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Price: EUR 3

(Continued overleaf)

⁽¹⁾ Text with EEA relevance

EN

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

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II

(Non-legislative acts)

REGULATIONS

COMMISSION REGULATION (EU) No 326/2010**of 21 April 2010****amending Regulation (EEC) No 3846/87 establishing an agricultural product nomenclature for export refunds**

THE EUROPEAN COMMISSION,

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

Having regard to Council Regulation (EC) No 1234/2007 of 22 October 2007 establishing a common organisation of agricultural markets and on specific provisions for certain agricultural products (Single CMO Regulation) ⁽¹⁾, and in particular Article 170 thereof,

Whereas:

(1) Commission Regulation (EEC) No 3846/87 ⁽²⁾ establishes an agricultural product nomenclature for export refunds on the basis of the Combined Nomenclature.

(2) The refund nomenclature provides for cheeses to be eligible for an export refund if they meet minimum requirements as regards milk dry matter and milk fat. A particular type of cheese produced in some new Member States meets those necessary requirements but does not benefit from a refund since it is not covered by the present classification system of the export refund nomenclature. Given the importance of the particular cheese for the dairy industry, it is appropriate to add the product codes enabling that cheese to be classified under the export refund nomenclature.

(3) Commission Regulation (EC) No 1187/2009 of 27 November 2009 laying down special detailed rules

for the application of Council Regulation (EC) No 1234/2007 as regards export licences and export refunds for milk and milk products ⁽³⁾ has repealed Regulation (EC) No 1282/2006 of 17 August 2006 laying down special detailed rules for the application of Council Regulation (EC) No 1255/1999 as regards export licences and export refunds for milk and milk products ⁽⁴⁾. The references made in footnotes 4 and 14 of Sector 9 of Annex I to Regulation (EEC) No 3846/87 should therefore be updated.

(4) Regulation (EEC) No 3846/87 should therefore be amended accordingly.

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

HAS ADOPTED THIS REGULATION:

Article 1

Annex I to Regulation (EEC) No 3846/87 is amended in accordance with the Annex to this Regulation.

*Article 2*This Regulation shall enter into force on the third day following that of its publication in the *Official Journal of the European Union*.

⁽¹⁾ OJ L 299, 16.11.2007, p. 1.

⁽²⁾ OJ L 366, 24.12.1987, p. 1.

⁽³⁾ OJ L 318, 4.12.2009, p. 1.

⁽⁴⁾ OJ L 234, 29.8.2006, p. 4.

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

Done at Brussels, 21 April 2010.

For the Commission
The President
José Manuel BARROSO

ANNEX

Sector 9 of Annex I to Regulation (EEC) No 3846/87 is amended as follows:

1. The following entry is inserted after the entry for CN code 'ex 0406 90 27':

'ex 0406 90 29	— — — Kashkaval:			
	— — — — manufactured from sheep's and/ or goat's milk	42	50	0406 90 29 9100
	— — — — manufactured exclusively from cow's milk	44	45	0406 90 29 9300'

2. In point (b) of footnotes 4 and 14, the first sentence is replaced by the following:

'a component calculated in accordance with Article 14(3) of Commission Regulation (EC) No 1187/2009 (OJ L 318, 4.12.2009, p. 1).'

COMMISSION REGULATION (EU) No 327/2010

of 21 April 2010

concerning the authorisation of a new use of 3-phytase as a feed additive for all minor avian species, other than ducks, and for ornamental birds (holder of authorisation BASF SE)

(Text with EEA relevance)

THE EUROPEAN COMMISSION,

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

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

Whereas:

- (1) Regulation (EC) No 1831/2003 provides for the authorisation of additives for use in animal nutrition and for the grounds and procedures for granting such authorisation.
- (2) In accordance with Article 7 of Regulation (EC) No 1831/2003, an application was submitted for the authorisation of the preparation set out in the Annex to this Regulation. The application was accompanied by the particulars and documents required under Article 7(3) of Regulation (EC) No 1831/2003
- (3) The application concerns the authorisation of a new use of 3-phytase, an enzyme preparation produced by *Aspergillus niger* (CBS 101.672), as a feed additive for minor avian species and for ornamental birds, to be classified in the additive category 'zootechnical additives'.
- (4) The use of that preparation was authorised for weaned piglets, pigs for fattening and chickens for fattening by Commission Regulation (EC) No 243/2007 ⁽²⁾, for laying hens and turkeys for fattening by Commission Regulation (EC) No 1142/2007 ⁽³⁾, for ducks by Commission Regulation (EC) No 165/2008 ⁽⁴⁾ and for sows by Commission Regulation (EC) No 505/2008 ⁽⁵⁾.

