUR/t)

	Common wheat ⁽¹⁾	Maize	Durum wheat, high quality	Durum wheat, medium quality ⁽²⁾	Durum wheat, low quality ⁽³⁾
Exchange	Minneapolis	Chicago	—	—	—
Quotation	221,06	154,21	—	—	—
Fob price USA	—	—	244,39	234,39	214,39
Gulf of Mexico premium	—	49,37	—	—	—
Great Lakes premium	30,98	—	—	—	—

⁽¹⁾ Premium of EUR 14/t incorporated (Article 5(3) of Regulation (EU) No 642/2010).⁽²⁾ Discount of EUR 10/t (Article 5(3) of Regulation (EU) No 642/2010).⁽³⁾ Discount of EUR 30/t (Article 5(3) of Regulation (EU) No 642/2010).

2. Averages over the reference period referred to in Article 2(2) of Regulation (EU) No 642/2010:

Freight costs: Gulf of Mexico-Rotterdam: 17,28 EUR/t

Freight costs: Great Lakes-Rotterdam: 49,90 EUR/t

DECISIONS

COUNCIL DECISION

of 22 July 2013

on the position to be adopted, on behalf of the European Union, in the EEA Joint Committee concerning an amendment to Annex XIII to the EEA Agreement

(2013/411/EU)

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on the Functioning of the European Union, and in particular Article 100(2), in conjunction with Article 218(9) thereof,

Having regard to Council Regulation (EC) No 2894/94 of 28 November 1994 concerning arrangements for implementing the Agreement on the European Economic Area ⁽¹⁾, and in particular Article 1(3) thereof,

Having regard to the proposal from the European Commission,

Whereas:

- (1) The Agreement on the European Economic Area ⁽²⁾ ('the EEA Agreement') entered into force on 1 January 1994.
- (2) Pursuant to Article 98 of the EEA Agreement, the EEA Joint Committee may decide to amend, inter alia, Annex XIII thereto.
- (3) Annex XIII to the EEA Agreement contains specific provisions on all modes of transport.
- (4) Regulation (EC) No 1070/2009 of the European Parliament and of the Council of 21 October 2009 amending Regulations (EC) No 549/2004, (EC) No 550/2004, (EC) No 551/2004 and (EC) No 552/2004 in order to improve the performance and sustainability of the European aviation system ⁽³⁾ is to be incorporated into the EEA Agreement with certain adaptations for the EEA EFTA States.
- (5) The adaptations for the EEA EFTA States concern the applicability of the amendments inserted by Regulation

(EC) No 1070/2009 in Articles 5, 11 and 13a of Regulation (EC) No 549/2004 ⁽⁴⁾, Article 9a(2)(c), Article 9a(2)(i) and Article 9a(5) and (6) of Regulation (EC) No 550/2004 ⁽⁵⁾ and Article 6(2) of Regulation (EC) No 551/2004 ⁽⁶⁾.

- (6) Annex XIII to the EEA Agreement should therefore be amended accordingly.
- (7) The position of the Union in the EEA Joint Committee should be based on the attached draft Decision,

HAS ADOPTED THIS DECISION:

Article 1

The position to be adopted, on behalf of the European Union, in the EEA Joint Committee on the proposed amendment to Annex XIII to the EEA Agreement shall be based on the draft Decision of the EEA Joint Committee attached to this Decision.

Article 2

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

Done at Brussels, 22 July 2013.

For the Council
The President
C. ASHTON

⁽¹⁾ OJ L 305, 30.11.1994, p. 6.

⁽²⁾ OJ L 1, 3.1.1994, p. 3.

⁽³⁾ OJ L 300, 14.11.2009, p. 34.

⁽⁴⁾ OJ L 96, 31.3.2004, p. 1.

⁽⁵⁾ OJ L 96, 31.3.2004, p. 10.

⁽⁶⁾ OJ L 96, 31.3.2004, p. 20.

