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I

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

REGULATIONS

COMMISSION REGULATION (EC) No 979/2008**of 7 October 2008****establishing the standard import values for determining the entry price of certain fruit and vegetables**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

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

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

Whereas:

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

HAS ADOPTED THIS REGULATION:

Article 1

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

Article 2

This Regulation shall enter into force on 8 October 2008.

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

Done at Brussels, 7 October 2008.

For the Commission

Jean-Luc DEMARTY

*Director-General for Agriculture and
Rural Development*

⁽¹⁾ OJ L 299, 16.11.2007, p. 1.

⁽²⁾ OJ L 350, 31.12.2007, p. 1.

ANNEX

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

(EUR/100 kg)

CN code	Third country code ⁽¹⁾	Standard import value
0702 00 00	MA	88,1
	MK	52,8
	TR	113,8
	ZZ	84,9
0707 00 05	JO	156,8
	MK	68,9
	TR	89,6
	ZZ	105,1
0709 90 70	TR	118,5
	ZZ	118,5
0805 50 10	AR	67,2
	BR	51,8
	TR	104,4
	UY	95,7
	ZA	88,9
	ZZ	81,6
0806 10 10	BR	221,5
	TR	97,0
	US	222,9
	ZZ	180,5
0808 10 80	AR	67,2
	BR	145,7
	CL	122,9
	CN	73,4
	CR	67,4
	MK	37,6
	NZ	106,5
	US	93,3
	ZA	95,0
	ZZ	89,9
0808 20 50	CL	45,1
	CN	43,2
	TR	140,8
	ZA	108,8
	ZZ	84,5

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

COMMISSION REGULATION (EC) No 980/2008**of 7 October 2008****amending the representative prices and additional import duties for certain products in the sugar sector fixed by Regulation (EC) No 945/2008 for the 2008/2009 marketing year**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

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

Having regard to Commission Regulation (EC) No 951/2006 of 30 June 2006 laying down detailed rules for the implementation of Council Regulation (EC) No 318/2006 as regards trade with third countries in the sugar sector ⁽²⁾, and in particular Article 36(2), second subparagraph, second sentence thereof,

Whereas:

- (1) The representative prices and additional duties applicable to imports of white sugar, raw sugar and certain syrups

for the 2008/2009 marketing year are fixed by Commission Regulation (EC) No 945/2008 ⁽³⁾. These prices and duties have been last amended by Commission Regulation (EC) No 978/2008 ⁽⁴⁾.

- (2) The data currently available to the Commission indicate that those amounts should be amended in accordance with the rules and procedures laid down in Regulation (EC) No 951/2006,

HAS ADOPTED THIS REGULATION:

Article 1

The representative prices and additional duties applicable to imports of the products referred to in Article 36 of Regulation (EC) No 951/2006, as fixed by Regulation (EC) No 945/2008 for the 2008/2009, marketing year, are hereby amended as set out in the Annex hereto.

Article 2

This Regulation shall enter into force on 8 October 2008.

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

Done at Brussels, 7 October 2008.

For the Commission

Jean-Luc DEMARTY

*Director-General for Agriculture and
Rural Development*

⁽¹⁾ OJ L 299, 16.11.2007, p. 1.

⁽²⁾ OJ L 178, 1.7.2006, p. 24.

⁽³⁾ OJ L 258, 26.9.2008, p. 56.

⁽⁴⁾ OJ L 266, 7.10.2008, p. 10.

ANNEX

Amended representative prices and additional import duties applicable to white sugar, raw sugar and products covered by CN code 1702 90 95 from 8 October 2008

(EUR)

CN code	Representative price per 100 kg net of the product concerned	Additional duty per 100 kg net of the product concerned
1701 11 10 ⁽¹⁾	24,54	4,03
1701 11 90 ⁽¹⁾	24,54	9,26
1701 12 10 ⁽¹⁾	24,54	3,84
1701 12 90 ⁽¹⁾	24,54	8,83
1701 91 00 ⁽²⁾	25,41	12,62
1701 99 10 ⁽²⁾	25,41	8,01
1701 99 90 ⁽²⁾	25,41	8,01
1702 90 95 ⁽³⁾	0,25	0,40

⁽¹⁾ For the standard quality defined in point III of Annex IV to Regulation (EC) No 1234/2007.⁽²⁾ For the standard quality defined in point II of Annex IV to Regulation (EC) No 1234/2007.⁽³⁾ Per 1 % sucrose content.

COMMISSION REGULATION (EC) No 981/2008**of 7 October 2008****amending Regulation (EC) No 423/2008 laying down certain detailed rules for implementing Council Regulation (EC) No 1493/1999 and establishing a Community code of oenological practices and processes**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 1493/1999 of 17 May 1999 on the common organisation of the market in wine ⁽¹⁾, and in particular Article 46(1) and (2) thereof,

Whereas:

- (1) Regulation (EC) No 1493/1999 was repealed by Council Regulation (EC) No 479/2008 of 29 April 2008 on the common organisation of the market in wine, amending Regulations (EC) No 1493/1999, (EC) No 1782/2003, (EC) No 1290/2005, (EC) No 3/2008 and repealing Regulations (EEC) No 2392/86 and (EC) No 1493/1999 ⁽²⁾. However, Chapter I of Title V of Regulation (EC) No 1493/1999 relating to oenological practices and processes, Article 70 thereof, and the corresponding provisions contained in particular in the Annexes to that Regulation continue to apply until 31 July 2009.
- (2) Point A(2) of Annex V to Regulation (EC) No 1493/1999 provides for derogations to the maximum total sulphur dioxide content for certain categories of wine with a residual sugar content of not less than five grams per litre.
- (3) Point B(3) of Annex V to Regulation (EC) No 1493/1999 provides for the possibility of derogating from the maximum total volatile acid content for certain categories of wine.
- (4) Commission Regulation (EC) No 423/2008 ⁽³⁾ lays down certain detailed rules for the application of Regulation (EC) No 1493/1999 relating in particular to the maximum total sulphur dioxide content and the maximum total volatile acid content of wine. In particular, Article 23(1) of that Regulation provides that the amendments to the lists of wines in point A(2) of

Annex V to Regulation (EC) No 1493/1999 are as set out in Annex XIV to Regulation (EC) No 423/2008, and Article 24 of that Regulation provides that the wines covered by exceptions regarding the maximum volatile acid content in accordance with point B(3) of Annex V to Regulation (EC) No 1493/1999 are as set out in Annex XVI to Regulation (EC) No 423/2008.

- (5) Certain white Portuguese quality wines psr 'Douro' accompanied by the term 'colheita tardia' have a residual sugar content of not less than 80 g/l and, for their preservation in good quality conditions, require a sulphur dioxide content above the general limit of 260 mg/l but less than 400 mg/l. Those wines should therefore be added to the list in point (b) of the first paragraph of Annex XIV to Regulation (EC) No 423/2008.
- (6) Certain Spanish quality wines psr with the designation of origin 'Rioja' or the designation of origin 'Málaga' and certain white Portuguese quality wines psr 'Douro', which are made using special methods and have a total alcoholic strength by volume greater than 13 % vol., normally have a volatile acid content above the limits laid down in point B(1) of Annex V to Regulation (EC) No 1493/1999 but less than 25, 35 or 40 milliequivalents per litre depending on the wine in question. Those wines should therefore be added to the list in Annex XVI to Regulation (EC) No 423/2008.
- (7) Article 44 of Regulation (EC) No 423/2008 lays down general rules for the experimental use of new oenological practices by Member States. The condition laid down in point (c) of paragraph 1 of that Article, which bans wine that has undergone experimental oenological practices authorised by a Member State from being sent outside that Member State, is causing difficulties for operators, in particular in evaluating the economic impact of the experimental practices. This restrictive condition should be abolished where the practice concerned has already been recommended and published by the International Organisation of Vine and Wine (OIV).
- (8) The possibility for wine that has undergone experimental oenological practices to move within the Community must be effectively controlled and requires the experimental practices used for it to be indicated on the accompanying document referred to in Article 70(1) and in the register referred to in Article 70(2) of Regulation (EC) No 1493/1999.

