ISSN 1725-2555

L 266

Official Journal of the European Union

Volume 51 Legislation 7 October 2008 English edition Contents Ι Acts adopted under the EC Treaty/Euratom Treaty whose publication is obligatory REGULATIONS Commission Regulation (EC) No 975/2008 of 6 October 2008 establishing the standard import values for determining the entry price of certain fruit and vegetables 1 Commission Regulation (EC) No 976/2008 of 6 October 2008 amending Regulations (EC) No 2430/1999, (EC) No 418/2001 and (EC) No 162/2003 as regards the terms of the authorisation of the feed additive 'Clinacox', belonging to the group of coccidiostats and other medicinal substances (1) 3 Commission Regulation (EC) No 977/2008 of 3 October 2008 concerning the classification of certain goods in the TARIC 8 Commission Regulation (EC) No 978/2008 of 6 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 10

(1) Text with EEA relevance

(Continued overleaf)

EN

1

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.

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

DECISIONS

Council

2008/774/EC, Euratom:

2008/775/EC, Euratom:

Commission

2008/776/EC:

Note to the reader (see page 3 of the cover)



Ι

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

REGULATIONS

COMMISSION REGULATION (EC) No 975/2008

of 6 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 7 October 2008.

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

Done at Brussels, 6 October 2008.

For the Commission Jean-Luc DEMARTY Director-General for Agriculture and Rural Development

^{(&}lt;sup>1</sup>) OJ L 299, 16.11.2007, p. 1.

⁽²⁾ OJ L 350, 31.12.2007, p. 1.

CN code	Third country code (1)	Standard import value
0702 00 00	МА	91,4
0,01000	MK	61,0
	TR	98,5
	ZZ	83,6
0707 00 05	JO	156,8
0/0/0000	MK	68,9
	TR	89,6
	ZZ	105,1
0709 90 70	TR	108,9
	ZZ	108,9
0805 50 10	AR	78,9
	BR	51,8
	TR	83,7
	UY	95,7
	ZA	83,0
	ZZ	78,6
0806 10 10	BR	243,2
	TR	63,3
	US	226,7
	ZZ	177,7
0808 10 80	AR	67,2
0000 10 00	BR	145,7
	CL	55,9
	CN	73,4
	CR	67,4
	МК	37,6
	NZ	106,0
	US	92,6
	ZA	92,0
	ZZ	81,8
0808 20 50	CL	45,1
	CN	61,5
	TR	143,9
	ZA	108,3
	ZZ	89,7

ANNEX

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

(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 976/2008

of 6 October 2008

amending Regulations (EC) No 2430/1999, (EC) No 418/2001 and (EC) No 162/2003 as regards the terms of the authorisation of the feed additive 'Clinacox', belonging to the group of coccidiostats and other medicinal substances

(Text with EEA relevance)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

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 13(3) thereof,

Whereas:

- (1)The additive diclazuril (Clinacox 0,5 % Premix), belonging to the group of coccidiostats and other medicinal substances, was authorised under certain conditions in accordance with Council Directive 70/524/EEC (2). Commission Regulations (EC) No 2430/1999 (3), (EC) No 418/2001 (4) and (EC) No 162/2003 (5) authorised that additive for 10 years for use for chickens for fattening, turkeys for fattening and chickens reared for laying respectively, linking the authorisation to the person responsible for putting that additive into circulation. That additive was notified as an existing product in accordance with Article 10 of Regulation (EC) No 1831/2003. Since all the information required under that provision was submitted, that additive was entered into the Community Register of Feed Additives.
- (2) Regulation (EC) No 1831/2003 provides for the possibility of modifying the authorisation of an additive further to a request from the holder of the authorisation and an opinion of the European Food Safety Authority (the Authority). The holder of the authorisation of the additive diclazuril (Clinacox 0,5 % Premix) has submitted an application with which it proposes changing the conditions of the authorisation by introducing a maximum residue limit (MRL) as evaluated by the Authority. At the same time it provided the necessary data to support that request.
- (1) OJ L 268, 18.10.2003, p. 29.
- ⁽²⁾ OJ L 270, 14.12.1970, p. 1.
- (³) OJ L 296, 17.11.1999, p. 3.
- (⁴) OJ L 62, 2.3.2001, p. 3.
- ⁽⁵⁾ OJ L 26, 31.1.2003, p. 3.