DRAFT

DECISION OF THE EEA JOINT COMMITTEE No .../...
of
amending Annex XIII (Transport) to the EEA Agreement

THE EEA JOINT COMMITTEE,

Having regard to the Agreement on the European Economic Area ('the EEA Agreement'), and in particular Article 98 thereof,

Whereas:

- (1) Regulation (EC) No 1070/2009 of the European Parliament and of the Council of 21 October 2009 amending Regulations (EC) No 549/2004, (EC) No 550/2004, (EC) No 551/2004 and (EC) No 552/2004 in order to improve the performance and sustainability of the European aviation system⁽¹⁾ is to be incorporated into the EEA Agreement.
- (2) The airspace where Iceland is responsible for the provision of air traffic services is fully within the ICAO NAT region, where regional planning and regional agreements have been established, enabling FAB-like functioning, and serve the operational needs and requirements which differ from the ICAO EUR and AFI regions.
- (3) Annex XIII to the EEA Agreement should therefore be amended accordingly,

HAS ADOPTED THIS DECISION:

Article 1

Annex XIII to the EEA Agreement shall be amended as follows:

1. The text of point 66t (Regulation (EC) No 549/2004 of the European Parliament and of the Council) shall be amended as follows:

- (i) The following text is added:

‘, as amended by:

— **32009 R 1070**: Regulation (EC) No 1070/2009 of the European Parliament and of the Council of 21 October 2009 (OJ L 300, 14.11.2009, p. 34).’

- (ii) The text of adaptation (a) is replaced by the following:

‘(a) The following paragraphs shall be added to Article 5:

‘6. The EFTA States shall participate fully in the committee established pursuant to paragraph 1, except for the right to vote.

7. The EFTA Surveillance Authority shall have observer status in the Single Sky Committee.’

- (iii) Adaptation (b) is renumbered as adaptation (h).

- (iv) The following adaptations are inserted:

‘(b) In Article 11, the words ‘Community-wide’ shall read ‘regional or national’ with regard to Iceland.

- (c) With regard to Iceland, Article 11 shall apply as of 1 January 2015.

- (d) The first sentence of Article 11(2) shall read as follows:

‘The Standing Committee of the EFTA States may designate Eurocontrol or another impartial and competent body to act as a ‘performance review body’. If the Commission has designated a performance review body, the Standing Committee of the EFTA States shall endeavour to designate the same entity under similar conditions to fulfil the same tasks in regard to the EFTA States.’

- (e) In Article 11(3)(c) the following paragraph shall be added:

‘If a functional airspace block covers the airspace of one or more EU Member States and one or more EFTA States, the tasks and powers set out in this point shall be carried out and exercised by the Commission with regard to the EU Member States and by the EFTA Surveillance Authority with regard to the EFTA States. The Commission and the EFTA Surveillance Authority shall in this regard cooperate with a view to adopting identical positions.’

- (f) In Article 11(3)(e) the following paragraph shall be added:

‘If the assessment concerns performance targets, which relate to one or more EU Member States and one or more EFTA States, the assessment shall be carried out by the EFTA Surveillance Authority with regard to the EFTA States and by the Commission with regard to the EU Member States. The Commission and the EFTA Surveillance Authority shall cooperate with a view to presenting jointly the results to the Single Sky Committee.’

- (g) In Article 13a, with regards to the EFTA States, ‘Member States and the Commission’ shall read ‘the EFTA States and the EFTA Surveillance Authority’.

2. The text of point 66u (Regulation (EC) No 550/2004 of the European Parliament and of the Council) shall be amended as follows:

- (i) The following text is added:

⁽¹⁾ OJ L 300, 14.11.2009, p. 34.

‘, as amended by:

— **32009 R 1070:** Regulation (EC) No 1070/2009 of the European Parliament and of the Council of 21 October 2009 (OJ L 300, 14.11.2009, p. 34).’

(ii) Adaptations (a), (b), (c) and (d) are renumbered as adaptations (d), (e), (f) and (g).

(iii) The following adaptations are inserted:

‘(a) With regard to Iceland Article 9a(2)(c) shall read as follows:

‘ensure consistency with the European route network established in accordance with Article 6 of the airspace Regulation or the route network established in the ICAO NAT region;’

(b) With regard to Iceland Article 9a(2)(i) shall read as follows:

‘facilitate consistency with regional or national performance targets.’

(c) In Article 9a(6) the following paragraph shall be added:

‘The Commission and the EFTA Surveillance Authority shall assess the fulfilment of the requirements set out in paragraph 2 by functional airspace blocks involving one or more EU Member States and one or more EFTA States, and shall cooperate with a view to presenting a joint result to the Single Sky Committee for discussion. If the Commission and the EFTA Surveillance Authority find that an airspace block does not fulfil the requirements they shall engage in a dialogue with the concerned EU Member States and the concerned EFTA States respectively with the aim of reaching a consensus on the measures necessary to rectify the situation.’

