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Contents

II *Non-legislative acts*

REGULATIONS

- ★ **Commission Regulation (EU) No 772/2013 of 8 August 2013 amending Annexes II, III and V to Regulation (EC) No 396/2005 of the European Parliament and of the Council as regards maximum residue levels for diphenylamine in or on certain products ⁽¹⁾ 1**
- ★ **Commission Implementing Regulation (EU) No 773/2013 of 12 August 2013 establishing a derogation from Council Regulation (EC) No 1967/2006 as regards the minimum distance from coast and the minimum sea depth for boat seines fishing for transparent goby (*Aphia minuta*) in certain territorial waters of Spain (Murcia) 28**
- ★ **Commission Implementing Regulation (EU) No 774/2013 of 12 August 2013 concerning the authorisation of a preparation of *Lactobacillus kefir* DSM 19455 as a feed additive for all animal species ⁽¹⁾ 30**
- ★ **Commission Implementing Regulation (EU) No 775/2013 of 12 August 2013 concerning the authorisation of a preparation of *Enterococcus faecium* DSM 7134 as a feed additive for chickens reared for laying and minor poultry species other than those used for laying (holder of authorisation Lactosan GmbH & Co KG) ⁽¹⁾ 32**
- Commission Implementing Regulation (EU) No 776/2013 of 12 August 2013 establishing the standard import values for determining the entry price of certain fruit and vegetables 34

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.

DECISIONS

2013/428/EU:

- ★ **Council Decision of 9 August 2013 extending the validity of Decision 2012/96/EU** 36

2013/429/EU:

- ★ **Commission Implementing Decision of 9 August 2013 amending Decision 2007/453/EC as regards the BSE status of Costa Rica, Israel, Italy, Japan, the Netherlands, Slovenia and the United States** (*notified under document C(2013) 5160*) ⁽¹⁾ 37

Corrigenda

- ★ **Corrigendum to Commission Implementing Regulation (EU) No 768/2013 of 8 August 2013 amending Regulation (EC) No 917/2004 on detailed rules to implement Council Regulation (EC) No 797/2004 on measures improving general conditions for the production and marketing of apiculture products** (OJ L 214, 9.8.2013) 40

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)



⁽¹⁾ Text with EEA relevance

II

(Non-legislative acts)

REGULATIONS

COMMISSION REGULATION (EU) No 772/2013

of 8 August 2013

amending Annexes II, III and V to Regulation (EC) No 396/2005 of the European Parliament and of the Council as regards maximum residue levels for diphenylamine in or on certain products

(Text with EEA relevance)

THE EUROPEAN COMMISSION,

has been forwarded to the Commission and the Member States and was made available to the public.

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

Having regard to Regulation (EC) No 396/2005 of the European Parliament and of the Council of 23 February 2005 on maximum residue levels of pesticides in or on food and feed of plant and animal origin and amending Council Directive 91/414/EEC ⁽¹⁾, and in particular Articles 14(1)(a) and 18(1)(b) thereof,

Whereas:

- (1) For diphenylamine maximum residue levels (MRLs) were set in Annex II and Part B of Annex III to Regulation (EC) No 396/2005. Diphenylamine was the subject of Commission Decision 2009/859/EC of 30 November 2009 concerning the non-inclusion of diphenylamine in Annex I to Council Directive 91/414/EEC and the withdrawal of authorisations for plant protection products containing that substance ⁽²⁾ and it is the subject of Commission Implementing Regulation (EU) No 578/2012 of 29 June 2012 concerning the non-approval of the active substance diphenylamine, in accordance with Regulation (EC) No 1107/2009 of the European Parliament and of the Council concerning the placing of plant protection products on the market ⁽³⁾.
- (2) The European Food Safety Authority ('the Authority') gave a reasoned opinion on the existing MRLs for diphenylamine pursuant to Article 12(1) of Regulation (EC) No 396/2005 on 22 August 2011 ⁽⁴⁾, examining in particular the risks to the consumer. That opinion

- (3) In that opinion the Authority recommends neither the inclusion of diphenylamine in Annex IV to Regulation (EC) No 396/2005 nor the inclusion of the CXLs in Annex II to that Regulation.
- (4) All existing authorisations for plant protection products containing diphenylamine have been revoked. The MRLs set out for this active substance in Annexes II and III should therefore be deleted, except for apples and pears.
- (5) As regards diphenylamine in apples and pears, Member States, third countries and food business operators informed the Commission of an unavoidable cross-contamination that affects untreated apples and pears and which is due to the presence of residues of diphenylamine in storage facilities, in particular machinery, surfaces and containers with particular regard to bins, and that is technically not feasible to completely remove at this stage.
- (6) Based on the monitoring data received on the cross-contamination, it is appropriate to set a temporary MRL as low as possible, given the consumer concerns raised by diphenylamine, and that would still allow the normal marketing and trade of untreated apples and pears.
- (7) Although no final consumer risk assessment can be performed at this stage due to several data gaps identified by the Authority on the diphenylamine dossier, it can be reasonably expected that a temporary MRL of 0,1 mg/kg, which is 50 times lower than the current MRL of 5 mg/kg, should not pose any unacceptable risk to consumers.

⁽¹⁾ OJ L 70, 16.3.2005, p. 1.

⁽²⁾ OJ L 314, 1.12.2009, p. 79.

⁽³⁾ OJ L 171, 30.6.2012, p. 2.

⁽⁴⁾ European Food Safety Authority; Review of the existing maximum residue levels (MRLs) for diphenylamine according to Article 12 of Regulation (EC) No 396/2005. *EFSA Journal* 2011; 9(8):2336 [20 pp.]. doi:10.2903/j.efsa.2011.2336.

- (8) Pursuant to Article 16(2) of Regulation (EC) No 396/2005, the Commission will review the situation within two years from the date of entry into force of the present Regulation based on any new monitoring data and other new elements that would become available.
- (9) Regulation (EC) No 396/2005 should therefore be amended accordingly.
- (10) A reasonable period should be allowed to elapse before the modified MRLs become applicable in order to permit Member States, third countries and food business operators to prepare themselves to meet the new requirements which will result from the modification of the MRLs.
- (11) Through the World Trade Organisation, the trading partners of the Union were consulted on the new MRLs and their comments have been taken into account.

- (12) The measures provided for in this Regulation are in accordance with the opinion of the Standing Committee on the Food Chain and Animal Health and neither the European Parliament nor the Council has opposed them,

HAS ADOPTED THIS REGULATION:

Article 1

Annexes II, III and V to Regulation (EC) No 396/2005 are amended in accordance with the Annex to this Regulation.

Article 2

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

It shall, however, apply from 2 March 2014.

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

Done at Brussels, 8 August 2013.

For the Commission

The President

José Manuel BARROSO

ANNEX

Annexes II, III and V to Regulation (EC) No 396/2005 are amended as follows:

- (1) in Annex II, the column for diphenylamine is deleted;
- (2) in Part B of Annex III, the column for diphenylamine is deleted;
- (3) in Part A of Annex III, the following column is added:

Pesticide residues and maximum residue levels (mg/kg)

Code number	Groups and examples of individual products to which the MRLs apply ^(*)	Diphenylamine
(1)	(2)	(3)
0100000	1. FRUIT FRESH OR FROZEN; NUTS	
0110000	(i) Citrus fruit	(**)
0110010	Grapefruit (Shaddocks, pomelos, sweeties, tangelo (except mineola), ugli and other hybrids)	
0110020	Oranges (Bergamot, bitter orange, chinotto and other hybrids)	
0110030	Lemons (Citron, lemon)	
0110040	Limes	
0110050	Mandarins (Clementine, tangerine, mineola and other hybrids)	
0110990	Others	
0120000	(ii) Tree nuts (shelled or unshelled)	(**)
0120010	Almonds	
0120020	Brazil nuts	
0120030	Cashew nuts	
0120040	Chestnuts	
0120050	Coconuts	
0120060	Hazelnuts (Filbert)	
0120070	Macadamia	
0120080	Pecans	
0120090	Pine nuts	
0120100	Pistachios	
0120110	Walnuts	
0120990	Others	
0130000	(iii) Pome fruit	
0130010	Apples (Crab apple)	0,1 (+)