⁽¹⁾ OJ L 179, 14.7.1999, p. 1.⁽²⁾ OJ L 148, 6.6.2008, p. 1.⁽³⁾ OJ L 127, 15.5.2008, p. 13.

(9) Regulation (EC) No 423/2008 should be amended accordingly.

practice already recommended and published by the OIV, the products obtained may be marketed throughout the Community.’;

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

(b) the following point (e) is added:

HAS ADOPTED THIS REGULATION:

Article 1

Regulation (EC) No 423/2008 is hereby amended as follows:

‘(e) the practices or processes concerned shall be entered on the accompanying document referred to in Article 70(1) and in the register referred to in Article 70(2) of Regulation (EC) No 1493/1999.’

1. The first subparagraph of Article 44(1) is amended as follows:

2. Annexes XIV and XVI are amended in accordance with the Annex to this Regulation.

(a) the following sentence is added to point (c):

Article 2

‘However, where the oenological practice or process authorised for experimental purposes is an oenological

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

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

Done at Brussels, 7 October 2008.

For the Commission

Mariann FISCHER BOEL

Member of the Commission

ANNEX

The Annexes to Regulation (EC) No 423/2008 are amended as follows:

1. The following seventh indent is added to point (b) of Annex XIV:

‘— white quality wines psr entitled to bear the designation of origin “Douro” followed by the term “colheita tardia”;

2. Annex XVI is amended as follows:

(a) Points (i) and (ii) under point (f) are replaced by the following:

‘(i) 25 milliequivalents per litre for:

- quality wines psr meeting the requirements to be described as “vendimia tardía”,
- sweet white or rosé quality wines psr produced from overripe grapes entitled to bear the designation of origin “Rioja”;

(ii) 35 milliequivalents per litre for:

- the quality wines psr produced from overripe grapes entitled to bear the designation of origin “Ribeiro”,
- the quality liqueur wines psr described by the term “generoso” or “generoso de licor” and entitled to bear the designation of origin “Condado de Huelva”, “Jerez-Xerez-Sherry”, “Manzanilla-Sanlúcar de Barrameda”, “Málaga” or “Montilla-Moriles”,
- the sweet quality wines psr and quality liqueur wines psr entitled to bear the designation of origin “Málaga”;

(b) the following point (p) is added:

‘(p) *for Portuguese wines:*

30 milliequivalents per litre for white quality wines psr entitled to bear the designation of origin “Douro” followed by the term “colheita tardia”, where the total alcoholic strength by volume is not less than 16 % vol. and the residual sugar content is at least 80 g/l.’

DIRECTIVES

COUNCIL DIRECTIVE 2008/90/EC

of 29 September 2008

on the marketing of fruit plant propagating material and fruit plants intended for fruit production

(Recast version)

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community, and in particular Article 37 thereof,

Having regard to the proposal from the Commission,

Having regard to the opinion of the European Parliament ⁽¹⁾,

Whereas:

against the introduction into the Community of organisms harmful to plants or plant products and against their spread within the Community ⁽⁴⁾.

(1) Council Directive 92/34/EEC of 28 April 1992 on the marketing of fruit plant propagating material and fruit plants intended for fruit production ⁽²⁾ has been substantially amended several times ⁽³⁾. Since further amendments are to be made, it should be recast in the interests of clarity.

(2) Fruit production occupies an important place in the agriculture of the Community.

(3) Satisfactory results in the cultivation of fruit depend to a large extent on the quality and plant health of the material used for their propagation and of the fruit plants intended for fruit production.

(4) Harmonised conditions at Community level ensure that purchasers throughout the Community receive propagating material and fruit plants which are healthy and of good quality.

(5) In so far as they relate to plant health, such harmonised conditions must be consistent with Council Directive 2000/29/EC of 8 May 2000 on protective measures

(6) It is appropriate to establish Community rules for those genera and species of fruit plant which are of major economic importance in the Community, with a Community procedure for adding further genera and species later to the list of genera and species to which this Directive applies. The genera and species listed should be those which are widely grown in Member States and for whose propagating material and/or fruit plants there is a substantial market which covers more than one Member State.

(7) Without prejudice to the plant health provisions of Directive 2000/29/EC, it is not appropriate to apply the Community rules on the marketing of propagating material and fruit plants when it is shown that such products are intended for export to third countries, as the rules applicable there may be different from those contained in this Directive.

(8) In the interest of clarity the necessary definitions should be established. Those definitions should be based on technical and scientific progress and cover the term concerned in a complete and clear manner, in order to facilitate the harmonisation of the internal market taking into account all new opportunities of the market and all new processes used for the production of propagating material. Those definitions should be harmonised with those adopted for the marketing of other propagating material covered by Community legislation.

(9) It is desirable to establish plant health and quality standards for each genus and species of fruit plant based on international schemes which may include, *inter alia*, provisions for pathogen testing. It is appropriate to provide, therefore, for a system of harmonised rules for the different categories of propagating material and fruit plants to be marketed by reference to those international schemes, where available.

⁽¹⁾ Opinion delivered on 11 December 2007 (not yet published in the Official Journal).

⁽²⁾ OJ L 157, 10.6.1992, p. 10.

⁽³⁾ See Annex II, Part A.

⁽⁴⁾ OJ L 169, 10.7.2000, p. 1.

- (10) It is consistent with current agricultural practice to require that propagating material and fruit plants are either officially examined or examined under official supervision as foreseen for other species covered by Community legislation.
- (11) Genetically modified propagating material and fruit plants should not be placed on the market and fruit varieties should not be officially registered unless all the appropriate measures have been taken to avoid any risk to human health or the environment as referred to in Directive 2001/18/EC of the European Parliament and of the Council of 12 March 2001 on the deliberate release into the environment of genetically modified organisms⁽¹⁾ and Regulation (EC) No 1829/2003 of the European Parliament and of the Council of 22 September 2003 on genetically modified food and feed⁽²⁾.
- (12) It is desirable to ensure that genetic diversity is preserved and used in a sustainable way. Appropriate biodiversity conservation measures to guarantee the conservation of existing varieties should be taken in line with other relevant Community legislation.
- (13) It is appropriate to establish conditions for the marketing of material intended for trials, scientific purposes or selection work if this material cannot fulfil the normal plant health and quality standards due to the particular use.
- (14) In the first instance it is the responsibility of the suppliers of propagating material and/or fruit plants to ensure that their products fulfil the conditions laid down in this Directive. It is appropriate to define the role of the suppliers and the conditions to which they are to refer. Suppliers should be officially registered in order to create a transparent and economically valid process of certification of propagating material and fruit plants.
- (15) Suppliers marketing only to non-professional final consumers may be exempted from the obligation of registration.
- (16) It is in the interests of the purchasers of propagating materials and fruit plants that the names of varieties be known and that their identity be safeguarded to permit the traceability of the system and to increase the confidence on the market.
- (17) That objective can best be achieved either through common knowledge of the variety, in particular for old varieties, or through the availability of a description based on Community Plant Variety Office (CPVO) protocols or in their absence on other international or national rules.
- (18) In order to ensure the identity and orderly marketing of propagating material and fruit plants, Community rules should be laid down concerning the separation of lots and marking. The labels should give the particulars needed both for official control and for the information of the user.
- (19) The competent authorities of the Member States should, when carrying out controls and inspections, ensure that conditions with regard to propagating material or fruit plants and suppliers are fulfilled. The level, intensity and frequency of such inspections should be determined taking account of the category of material concerned.
- (20) Community control measures should be provided for to ensure uniform application in all the Member States of the standards laid down in this Directive.
- (21) Rules should be established permitting, in the case of temporary supply difficulties due to natural disasters, such as fire and gales or unforeseen circumstances, the marketing of propagating material and fruit plants subject to requirements less stringent than those contained in this Directive for a limited period and subject to specific conditions.
- (22) In accordance with the principle of proportionality, provision should be made to allow Member States to exempt small producers all of whose production and sales of propagating material and fruit plants is intended for final use by persons on the local market who are not professionally involved in plant production (local circulation) from the conditions on labelling and from the checks and official inspections.
- (23) Member States should be prohibited in the case of the genera and species referred to in Annex I from imposing new conditions or restrictions to the market other than those provided for in this Directive.