- (3) In its opinion adopted on 16 April 2008 (⁶), the Authority concluded that no MRLs are required for chickens and turkeys for fattening. However, in case MRLs were considered necessary, it suggested values. Because it is possible that the chickens reared for laying enter in the food chain, not separately from the other chickens, it is necessary to consider the possibility to provide MRLs also for that animal category. It also considered that applying a withdrawal period of zero days would not compromise consumer safety.
- (4) To ensure a high level of safety for the consumers and to improve the controls of the correct use of diclazuril, it is appropriate to establish MRLs as proposed by the Authority. Because there are no relevant physiological differences between the chickens for fattening and chickens reared for laying it is appropriate to establish the same MRLs also for the latter category.
- (5) Commission Regulations (EC) No 2430/1999, (EC) No 418/2001 and (EC) No 162/2003 should therefore be amended accordingly.
- (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

In Annex I to Regulation (EC) No 2430/1999 the line for E 771 is replaced by the text in Annex I to this Regulation.

Article 2

Annex III to Regulation (EC) No 418/2001 is replaced by the text in Annex II to this Regulation.

⁽⁶⁾ Updated Scientific Opinion of the Panel on Additives and Products or Substances used in Animal Feed (FEEDAP) on a request from the European Commission on the Maximum Residue Limits for Clinacox 0,5 % (diclazuril) for turkeys for fattening, chickens for fattening and chickens reared for laying. The EFSA Journal (2008) 696, 1-12.

Article 3

The Annex to Regulation (EC) No 162/2003 is replaced by the text in Annex III to this Regulation.

Article 4

This Regulation shall enter into force on the 20th 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, 6 October 2008.

For the Commission Androulla VASSILIOU Member of the Commission

Maximum Residue Limits (MRLs) in the relevant foodstuffs of animal origin		 500 µg diclazuril/kg of wet liver 1000 µg diclazuril/kg of wet kidney 500 µg diclazuril/kg of wet muscle 500 µg diclazuril/kg of wet skin/fat'
End of period of authorisation		30.9.2009
Other provisions		1
Minimum Maximum content content mg of active substance/ kg of complete	0	
Minimum content mg of activ kg of c		
Maximum age		1
Species or category of animal		Chickens for fattening
Composition, chemical formula, description		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 Soybean meal: 39,7 g/100 g Polyvidone K 30: 0,08 g/100 g Sodium hydroxide: 0,0215 g/100 g Wheat middling: 60 g/100 g Active substance: Diclazuril $C_{17}H_9Cl_3N_4O_2$, $(\pm).4-chlorophenyl[2,6-dichloro.4-triazin-2-yl)phenyl]acetonitrile,CAS number: 101831-37-2Related impurities:c_{0,2}%Other related impurities (R066891,R066896, R068610, R070156,R068584, R070016): \leq 0,5 % indivi-duallyTotal impurities: \leq 1,5 %$
Additive (trade name)	icinal substances	Diclazuril 0,5 g/100 g (Clinacox 0,5 % Premix) Diclazuril 0,2 g/100 g (Clinacox 0,2 % Premix)
Name and regis- tration number of person responsible for putting additive into circulation	Coccidiostats and other medicinal substances	Janssen Pharma- ceutica nv
Registration number of additive	Coccidiosta	.E 771