(1)	(2)	(3)
0130020	Pears (Oriental pear)	0,1 (+)
0130030	Quinces	(**)
0130040	Medlar	(**)
0130050	Loquat	(**)
0130990	Others	(**)
0140000	(iv) Stone fruit	(**)
0140010	Apricots	
0140020	Cherries (sweet cherries, sour cherries)	
0140030	Peaches (Nectarines and similar hybrids)	
0140040	Plums (Damson, greengage, mirabelle, sloe)	
0140990	Others	
0150000	(v) Berries & small fruit	(**)
0151000	(a) <i>Table and wine grapes</i>	
0151010	Table grapes	
0151020	Wine grapes	
0152000	(b) <i>Strawberries</i>	
0153000	(c) <i>Cane fruit</i>	
0153010	Blackberries	
0153020	Dewberries (Loganberries, boysenberries, and cloudberrries)	
0153030	Raspberries (Wineberries, arctic bramble/raspberry, (<i>Rubus arcticus</i>), nectar raspberries (<i>Rubus arcticus x idaeus</i>))	
0153990	Others	
0154000	(d) <i>Other small fruit & berries</i>	
0154010	Blueberries (Bilberries)	
0154020	Cranberries (Cowberries (red bilberries))	
0154030	Currants (red, black and white)	
0154040	Gooseberries (Including hybrids with other ribes species)	
0154050	Rose hips	
0154060	Mulberries (<i>arbutus berry</i>)	
0154070	Azarole (mediteranean medlar) (Kiwiberry (<i>Actinidia arguta</i>))	
0154080	Elderberries (Black chokeberry (appleberry), mountain ash, buckthorn (sea sallowthorn), hawthorn, service berries, and other treeberries)	
0154990	Others	
0160000	(vi) Miscellaneous fruit	(**)

(1)	(2)	(3)
0161000	(a) <i>Edible peel</i>	
0161010	Dates	
0161020	Figs	
0161030	Table olives	
0161040	Kumquats (Marumi kumquats, nagami kumquats, limequats (<i>Citrus aurantifolia</i> x <i>Fortunella</i> spp.))	
0161050	Carambola (Bilimbi)	
0161060	Persimmon	
0161070	Jambolan (java plum) (Java apple (water apple), pomerac, rose apple, Brazilian cherry Surinam cherry (<i>grumichama</i> <i>Eugenia uniflora</i>),)	
0161990	Others	
0162000	(b) <i>Inedible peel, small</i>	
0162010	Kiwi	
0162020	Lychee (Litchi) (Pulasan, rambutan (hairy litchi), mangosteen)	
0162030	Passion fruit	
0162040	Prickly pear (cactus fruit)	
0162050	Star apple	
0162060	American persimmon (Virginia kaki) (Black sapote, white sapote, green sapote, canistel (yellow sapote), and mamme sapote)	
0162990	Others	
0163000	(c) <i>Inedible peel, large</i>	
0163010	Avocados	
0163020	Bananas (Dwarf banana, plantain, apple banana)	
0163030	Mangoes	
0163040	Papaya	
0163050	Pomegranate	
0163060	Cherimoya (Custard apple, sugar apple (sweetsop), llama and other medium sized Annonaceae)	
0163070	Guava (Red pitaya or dragon fruit (<i>Hylocereus undatus</i>))	
0163080	Pineapples	
0163090	Bread fruit (Jackfruit)	
0163100	Durian	
0163110	Soursop (guanabana)	
0163990	Others	
0200000	2. VEGETABLES FRESH OR FROZEN	(**)
0210000	(i) Root and tuber vegetables	

(1)	(2)	(3)
0211000	(a) <i>Potatoes</i>	
0212000	(b) <i>Tropical root and tuber vegetables</i>	
0212010	Cassava (Dasheen, eddoe (Japanese taro), tannia)	
0212020	Sweet potatoes	
0212030	Yams (Potato bean (yam bean), Mexican yam bean)	
0212040	Arrowroot	
0212990	Others	
0213000	(c) <i>Other root and tuber vegetables except sugar beet</i>	
0213010	Beetroot	
0213020	Carrots	
0213030	Celeriac	
0213040	Horseradish (Angelica roots, lovage roots, gentiana roots,)	
0213050	Jerusalem artichokes	
0213060	Parsnips	
0213070	Parsley root	
0213080	Radishes (Black radish, Japanese radish, small radish and similar varieties, tiger nut (<i>Cyperus esculentus</i>))	
0213090	Salsify (Scorzonera, Spanish salsify (Spanish oysterplant))	
0213100	Swedes	
0213110	Turnips	
0213990	Others	
0220000	(ii) Bulb vegetables	
0220010	Garlic	
0220020	Onions (Silverskin onions)	
0220030	Shallots	
0220040	Spring onions (Welsh onion and similar varieties)	
0220990	Others	
0230000	(iii) Fruiting vegetables	
0231000	(a) <i>Solanacea</i>	
0231010	Tomatoes (Cherry tomatoes, tree tomato, Physalis, gojiberry, wolfberry (<i>Lycium barbarum</i> and <i>L. chinense</i>))	
0231020	Peppers (Chilli peppers)	
0231030	Aubergines (egg plants) (Pepino)	
0231040	Okra, lady's fingers	
0231990	Others	

(1)	(2)	(3)
0232000	(b) <i>Cucurbits - edible peel</i>	
0232010	Cucumbers	
0232020	Gherkins	
0232030	Courgettes (Summer squash, marrow (patisson))	
0232990	Others	
0233000	(c) <i>Cucurbits-inedible peel</i>	
0233010	Melons (Kiwano)	
0233020	Pumpkins (Winter squash)	
0233030	Watermelons	
0233990	Others	
0234000	(d) <i>Sweet corn</i>	
0239000	(e) <i>Other fruiting vegetables</i>	
0240000	(iv) Brassica vegetables	
0241000	(a) <i>Flowering brassica</i>	
0241010	Broccoli (Calabrese, Chinese broccoli, broccoli raab)	
0241020	Cauliflower	
0241990	Others	
0242000	(b) <i>Head brassica</i>	
0242010	Brussels sprouts	
0242020	Head cabbage (Pointed head cabbage, red cabbage, savoy cabbage, white cabbage)	
0242990	Others	
0243000	(c) <i>Leafy brassica</i>	
0243010	Chinese cabbage (Indian (Chinese) mustard, pak choi, Chinese flat cabbage (tai goo choi), choi sum, peking cabbage (pe-tsai),)	
0243020	Kale (Borecole (curly kale), collards, Portuguese Kale, Portuguese cabbage, cow cabbage)	
0243990	Others	
0244000	(d) <i>Kohlrabi</i>	
0250000	(v) Leaf vegetables & fresh herbs	
0251000	(a) <i>Lettuce and other salad plants including Brassicacea</i>	
0251010	Lamb's lettuce (Italian cornsalad)	
0251020	Lettuce (Head lettuce, lollo rosso (cutting lettuce), iceberg lettuce, romaine (cos) lettuce)	
0251030	Scarole (broad-leaf endive) (Wild chicory, red-leaved chicory, radicchio, curld leave endive, sugar loaf)	
0251040	Cress	
0251050	Land cress	

(1)	(2)	(3)
0251060	Rocket, Rucola (Wild rocket)	
0251070	Red mustard	
0251080	Leaves and sprouts of <i>Brassica</i> spp (Mizuna, leaves of peas and radish and other babyleaf <i>brassica</i> crops (crops harvested up to 8 true leaf stage))	
0251990	Others	
0252000	(b) <i>Spinach & similar (leaves)</i>	
0252010	Spinach (New Zealand spinach, amaranthus spinach)	
0252020	Purslane (Winter purslane (miner's lettuce), garden purslane, common purslane, sorrel, glassworth, Agretti (<i>Salsola soda</i>))	
0252030	Beet leaves (chard) (Leaves of beetroot)	
0252990	Others	
0253000	(c) <i>Vine leaves (grape leaves)</i>	
0254000	(d) <i>Water cress</i>	
0255000	(e) <i>Witloof</i>	
0256000	(f) <i>Herbs</i>	
0256010	Chervil	
0256020	Chives	
0256030	Celery leaves (Fennel leaves, Coriander leaves, dill leaves, Caraway leaves, lovage, angelica, sweet cicely and other <i>Apiacea</i> leaves)	
0256040	Parsley	
0256050	Sage (Winter savory, summer savory,)	
0256060	Rosemary	
0256070	Thyme (Marjoram, oregano)	
0256080	Basil (Balm leaves, mint, peppermint)	
0256090	Bay leaves (laurel)	
0256100	Tarragon (Hyssop)	
0256990	Others (Edible flowers)	
0260000	(vi) Legume vegetables (fresh)	
0260010	Beans (with pods) (Green bean (french beans, snap beans), scarlet runner bean, slicing bean, yardlong beans)	
0260020	Beans (without pods) (Broad beans, Flageolets, jack bean, lima bean, cowpea)	
0260030	Peas (with pods) (Mangetout (sugar peas, snow peas))	
0260040	Peas (without pods) (Garden pea, green pea, chickpea)	
0260050	Lentils	
0260990	Others	