⁽¹⁾ OJ L 106, 17.4.2001, p. 1.

⁽²⁾ OJ L 268, 18.10.2003, p. 1.

- (24) Provision should be made for authorising the marketing, within the Community, of propagating material and fruit plants produced in third countries, provided always that they afford the same guarantees as propagating material and fruit plants produced in the Community and complying with Community rules.
- (25) In order to harmonise the technical methods of examination used in the Member States and to compare propagating material and fruit plants produced in the Community with those produced in third countries, comparative trials should be carried out to check compliance of such products with the requirements of this Directive.
- (26) In order to avoid any disruption of trade, Member States should be allowed to authorise the marketing in their own territory of certified and CAC (*Conformitas Agraria Communitatis*) material taken from parent plants in existence and already certified or accepted as CAC material at the date of application of this Directive for a transitional period even if that material does not fulfil the new conditions.
- (27) The measures necessary for the implementation of this Directive should be adopted in accordance with Council Decision 1999/468/EC of 28 June 1999 laying down the procedures for the exercise of implementing powers conferred on the Commission ⁽¹⁾.
- (28) This Directive should be without prejudice to the obligations of the Member States relating to the time limits for transposition into national law and application of the Directives set out in Annex II, Part B,

HAS ADOPTED THIS DIRECTIVE:

CHAPTER 1

SCOPE AND DEFINITIONS

Article 1

Scope

1. This Directive shall apply to the marketing of fruit plant propagating material and fruit plants intended for fruit production within the Community.
2. This Directive shall apply to the genera and species listed in Annex I as well as to their hybrids. It shall also apply to

rootstocks and other parts of plants of other genera or species than those listed in Annex I or their hybrids, if material of genera or species listed in Annex I or their hybrids is grafted or is to be grafted onto them.

3. This Directive shall apply without prejudice to the plant health rules laid down by Directive 2000/29/EC.

4. This Directive shall not apply to propagating material or fruit plants shown to be intended for export to third countries, provided they are identified as such and kept sufficiently isolated.

Implementing measures for the first subparagraph, with particular reference to identification and isolation, shall be adopted in accordance with the procedure referred to in Article 19(2).

Article 2

Definitions

For the purposes of this Directive, the following definitions shall apply:

1. 'propagating material' means seeds, parts of plants and all plant material, including rootstocks, intended for the propagation and production of fruit plants;
2. 'fruit plants' means plants intended to be planted or replanted, after marketing;
3. 'variety' means a plant grouping within a single botanical taxon of the lowest known rank, which can be:
 - (a) defined by the expression of the characteristics resulting from a given genotype or combination of genotypes;
 - (b) distinguished from any other plant grouping by the expression of at least one of the said characteristics; and
 - (c) considered as an entity in view of its ability to be propagated unchanged;
4. 'clone' means the vegetative genetically uniform progeny of a single plant;

⁽¹⁾ OJ L 184, 17.7.1999, p. 23.

5. 'pre-basic material' means propagating material which:

- (a) has been produced, according to generally accepted methods, for the maintenance of the identity of the variety including the relevant pomological characteristics and for the prevention of diseases;
- (b) is intended for the production of basic material or certified material other than fruit plants;
- (c) satisfies the specific requirements for pre-basic material established pursuant to Article 4; and
- (d) has been found by official inspection to satisfy the conditions in (a), (b) and (c);

6. 'basic material' means propagating material which:

- (a) has been produced either directly or in a known number of stages in a vegetative way from pre-basic material, according to generally accepted methods, for the maintenance of the identity of the variety including the relevant pomological characteristics and for the prevention of diseases;
- (b) is intended for the production of certified material;
- (c) satisfies the specific requirements for basic material, established pursuant to Article 4; and
- (d) has been found by official inspection to satisfy the conditions in (a), (b) and (c);

7. 'certified material' means:

- (a) propagating material which:
 - (i) has been produced directly in a vegetative way from basic material or pre-basic material or, if intended to be used for the production of rootstocks, by certified seeds from basic or certified material of rootstocks;
 - (ii) is intended for the production of fruit plants;
 - (iii) satisfies the specific requirements for certified material, established pursuant to Article 4; and
 - (iv) has been found by official inspection to satisfy the conditions in (i), (ii) and (iii);

(b) fruit plants which:

- (i) have been produced directly from certified, basic or pre-basic propagating material;
- (ii) are intended for the production of fruits;
- (iii) satisfy the specific requirements for certified material, established pursuant to Article 4; and
- (iv) have been found by official inspection to satisfy the conditions in (i), (ii) and (iii);

8. 'CAC (*Conformitas Agraria Communitatis*) material' means propagating material and fruit plants which:

- (a) have varietal identity and adequate varietal purity;
- (b) are intended for:
 - the production of propagating material,
 - the production of fruit plants, and/or
 - the production of fruits;
- (c) satisfy the specific requirements for CAC material established pursuant to Article 4;

9. 'supplier' means any natural or legal person carrying out professionally at least one of the following activities with regard to propagating material or fruit plants: reproducing, producing, preserving and/or treating, importing and marketing;

10. 'marketing' means the sale, holding with a view to sale, offer for sale, and any disposal, supply or transfer aimed at commercial exploitation of propagating material or fruit plants to third parties, whether or not for consideration;

11. 'responsible official body' means:

- (a) an authority, established or designated by the Member State under the supervision of the national government and responsible for questions concerning the quality of propagating material and fruit plants;

(b) any State authority established:

— either at national level, or

— at regional level, under the supervision of the national authorities, within the limits set by the national legislation of the Member State concerned;

12. 'official inspection' means inspection carried out by the responsible official body or under the responsibility of the responsible official body;

13. 'lot' means a number of units of a single commodity, identifiable by its homogeneity of composition and origin.

CHAPTER 2

REQUIREMENTS FOR PROPAGATING MATERIAL AND FRUIT PLANTS

Article 3

General requirements for placing on the market

1. Propagating material and fruit plants may only be marketed if:

(a) the propagating material has been officially certified as 'pre-basic material', 'basic material' or 'certified material' or if it meets the conditions to be qualified as CAC material;

(b) the fruit plants have been officially certified as certified material or they meet the conditions to be qualified as CAC material.

2. Propagating material and fruit plants which consist of a genetically modified organism within the meaning of points 1 and 2 of Article 2 of Directive 2001/18/EC shall be placed on the market only if the genetically modified organism has been authorised pursuant to that Directive or pursuant to Regulation (EC) No 1829/2003.