ANNEX I

7.10.2008

Maximum Residue Limits (MRLs) in	the relevant foodstuffs of animal origin		 1 500 µg diclazuril/kg of wet liver 1 000 µg diclazuril/kg of wet kidney 500 µg diclazuril/kg of wet muscle 500 µg diclazuril/kg of wet skin/fat'
End of	period of authorisation		28.2.2011
Other	d		
Maximum content	mg of active substance/ kg of complete feedingstuff		-
Minimum content	mg of activ kg of 4 feedii		
mimiveM	age		12 weeks
Species or	category of animal		Turkeys for fattening
	Composition, chemical formula, description		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 Diclazuril: 0,2 g/100 g Polyvidone K 30: 0,08 g/100 g Sodium hydroxide: 0,0215 g/100 g Wheat middling: 60 g/100 g Wheat middling: 60 g/100 g Active substance: Diclazuril C ₁₇ H ₉ Cl ₃ N ₄ O ₂ , (\pm) -4-chlorophenyl[2,6-dichloro-4- (2,3,4,5-tetrahydro-3,5-dioxo-1,2,4- triazin-2-yl)phenyl]acetonitrile, CAS number: 101831-37-2 Related impurities: Degradation compound (R064318): \leq 0,2 % Other related impurities (R066891, R066896, R068610, R070156, R066894, R070016): \leq 0,5 % indivi- dually Total impurities: \leq 1,5 %
A dditive	trade name)	icinal substances	Diclazuril 0,5 g/100 g (Clinacox 0,5 % Premix) Diclazuril 0,2 g/100 g (Clinacox 0,2 % Premix)
Name and regis- tration number of	person responsible for putting additive into circulation	Coccidiostats and other medicinal substances	Janssen Pharma- ceutica nv
Registration	number of additive	Coccidiosta	E 771

III XENNE,

End of period Maximum Residue Limits (MRLs) in of the relevant foodstuffs of animal authorisation		1 500 µg diclazuril/kg of wet liver 1 000 µg diclazuril/kg of wet 500 µg diclazuril/kg of wet skin/fať
End of period of authorisation		20.1.2013
Other provisions		
Minimum Maximum content content mg of active substance/ kg of complete feedingstuff		-
Minimum content mg of activ kg of c		
Maximum age		16 weeks
Species or category of animal		Chickens reared for laying
Composition, chemical formula, description		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 Diclazuril: 0,2 g/100 g Soybean meal: 39,7 g/100 g Polyvidone K 30: 0,08 g/100 g Sodium hydroxide: 0,0215 g/100 g Wheat middling: 60 g/100 g Active substance: Diclazuril $C_{17}H_9Cl_3N_4O_2$, $(\pm)-4-chlorophenyl[2,6-dichloro-4-(2,3,4,5-tetrahydro-3,5-dioxo-1,2,4-triazin-2-yl)phenyl]acetonitrile,CAS number: 101831-37-2Related impurities:Degradation compound (R064318):\leq 0,2 %Other related impurities (R066891,R066896, R068610, R070156,R066894, R070016): \leq 0,5 % indivi-duallyTotal impurities: \leq 1,5 %$
Additive (trade name)	icinal substances	Diclazuril 0,5 g/100 g (Clinacox 0,5 % Premix) Diclazuril 0,2 g/100 g (Clinacox 0,2 % Premix)
Name and regis- tration number of person responsible for putting additive into circulation	Coccidiostats and other medicinal substances	Janssen Pharma- ceutica nv
Registration number of additive	Coccidiosta	E 771

,ANNEX

ANNEX III

7.10.2008

COMMISSION REGULATION (EC) No 977/2008

of 3 October 2008

concerning the classification of certain goods in the TARIC

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 2658/87 of 23 July 1987 on the tariff and statistical nomenclature and on the Common Customs Tariff (¹), and in particular Article 9(1)(a) thereof,

Whereas:

- (1) In order to ensure uniform application of the TARIC referred to in Article 2 of Regulation (EEC) No 2658/87, it is necessary to adopt measures concerning the classification of the goods referred to in the Annex to this Regulation.
- (2) Regulation (EEC) No 2658/87 has laid down the general rules for the interpretation of the Combined Nomenclature. Those rules apply also to any other nomenclature which is wholly or partly based on it or which adds any additional subdivision to it and which is established by specific Community provisions, with a view to the application of tariff and other measures relating to trade in goods.
- (3) Pursuant to those general rules, the goods described in column 1 of the table set out in the Annex should be classified under the TARIC codes indicated in column 2, by virtue of the reasons set out in column 3 of that table.