(1)	(2)	(3)
0270000	(vii) Stem vegetables (fresh)	
0270010	Asparagus	
0270020	Cardoons	
0270030	Celery	
0270040	Fennel	
0270050	Globe artichokes	
0270060	Leek	
0270070	Rhubarb	
0270080	Bamboo shoots	
0270090	Palm hearts	
0270990	Others	
0280000	(viii) Fungi	
0280010	Cultivated (Common mushroom, Oyster mushroom, Shi-take)	
0280020	Wild (Chanterelle, Truffle, Morel, Cep)	
0280990	Others	
0290000	(ix) Sea weeds	
0300000	3. PULSES, DRY	(**)
0300010	Beans (Broad beans, navy beans, flageolets, jack beans, lima beans, field beans, cowpeas)	
0300020	Lentils	
0300030	Peas (Chickpeas, field peas, chickling vetch)	
0300040	Lupins	
0300990	Others	
0400000	4. OILSEEDS AND OILFRUITS	(**)
0401000	(i) Oilseeds	
0401010	Linseed	
0401020	Peanuts	
0401030	Poppy seed	
0401040	Sesame seed	
0401050	Sunflower seed	
0401060	Rape seed (Bird rapeseed, turnip rape)	
0401070	Soya bean	
0401080	Mustard seed	
0401090	Cotton seed	

(1)	(2)	(3)
0401100	Pumpkin seeds (Other seeds of <i>cucurbitacea</i>)	
0401110	Safflower	
0401120	Borage	
0401130	Gold of pleasure	
0401140	Hempseed	
0401150	Castor bean	
0401990	Others	
0402000	(ii) Oilfruits	
0402010	Olives for oil production	
0402020	Palm nuts (palmoil kernels)	
0402030	Palmfruit	
0402040	Kapok	
0402990	Others	
0500000	5. CEREALS	(**)
0500010	Barley	
0500020	Buckwheat (<i>Amaranthus</i> , quinoa)	
0500030	Maize	
0500040	Millet (Foxtail millet, teff)	
0500050	Oats	
0500060	Rice	
0500070	Rye	
0500080	Sorghum	
0500090	Wheat (Spelt, triticale)	
0500990	Others	
0600000	6. TEA, COFFEE, HERBAL INFUSIONS AND COCOA	(**)
0610000	(i) Tea (dried leaves and stalks, fermented or otherwise of <i>Camellia sinensis</i>)	
0620000	(ii) Coffee beans	
0630000	(iii) Herbal infusions (dried)	
0631000	(a) <i>Flowers</i>	
0631010	Camomille flowers	
0631020	Hybiscus flowers	
0631030	Rose petals	
0631040	Jasmine flowers (Elderflowers (<i>Sambucus nigra</i>))	

(1)	(2)	(3)
0631050	Lime (linden)	
0631990	Others	
0632000	(b) <i>Leaves</i>	
0632010	Strawberry leaves	
0632020	Rooibos leaves (Ginkgo leaves)	
0632030	Maté	
0632990	Others	
0633000	(c) <i>Roots</i>	
0633010	Valerian root	
0633020	Ginseng root	
0633990	Others	
0639000	(d) <i>Other herbal infusions</i>	
0640000	(iv) Cocoa (fermented beans)	
0650000	(v) Carob (st johns bread)	
0700000	7. HOPS (dried), including hop pellets and unconcentrated powder	(**)
0800000	8. SPICES	(**)
0810000	(i) Seeds	
0810010	Anise	
0810020	Black caraway	
0810030	Celery seed (Lovage seed)	
0810040	Coriander seed	
0810050	Cumin seed	
0810060	Dill seed	
0810070	Fennel seed	
0810080	Fenugreek	
0810090	Nutmeg	
0810990	Others	
0820000	(ii) Fruits and berries	
0820010	Allspice	
0820020	Anise pepper (Japan pepper)	
0820030	Caraway	
0820040	Cardamom	

(1)	(2)	(3)
0820050	Juniper berries	
0820060	Pepper, black and white (Long pepper, pink pepper)	
0820070	Vanilla pods	
0820080	Tamarind	
0820990	Others	
0830000	(iii) Bark	
0830010	Cinnamon (Cassia)	
0830990	Others	
0840000	(iv) Roots or rhizome	
0840010	Liquorice	
0840020	Ginger	
0840030	Turmeric (Curcuma)	
0840040	Horseradish	
0840990	Others	
0850000	(v) Buds	
0850010	Cloves	
0850020	Capers	
0850990	Others	
0860000	(vi) Flower stigma	
0860010	Saffron	
0860990	Others	
0870000	(vii) Aril	
0870010	Mace	
0870990	Others	
0900000	9. SUGAR PLANTS	(**)
0900010	Sugar beet (root)	
0900020	Sugar cane	
0900030	Chicory roots	
0900990	Others	
1000000	10. PRODUCTS OF ANIMAL ORIGIN-TERRESTRIAL ANIMALS	(**)
1010000	(i) Meat, preparations of meat, offals, blood, animal fats fresh chilled or frozen, salted, in brine, dried or smoked or processed as flours or meals other processed products such as sausages and food preparations based on these	
1011000	(a) <i>Swine</i>	

(1)	(2)	(3)
1011010	Meat	
1011020	Fat free of lean meat	
1011030	Liver	
1011040	Kidney	
1011050	Edible offal	
1011990	Others	
1012000	(b) <i>Bovine</i>	
1012010	Meat	
1012020	Fat	
1012030	Liver	
1012040	Kidney	
1012050	Edible offal	
1012990	Others	
1013000	(c) <i>Sheep</i>	
1013010	Meat	
1013020	Fat	
1013030	Liver	
1013040	Kidney	
1013050	Edible offal	
1013990	Others	
1014000	(d) <i>Goat</i>	
1014010	Meat	
1014020	Fat	
1014030	Liver	
1014040	Kidney	
1014050	Edible offal	
1014990	Others	
1015000	(e) <i>Horses, asses, mules or hinnies</i>	
1015010	Meat	
1015020	Fat	
1015030	Liver	
1015040	Kidney	

(1)	(2)	(3)
1015050	Edible offal	
1015990	Others	
1016000	(f) <i>Poultry -chicken, geese, duck, turkey and Guinea fowl-, ostrich, pigeon</i>	
1016010	Meat	
1016020	Fat	
1016030	Liver	
1016040	Kidney	
1016050	Edible offal	
1016990	Others	
1017000	(g) <i>Other farm animals (Rabbit, Kangaroo)</i>	
1017010	Meat	
1017020	Fat	
1017030	Liver	
1017040	Kidney	
1017050	Edible offal	
1017990	Others	
1020000	(ii) Milk and cream, not concentrated, nor containing added sugar or sweetening matter, butter and other fats derived from milk, cheese and curd	
1020010	Cattle	
1020020	Sheep	
1020030	Goat	
1020040	Horse	
1020990	Others	
1030000	(iii) Birds' eggs, fresh preserved or cooked Shelled eggs and egg yolks fresh, dried, cooked by steaming or boiling in water, moulded, frozen or otherwise preserved whether or not containing added sugar or sweetening matter	
1030010	Chicken	
1030020	Duck	
1030030	Goose	
1030040	Quail	
1030990	Others	
1040000	(iv) Honey (Royal jelly, pollen)	
1050000	(v) Amphibians and reptiles (Frog legs, crocodiles)	

(1)	(2)	(3)
1060000	(vi) Snails	
1070000	(vii) Other terrestrial animal products	

(^e) For the complete list of products of plant and animal origin to which MRLs apply, reference should be made to Annex I.

(*) Indicates lower limit of analytical determination

(**) Pesticide-code combination for which the MRL as set in Annex V applies.