3. Where products derived from fruit plants or propagating material are intended to be used as or in food falling within the scope of Article 3 or as or in a feed falling within the scope of Article 15 of Regulation (EC) No 1829/2003, the propagating material and fruit plants concerned shall be placed on the

market only if the food or the feed derived from this material has been authorised pursuant to that Regulation.

4. Notwithstanding paragraph 1, Member States may authorise suppliers on their own territory to place on the market appropriate quantities of propagating material and fruit plants intended:

(a) for trials or scientific purposes;

(b) for selection work; or

(c) to help preserve genetic diversity.

The conditions under which Member States may grant such authorisation may be adopted in accordance with the procedure referred to in Article 19(2).

Article 4

Specific requirements for genus and species

In accordance with the procedure referred to in Article 19(3), specific requirements for each genus or species referred to in Annex I shall be established, specifying:

(a) the conditions with which CAC material must comply, in particular those relating to the propagation system applied, to the purity of the growing crop, plant health, and, except in the case of rootstocks, where the material does not belong to a variety, to varietal aspects;

(b) the conditions with which pre-basic, basic and certified material must comply, relating to quality (including, for pre-basic and basic material, methods for the maintenance of the identity of the variety and, where applicable, of the clone, including the relevant pomological characteristics), plant health, the testing methods and procedures applied, the propagation system(s) applied and, except in the case of rootstocks where the material does not belong to a variety, to varietal aspects;

(c) the conditions with which rootstocks and other parts of plants of genera or species other than those listed in Annex I, or their hybrids, must comply if propagating material of the genus or species listed in Annex I or their hybrids is grafted onto them.

CHAPTER 3

REQUIREMENTS TO BE MET BY SUPPLIERS*Article 5***Registration**

1. Member States shall ensure that suppliers are officially registered in relation to the activities which they carry out under this Directive.

2. Member States may decide not to apply paragraph 1 to suppliers marketing only to non-professional final consumers.

3. Detailed rules for the application of paragraphs 1 and 2 may be established in accordance with the procedure referred to in Article 19(2).

*Article 6***Specific requirements**

1. Member States shall ensure that pre-basic, basic, certified material as well as CAC material is produced under the responsibility of suppliers that are engaged in the production or reproduction of propagating material and fruit plants. To this effect, those suppliers shall:

- identify and monitor critical points in their production process which influence the quality of the material,
- keep information on the monitoring referred to in the first indent available for examination when requested by the responsible official body,
- take samples where necessary for analysis in a laboratory, and
- ensure that, during production, lots of propagating material remain separately identifiable.

2. Member States shall ensure that in the case of the appearance, on the premises of a supplier, of a harmful organism listed in the Annexes to Directive 2000/29/EC or referred to in the specific requirements established pursuant to Article 4 of this Directive at a level higher than the level allowed in these specific requirements, the supplier reports it to the responsible official body without delays, notwithstanding any reporting obligations under Directive 2000/29/EC and carries out any measures imposed by that body.

3. Member States shall ensure that suppliers shall keep records of their sales or purchases for at least 3 years when propagating material or fruit plants are marketed.

The first subparagraph shall not apply to suppliers who are exempted from registration in accordance with Article 5(2).

4. Detailed rules for the application of paragraph 1 may be established in accordance with the procedure referred to in Article 19(2).

CHAPTER 4

VARIETY IDENTIFICATION AND LABELLING*Article 7***Variety identification**

1. Propagating material and fruit plants shall be marketed with a reference to the variety to which they belong. Where, in the case of rootstocks, the material does not belong to a variety, reference shall be made to the species or interspecific hybrid concerned.

2. The varieties to which reference is to be made pursuant to paragraph 1 shall be:

- (a) legally protected by a plant variety right in accordance with provisions on the protection of new varieties;
- (b) officially registered pursuant to paragraph 4 of this Article; or
- (c) commonly known; a variety is considered to be commonly known if:
 - (i) it has been officially registered in another Member State;
 - (ii) it is the subject of an application for official registration in any Member State, or of an application for a plant variety right referred to in point (a); or
 - (iii) it has been already marketed before 30 September 2012 in the territory of the Member State concerned or of another Member State, provided that it has an officially recognised description.

A reference pursuant to paragraph 1 may also be made to a variety of no intrinsic value for commercial crop production provided that the variety has an officially recognised description and the propagating material and fruit plants are marketed as CAC material in the territory of the Member State concerned and are identified by a reference to this provision on the label and/or document.

3. As far as possible, each variety shall bear the same denomination in all the Member States, in accordance with implementing measures which may be adopted in accordance with the procedure referred to in Article 19(2) or, in their absence, in accordance with accepted international guidelines.

4. Varieties may be officially registered if they have been found to satisfy certain officially approved conditions and have an official description. They may also be officially registered if their material has been already marketed before 30 September 2012 in the territory of the Member State concerned, provided that they have an officially recognised description.

A genetically modified variety may be officially registered only if the genetically modified organism of which it consists has been authorised pursuant to Directive 2001/18/EC or pursuant to Regulation (EC) No 1829/2003.

Where products derived from fruit plants or propagating material are intended to be used as or in food falling within the scope of Article 3 or as or in a feed falling within the scope of Article 15 of Regulation (EC) No 1829/2003, the variety concerned shall be officially registered only if the food or feed derived from this material has been authorised pursuant to that Regulation.

5. Requirements for the official registration referred to in paragraph 4 shall be established in accordance with the procedure referred to in Article 19(2), taking into account current scientific and technical knowledge and covering:

- (a) the conditions of official registration, which may include, in particular, distinctness, stability and sufficient uniformity;
- (b) the characteristics which as a minimum the examinations of the various species must cover;
- (c) the minimum requirements for carrying out the examinations;
- (d) the maximum period of validity of the official registration of a variety.

6. In accordance with the procedure referred to in Article 19(2):

- a system for the notification of varieties or species or inter-specific hybrids to the responsible official bodies of the Member States may be set up,
- it may be decided that a common list of varieties may be established and published.

Article 8

Lot composition and identification

1. While growing and during lifting or removal from the parent material, propagating material and fruit plants shall be kept in separate lots.

2. If propagating material and fruit plants of different origins are put together or mixed during packaging, storage, transport or at delivery, the supplier shall keep records including the following data: composition of the lot and origin of its individual components.

Article 9

Labelling

1. Propagating material and fruit plants shall be marketed only in sufficiently homogeneous lots and if they are:

- (a) qualified as CAC material and accompanied by a document made out by the supplier in accordance with the specific requirements established pursuant to Article 4. If an official declaration appears on this document, it shall be clearly separate from all other information in the document; or
- (b) qualified as pre-basic, basic or certified material, and certified as such by the responsible official body in accordance with the specific requirements established pursuant to Article 4.

Requirements in respect of propagating material and/or fruit plants with regard to labelling and/or sealing and packaging may be indicated in implementing measures adopted in accordance with the procedure referred to in Article 19(3).

2. In the case of retail supply of propagating material or fruit plants to a non-professional final consumer, requirements regarding labelling referred to in paragraph 1 may be confined to appropriate product information.

3. In the case of propagating material or a fruit plant of a variety which has been genetically modified, any label and document, official or otherwise, which is affixed to or accompanies the material under this Directive shall clearly indicate that the variety has been genetically modified and shall identify the genetically modified organisms.

CHAPTER 5

EXEMPTIONS

Article 10

Local circulation

1. Member States may exempt:

- (a) from the application of Article 9(1), small producers all of whose production and sales of propagating material and fruit plants is intended for final use by persons on the local market who are not professionally involved in plant production (local circulation);
- (b) from the checks and official inspections provided for in Article 13, the local circulation of propagating materials and fruit plants produced by such exempt persons.