(5) New data were submitted in support of the application for authorisation for minor avian species and for ornamental birds. The European Food Safety Authority (the Authority) concluded in its opinion of 9 December 2009 ⁽⁶⁾ that 3-phytase does not have an adverse effect on animal health, human health or the environment, and that it is efficacious in improving digestibility of feed. The Authority does not consider that there is a need for specific requirements of post-market monitoring. It also verified the report on the method of analysis of the feed additive in feed submitted by the Community Reference Laboratory set up by Regulation (EC) No 1831/2003.

(6) The assessment of 3-phytase shows that the conditions for authorisation, as provided for in Article 5 of Regulation (EC) No 1831/2003, are satisfied. Accordingly, the use of that preparation should be authorised, as specified in the Annex to this Regulation.

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

HAS ADOPTED THIS REGULATION:

Article 1

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

Article 2

This Regulation shall enter into force on the 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, 21 April 2010.

For the Commission
The President

José Manuel BARROSO

⁽¹⁾ OJ L 268, 18.10.2003, p. 29.

⁽²⁾ OJ L 73, 13.3.2007, p. 4.

⁽³⁾ OJ L 256, 2.10.2007, p. 20.

⁽⁴⁾ OJ L 50, 23.2.2008, p. 8.

⁽⁵⁾ OJ L 149, 7.6.2008, p. 33.

⁽⁶⁾ *The EFSA Journal* 2010; 8(1):1427.

ANNEX

Identification number of the additive	Name of the holder of authorisation	Additive	Composition, chemical formula, description, analytical method	Species or category of animal	Maximum age	Minimum content	Maximum content	Other provisions	End of period of authorisation
						Units of activity/kg of complete feedingstuff with a moisture content of 12 %			
Category of zootechnical additives. Functional group: digestibility enhancers									
4a1600	BASF SE	3-phytase	Additive composition 3-phytase (EC 3.1.3.8) produced by <i>Aspergillus niger</i> (CBS 101.672) having a minimum activity of: Solid form: 5 000 FTU ⁽¹⁾ /g Liquid form: 5 000 FTU/ml Characterisation of the active substance 3-phytase (EC 3.1.3.8) produced by <i>Aspergillus niger</i> (CBS 101.672) Analytical method ⁽²⁾ Colorimetric method measuring inorganic phosphate released by the enzyme from phytate substrate.	Ornamental birds and all minor avian species, other than ducks	—	250 FTU		1. In the directions for use of the additive and premixture, indicate the storage temperature, storage life, and stability to pelleting. 2. Recommended dose per kilogram of complete feed for all species: 300-500 FTU 3. For use in feed containing more than 0,23 % phytin-bound phosphorus.	12.5.2020

⁽¹⁾ 1 FTU is the amount of enzyme which liberates 1 micromole of inorganic phosphate per minute from sodium phytate at pH 5,5 and 37 °C.

⁽²⁾ Details of the analytical methods are available at the following address of the Community Reference Laboratory: www.irmm.jrc.be/crl-feed-additives

COMMISSION REGULATION (EU) No 328/2010

of 21 April 2010

amending Regulation (EC) No 341/2007 opening and providing for the administration of tariff quotas and introducing a system of import licences and certificates of origin for garlic and certain other agricultural products imported from third countries

THE EUROPEAN COMMISSION,

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

Having regard to Council Regulation (EC) No 1234/2007 of 22 October 2007 establishing a common organisation of agricultural markets and on specific provisions for certain agricultural products (Single CMO Regulation) ⁽¹⁾, and in particular Articles 134 and 148 in conjunction with Article 4 thereof,

Whereas:

- (1) Article 4 of Commission Regulation (EC) No 341/2007 ⁽²⁾ draws a distinction between traditional and new importers in respect of traders that may apply for import licences for garlic under the tariff quotas that are opened and administered under that Regulation.
- (2) In order to ensure fair opportunities to all traders concerned, it is appropriate to enlarge the category of importers to include certain exporters of garlic to third countries within the categories of traders who may apply for import licences under the tariff quota system.
- (3) The amount of the security referred to in the second subparagraph of Article 1(3) of Commission Regulation (EC) No 376/2008 of 23 April 2008 laying down common detailed rules for the application of the system of import and export licences and advance fixing certificates for agricultural products ⁽³⁾ should be fixed at an appropriate level of 5 % of the additional duty applicable to importers of garlic, namely EUR 60 per tonne.
- (4) Article 8 of Regulation (EC) No 341/2007 provides that the reference quantities of traditional importers are calculated on the basis of maximum quantities of garlic imported during previous calendar years or import tariff quota periods. In order to avoid that these reference quantities are calculated on the basis of historic data which no longer reflect a genuine economic activity, it is appropriate to provide that the reference quantity should be the average of the quantities of garlic actually imported by a traditional importer during the three years which preceded the related import tariff quota period.
- (5) In order to ensure efficient market management, it is appropriate to provide for a time period during which

applications for 'A' licences may be lodged which would be chronologically close to the subperiod for which the applications are lodged.