Diphenylamine

(+) Temporary MRL to be reviewed by 2 September 2015

0130010 Apples (Crab apple)

0130020 Pears (Oriental pear)

(4) in Annex V, the following column is added:

Pesticide residues and maximum residue levels (mg/kg)

Code number	Groups and examples of individual products to which the MRLs apply (^e)	Diphenylamine
(1)	(2)	(3)
0100000	1. FRUIT FRESH OR FROZEN; NUTS	
0110000	(i) Citrus fruit	0,05 (*)
0110010	Grapefruit (Shaddocks, pomelos, sweeties, tangelo (except mineola), ugli and other hybrids)	
0110020	Oranges (Bergamot, bitter orange, chinotto and other hybrids)	
0110030	Lemons (Citron, lemon)	
0110040	Limes	
0110050	Mandarins (Clementine, tangerine, mineola and other hybrids)	
0110990	Others	
0120000	(ii) Tree nuts (shelled or unshelled)	0,05 (*)
0120010	Almonds	
0120020	Brazil nuts	
0120030	Cashew nuts	
0120040	Chestnuts	
0120050	Coconuts	
0120060	Hazelnuts (Filbert)	
0120070	Macadamia	
0120080	Pecans	
0120090	Pine nuts	
0120100	Pistachios	

(1)	(2)	(3)
0120110	Walnuts	
0120990	Others	
0130000	(iii) Pome fruit	
0130010	Apples (Crab apple)	(**)
0130020	Pears (Oriental pear)	(**)
0130030	Quinces	0,05 (*)
0130040	Medlar	0,05 (*)
0130050	Loquat	0,05 (*)
0130990	Others	0,05 (*)
0140000	(iv) Stone fruit	0,05 (*)
0140010	Apricots	
0140020	Cherries (sweet cherries, sour cherries)	
0140030	Peaches (Nectarines and similar hybrids)	
0140040	Plums (Damson, greengage, mirabelle, sloe)	
0140990	Others	
0150000	(v) Berries & small fruit	0,05 (*)
0151000	(a) <i>Table and wine grapes</i>	
0151010	Table grapes	
0151020	Wine grapes	
0152000	(b) <i>Strawberries</i>	
0153000	(c) <i>Cane fruit</i>	
0153010	Blackberries	
0153020	Dewberries (Loganberries, boysenberries, and cloudberrries)	
0153030	Raspberries (Wineberries, arctic bramble/raspberry, (<i>Rubus arcticus</i>), nectar raspberries (<i>Rubus arcticus x idaeus</i>))	
0153990	Others	
0154000	(d) <i>Other small fruit & berries</i>	
0154010	Blueberries (Bilberries)	
0154020	Cranberries (Cowberries (red bilberries))	
0154030	Currants (red, black and white)	
0154040	Gooseberries (Including hybrids with other ribes species)	
0154050	Rose hips	
0154060	Mulberries (<i>arbutus berry</i>)	

(1)	(2)	(3)
0154070	Azarole (mediteranean medlar) (Kiwiberry (<i>Actinidia arguta</i>))	
0154080	Elderberries (Black chokeberry (appleberry), mountain ash, buckthorn (sea sallowthorn), hawthorn, service berries, and other treeberries)	
0154990	Others	
0160000	(vi) Miscellaneous fruit	0,05 (*)
0161000	(a) <i>Edible peel</i>	
0161010	Dates	
0161020	Figs	
0161030	Table olives	
0161040	Kumquats (Marumi kumquats, nagami kumquats, limequats (<i>Citrus aurantifolia</i> x <i>Fortunella</i> spp.))	
0161050	Carambola (Bilimbi)	
0161060	Persimmon	
0161070	Jambolan (java plum) (Java apple (water apple), pomerac, rose apple, Brazilian cherry Surinam cherry (<i>grumichama Eugenia uniflora</i>),)	
0161990	Others	
0162000	(b) <i>Inedible peel, small</i>	
0162010	Kiwi	
0162020	Lycchee (Litchi) (Pulasan, rambutan (hairy litchi), mangosteen)	
0162030	Passion fruit	
0162040	Prickly pear (cactus fruit)	
0162050	Star apple	
0162060	American persimmon (Virginia kaki) (Black sapote, white sapote, green sapote, canistel (yellow sapote), and mamme sapote)	
0162990	Others	
0163000	(c) <i>Inedible peel, large</i>	
0163010	Avocados	
0163020	Bananas (Dwarf banana, plantain, apple banana)	
0163030	Mangoes	
0163040	Papaya	
0163050	Pomegranate	
0163060	Cherimoya (Custard apple, sugar apple (sweetsop), llama and other medium sized Annonaceae)	
0163070	Guava (Red pitaya or dragon fruit (<i>Hylocereus undatus</i>))	
0163080	Pineapples	
0163090	Bread fruit (Jackfruit)	

(1)	(2)	(3)
0163100	Durian	
0163110	Soursop (guanabana)	
0163990	Others	
0200000	2. VEGETABLES FRESH OR FROZEN	0,05 (*)
0210000	(i) Root and tuber vegetables	
0211000	(a) Potatoes	
0212000	(b) Tropical root and tuber vegetables	
0212010	Cassava (Dasheen, eddoe (Japanese taro), tannia)	
0212020	Sweet potatoes	
0212030	Yams (Potato bean (yam bean), Mexican yam bean)	
0212040	Arrowroot	
0212990	Others	
0213000	(c) Other root and tuber vegetables except sugar beet	
0213010	Beetroot	
0213020	Carrots	
0213030	Celeriac	
0213040	Horseradish (Angelica roots, lovage roots, gentiana roots,)	
0213050	Jerusalem artichokes	
0213060	Parsnips	
0213070	Parsley root	
0213080	Radishes (Black radish, Japanese radish, small radish and similar varieties, tiger nut (<i>Cyperus esculentus</i>))	
0213090	Salsify (Scorzonera, Spanish salsify (Spanish oysterplant))	
0213100	Swedes	
0213110	Turnips	
0213990	Others	
0220000	(ii) Bulb vegetables	
0220010	Garlic	
0220020	Onions (Silverskin onions)	
0220030	Shallots	
0220040	Spring onions (Welsh onion and similar varieties)	
0220990	Others	
0230000	(iii) Fruiting vegetables	

(1)	(2)	(3)
0231000	(a) <i>Solanacea</i>	
0231010	Tomatoes (Cherry tomatoes, tree tomato, Physalis, gojiberry, wolfberry (<i>Lycium barbarum</i> and <i>L. chinense</i>))	
0231020	Peppers (Chilli peppers)	
0231030	Aubergines (egg plants) (Pepino)	
0231040	Okra, lady's fingers	
0231990	Others	
0232000	(b) <i>Cucurbits - edible peel</i>	
0232010	Cucumbers	
0232020	Gherkins	
0232030	Courgettes (Summer squash, marrow (patisson))	
0232990	Others	
0233000	(c) <i>Cucurbits-inedible peel</i>	
0233010	Melons (Kiwano)	
0233020	Pumpkins (Winter squash)	
0233030	Watermelons	
0233990	Others	
0234000	(d) <i>Sweet corn</i>	
0239000	(e) <i>Other fruiting vegetables</i>	
0240000	(iv) Brassica vegetables	
0241000	(a) <i>Flowering brassica</i>	
0241010	Broccoli (Calabrese, Chinese broccoli, broccoli raab)	
0241020	Cauliflower	
0241990	Others	
0242000	(b) <i>Head brassica</i>	
0242010	Brussels sprouts	
0242020	Head cabbage (Pointed head cabbage, red cabbage, savoy cabbage, white cabbage)	
0242990	Others	
0243000	(c) <i>Leafy brassica</i>	
0243010	Chinese cabbage (Indian (Chinese) mustard, pak choi, Chinese flat cabbage (tai goo choi), choi sum, peking cabbage (pe-tsai),)	
0243020	Kale (Borecole (curly kale), collards, Portuguese Kale, Portuguese cabbage, cow cabbage)	