2. In accordance with the procedure referred to in Article 19(2), implementing measures relating to other requirements concerning the exemptions referred to in paragraph 1 of this Article, in particular as regards the concepts of 'small producers' and 'local market', and to the related procedures, may be adopted.

Article 11

Temporary difficulties in supply

In the event of temporary difficulties in the supply of propagating material and fruit plants satisfying the requirements of this Directive due to natural disasters or unforeseen circumstances, measures may be adopted, in accordance with the procedure referred to in Article 19(2), concerning the marketing of propagating material and fruit plants meeting less stringent requirements.

CHAPTER 6

PROPAGATING MATERIAL AND FRUIT PLANTS PRODUCED IN THIRD COUNTRIES

Article 12

1. In accordance with the procedure referred to in Article 19(2), it shall be decided whether propagating material and fruit plants produced in a third country and affording the same guarantees as regards obligations on the supplier, identity, characteristics, plant health, growing medium, packaging, inspection arrangements, marking and sealing, are equivalent

in all these respects to propagating material and fruit plants produced in the Community and complying with the requirements and conditions of this Directive.

2. Pending the decision referred to in paragraph 1, Member States may, until 31 December 2010, and without prejudice to the provisions of Directive 2000/29/EC, apply to the import of propagating material and fruit plants from third countries conditions at least equivalent to those indicated, on a temporary or permanent basis, in the specific requirements adopted pursuant to Article 4. If such conditions are not laid down in the specific requirements the conditions for importation must be at least equivalent to those applicable to production in the Member State concerned.

In accordance with the procedure referred to in Article 19(2), the date referred to in the first subparagraph of this paragraph may, for the various third countries, be extended pending the decision referred to in paragraph 1 of this Article.

Propagating material and fruit plants imported by a Member State in accordance with a decision taken by that Member State pursuant to the first subparagraph shall be subject to no marketing restrictions in the other Member States as regards the matters referred to in paragraph 1.

CHAPTER 7

CONTROL MEASURES

Article 13

Official inspection

1. Member States shall ensure that propagating material and fruit plants are officially inspected during production and marketing to verify compliance with the requirements and conditions set out in this Directive. To this effect, the responsible official body shall have free access to all parts of premises of suppliers at all reasonable times.

2. The responsible official bodies may, in accordance with their national legislation, delegate the tasks provided for in this Directive to be accomplished under their authority and supervision to any legal person, whether governed by public or private law, which, under its officially approved statute, is charged exclusively with specific public functions, provided that such person, and its members, has no personal interest in the outcome of the measures it takes.

In accordance with the procedure referred to in Article 19(2), any other legal persons established on behalf of a responsible official body and acting under the authority and the supervision of such body, may be approved, provided that such person has no personal interest in the outcome of the measures it takes.

Member States shall notify the Commission of their responsible official bodies. The Commission shall forward that information to the other Member States.

3. Detailed rules for the application of paragraph 1 shall be adopted in accordance with the procedure referred to in Article 19(2). These rules shall be proportionate to the category of material concerned.

Article 14

Community monitoring

1. Trials, or, where appropriate, tests shall be carried out in the Member States on samples to check that propagating material or fruit plants comply with the requirements and conditions of this Directive, including those relating to plant health. The Commission may organise inspections of the trials by representatives of the Member States and of the Commission.

2. Community comparative tests and trials may be carried out within the Community for the post-control of samples of propagating material or fruit plants placed on the market under the provisions of this Directive whether mandatory or discretionary, including those relating to plant health. The comparative tests and trials may include the following:

- propagating material or fruit plants produced in third countries,
- propagating material or fruit plants suitable for organic farming,
- propagating material or fruit plants marketed in relation to measures for the conservation of genetic diversity.

3. The comparative tests and trials referred to in paragraph 2 shall be used to harmonise the technical methods of examination of propagating material and fruit plants and to check satisfaction of the conditions with which the material must comply.

4. The Commission, acting in accordance with the procedure referred to in Article 19(2), shall make the necessary arrangements for the comparative tests and trials to be carried out. The Commission shall inform the Committee referred to in Article 19(2) about the technical arrangements for holding the tests and trials and the results thereof. When plant health problems occur, the Commission shall notify the Standing Committee on Plant Health.

5. The Community may make a financial contribution to the performance of the tests and trials foreseen in paragraphs 2 and 3.

The financial contribution shall not exceed the annual appropriations decided by the budgetary authority.

6. The tests and trials which may benefit from a Community financial contribution, and detailed rules for the provision of the financial contribution, shall be established in accordance with the procedure referred to in Article 19(2).

7. The tests and trials foreseen in paragraphs 2 and 3 may be performed only by State authorities or legal persons acting under the responsibility of the State.

Article 15

Community checks in Member States

1. Commission experts may, in cooperation with the responsible official bodies of the Member States, make on-the-spot checks in so far as this is necessary to ensure the uniform application of this Directive, and in particular to verify whether suppliers are in effect complying with the requirements of this Directive. A Member State in whose territory a check is being carried out shall give all necessary assistance to the experts in carrying out their duties. The Commission shall inform the Member States of the result of the investigations.

2. Detailed rules for the application of paragraph 1 shall be adopted in accordance with the procedure referred to in Article 19(2).

Article 16

Follow-up actions by Member States

1. Member States shall ensure that propagating material and fruit plants produced in their territory and intended for marketing comply with the requirements of this Directive.

2. If, during the official inspection referred to in Article 13, or the trials referred to in Article 14, it is found that propagating material or fruit plants do not meet the requirements of this Directive, the responsible official body of the Member State shall take appropriate action to ensure that they do comply with the provisions of this Directive or, if that is not possible, to ban the marketing of that propagating material or those fruit plants in the Community.

3. If it is found that propagating material or fruit plants marketed by a particular supplier do not comply with the requirements and conditions of this Directive, the Member State concerned shall ensure that appropriate measures are taken against that supplier. If the supplier is forbidden to market propagating material and fruit plants, the Member State shall accordingly inform the Commission and the competent national bodies in the Member States.

4. Any measures taken under paragraph 3 shall be withdrawn as soon as it has been established with sufficient certainty that the propagating material or fruit plants intended for marketing by the supplier will, in the future, comply with the requirements and conditions of this Directive.

CHAPTER 8

GENERAL AND FINAL PROVISIONS

Article 17

Free movement clause

1. Propagating material and fruit plants which comply with the requirements and conditions of this Directive shall be subject to no marketing restrictions as regards supplier, plant health, growing medium and inspection arrangements, other than those laid down in this Directive.

2. As regards the propagating material and fruit plants of the genera and species referred to in Annex I, Member States shall refrain from imposing more stringent conditions or marketing restrictions other than those laid down in this Directive or in the specific requirements established pursuant to Article 4 or those existing on 28 April 1992, as the case may be.

Article 18

Amendments and adaptation of Annexes

The Commission may, in accordance with the procedure referred to in Article 19(3), amend Annex I, for the purpose of adapting it to developments in scientific and technical knowledge.

Article 19

Committee

1. The Commission shall be assisted by the Standing Committee on Propagating Material and Plants of Fruit Genera and Species, hereinafter referred to as 'the Committee'.

2. Where reference is made to this paragraph, Articles 4 and 7 of Decision 1999/468/EC shall apply.

The period laid down in Article 4(3) of Decision 1999/468/EC shall be set at one month.

3. Where reference is made to this paragraph, Articles 5 and 7 of Decision 1999/468/EC shall apply.

The period laid down in Article 5(6) of Decision 1999/468/EC shall be set at three months.