- (6) For the purpose of improving control and in order to allow a rapid reaction from the competent authorities in case of errors or malfunctioning of the system, the Member States should notify the Commission of the quantities for which licence applications have been lodged for the relevant subperiod.
- (7) The reference to working days when calculating the time periods could lead to different situations among the Member States. It is therefore appropriate to use calendar days instead.
- (8) Regulation (EC) No 341/2007 should therefore be amended accordingly.
- (9) This Regulation should apply from 1 May 2010. However, in order to ensure that importers have sufficient time to adapt themselves to the new legal framework, the new provisions concerning the calculation of the reference period and the submission of proof of the actually imported garlic should only apply from 1 February 2011.
- (10) The Management Committee for the Common Organisation of Agricultural Markets has not delivered an opinion within the time limit set by its chairman,

HAS ADOPTED THIS REGULATION:

Article 1

Regulation (EC) No 341/2007 is amended as follows:

1. In Article 4(2), point (b) of the first subparagraph is replaced by the following:

'(b) imported into the Union at least 50 tonnes of fruits and vegetables as referred to in Article 1(1)(i) of Council Regulation (EC) No 1234/2007 (*) or exported to third countries at least 50 tonnes of garlic during the last completed import tariff quota period preceding the submission of their application.

⁽¹⁾ OJ L 299, 16.11.2007, p. 1.

⁽²⁾ OJ L 90, 30.3.2007, p. 12.

⁽³⁾ OJ L 114, 26.4.2008, p. 3.

(*) OJ L 299, 16.11.2007, p. 1.'

2. In Article 4(3), the first subparagraph is replaced by the following:

‘New importers shall mean operators other than those referred to in paragraph 2, who have imported into the Union at least 50 tonnes of fruit and vegetables as referred to in Article 1(1)(i) of Regulation (EC) No 1234/2007 or have exported to third countries at least 50 tonnes of garlic in each of the previous two completed import tariff quota periods, or in each of the previous two calendar years preceding the submission of their application.’

3. Article 4(4) is amended as follows:

- (a) the second subparagraph is replaced by the following:

‘Proof of trade with third countries shall be furnished exclusively either by means of the customs documents of release for free circulation, duly endorsed by the customs authorities and containing a reference to the applicant concerned as being the consignee, or by means of the customs document of exportation duly endorsed by the customs authorities.’

- (b) the following third subparagraph is added:

‘Customs agents or their representatives shall not apply for import licences under the quotas falling within the scope of this Regulation.’

4. Article 6 is amended as follows:

- (a) paragraph 1 is replaced by the following:

‘1. “A” licences shall be valid only for the subperiod for which they have been issued. Box 24 thereof shall show one of the entries listed in Annex III.’

- (b) the following paragraph 2 is inserted:

‘2. The security referred to in the second subparagraph of Article 14(2) of Regulation (EC) No 376/2008 shall amount to EUR 60 per tonne.’

5. Article 8 is replaced by the following:

‘Article 8

Reference quantity of traditional importers

For the purposes of this Chapter, the “reference quantity” shall be the average of the quantities of garlic actually imported by a traditional importer, within the meaning of Article 4, during the three calendar years preceding the related import tariff quota period.’

6. In Article 10, paragraph 1 is replaced by the following:

‘1. Importers shall lodge their applications for “A” licences during the first seven calendar days of April for

the first subperiod, during the first seven calendar days of July for the second subperiod, during the first seven calendar days of October for the third subperiod and during the first seven calendar days of January for the fourth subperiod.’

7. In Article 10(1), the following second subparagraph is added:

‘At the time of their first application for import licences for a given import tariff quota period under this Regulation, importers shall submit the proof of the actually imported quantities of garlic for the years referred to in Article 8.’

8. Article 11 is replaced by the following:

‘Article 11

Issuing of “A” licences

“A” licences shall be issued by the competent authorities starting from the 23rd day of the month in which the applications were submitted and not later than the end of that month.’

9. In Article 12(1), the first and second subparagraphs are replaced by the following:

‘By the 14th day of each month referred to in Article 10(1), the Member States shall notify the Commission of the total quantities in kilograms, including nil returns, for which “A” licence applications have been lodged in respect of the relevant subperiod.’