(1)	(2)	(3)
0243990	Others	
0244000	(d) <i>Kohlrabi</i>	
0250000	(v) Leaf vegetables & fresh herbs	
0251000	(a) <i>Lettuce and other salad plants including Brassicaceae</i>	
0251010	Lamb's lettuce (Italian cornsalad)	
0251020	Lettuce (Head lettuce, lollo rosso (cutting lettuce), iceberg lettuce, romaine (cos) lettuce)	
0251030	Scarole (broad-leaf endive) (Wild chicory, red-leaved chicory, radicchio, curld leave endive, sugar loaf)	
0251040	Cress	
0251050	Land cress	
0251060	Rocket, Rucola (Wild rocket)	
0251070	Red mustard	
0251080	Leaves and sprouts of <i>Brassica</i> spp (Mizuna, leaves of peas and radish and other babyleaf <i>brassica</i> crops (crops harvested up to 8 true leaf stage))	
0251990	Others	
0252000	(b) <i>Spinach & similar (leaves)</i>	
0252010	Spinach (New Zealand spinach, amaranthus spinach)	
0252020	Purslane (Winter purslane (miner's lettuce), garden purslane, common purslane, sorrel, glassworth, Agretti (<i>Salsola soda</i>))	
0252030	Beet leaves (chard) (Leaves of beetroot)	
0252990	Others	
0253000	(c) <i>Vine leaves (grape leaves)</i>	
0254000	(d) <i>Water cress</i>	
0255000	(e) <i>Witloof</i>	
0256000	(f) <i>Herbs</i>	
0256010	Chervil	
0256020	Chives	
0256030	Celery leaves (Fennel leaves, Coriander leaves, dill leaves, Caraway leaves, lovage, angelica, sweet cisel and other Apiacea leaves)	
0256040	Parsley	
0256050	Sage (Winter savory, summer savory,)	
0256060	Rosemary	
0256070	Thyme (Marjoram, oregano)	
0256080	Basil (Balm leaves, mint, peppermint)	
0256090	Bay leaves (laurel)	

(1)	(2)	(3)
0256100	Tarragon (Hyssop)	
0256990	Others (Edible flowers)	
0260000	(vi) Legume vegetables (fresh)	
0260010	Beans (with pods) (Green bean (french beans, snap beans), scarlet runner bean, slicing bean, yardlong beans)	
0260020	Beans (without pods) (Broad beans, Flageolets, jack bean, lima bean, cowpea)	
0260030	Peas (with pods) (Mangetout (sugar peas, snow peas))	
0260040	Peas (without pods) (Garden pea, green pea, chickpea)	
0260050	Lentils	
0260990	Others	
0270000	(vii) Stem vegetables (fresh)	
0270010	Asparagus	
0270020	Cardoons	
0270030	Celery	
0270040	Fennel	
0270050	Globe artichokes	
0270060	Leek	
0270070	Rhubarb	
0270080	Bamboo shoots	
0270090	Palm hearts	
0270990	Others	
0280000	(viii) Fungi	
0280010	Cultivated (Common mushroom, Oyster mushroom, Shi-take)	
0280020	Wild (Chanterelle, Truffle, Morel, Cep)	
0280990	Others	
0290000	(ix) Sea weeds	
0300000	3. PULSES, DRY	0,05 (*)
0300010	Beans (Broad beans, navy beans, flageolets, jack beans, lima beans, field beans, cowpeas)	
0300020	Lentils	
0300030	Peas (Chickpeas, field peas, chickling vetch)	
0300040	Lupins	
0300990	Others	

(1)	(2)	(3)
0400000	4. OILSEEDS AND OILFRUITS	0,05 (*)
0401000	(i) Oilseeds	
0401010	Linseed	
0401020	Peanuts	
0401030	Poppy seed	
0401040	Sesame seed	
0401050	Sunflower seed	
0401060	Rape seed (Bird rapeseed, turnip rape)	
0401070	Soya bean	
0401080	Mustard seed	
0401090	Cotton seed	
0401100	Pumpkin seeds (Other seeds of <i>cucurbitacea</i>)	
0401110	Safflower	
0401120	Borage	
0401130	Gold of pleasure	
0401140	Hempseed	
0401150	Castor bean	
0401990	Others	
0402000	(ii) Oilfruits	
0402010	Olives for oil production	
0402020	Palm nuts (palmoil kernels)	
0402030	Palmfruit	
0402040	Kapok	
0402990	Others	
0500000	5. CEREALS	0,05 (*)
0500010	Barley	
0500020	Buckwheat (<i>Amaranthus</i> , quinoa)	
0500030	Maize	
0500040	Millet (Foxtail millet, teff)	
0500050	Oats	
0500060	Rice	
0500070	Rye	
0500080	Sorghum	

(1)	(2)	(3)
0500090	Wheat (Spelt, triticale)	
0500990	Others	
0600000	6. TEA, COFFEE, HERBAL INFUSIONS AND COCOA	0,05 (*)
0610000	(i) Tea (dried leaves and stalks, fermented or otherwise of <i>Camellia sinensis</i>)	
0620000	(ii) Coffee beans	
0630000	(iii) Herbal infusions (dried)	
0631000	(a) <i>Flowers</i>	
0631010	Camomille flowers	
0631020	Hybiscus flowers	
0631030	Rose petals	
0631040	Jasmine flowers (Elderflowers (<i>Sambucus nigra</i>))	
0631050	Lime (linden)	
0631990	Others	
0632000	(b) <i>Leaves</i>	
0632010	Strawberry leaves	
0632020	Rooibos leaves (Ginkgo leaves)	
0632030	Maté	
0632990	Others	
0633000	(c) <i>Roots</i>	
0633010	Valerian root	
0633020	Ginseng root	
0633990	Others	
0639000	(d) <i>Other herbal infusions</i>	
0640000	(iv) Cocoa (fermented beans)	
0650000	(v) Carob (st johns bread)	
0700000	7. HOPS (dried), including hop pellets and unconcentrated powder	0,05 (*)
0800000	8. SPICES	0,05 (*)
0810000	(i) Seeds	
0810010	Anise	
0810020	Black caraway	
0810030	Celery seed (Lovage seed)	
0810040	Coriander seed	

(1)	(2)	(3)
0810050	Cumin seed	
0810060	Dill seed	
0810070	Fennel seed	
0810080	Fenugreek	
0810090	Nutmeg	
0810990	Others	
0820000	(ii) Fruits and berries	
0820010	Allspice	
0820020	Anise pepper (Japan pepper)	
0820030	Caraway	
0820040	Cardamom	
0820050	Juniper berries	
0820060	Pepper, black and white (Long pepper, pink pepper)	
0820070	Vanilla pods	
0820080	Tamarind	
0820990	Others	
0830000	(iii) Bark	
0830010	Cinnamon (Cassia)	
0830990	Others	
0840000	(iv) Roots or rhizome	
0840010	Liquorice	
0840020	Ginger	
0840030	Turmeric (Curcuma)	
0840040	Horseradish	
0840990	Others	
0850000	(v) Buds	
0850010	Cloves	
0850020	Capers	
0850990	Others	
0860000	(vi) Flower stigma	
0860010	Saffron	
0860990	Others	

(1)	(2)	(3)
0870000	(vii) Aril	
0870010	Mace	
0870990	Others	
0900000	9. SUGAR PLANTS	0,05 (*)
0900010	Sugar beet (root)	
0900020	Sugar cane	
0900030	Chicory roots	
0900990	Others	
1000000	10. PRODUCTS OF ANIMAL ORIGIN-TERRESTRIAL ANIMALS	0,05 (*)
1010000	(i) Meat, preparations of meat, offals, blood, animal fats fresh chilled or frozen, salted, in brine, dried or smoked or processed as flours or meals other processed products such as sausages and food preparations based on these	
1011000	(a) <i>Swine</i>	
1011010	Meat	
1011020	Fat free of lean meat	
1011030	Liver	
1011040	Kidney	
1011050	Edible offal	
1011990	Others	
1012000	(b) <i>Bovine</i>	
1012010	Meat	
1012020	Fat	
1012030	Liver	
1012040	Kidney	
1012050	Edible offal	
1012990	Others	
1013000	(c) <i>Sheep</i>	
1013010	Meat	
1013020	Fat	
1013030	Liver	
1013040	Kidney	
1013050	Edible offal	
1013990	Others	
1014000	(d) <i>Goat</i>	

(1)	(2)	(3)
1014010	Meat	
1014020	Fat	
1014030	Liver	
1014040	Kidney	
1014050	Edible offal	
1014990	Others	
1015000	(e) <i>Horses, asses, mules or hinnies</i>	
1015010	Meat	
1015020	Fat	
1015030	Liver	
1015040	Kidney	
1015050	Edible offal	
1015990	Others	
1016000	(f) <i>Poultry -chicken, geese, duck, turkey and Guinea fowl-, ostrich, pigeon</i>	
1016010	Meat	
1016020	Fat	
1016030	Liver	
1016040	Kidney	
1016050	Edible offal	
1016990	Others	
1017000	(g) <i>Other farm animals (Rabbit, Kangaroo)</i>	
1017010	Meat	
1017020	Fat	
1017030	Liver	
1017040	Kidney	
1017050	Edible offal	
1017990	Others	
1020000	(ii) Milk and cream, not concentrated, nor containing added sugar or sweetening matter, butter and other fats derived from milk, cheese and curd	
1020010	Cattle	
1020020	Sheep	
1020030	Goat	
1020040	Horse	

(1)	(2)	(3)
1020990	Others	
1030000	(iii) Birds' eggs, fresh preserved or cooked Shelled eggs and egg yolks fresh, dried, cooked by steaming or boiling in water, moulded, frozen or otherwise preserved whether or not containing added sugar or sweetening matter	
1030010	Chicken	
1030020	Duck	
1030030	Goose	
1030040	Quail	
1030990	Others	
1040000	(iv) Honey (Royal jelly, pollen)	
1050000	(v) Amphibians and reptiles (Frog legs, crocodiles)	
1060000	(vi) Snails	
1070000	(vii) Other terrestrial animal products	

(^a) For the complete list of products of plant and animal origin to which MRLs apply, reference should be made to Annex I.