3. The text of point 66v (Regulation (EC) No 551/2004 of the European Parliament and of the Council) shall be amended as follows:

(i) The following text is added:

‘, as amended by:

— **32009 R 1070:** Regulation (EC) No 1070/2009 of the European Parliament and of the Council of 21 October 2009 (OJ L 300, 14.11.2009, p. 34).’

(ii) The texts of adaptations (a) and (b) are deleted.

(iii) Adaptation (c) is renumbered as adaptation (d).

(iv) The following adaptations are inserted:

‘(a) In Article 6(2), the word ‘Commission’ shall, with regard to the EFTA States, be replaced by the words ‘Standing Committee of the EFTA States’.

(b) In Article 6(2)(b) third subparagraph, the words ‘after consultation of the Single Sky Committee and’ shall, with regard to the EFTA States, not apply.

(c) In Article 6(2)(b) third subparagraph, the following shall be added:

‘If the Commission has nominated a Network Manager, the Standing Committee of the EFTA States shall endeavour to designate the same entity under similar conditions to fulfil the same tasks in regard to the EFTA States.’

4. The following is added in point 66w (Regulation (EC) No 552/2004 of the European Parliament and of the Council):

‘, as amended by:

— **32009 R 1070:** Regulation (EC) No 1070/2009 of the European Parliament and of the Council of 21 October 2009 (OJ L 300, 14.11.2009, p. 34).’

Article 2

The texts of Regulation (EC) No 1070/2009 in the Icelandic and Norwegian languages, to be published in the EEA Supplement to the *Official Journal of the European Union*, shall be authentic.

Article 3

This Decision shall enter into force on [...], provided that all the notifications under Article 103(1) of the EEA Agreement have been made. (*)

Article 4

This Decision shall be published in the EEA Section of, and in the EEA Supplement to, the *Official Journal of the European Union*.

Done at Brussels,.

For the EEA Joint Committee

The President

The Secretaries
to the EEA Joint Committee

(*) [No constitutional requirements indicated.] [Constitutional requirements indicated.]

COUNCIL DECISION**of 22 July 2013****renewing the membership of the Scientific and Technical Committee and repealing the Decision of 13 November 2012 appointing the members of the Scientific and Technical Committee**

(2013/412/Euratom)

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Atomic Energy Community, and in particular Article 134(2) thereof,

After consulting the European Commission,

Whereas:

- (1) Article 134(2) of the Treaty, as amended by Article 11 of the Act of Accession of Croatia, provides that the Scientific and Technical Committee is to consist of 42 members.
- (2) By the Decision of 13 November 2012 ⁽¹⁾, the Council appointed the members of the Scientific and Technical

Committee for the period from 23 January 2013 to 22 January 2018. However, by virtue of Article 26(2) of the Act of Accession of Croatia, the membership of the Scientific and Technical Committee is to be completely renewed upon Croatia's accession. Therefore, new members of the Committee should be appointed and the Decision of 13 November 2012 should be repealed.

- (3) In order to make full use of the wide range of expertise required to fulfil its tasks, the Scientific and Technical Committee may, subject to its internal rules, call on alternates to the members to participate in its meetings,

HAS ADOPTED THIS DECISION:

Article 1

The following persons are hereby appointed members of the Scientific and Technical Committee for the period from 25 July 2013 to 24 July 2018:

Rosa ALBA

Vanni ANTONI

Kathrin APEL

Evgenia BENOVA

Bernard BONIN

Michel BOURGUIGNON

Frank BRISCOE

Panicos DEMETRIADES

Daniela DIACONU

Tony DONNÉ

James DRAKE

Juan ESPOSITO

János GADÓ

Carlos HIDALGO VERA

Kyriakos HIZANIDIS

Sue ION

Eugene KENNEDY

Jan Leen KLOOSTERMAN

Wolfgang LIEBERT

Peter LÍŠKA

Merle LUST

Jens-Peter LYNØV

Gabriel MARBACH

José MARQUES

Emilio MÍNGUEZ

Martin MURRAY

Jerzy Wiktor NIEWODNICZAŃSKI

Milan PATRÍK

Pavol PAVLO

Rainer SALOMAA

Jean-Paul SAMAIN

Edouard SINER

Borut SMODIŠ

Thomas SUNN PEDERSEN

Tonči TADIĆ

Ioan URSU

Eugenijus USPURAS

Theo VAN RENTERGEM

Carlos VARANDAS

Franck-Peter WEISS

Roman ZAGÓRSKI

Sándor ZOLETNIK

⁽¹⁾ Council Decision of 13 November 2012 appointing the members of the Scientific and Technical Committee (OJ C 360, 22.11.2012, p. 2).