- (4) It is appropriate to provide that binding tariff information which has been issued by the customs authorities of Member States in respect of the classification of goods in the TARIC but which is not in accordance with this Regulation can, for a period of three months, continue to be invoked by the holder, under Article 12(6) of Council Regulation (EEC) No 2913/92 of 12 October 1992 establishing the Community Customs Code (²).
- (5) The measures provided for in this Regulation are in accordance with the opinion of the Customs Code Committee,

HAS ADOPTED THIS REGULATION:

Article 1

The goods described in column 1 of the table set out in the Annex shall be classified within the TARIC under the TARIC codes indicated in column 2 of that table.

Article 2

Binding tariff information issued by the customs authorities of Member States, which is not in accordance with this Regulation, can continue to be invoked for a period of three months under Article 12(6) of Regulation (EEC) No 2913/92.

Article 3

This Regulation shall enter into force on the 20th 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, 3 October 2008.

For the Commission László KOVÁCS Member of the Commission

ANNEX

Description of the goods	Classification (TARIC code)	Reasons
(1)	(2)	(3)
1. Poly(ethylene terephthalate) (PET) film, of a thickness not exceeding 0,35 mm, with a metallised surface, not consigned from Brazil or Israel.	3920 62 19 94	Classification is determined by General Rules 1 and 6 for interpreting the Combined Nomenclature, Note 10 to Chapter 39 of the CN and the wording of CN codes 3920, 3920 62 and 3920 62 19 and TARIC code 3920 62 19 94.
		The surface metallisation is to be considered as a surface treatment which does not reinforce the film. The goods are therefore to be classified in heading 3920 (see the Harmonised System Explanatory Notes to heading 3920, fourth paragraph).
		The film does not have the characteristics of goods classified under subheadings 3920 62 11 00 to 3920 62 19 88.
		The film is to be classified in subheading 3920 62 19 94 because the wording 'poly(ethylene terephthalate) (PET) film' of subheading 3920 62 19 94 covers PET film of a thickness not exceeding 0,35 mm which cannot be classified under the TARIC codes 3920 62 11 00 to 3920 62 19 88.
2. Poly(ethylene terephthalate) (PET) film, of a thickness exceeding 0,35 mm, with a metallised surface, not consigned from Brazil or Israel.	3920 62 90 94	Classification is determined by General Rules 1 and 6 for interpreting the Combined Nomenclature, Note 10 to Chapter 39 of the CN and the wording of CN codes 3920, 3920 62 and 3920 62 90 and TARIC code 3920 62 90 94.
		The surface metallisation is to be considered as a surface treatment which does not reinforce the film. The goods are therefore to be classified in heading 3920 (see the Harmonised System Explanatory Notes to heading 3920, fourth paragraph).
		The film does not have the characteristics of goods classified under subheadings 3920 62 90 20 to 3920 62 90 40.
		The film is to be classified in subheading 3920 62 90 94 because the wording 'poly(ethylene terephthalate) (PET) film' of subheadings 3920 62 90 94 covers PET film of a thickness exceeding 0,35 mm which cannot be classified under the TARIC codes 3920 62 90 20 to 3920 62 90 40.

COMMISSION REGULATION (EC) No 978/2008

of 6 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 969/2008 (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 7 October 2008.

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

Done at Brussels, 6 October 2008.

For the Commission Jean-Luc DEMARTY Director-General for Agriculture and Rural Development

^{(&}lt;sup>1</sup>) OJ L 299, 16.11.2007, p. 1.

⁽²⁾ OJ L 178, 1.7.2006, p. 24.

^{(&}lt;sup>3</sup>) OJ L 258, 26.9.2008, p. 56. (⁴) OJ L 264, 3.10.2008, p. 5.

⁽⁾ OJ L 204, 5.10.2008, p. 5.

ANNEX

Amended representative prices and additional import duties applicable to white sugar, raw sugar and products covered by CN code 1702 90 95 from 7 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)	26,72	11,87
1701 99 10 (2)	26,72	7,35
1701 99 90 (2)	26,72	7,35
1702 90 95 (³)	0,27	0,38

(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.