(*) Indicates lower limit of analytical determination

(**) Pesticide-code combination for which the MRL as set in Annex III part A applies

Diphenylamine

(+) Temporary MRL to be reviewed by 2 September 2015

0130010 Apples (Crab apple)

0130020 Pears (Oriental pear)

**COMMISSION IMPLEMENTING REGULATION (EU) No 773/2013
of 12 August 2013**

establishing a derogation from Council Regulation (EC) No 1967/2006 as regards the minimum distance from coast and the minimum sea depth for boat seines fishing for transparent goby (*Aphia minuta*) in certain territorial waters of Spain (Murcia)

THE EUROPEAN COMMISSION,

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

Having regard to Council Regulation (EC) No 1967/2006 of 21 December 2006 concerning management measures for the sustainable exploitation of fishery resources in the Mediterranean Sea ⁽¹⁾, and in particular Article 13(5) thereof,

Whereas:

- (1) Article 13(1) of Regulation (EC) No 1967/2006 prohibits the use of towed gears within 3 nautical miles of the coast or within the 50 m isobath where that depth is reached at a shorter distance from the coast.
- (2) At the request of a Member State, the Commission may allow a derogation from Article 13(1) of Regulation (EC) No 1967/2006, provided that a number of conditions set out in Article 13(5) and (9) are fulfilled.
- (3) On 17 April 2012 the Commission received a request for derogation from Spain to Article 13(1) of that Regulation, for the use of boat seines fishing for Transparent goby (*Aphia minuta*), within its territorial waters in the Autonomous Community of Murcia.
- (4) The request covers vessels registered in the Operational Fleet Official Census managed by the Directorate-General for Livestock and Fisheries of the Autonomous Community of Murcia which have a track record in the fishery of more than five years and will operate under a management plan regulating boat seines fishing for transparent goby (*Aphia minuta*).
- (5) The management plan guarantees no future increase in the fishing effort, foreseeing that whenever one of the 29 authorised vessels stops the activity only a vessel with an equal or minor capacity in terms of power and length will be able to replace it in the Census.
- (6) The Scientific, Technical and Economic Committee for Fisheries (STECF) assessed the derogation requested by Spain and the related draft management plan at its plenary session held from 5 to 9 November 2012.
- (7) Spain has adopted the management plan by approving the 'Order of 27 March 2013, of the regional Ministry for Agriculture and Water regulating the fishery of

Transparent goby (*Aphia minuta*) in the internal waters of the region of Murcia' ⁽²⁾ in accordance with Article 19(2) of Regulation (EC) No 1967/2006.

- (8) The derogation requested by Spain complies with the conditions set out in Article 13(5) and (9) of Regulation (EC) No 1967/2006.
- (9) In particular, given both the limited size of the continental shelf and the spatial distribution of the target species, which is exclusively limited to certain zones in the coastal areas at depths of less than 50 meters, the fishing grounds are limited.
- (10) Moreover, the fishery cannot be undertaken with other gears, has no significant impact on protected habitats and is very selective, since the seines are hauled in the water column and do not touch the seabed. Indeed collection of material from the seabed would damage the target species and make the selection of the fished species virtually impossible due to their very small size.
- (11) The derogation requested by Spain affects a limited number of vessels, since only 29 vessels are involved.
- (12) The fishing activities concerned fulfil the requirements of the second subparagraph of Article 4(1) of Regulation (EC) No 1967/2006 concerning protected habitats which, by way of derogation, allows fishing above those habitats if fishing is operated without touching the seagrass bed under certain conditions.
- (13) The requirements of Article 8(1)(h) of Regulation (EC) No 1967/2006 are not applicable since they relate to trawlers.
- (14) Since the fishing activities concerned are highly selective, have a negligible effect on the environment and are not affected by provisions in Article 4(5) of Regulation (EC) No 1967/2006, they are eligible for the derogation to the minimum mesh size referred to in Article 9(7) of Regulation (EC) No 1967/2006. Therefore, the minimum mesh size rules set by Article 9(3) do not apply.
- (15) The Spanish management plan includes measures for the monitoring of fishing activities, thus fulfilling the conditions set out in Article 13(9) of Regulation (EC) No 1967/2006 and in Article 14 of Council Regulation (EC) No 1224/2009 ⁽³⁾.

⁽¹⁾ OJ L 409, 30.12.2006, p. 11.

⁽²⁾ 'Orden de 27 de marzo de 2013 de la Consejería de Agricultura y Agua, por la que se regula la pesquería del chanquete (*Aphia minuta*) en aguas interiores de la Región de Murcia', Murcia's region OJ number 78, 6.4.2013, p. 13950.

⁽³⁾ OJ L 343, 22.12.2009, p. 1.

- (16) The fishing activities concerned take place at a very short distance from the coast and therefore do not interfere with the activities of other vessels.
- (17) The Spanish management plan ensures that catches of species mentioned in Annex III to Regulation (EC) No 1967/2006 are minimal and that the fishing activities do not target cephalopods.
- (18) Therefore, the requested derogation should be granted.
- (19) Spain should report to the Commission in due time and in accordance with the monitoring plan provided for in the Spanish management plan.
- (20) In line with the request by Spain, a limitation in duration of the derogation will allow ensuring prompt corrective management measures in case the report to the Commission will show a poor conservation status of the exploited stock while providing scope to improve the scientific basis for an improved management plan.
- (21) The measures provided for in this Regulation are in accordance with the opinion of the Committee for Fisheries and Aquaculture,

HAS ADOPTED THIS REGULATION:

Article 1

Derogation

Article 13(1) of Regulation (EC) No 1967/2006 shall not apply, in territorial waters of Spain adjacent to the coast of the

Autonomous Community of Murcia, to fishing for transparent goby (*Aphia minuta*) by boat seines which are used by vessels:

- (a) registered in the maritime census managed by the Directorate-General for Livestock and Fisheries of the Autonomous Community of Murcia;
- (b) having a track record in the fishery of more than five years and not involving any future increase in fishing effort provided; and
- (c) holding a fishing authorisation and operating under the management plan adopted by Spain in accordance with Article 19(2) of Regulation (EC) No 1967/2006 (hereinafter referred to as 'the management plan').

This derogation shall apply for a period of three years following the date of entry into force of this Regulation.

Article 2

Monitoring plan and report

Spain shall communicate to the Commission, within three years following the entry into force of this Regulation, a report drawn up in accordance with the monitoring plan established in the management plan referred to in Article 1(c).

Article 3

Entry into force

This Regulation shall enter into force on the third day following that 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, 12 August 2013.