Article 2

The Decision of 13 November 2012 is hereby repealed with effect from 25 July 2013.

Article 3

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

Done at Brussels, 22 July 2013.

For the Council
The President
C. ASHTON

COMMISSION IMPLEMENTING DECISION

of 30 July 2013

authorising Member States to provide for derogations from certain provisions of Council Directive 2000/29/EC in respect of potatoes, other than potatoes intended for planting, originating in the regions of Akkar and Bekaa of Lebanon

(notified under document C(2013) 4683)

(2013/413/EU)

THE EUROPEAN COMMISSION,

Having regard to the Treaty on the Functioning of the European Union,

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 the first indent of Article 15(1) thereof,

Whereas:

- (1) In accordance with Article 4(1) of Directive 2000/29/EC in conjunction with point 12 of Part A of Annex III thereto, Member States shall ban the introduction into the Union of potatoes, other than potatoes intended for planting, originating in Lebanon. Pursuant to Article 15(1) of that Directive derogations from that ban may, however, be provided for if there is no risk of spreading harmful organisms.
- (2) In accordance with Article 5(1) of Directive 2000/29/EC in conjunction with point 25.2 of Section I of Part A of Annex IV thereto, Member States shall ban the introduction into the Union of potatoes unless they originate in countries known to be free from *Clavibacter michiganensis* (Smith) Davis et al. ssp. *sepedonicus* (Spieckermann and Kotthoff) Davis et al. hereinafter 'the harmful organism concerned', or applying provisions recognised as equivalent to the Union provisions for combatting that organism. Lebanon fulfils neither of those conditions. Pursuant to Article 15(1) of that Directive derogations from that ban may, however, be provided for if there is no risk of spreading harmful organisms.
- (3) Information supplied by Lebanon and collected in the country during a mission carried out in March 2006 by the Food and Veterinary Office, and subsequent information provided by Lebanon, has shown that potatoes, other than potatoes intended for planting, originating from the regions of Akkar and Bekaa are grown under adequate phytosanitary conditions.
- (4) Therefore, the introduction into the Union of potatoes, other than potatoes intended for planting, originating in the regions of Akkar and Bekaa in Lebanon should be permitted provided they satisfy conditions ensuring that the harmful organism concerned is not present on potatoes when they are introduced into the Union

territory. Those conditions should concern the production in areas free from the harmful organism concerned, conduct of surveys of those areas, production from certified seed potatoes, handling, storage, packaging and preparation requirements.

- (5) The potatoes should be introduced into the Union through designated points of entry, to ensure effective controls and reduction of any phytosanitary risk.
- (6) Inspection requirements should be set out to ensure control of the phytosanitary risk. It should be laid down that sampling and testing is to be carried out in accordance with the existing test scheme established by Council Directive 93/85/EEC of 4 October 1993 on the control of potato ring rot ⁽²⁾.
- (7) The potatoes should only be introduced and moved within the Union if they are appropriately labelled to indicate the Lebanese origin and other relevant information, with the aim of preventing the potatoes from being planted and to ensure identification and traceability of the potatoes.
- (8) Member States should, after every import season, provide the Commission and the other Member States with information on the imports made, in order that the application of this Decision can be assessed.
- (9) The derogation should be for a limited period.
- (10) The measures provided for in this Decision are in accordance with the opinion of the Standing Committee on Plant Health,

HAS ADOPTED THIS DECISION:

*Article 1***Authorisation to provide for derogation**

By way of derogation from Article 4(1) of Directive 2000/29/EC in conjunction with point 12 of Part A of Annex III to that Directive, and from Article 5(1) of that Directive in conjunction with point 25.2 of Section I of Part A of Annex IV to that Directive, Member States may authorise the introduction into their territory of potatoes, as set out in point 12 of Part A of Annex III to that Directive, (hereinafter: 'potatoes') originating in the regions of Akkar or Bekaa of Lebanon, which satisfy the conditions set out in the Annex to this Decision.

⁽¹⁾ OJ L 169, 10.7.2000, p. 1.

⁽²⁾ OJ L 259, 4.10.1993, p. 1.

Article 2

Phytosanitary certificate

The phytosanitary certificate, as set out in Article 13a(3) of Directive 2000/29/EC, shall be issued in Lebanon. It shall include under 'Additional declaration' the following elements:

- (a) a statement 'In accordance with EU requirements laid down in Commission Implementing Decision 2013/413/EU';
- (b) the number of the lot;
- (c) the name of the pest free area within the meaning of point (1) of the Annex.