4. The Committee shall adopt its Rules of Procedure.

Article 20

Transposition

1. Member States shall adopt and publish, by 31 March 2010 at the latest, the laws, regulations and administrative provisions necessary to comply with Articles 1(2) and (3), 2, 3, 5, 6, 7(2), (3) and (4), 9(3), 12(2), 13(1), 16, and 21. They shall forthwith communicate to the Commission the text of those provisions and a correlation table between those provisions and this Directive.

They shall apply those provisions from 30 September 2012.

2. When Member States adopt those provisions, they shall contain a reference to this Directive or be accompanied by such a reference on the occasion of their official publication. They shall also include a statement that references in existing laws, regulations and administrative provisions to the Directive repealed by this Directive shall be construed as references to this Directive. Member States shall determine how such reference is to be made and how that statement is to be formulated.

3. Member States shall communicate to the Commission the text of the main provisions of national law which they adopt in the field covered by this Directive.

Article 21

Transitional measures

Member States may, until 31 December 2018, allow the marketing in their own territory of propagating material and fruit plants taken from parent plants that existed before 30 September 2012 and have been officially certified or meet the conditions to be qualified as CAC material before 31 December 2018. When marketed, such propagating material and fruit plants shall be identified by a reference to this Article on the label and/or document. Beyond 31 December 2018 propagating material and fruit plants may be marketed if the requirements of this Directive are fulfilled.

*Article 22***Repeal**

1. Directive 92/34/EEC, as amended by the acts listed in Annex II, Part A, is repealed with effect from 30 September 2012, without prejudice to the obligations of the Member States relating to the time limits for transposition into national law and application of the Directives set out in Annex II, Part B.
2. References to the repealed Directive shall be construed as references to this Directive and shall be read in accordance with the correlation table in Annex III.

*Article 23***Entry into force**

This Directive shall enter into force on the 20th day following its publication in the *Official Journal of the European Union*.

Article 24

This Directive is addressed to the Member States.

Done at Brussels, 29 September 2008.

For the Council
The President
M. BARNIER

ANNEX I

List of genera and species to which this Directive applies

Castanea sativa Mill.

Citrus L.

Corylus avellana L.

Cydonia oblonga Mill.

Ficus carica L.

Fortunella Swingle

Fragaria L.

Juglans regia L.

Malus Mill.

Olea europaea L.

Pistacia vera L.

Poncirus Raf.

Prunus amygdalus Batsch

Prunus armeniaca L.

Prunus avium (L.) L.

Prunus cerasus L.

Prunus domestica L.

Prunus persica (L.) Batsch

Prunus salicina Lindley

Pyrus L.

Ribes L.

Rubus L.

Vaccinium L.

ANNEX II

PART A

Repealed Directive with its successive amendments

(referred to in Article 22)

Council Directive 92/34/EEC (OJ L 157, 10.6.1992, p. 10).	
Commission Decision 93/401/EEC (OJ L 177, 21.7.1993, p. 28).	
Commission Decision 94/150/EC (OJ L 66, 10.3.1994, p. 31).	
Commission Decision 95/26/EC (OJ L 36, 16.2.1995, p. 36).	
Commission Decision 97/110/EC (OJ L 39, 8.2.1997, p. 22).	
Commission Decision 1999/30/EC (OJ L 8, 14.1.1999, p. 30).	
Commission Decision 2002/112/EC (OJ L 41, 13.2.2002, p. 44).	
Council Regulation (EC) No 806/2003 (OJ L 122, 16.5.2003, p. 1).	Only point 7 of Annex II and point 28 of Annex III
Council Directive 2003/61/EC (OJ L 165, 3.7.2003, p. 23).	Only Article 1(5)
Commission Directive 2003/111/EC (OJ L 311, 27.11.2003, p. 12).	
Commission Decision 2005/54/EC (OJ L 22, 26.1.2005, p. 16).	
Commission Decision 2007/776/EC (OJ L 312, 30.11.2007, p. 48)	

PART B

List of time limits for transposition into national law and application

(referred to in Article 22)

Directive	Time limit for transposition	Date of application
92/34/EEC	31 December 1992	31 December 1992 ⁽¹⁾
2003/61/EC	10 October 2003	
2003/111/EC	31 October 2004	

⁽¹⁾ As far as Articles 5 to 11, 14, 15, 17, 19 and 24 are concerned, the date of application for each genus or species referred to in Annex II shall be fixed in accordance with the procedure provided for in Article 21, when the schedule referred to in Article 4 is drawn up (see Article 26(2) of Directive 92/34/EEC).

ANNEX III

Correlation table

Directive 92/34/EEC	This Directive
Articles 1(1)	Articles 1(1)
Article 1(2)	—
Article 1(3)	Article 18 amended
—	Article 1(2)(3)
Article 2	Article 1(4)
Article 3 (a), (b)	Article 2(1), (2)
—	Article 2(3), (4)
Article 3 (c) – (f)	Article 2(5) – 2 (8) amended
Article 3 (g) – (h)	—
Article 3 (i) – (j)	Article 2(9) – (10) amended
Article 3 (k) (i and ii)	Article 2(11)
Article 3 (k) partim.	Article 13(2) amended
Article 3 (l) (m)	Article 2(12), (13)
Article 3 (n)	—
Article 3 (o)	Article 2(14)
Article 3 (p)	—
Article 4(1)	Article 4 amended
Article 4(2)	—
Article 5	—
—	Article 5
Article 6	—
—	Article 6
Article 7	Article 15
Articles 8(1) (2)	Article 3(1)(a), (b) amended
—	Article 3(2)
—	Article 3(3)
Article 8(3)	Article 3(4) amended
Article 9(1)	Article 7(1)
—	Article 7(2)
Article 9(2)(i), (ii)	Article 7(3)(a), (b) amended
Article 9(2) final provision	Article 7(4) amended
Article 9(3)	Article 7(5)
Article 9(4)	—
Article 9(5)	Article 7(6)
Article 9(6)	Article 7(7)
Articles 10(1) (2)	Articles 8(1) (2) amended
Article 10(3)	—
Article 11	Article 9 amended
Article 12	Article 10
Article 13	Article 11 amended

Directive 92/34/EEC	This Directive
Article 14	Article 17(1)
Article 15	Article 17(2) amended
Article 16	Article 12
Article 17	Article 13(1) amended
Article 18	Article 13(3) amended
Article 19(1)	Article 16(2)
Article 19(2)	Article 16(3)
Article 19(3)	Article 16(4)
Article 20	Article 14
Article 21(1) (2)	Article 19(1) (2)
Article 21(3)	Article 19(4)
Article 22(1) (2)	Article 19(1) (3)
Article 23	—
Article 24(1)	Article 16(1)
Article 24(2)	—
Article 25	—
Article 26	Article 20
—	Article 21
—	Article 22
—	Article 23
Article 27	Article 24
Annex I	—
Annex II	Annex I
—	Annexes II and III

II

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

DECISIONS

COUNCIL

COUNCIL DECISION

of 22 July 2008

on the signing and provisional application of a Protocol to the Partnership and Cooperation Agreement between the European Communities and their Member States, of the one part, and the Republic of Kazakhstan, of the other part, to take account of the accession of the Republic of Bulgaria and Romania to the European Union

(2008/777/EC)

THE COUNCIL OF THE EUROPEAN UNION,

Republic of Kazakhstan, of the other part, to take account of the accession of the Republic of Bulgaria and Romania to the European Union.

Having regard to the Treaty establishing the European Community, and in particular Article 44(2), the third sentence of Article 47(2), and Articles 55, 57(2), 71, 80(2), 93, 94, 133 and 181a, in conjunction with the second sentence of the first subparagraph of Article 300(2) thereof,

(2) Subject to its possible conclusion at a later date, the Protocol should be signed on behalf of the European Communities and their Member States.