For the Commission

The President

José Manuel BARROSO

COMMISSION IMPLEMENTING REGULATION (EU) No 774/2013

of 12 August 2013

concerning the authorisation of a preparation of *Lactobacillus kefir* DSM 19455 as a feed additive for all animal species

(Text with EEA relevance)

THE EUROPEAN COMMISSION,

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

Having regard to Regulation (EC) No 1831/2003 of the European Parliament and of the Council of 22 September 2003 on additives for use in animal nutrition⁽¹⁾, and in particular Article 9(2) thereof,

Whereas:

- (1) Regulation (EC) No 1831/2003 provides for the authorisation of additives for use in animal nutrition and for the grounds and procedures for granting such authorisation.
- (2) In accordance with Article 7 of Regulation (EC) No 1831/2003, an application was submitted for the authorisation of a preparation of *Lactobacillus kefir* DSM 19455. The application was accompanied by the particulars and documents required under Article 7(3) of Regulation (EC) No 1831/2003.
- (3) That application concerns the authorisation of a preparation of *Lactobacillus kefir* DSM 19455 as a feed additive for all animal species to be classified in the additive category 'technological additives'.
- (4) The European Food Safety Authority ('the Authority') concluded in its opinion of 13 March 2013⁽²⁾ that, under the proposed conditions of use, the preparation does not have an adverse effect on animal health, human health or the environment. The Authority also

concluded that the preparation improves the aerobic stability of silage by increasing the acetic acid production and by reducing silage pH from easy and moderately difficult to ensile materials. The Authority does not consider that there is a need for specific requirements of post-market monitoring. It also verified the report on the methods of analysis of the feed additives in feed submitted by the Reference Laboratory set up by Regulation (EC) No 1831/2003.

- (5) The assessment of the preparation concerned shows that the conditions for authorisation, as provided for in Article 5 of Regulation (EC) No 1831/2003, are satisfied. Accordingly, the use of those preparations should be authorised as specified in the Annex to this Regulation.
- (6) 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

The preparation specified in the Annex belonging to the additive category 'technological additives' and to the functional group 'silage additives', is authorised as additive in animal nutrition, subject to the conditions laid down in that Annex.

Article 2

This Regulation shall enter into force on the twentieth day following that 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, 12 August 2013.

For the Commission

The President

José Manuel BARROSO

⁽¹⁾ OJ L 268, 18.10.2003, p. 29.

⁽²⁾ EFSA Journal 2013; 11(4):3177.

ANNEX

Identification number of the additive	Name of the holder of authorisation	Additive	Composition, chemical formula, description, analytical method	Species or category of animal	Maximum age	Minimum content	Maximum content	Other provisions	End of period of authorisation
						CFU/kg of fresh material			
Category of technological additives. Functional group: silage additives									
1k20742	—	<i>Lactobacillus kefir</i> DSM 19455	<i>Additive composition</i> Preparation of <i>Lactobacillus kefir</i> DSM 19455 containing a minimum of 1 × 10 ¹⁰ CFU/g additive <i>Characterisation of the active substance</i> Viable cells of <i>Lactobacillus kefir</i> DSM 19455 <i>Analytical method</i> ⁽¹⁾ Enumeration in the feed additive: spread plate method (EN 15787) Identification: Pulsed Field Gel Electrophoresis (PFGE)	All animal species	—	—	—	1. In the directions for use of the additive and premixture, indicate the storage conditions. 2. Minimum dose of the additive when it is not used in combination with other micro-organisms as silage additive: 5 × 10⁷ CFU/kg of fresh material. 3. The additive shall be used in easy and moderately difficult to ensile material ⁽²⁾. 4. For safety: it is recommended to use breathing protection and gloves during handling.	2 September 2023

⁽¹⁾ Details of the analytical methods are available at the following address of the Reference Laboratory: http://irmm.jrc.ec.europa.eu/EURLs/EURL_feed_additives/Pages/index.aspx

⁽²⁾ Easy to ensile forage: > 3 % soluble carbohydrates in fresh material. Moderately difficult to ensile forages: 1,5-3,0 % soluble carbohydrate in fresh material. As defined by Commission Regulation (EC) No 429/2008 (OJ L 133, 22.5.2008, p. 1).

COMMISSION IMPLEMENTING REGULATION (EU) No 775/2013

of 12 August 2013

concerning the authorisation of a preparation of *Enterococcus faecium* DSM 7134 as a feed additive for chickens reared for laying and minor poultry species other than those used for laying (holder of authorisation Lactosan GmbH & Co KG)

(Text with EEA relevance)

THE EUROPEAN COMMISSION,

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

Having regard to Regulation (EC) No 1831/2003 of the European Parliament and of the Council of 22 September 2003 on additives for use in animal nutrition⁽¹⁾, and in particular Article 9(2) thereof,

Whereas:

- (1) Regulation (EC) No 1831/2003 provides for the authorisation of additives for use in animal nutrition and for the grounds and procedures for granting such authorisation.
- (2) In accordance with Article 7 of Regulation (EC) No 1831/2003, an application was submitted for a new use of a preparation of *Enterococcus faecium* DSM 7134. That application was accompanied by the particulars and documents required under Article 7(3) of Regulation (EC) No 1831/2003.
- (3) The application concerns a request of a new use of a preparation of *Enterococcus faecium* DSM 7134 as a feed additive for chickens reared for laying and minor poultry species other than those used for laying, to be classified in the additive category 'zootechnical additives'.
- (4) The use of that preparation of *Enterococcus faecium* DSM 7134 was authorised for 10 years, for piglets and pigs for fattening by Commission Regulation (EC) No 538/2007⁽²⁾, for sows by Commission Regulation (EC) No 1521/2007⁽³⁾, and for chickens for fattening by Commission Regulation (EU) No 998/2010⁽⁴⁾.
- (5) The European Food Safety Authority ('the Authority') concluded in its opinion of 12 March 2013⁽⁵⁾ that, under the proposed conditions of use, the preparation

of *Enterococcus faecium* DSM 7134 does not have an adverse effect on animal health, human health or the environment, and that since the potential to improve zootechnical parameters was already demonstrated in chickens for fattening, this conclusion can be extended to chickens reared for laying and extrapolated to minor poultry species other than those used for laying. The Authority does not consider that there is a need for specific requirements of post-market monitoring. It also verified the report on the method of analysis of the feed additive in feed submitted by the Reference Laboratory set up by Regulation (EC) No 1831/2003.

- (6) The assessment of the preparation of *Enterococcus faecium* DSM 7134 shows that the conditions for authorisation, as provided for in Article 5 of Regulation (EC) No 1831/2003, are satisfied. Accordingly, the use of this preparation should be authorised as specified in the Annex to this Regulation.
- (7) 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

The preparation specified in the Annex, belonging to the additive category 'zootechnical additives' and to the functional group 'gut flora stabilisers', is authorised as an additive in animal nutrition subject to the conditions laid down in that Annex.

Article 2

This Regulation shall enter into force on the twentieth day following that 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, 12 August 2013.

For the Commission

The President

José Manuel BARROSO

⁽¹⁾ OJ L 268, 18.10.2003, p. 29.

⁽²⁾ OJ L 128, 16.5.2007, p. 16.

⁽³⁾ OJ L 335, 20.12.2007, p. 24.

⁽⁴⁾ OJ L 290, 6.11.2010, p. 22.

⁽⁵⁾ EFSA Journal 2013; 11(4):3167.

ANNEX

Identification number of the additive	Name of the holder of authorisation	Additive	Composition, chemical formula, description, analytical method	Species or category of animal	Maximum age	Minimum content	Maximum content	Other provisions	End of period of authorisation
						CFU/kg of complete feedingstuff with a moisture content of 12 %			
Category of zootechnical additives. Functional group: gut flora stabilisers									
4b1841	Lactosan GmbH & Co KG	<i>Enterococcus faecium</i> DSM 7134	<i>Additive composition</i> Preparation of <i>Enterococcus faecium</i> DSM 7134 containing a minimum of: Powder: 1 × 10 ¹⁰ CFU/g of additive Granulated (microencapsulated): 1 × 10 ¹⁰ CFU/g of additive <i>Characterisation of the active substance</i> Viable cells of <i>Enterococcus faecium</i> DSM 7134 <i>Analytical method</i> ⁽¹⁾ Enumeration: spread plate method using bile esculin azide agar (EN 15788) Identification: Pulsed Field Gel Electrophoresis (PFGE).	Chickens reared for laying Minor poultry species (other than those used for laying)	—	5 × 10 ⁸	—	1. In the directions for use of the additive and premixture, indicate the storage conditions and stability to pelleting. 2. The use is permitted in feed containing the authorised coccidiostats: diclazuril, halo-fuginone hydrobromide, robenidine hydrochloride, deco-quinat, lasalocid A sodium, maduramicin ammonium or monensin sodium, on conditions that this coccidiostat is authorised for the relevant species. 3. For safety: it is recommended to use breathing protection and gloves during handling.	2 September 2023

⁽¹⁾ Details of the analytical methods are available at the following address of the Community Reference Laboratory: http://irmm.jrc.ec.europa.eu/EURLs/EURL_feed_additives/Pages/index.aspx

COMMISSION IMPLEMENTING REGULATION (EU) No 776/2013**of 12 August 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, 12 August 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)		
Code NC	Code des pays tiers ⁽¹⁾	Valeur forfaitaire à l'importation
0709 93 10	TR	134,1
	ZZ	134,1
0805 50 10	AR	94,5
	CL	114,8
	UY	108,7
	ZA	103,1
	ZZ	105,3
0806 10 10	EG	178,9
	MA	161,7
	MX	263,3
	TR	160,6
	ZZ	191,1
0808 10 80	AR	196,9
	BR	112,0
	CL	138,8
	CN	104,4
	NZ	143,9
	US	139,5
	ZA	115,0
0808 30 90	ZZ	135,8
	AR	178,8
	CL	174,6
	NZ	194,4
	TR	154,0
	ZA	129,1
	ZZ	166,2
0809 30	TR	149,0
	ZZ	149,0
0809 40 05	BA	64,6
	MK	61,9
	TR	83,7
	ZZ	70,1

⁽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'.