Article 3

Points of entry

1. Potatoes covered by an authorisation under Article 1 may only be introduced into the Union through a point of entry, designated for such an introduction by the Member State in which the point of entry is situated.
2. The points of entry, and the name and address of the responsible official body referred to in Directive 2000/29/EC in charge of each point of entry, shall be notified by the Member State to the other Member States, the Commission and Lebanon thereof.

Article 4

Inspections by Member States

1. Samples for official examination in respect of *Clavibacter michiganensis* (Smith) Davis et al. ssp. *sepedonicus* (Spieckermann and Kotthoff) Davis et al., hereinafter 'the harmful organism concerned', shall be taken from each lot in a consignment. Each sample shall consist of at least 200 tubers. Where a lot exceeds 25 tonnes, a sample shall be taken for each 25 tonnes and, in addition, for the remaining part of the lot.
2. The responsible official bodies shall carry out a visual examination of the samples for symptoms of the harmful organism concerned on cut tubers.

During that examination, all lots of the consignment concerned shall remain under official control and shall not be moved or used.

3. Where symptoms of the harmful organism concerned are detected during the examination referred to in paragraph 2, tests, determining whether the harmful organism concerned is present, shall be carried out in accordance with point 1.1 and points 4 to 10 of Annex I to Directive 93/85/EEC.

While those tests are carried out, all lots of the consignment concerned, and all other consignments which contain a lot originating in the same pest free area and are under the control of the responsible official body concerned, shall remain under official control, and shall not be moved or used.

4. Where the presence of the harmful organism concerned is confirmed in a sample in accordance with paragraph 3, there shall be retention and appropriate conservation of any remaining potato extract and the lot concerned shall not be introduced into the Union.

All remaining lots referred to in the second subparagraph of paragraph 3 shall be tested in accordance with point 1.1 and points 4 to 10 of Annex I to Directive 93/85/EEC.

5. As regards lots for which no symptoms of the harmful organism concerned are detected in the samples during the examination referred to in paragraph 2, tests for latent infection shall be carried out on all of the lots in accordance with point 1.2 and points 3 to 10 of Annex I to Directive 93/85/EEC.

During that testing that lot shall remain under official control and shall not be moved or used.

Where the presence of the harmful organism concerned is confirmed in a sample as referred to in the first subparagraph, there shall be retention and appropriate conservation of any remaining potato extract and the lot concerned shall not be introduced into the Union.

Article 5

Notification of suspect or confirmed findings

1. Member States shall immediately notify the Commission and Lebanon of the cases where the presence of the harmful organism concerned is suspected as a result of the rapid screening test, as referred to in point 1.1 of Annex I to Directive 93/85/EEC, or the screening test as referred to in point 1.2 of Annex I to that Directive.
2. Member States shall immediately notify the Commission and Lebanon of the cases where the presence of the harmful organism concerned is confirmed in accordance with points 1.1 and 1.2 of Annex I to Directive 93/85/EEC.

Article 6

Labelling

1. The potatoes shall only be introduced into and moved within the Union with a label, in one of the official languages of the Union, including the following elements:
 - (a) an indication that they originate in Lebanon;
 - (b) the name of the pest free area;
 - (c) the name and the identification number of the producer;
 - (d) the number of the lot.
2. The label referred to in paragraph 1 shall be issued under the control of the Lebanese plant protection organisation.

Article 7

Disposal of waste

The waste resulting from packaging or processing of the potatoes in the Union shall be disposed of in such a manner to ensure that the harmful organism concerned cannot establish and spread.

Article 8

Notification obligations of importers

1. The importer shall, sufficiently in advance, notify the responsible official body of the point of entry in the Member State concerned of its intention to introduce a consignment.

2. The notification referred to in paragraph 1 shall include the following elements:

- (a) quantity of the consignment(s) concerned;
- (b) date of intended introduction;
- (c) name and address of importer.

Article 9

Reporting on imports

The Member State of importation shall provide the Commission and the other Member States, by 31 January of each year, with information on the amounts, indicating lots, consignments and tonnes, imported pursuant to this Decision between 1 January of the preceding year and 31 December of the preceding year.

Article 10

Review

The Commission shall review this Decision by 31 October 2014.

Article 11

Expiry date

This Decision shall expire on 31 October 2015.

Article 12

Addressees

This Decision is addressed to the Member States.