Having regard to the Treaty of Accession of the Republic of Bulgaria and Romania, and in particular Article 4(3) thereof,

(3) The Protocol should be applied on a provisional basis from 1 January 2007, pending completion of the relevant procedures for its formal conclusion,

Having regard to the Act of Accession of the Republic of Bulgaria and Romania, and in particular Article 6(2) thereof,

HAS DECIDED AS FOLLOWS:

Having regard to the proposal from the Commission,

Article 1

Whereas:

(1) On 23 October 2006, the Council authorised the Commission, on behalf of the Community and its Member States, to negotiate with the Republic of Kazakhstan a Protocol to the Partnership and Cooperation Agreement between the European Communities and their Member States, of the one part, and the

The President of the Council is hereby authorised to designate the person(s) empowered to sign, on behalf of the European Communities and their Member States, the Protocol to the Partnership and Cooperation Agreement between the European Communities and their Member States, of the one part, and the Republic of Kazakhstan, of the other part, to take account of the accession of the Republic of Bulgaria and Romania to the European Union, subject to possible conclusion at a later stage.

The text of the Protocol is attached to this Decision.

Article 2

Pending its entry into force, the Protocol shall be applied on a provisional basis from 1 January 2007.

Done at Brussels, 22 July 2008.

For the Council
The President
B. KOUCHNER

PROTOCOL

to the Partnership and Cooperation Agreement between the European Communities and their Member States, of the one part, and the Republic of Kazakhstan, of the other part, to take account of the accession of the Republic of Bulgaria and Romania to the European Union

THE KINGDOM OF BELGIUM,

THE REPUBLIC OF BULGARIA,

THE CZECH REPUBLIC,

THE KINGDOM OF DENMARK,

THE FEDERAL REPUBLIC OF GERMANY,

THE REPUBLIC OF ESTONIA,

THE HELLENIC REPUBLIC,

THE KINGDOM OF SPAIN,

THE FRENCH REPUBLIC,

IRELAND,

THE ITALIAN REPUBLIC,

THE REPUBLIC OF CYPRUS,

THE REPUBLIC OF LATVIA,

THE REPUBLIC OF LITHUANIA,

THE GRAND DUCHY OF LUXEMBOURG,

THE REPUBLIC OF HUNGARY,

THE REPUBLIC OF MALTA,

THE KINGDOM OF THE NETHERLANDS,

THE REPUBLIC OF AUSTRIA,

THE REPUBLIC OF POLAND,

THE PORTUGUESE REPUBLIC,

ROMANIA,

THE REPUBLIC OF SLOVENIA,

THE SLOVAK REPUBLIC,

THE REPUBLIC OF FINLAND,

THE KINGDOM OF SWEDEN,

THE UNITED KINGDOM OF GREAT BRITAIN AND NORTHERN IRELAND,

hereinafter referred to as the 'Member States', represented by the Council of the European Union, and

THE EUROPEAN COMMUNITY AND THE EUROPEAN ATOMIC ENERGY COMMUNITY,

hereinafter referred to as 'the Communities', represented by the Council of the European Union and the European Commission,

of the one part, and

THE REPUBLIC OF KAZAKHSTAN,

of the other part,

hereinafter referred to as 'Parties' for the purposes of this Protocol,

HAVING REGARD TO the provisions of the Treaty between the Kingdom of Belgium, the Czech Republic, the Kingdom of Denmark, the Federal Republic of Germany, the Republic of Estonia, the Hellenic Republic, the Kingdom of Spain, the French Republic, Ireland, the Italian Republic, the Republic of Cyprus, the Republic of Latvia, the Republic of Lithuania, the Grand Duchy of Luxembourg, the Republic of Hungary, the Republic of Malta, the Kingdom of the Netherlands, the Republic of Austria, the Republic of Poland, the Portuguese Republic, the Republic of Slovenia, the Slovak Republic, the Republic of Finland, the Kingdom of Sweden and the United Kingdom of Great Britain and Northern Ireland (Member States of the European Union) and the Republic of Bulgaria and Romania concerning the accession of the Republic of Bulgaria and Romania to the European Union, which was signed in Luxembourg on 25 April 2005 and is applied from 1 January 2007,

CONSIDERING the new situation in relations between the Republic of Kazakhstan and the European Union arising from the accession to the EU of two new Member States, which opens opportunities and brings about challenges for the cooperation between the Republic of Kazakhstan and the European Union,

TAKING INTO ACCOUNT the desire of the Parties to ensure the attainment and implementation of the objectives and principles of the PCA,

HAVE AGREED AS FOLLOWS:

Article 1

The Republic of Bulgaria and Romania shall be Parties to the Partnership and Cooperation Agreement, establishing a partnership between the European Communities and their Member States, of the one part, and the Republic of Kazakhstan, of the other part, signed in Brussels on 23 January 1995 and entered into force on 1 July 1999 (hereinafter the Agreement) and shall respectively adopt and take note, in the same manner, as the other Member States, of the texts of the Agreement, as well as of the Joint Declarations, Exchanges of Letters, and Declaration by the Republic of Kazakhstan annexed to the Final Act signed on the same date and the Protocol to the Agreement of 30 April 2004, which entered into force on 1 June 2006.

Article 2

This Protocol shall form an integral part of the Agreement.

Article 3

1. This Protocol shall be approved by the Communities, by the Council of the European Union on behalf of the Member States and by the Republic of Kazakhstan in accordance with their own procedures.

2. The Parties shall notify each other of the completion of the corresponding procedures referred to in the preceding paragraph. The instruments of approval shall be deposited with the General Secretariat of the Council of the European Union.

Article 4

1. This Protocol shall enter into force on the first day of the first month following the date of the deposit of the last instrument of approval.

2. Pending the date of its entry into force, this Protocol shall apply provisionally with effect from 1 January 2007.

Article 5

1. The texts of the Agreement, the Final Act and all documents annexed to it, as well as the Protocol to the Agreement of 30 April 2004, are drawn up in the Bulgarian and Romanian languages.

2. They are annexed to this Protocol and are equally authentic with the texts in the other languages in which the Agreement, the Final Act and the documents annexed to it, as well as the Protocol to the Agreement of 30 April 2004, are drawn up.

Article 6

This Protocol is drawn up in duplicate in the Bulgarian, Czech, Danish, Dutch, English, Estonian, Finnish, French, German, Greek, Hungarian, Italian, Latvian, Lithuanian, Maltese, Polish, Portuguese, Romanian, Slovene, Slovak, Spanish, Swedish and Kazakh languages, each of these texts being equally authentic.

Съставено в Брюксел на шестнадесети септември две хиляди и осма година.

Hecho en Bruselas, el dieciseis de septiembre de dos mil ocho.

V Bruselu dne šestnáctého září dva tisíce osm.

Udfærdiget i Bruxelles den sekstende september to tusind og otte.

Geschehen zu Brüssel am sechzehnten September zweitausendacht.

Kahe tuhande kaheksanda aasta septembrikuu kuueteistkümnendal päeval Brüsselis.

Έγινε στις Βρυξέλλες, στις δέκα έξι Σεπτεμβρίου δύο χιλιάδες οκτώ.

Done at Brussels on the sixteenth day of September in the year two thousand and eight.

Fait à Bruxelles, le seize septembre deux mille huit.

Fatto a Bruxelles, addì sedici settembre duemilaotto.

Briselē, divtūkstoš astotā gada sešpadsmitajā septembrī.