DECISIONS

COUNCIL DECISION

of 9 August 2013

extending the validity of Decision 2012/96/EU

(2013/428/EU)

THE COUNCIL OF THE EUROPEAN UNION,

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

Having regard to the Partnership Agreement between the members of the African, Caribbean and Pacific Group of States, of the one part, and the European Community and its Member States, of the other part, signed in Cotonou on 23 June 2000 ⁽¹⁾ (hereinafter the 'ACP-EC Partnership Agreement'), as last revised in Ouagadougou, Burkina Faso on 22 June 2010 ⁽²⁾, and in particular Article 96 thereof,

Having regard to the Internal Agreement between the representatives of the Governments of the Member States, meeting within the Council, on measures to be taken and procedures to be followed for the implementation of the ACP-EC Partnership Agreement ⁽³⁾, and in particular Article 3 thereof,

Having regard to the proposal from the Commission,

Whereas:

- (1) By Decision 2002/148/EC ⁽⁴⁾, consultations with the Republic of Zimbabwe under Article 96(2)(c) of the ACP-EC Partnership Agreement were concluded and appropriate measures limiting cooperation with Zimbabwe under Article 96 of the ACP-EC Partnership (hereinafter the 'appropriate measures'), as specified in the Annex to that Decision, were taken. Those measures have since been adapted and their period of application extended each year.
- (2) In order to demonstrate the Union's continued commitment to the political process under the Global Political Agreement, the Council, on 7 August 2012, decided, by means of Decision 2012/470/EU ⁽⁵⁾, to

extend the validity of Decision 2012/96/EU ⁽⁶⁾, and to suspend the application of the appropriate measures for a period of 12 months.

- (3) The Council should review those appropriate measures after the holding of peaceful, transparent, and credible elections in Zimbabwe in accordance with the Global Political Agreement. The validity of Decision 2012/96/EU should therefore be extended, while the suspension of the appropriate measures should be maintained.
- (4) The European Union can decide to review this Decision at any time,

HAS ADOPTED THIS DECISION:

Article 1

The validity of Decision 2012/96/EU and of its appropriate measures is hereby extended until 20 February 2014. The application of the appropriate measures shall remain suspended.

The appropriate measures shall be kept under constant review and shall be applied again if the situation in Zimbabwe is to seriously deteriorate.

Such measures shall in any event be reviewed six months after the entry into force of this Decision.

Article 2

This Decision shall enter into force on the date of its adoption. It shall be published in the *Official Journal of the European Union*.

Done at Brussels, 9 August 2013.

For the Council
The President
L. LINKEVIČIUS

⁽¹⁾ OJ L 317, 15.12.2000, p. 3.

⁽²⁾ OJ L 287, 4.11.2010, p. 3.

⁽³⁾ OJ L 317, 15.12.2000, p. 376.

⁽⁴⁾ Council Decision 2002/148/EC of 18 February 2002 concluding consultations with Zimbabwe under Article 96 of the ACP-EC Partnership Agreement (OJ L 50, 21.2.2002, p. 64).

⁽⁵⁾ Council Decision 2012/470/EU of 7 August 2012 extending the validity of Decision 2012/96/EU and suspending the application of the appropriate measures set out in Decision 2002/148/EC (OJ L 213, 10.8.2012, p. 13).

⁽⁶⁾ Council Decision 2012/96/EU of 17 February 2012 adapting and extending the period of application of the appropriate measures first established by Decision 2002/148/EC concluding consultations with Zimbabwe under Article 96 of the ACP-EC Partnership Agreement (OJ L 47, 18.2.2012, p. 47).

COMMISSION IMPLEMENTING DECISION

of 9 August 2013

amending Decision 2007/453/EC as regards the BSE status of Costa Rica, Israel, Italy, Japan, the Netherlands, Slovenia and the United States*(notified under document C(2013) 5160)***(Text with EEA relevance)**

(2013/429/EU)

THE EUROPEAN COMMISSION,

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

Having regard to Regulation (EC) No 999/2001 of the European Parliament and of the Council of 22 May 2001 laying down rules for the prevention, control and eradication of certain transmissible spongiform encephalopathies ⁽¹⁾, and in particular the third subparagraph of Article 5(2) thereof,

Whereas:

- (1) Regulation (EC) No 999/2001 provides that Member States, third countries or regions thereof ('countries or regions') are to be classified according to their bovine spongiform encephalopathy (BSE) status into one of three categories: negligible BSE risk, controlled BSE risk and undetermined BSE risk.
- (2) The Annex to Commission Decision 2007/453/EC ⁽²⁾ lists countries or regions according to their BSE status.
- (3) The World Organisation for Animal Health (OIE) plays a leading role in the categorisation of countries or regions according to their BSE risk. The list in the Annex to Decision 2007/453/EC takes account of Resolution No 16 — Recognition of the Bovine Spongiform Encephalopathy Risk Status of Members — adopted by the OIE in May 2012.
- (4) In May 2013, the OIE adopted Resolution No 20 — Recognition of the Bovine Spongiform Encephalopathy Risk Status of Member Countries. That Resolution

recognised Israel, Italy, Japan, the Netherlands, Slovenia and the United States as having a negligible BSE risk, and Costa Rica as having a controlled BSE risk. The list in the Annex to Decision 2007/453/EC should therefore be amended to be brought into line with that Resolution as regards those countries.

- (5) Decision 2007/453/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 the Food Chain and Animal Health,

HAS ADOPTED THIS DECISION:

Article 1

The Annex to Decision 2007/453/EC is replaced by the text in the Annex to this Decision.

Article 2

This Decision is addressed to the Member States.

Done at Brussels, 9 August 2013.

For the Commission

Tonio BORG

Member of the Commission

⁽¹⁾ OJ L 147, 31.5.2001, p. 1.

⁽²⁾ OJ L 172, 30.6.2007, p. 84.

ANNEX

‘ANNEX

LIST OF COUNTRIES OR REGIONS

A. Countries or regions with a negligible BSE risk*Member States*

- Belgium
- Denmark
- Italy
- Netherlands
- Austria
- Slovenia
- Finland
- Sweden

European Free Trade Association countries

- Iceland
- Norway

Third countries

- Argentina
- Australia
- Brazil
- Chile
- Colombia
- India
- Israel
- Japan
- New Zealand
- Panama
- Paraguay
- Peru
- Singapore
- United States
- Uruguay

B. Countries or regions with a controlled BSE risk*Member States*

- Bulgaria, Czech Republic, Germany, Estonia, Ireland, Greece, Spain, France, Croatia, Cyprus, Latvia, Lithuania, Luxembourg, Hungary, Malta, Poland, Portugal, Romania, Slovakia, United Kingdom

European Free Trade Association countries

- Liechtenstein
- Switzerland

Third countries

- Canada
- Costa Rica
- Mexico
- Nicaragua
- South Korea
- Taiwan

C. Countries or regions with an undetermined BSE risk

- Countries or regions not listed in point A or B.'
-

CORRIGENDA

Corrigendum to Commission Implementing Regulation (EU) No 768/2013 of 8 August 2013 amending Regulation (EC) No 917/2004 on detailed rules to implement Council Regulation (EC) No 797/2004 on measures improving general conditions for the production and marketing of apiculture products

(Official Journal of the European Union L 214 of 9 August 2013)

On the cover page and on page 7, the adoption date (title and signature) of the Regulation:

for: '8 August 2013',

read: '9 August 2013'.

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.

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