Π

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

DECISIONS

COUNCIL

COUNCIL DECISION

of 2 October 2008

appointing a Luxembourg member of the European Economic and Social Committee

(2008/774/EC, Euratom)

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community, and in particular Article 259 thereof,

Having regard to the Treaty establishing the European Atomic Energy Community, and in particular Article 167 thereof,

Having regard to Decision 2006/524/EC, Euratom (1),

Having regard to the proposal submitted by the Luxembourg Government,

Having obtained the opinion of the Commission,

Whereas a member's seat on the European Economic and Social Committee has fallen vacant following the resignation of Mr Paul JUNCK, HAS DECIDED AS FOLLOWS:

Article 1

Mr Patrick SEYLER, General Manager, ArcelorMittal, is hereby appointed a member of the European Economic and Social Committee for the remainder of the term of office, which ends on 20 September 2010.

Article 2

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

Done at Luxembourg, 2 October 2008.

For the Council The President X. BERTRAND

COUNCIL DECISION

of 2 October 2008

appointing a Bulgarian member of the European Economic and Social Committee

(2008/775/EC, Euratom)

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 259 thereof,

Having regard to the Treaty establishing the European Atomic Energy Community, and in particular Article 167 thereof,

Having regard to Decision 2007/3/EC, Euratom (¹),

Having regard to the proposal of the Bulgarian Government,

Having regard to the opinion of the Commission,

Whereas a member's seat on the European Economic and Social Committee has become vacant following the resignation of Ms Andriana SUKOVA-TOSHEVA, Ms Lena ROUSSENOVA, Chief Economist and Programme Director, Confederation of Employers and Industrialists in Bulgaria, is hereby appointed a member of the European Economic and Social Committee for the remainder of the current term of office, which runs until 20 September 2010.

Article 2

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

Done at Luxembourg, 2 October 2008.

For the Council The President X. BERTRAND

COMMISSION

COMMISSION DECISION

of 6 October 2008

amending Decision 2007/365/EC on emergency measures to prevent the introduction into and the spread within the Community of Rhynchophorus ferrugineus (Olivier)

(notified under document number C(2008) 5550)

(2008/776/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Directive 2000/29/EC of 8 May 2000 on protective measures against the introduction into the Community of organisms harmful to plants or plant products and against their spread within the Community (¹), and in particular the fourth sentence of Article 16(3) thereof,

Whereas:

- (1) Commission Decision 2007/365/EC (²) requires Member States to adopt measures to protect themselves against the introduction and spread of *Rhynchophorus ferrugineus* (Olivier) (the specified organism). In addition, Member States are to conduct official annual surveys for the presence of the specified organism or evidence of infection by the specified organism on plants of specific Palmae species in their territory.
- (2) The official annual surveys carried out in 2007 by the Member States show that the specified organism also infected plants of Palmae species which are not defined as susceptible plants in Decision 2007/365/EC. It is appropriate that the emergency measures provided for in Decision 2007/365/EC apply also to those plants.
- (3) The results of the emergency measures laid down in Decision 2007/365/EC were assessed by the Standing Committee on Plant Health in April 2008. It was concluded that the list of susceptible plants should be updated.

- (4) Decision 2007/365/EC should therefore be amended accordingly.
- (5) The measures provided for in this Decision are in accordance with the opinion of the Standing Committee on Plant Health,

HAS ADOPTED THIS DECISION:

Article 1

In Article 1 of Decision 2007/365/EC, point (b) is replaced by the following:

(b) "susceptible plants" means plants, other than fruit and seeds, having a diameter of the stem at the base of over 5 cm of Areca catechu, Arenga pinnata, Borassus flabellifer, Brahea armata, Butia capitata, Calamus merillii, Caryota maxima, Caryota cumingii, Chamaerops humilis, Cocos nucifera, Corypha gebanga, Corypha elata, Elaeis guineensis, Livistona australis, Livistona decipiens, Metroxylon sagu, Oreodoxa regia, Phoenix canariensis, Phoenix dactylifera, Phoenix theophrasti, Phoenix sylvestris, Sabal umbraculifera, Trachycarpus fortunei and Washingtonia spp.;'.

Article 2

This Decision is addressed to the Member States.

Done at Brussels, 6 October 2008.

For the Commission Androulla VASSILIOU Member of the Commission

^{(&}lt;sup>1</sup>) OJ L 169, 10.7.2000, p. 1.

⁽²⁾ OJ L 139, 31.5.2007, p. 24.

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.