Priimta du tūkstančiai aštuntų metų rugsėjo šešioliktą dieną Briuselyje.

Kelt Brüsszelben, a kétezer-nyolcadik év szeptember havának tizenhatodik napján.

Magħmul fi Brussell, fis-sittax-il jum ta' Settembru tas-sena elfejn u tmienja.

Gedaan te Brussel, de zestiende september tweeduizend acht.

Sporządzono w Brukseli dnia szesnastego września roku dwa tysiące ósmego.

Feito em Bruxelas, em dezasseis de Setembro de dois mil e oito.

Întocmit la Bruxelles, la şaisprezece septembrie două mii opt.

V Bruseli šestnásteho septembra dvetisícosem.

V Bruslju, dne šestnajstega septembra leta dva tisoč osem.

Tehty Brysselissä kuudentenatoista päivänä syyskuuta vuonna kaksituhattakahdeksan.

Som skedde i Bryssel den sextonde september tjugohundraåtta.

2008 жылдың 16 қыркүйегінде Брюссель қаласында қол қойылды.

Совершено в городе Брюсселе шестнадцатого сентября две тысячи и восьмого года.

За държавите-членки
Por los Estados miembros
Za členské státy
For medlemsstaterne
Für die Mitgliedstaaten
Liikmesriikide nimel
Για τα κράτη μέλη
For the Member States
Pour les États membres
Per gli Stati membri
Dalīvalstu vārdā
Valstybių narių vardu
A tagállamok részéről
Ghall-Istati Membri
Voor de lidstaten
W imieniu Państw Członkowskich
Pelos Estados-Membros
Pentru statele membre
Za členské štáty
Za države članice
Jäsenvaltioiden puolesta
På medlemsstaternas vägnar
Мүше мемлекеттер үшін
За государства-члены



За Европейската общност
Por las Comunidades Europeas
Za Evropská společnost
For De Europæiske Fællesskaber
Für die Europäischen Gemeinschaften
Euroopa ühenduste nimel
Για τις Ευρωπαϊκές Κοινότητες
For the European Communities
Pour les Communautés européennes
Per le Comunità europee
Eiropas Kopienų vārdā
Europos Bendrijų vardu
Az Európai Közösségek részéről
Ghall-Komunitajiet Ewropej
Voor de Europese Gemeenschappen
W imieniu Wspólnot Europejskich
Pelas Comunidades Europeias
Pentru Comunitatea Europeană
Za Európske spoločenstvá
Za Evropske skupnosti
Euroopan yhteisöjen puolesta
På Europeiska gemenskapernas vägnar
Еуропалық қоғамдастықтар үшін
За Европейские Сообщества



За Република Казахстан
Por la República de Kazajstán
Za Kazašskou republiku
For Republikken Kasachstan
Für die Republik Kasachstan
Kasahstani Vabariigi nimel
Για τη Δημοκρατία του Καζακστάν
For the Republic of Kazakhstan
Pour la République du Kazakhstan
Per la Repubblica del Kazakistan
Kazahstānas Republikas vārdā
Kazachstano Respublikos vardu
A Kazah Köztársaság részéről
Ghar-Repubblika tal-Każakstan
Voor de Republiek Kazachstan
W imieniu Republiki Kazachstanu
Pela República do Cazaquistão
Pentru Republica Kazahstan
Za Kazašskú republiku
Za Republiko Kazahstan
Kazakstanin tasavallan puolesta
På Republiken Kazakstans vägnar
Қазақстан Республикасы үшін
За Република Казахстан



COUNCIL DECISION**of 2 October 2008****appointing an Austrian member and alternate member of the Committee of the Regions**

(2008/778/EC)

THE COUNCIL OF THE EUROPEAN UNION,

HAS DECIDED AS FOLLOWS:

Article 1

Having regard to the Treaty establishing the European Community, and in particular Article 263 thereof,

The following are hereby appointed to the Committee of the Regions for the remainder of the current term of office, which runs until 25 January 2010:

Having regard to the proposal of the Austrian Government,

(a) as a member:

Dr Herwig VAN STAA, Präsident des Tiroler Landtages.

Whereas:

(b) as an alternate member:

Mr Günther PLATTER, Landeshauptmann, Tirol.

- (1) On 24 January 2006, the Council adopted Decision 2006/116/EC appointing the members and alternate members of the Committee of the Regions for the period from 26 January 2006 to 25 January 2010 ⁽¹⁾.

Article 2

This Decision shall take effect on the day of its adoption.

Done at Luxembourg, 2 October 2008.

- (2) A member's seat on the Committee of the Regions has become vacant following the expiry of the mandate of Dr Herwig VAN STAA. An alternate members' seat has become vacant following the expiry of the mandate of Ms Elisabeth ZANON,

For the Council
The President
X. BERTRAND

⁽¹⁾ OJ L 56, 25.2.2006, p. 75.

COUNCIL DECISION
of 6 October 2008
appointing a new member of the Commission of the European Communities
(2008/779/EC, Euratom)

THE COUNCIL OF THE EUROPEAN UNION,

HAS ADOPTED THIS DECISION:

Article 1

Having regard to the Treaty establishing the European Community, and in particular the second paragraph of Article 215 thereof,

Baroness Catherine Margaret ASHTON OF UPHOLLAND is hereby appointed a member of the Commission for the period from 6 October 2008 to 31 October 2009.

Article 2

Having regard to the Treaty establishing the European Atomic Energy Community, and in particular the second paragraph of Article 128 thereof,

This Decision shall take effect on 6 October 2008.

Article 3

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

Whereas:

Done at Brussels, 6 October 2008.

In a letter dated 3 October 2008, Mr Peter MANDELSON resigned from his post as a member of the Commission. He should be replaced for the remainder of his term of office,

For the Council
The President
C. LAGARDE

CORRIGENDA

Corrigendum to Commission Regulation (EC) No 971/2008 of 3 October 2008 concerning a new use of a coccidiostat as additive in feedingsuffs

(Official Journal of the European Union L 265 of 4 October 2008)

On page 5, the Annex is replaced as follows:

‘ANNEX

Regis- tration number of additive	Name and regis- tration number of person responsible for putting additive into circulation	Additive (Trade name)	Composition, chemical formula, description	Species or category of animal	Maximum age	Maximum content		Other provisions	End of period of authorisation	Maximum Residue Limits (MRLs) in the relevant foodstuffs of animal origin
						Minimum content	Maximum content mg of active substance/kg of complete feedingstuff			
Coccidiostats and other medicinal substances										
E 771	Janssen Pharmaceutica nv	Diclazuril 0,5 g/100 g (Clinacox 0,5 % Premix)	Additive composition: Diclazuril: 0,5 g/100 g Soybean meal: 99,25 g/100 g Polyvidone K 30: 0,2 g/100 g Sodium hydroxide: 0,0538 g/100 g Active substance: Diclazuril C ₁₇ H ₉ Cl ₃ N ₄ O ₂ , (±)-4-chlorophenyl[2,6-dichloro-4- (2,3,4,5-tetrahydro-3,5-dioxo- 1,2,4-triazin-2-yl) phenyl]acetoneitrile, CAS number: 101831-37-2 Related impurities: Degradation compound (R064318): < 0,2 % Other related impurities (R066891, R066896, R068610, R070156, R068584, R070016): < 0,5 % individually Total impurities: < 1,5 %	Rabbits	—	1	1	Use prohibited at least one day before slaughter.	24 October 2018	2 500 µg diclazuril/kg of wet liver 1 000 µg diclazuril/kg of wet kidney 150 µg diclazuril/kg of wet muscle 300 µg diclazuril/kg of wet fat'

NOTE TO THE READER

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

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