Done at Brussels, 30 July 2013.

For the Commission

Tonio BORG

Member of the Commission

ANNEX

REQUIREMENTS FOR IMPORTS, AS REFERRED TO IN ARTICLE 1

The derogation provided for in Article 1 shall apply in respect of potatoes fulfilling the requirements set out in points (1) to (9).

(1) Areas of production

The potatoes are produced in the regions of Akkar or Bekaa in areas that have been officially declared by the Lebanese plant protection organisation, in accordance with the International Standard for Phytosanitary Measures No 4 on requirements for the establishment of pest free areas⁽¹⁾, to be free from the harmful organism concerned ('pest free areas') and communicated by Lebanon to the Commission annually.

(2) Surveys of pest free areas

The pest free areas are subject to systematic and representative annual surveys for the detection of the harmful organism concerned, carried out by the Lebanese authorities, throughout the five years before and during production.

The surveys take place on potato fields located in the pest free areas, and on potatoes harvested in those areas.

The surveys consist of the following elements:

- (a) visual inspections of the fields during the growing season;
- (b) visual examination of the harvested potatoes for symptoms of the harmful organism concerned on cut tubers;
- (c) laboratory testing on symptomatic and asymptomatic potatoes.

The surveys do not result in any finding of the harmful organism concerned or of any other evidence which could indicate that the area is not a pest free area within the meaning of point (1). The results of the surveys are made available to the Commission upon request.

(3) Producers

The potatoes are grown by producers registered by the Lebanese plant protection organisation.

(4) Production from certified seed potatoes

The potatoes fulfil one of the following requirements:

- (a) they are grown from seed potatoes certified in and imported from the Union into Lebanon;
- (b) they are grown from seed potatoes imported into Lebanon from a third country or parts thereof, for which the entry into the Union of seed potatoes is not prohibited pursuant to Annex III to Directive 2000/29/EC, and certified in that third country.

(5) Fields of production

The potatoes are grown in fields where no potatoes, other than those referred to in point (4), have been grown during the previous five years.

(6) Handling

The potatoes are handled using machinery which fulfils one of the following conditions:

- (a) it is only used for handling potatoes satisfying points (1) to (5);
- (b) where it has been used for purposes other than those referred to in point (a), it has been cleaned and disinfected in an appropriate manner before being used for the purposes referred to in point (a).

⁽¹⁾ ISPM 4, 1995. Requirements for the establishment of pest free areas. Rome, IPPC, FAO.

(7) Storage

The potatoes are stored in storage facilities which fulfil one of the following conditions:

- (a) they are only used for storing potatoes satisfying points (1) to (6);
- (b) where they have been used for other purposes than those referred to in point (a), it is subjected to appropriate hygiene measures before being used for the purposes referred to in point (a).

(8) Packaging

The packaging material used for the potatoes is either new or cleaned and disinfected.

(9) Preparation of potatoes and lots for introduction into the Union

The potatoes satisfy the following conditions concerning their preparation:

- (a) they are free from soil, leaves and other plant debris;
 - (b) they are presented for introduction into the Union as lots, each lot being made up of potatoes produced by a single producer and harvested in one single area as specified in point (1); and
 - (c) they are in bags, packages or other containers, each of which is labelled in accordance with Article 6.
-

NOTICE TO READERS

Council Regulation (EU) No 216/2013 of 7 March 2013 on the electronic publication of the *Official Journal of the European Union*

In accordance with Council Regulation (EU) No 216/2013 of 7 March 2013 on the electronic publication of the *Official Journal of the European Union* (OJ L 69, 13.3.2013, p. 1), as of 1 July 2013, only the electronic edition of the Official Journal shall be considered authentic and shall have legal effect.

Where it is not possible to publish the electronic edition of the Official Journal due to unforeseen and exceptional circumstances, the printed edition shall be authentic and shall have legal effect in accordance with the terms and conditions set out in Article 3 of Regulation (EU) No 216/2013.

NOTE TO READERS — WAY OF REFERRING TO ACTS

As of 1 July 2013 the way of referring to acts has changed.

During a transitional period this new practice will coexist with the previous one.

EUR-Lex (<http://new.eur-lex.europa.eu>) offers direct access to European Union legislation free of charge. The *Official Journal of the European Union* can be consulted on this website, as can the Treaties, legislation, case-law and preparatory acts.

For further information on the European Union, see: <http://europa.eu>



Publications Office of the European Union
2985 Luxembourg
LUXEMBOURG

EN