By way of derogation from the second subparagraph of Article 11(1) of Regulation (EC) No 1301/2006, the Member States shall notify the Commission of the quantities referred to in point b) of the first subparagraph of Article 11(1) of that Regulation not later than 10 May for the first subperiod, 10 August for the second subperiod, 10 November for the third subperiod and 10 February for the fourth subperiod.’

10. In Article 14, the first subparagraph is replaced by the following:

‘The Member States shall notify the Commission of the total quantities, including nil returns, covered by “B” licence applications by Wednesday of each week in respect of applications received the previous week.’

11. In Article 15, point (a) is replaced by the following:

‘(a) a certificate of origin issued by the competent national authorities of that country in accordance with Articles 55 to 65 of Regulation (EEC) No 2454/93 is presented;’

Article 2

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

It shall apply from 1 May 2010.

However, points (5) and (7) of Article 1 shall apply from 1 February 2011.

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

Done at Brussels, 21 April 2010.

For the Commission
The President
José Manuel BARROSO

COMMISSION REGULATION (EU) No 329/2010**of 21 April 2010****establishing the standard import values for determining the entry price of certain fruit and vegetables**

THE EUROPEAN COMMISSION,

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

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

Having regard to Commission 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 22 April 2010.

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

Done at Brussels, 21 April 2010.

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

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	84,9
	TN	104,3
	TR	100,1
	ZZ	96,4
0707 00 05	MA	43,9
	TR	115,5
	ZZ	79,7
0709 90 70	MA	53,0
	TR	96,9
	ZZ	75,0
0805 10 20	EG	50,2
	IL	54,8
	MA	47,9
	TN	55,9
	TR	59,7
	ZZ	53,7
0805 50 10	EG	65,6
	TR	62,7
	ZA	71,8
	ZZ	66,7
0808 10 80	AR	92,0
	BR	81,3
	CA	111,7
	CL	84,8
	CN	88,5
	MK	24,7
	NZ	108,7
	US	131,2
	UY	74,3
	ZA	94,5
	ZZ	89,2
0808 20 50	AR	86,1
	CL	85,7
	CN	57,8
	ZA	98,3
	ZZ	82,0

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

DECISIONS

COMMISSION DECISION

of 19 April 2010

rejecting a list of applications for entry in the register of protected designations of origin and protected geographical indications provided for in Council Regulation (EC) No 510/2006

*(notified under document C(2010) 2385)***(Only the German text is authentic)**

(2010/225/EU)

THE EUROPEAN COMMISSION,

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

Having regard to Council Regulation (EC) No 510/2006 of 20 March 2006 on the protection of geographical indications and designations of origin for agricultural products and foodstuffs⁽¹⁾, and in particular the second subparagraph of Article 6(2) thereof,

Whereas:

- (1) In 1994, Germany notified to the Commission a large number of applications for registration concerning mineral waters pursuant to Article 17(2) of Council Regulation (EEC) No 2081/92⁽²⁾, 108 of which are still pending.
- (2) In the case of the 31 names listed in Annex I to this Decision, the name proposed for registration is not included in the list of natural mineral waters recognized by Member States⁽³⁾ in accordance with Article 1 of Directive 2009/54/EC of the European Parliament and of the Council of 18 June 2009 on the exploitation and marketing of natural mineral waters⁽⁴⁾. As a consequence, these names cannot be considered to be recognized in the internal market as marketable mineral waters and should accordingly not be registered.
- (3) In the case of the 7 names listed in Annex II to this Decision, only the name and no further information has been submitted, thus preventing the Commission to perform the scrutiny required pursuant to Article 6 of Regulation (EC) No 510/2006 in order to assess whether these names meet the conditions for registration. Therefore, these names should not be registered.

(4) In the case of the 70 names included in the Annex III to this Decision, the Commission asked the German authorities, by a letter on 20 July 2004, to provide additional information, in particular on details of control bodies, willingness of producers to cover inspection costs and structures guaranteeing the marketing of the water under a single name. On 15 May 2006 and again on 22 May 2007 the European Commission asked the German authorities to either reply to the letter of 20 July 2004 or to withdraw the pending applications, and informed them that otherwise the European Commission would consider a rejection of these applications. As no additional information has been provided, these names should not be registered.

(5) In the light of the above, the applications for registration of the designations listed in the Annexes to this Decision should be rejected.

(6) The measures provided for in this Decision are in accordance with the opinion of the Standing Committee on Protected Geographical Indications and Protected Designations of Origin,

HAS ADOPTED THIS DECISION:

Article 1

The applications for registration of the designations listed in the Annexes to this Decision are rejected.

Article 2

This Decision is addressed to the Federal Republic of Germany.

Done at Brussels, 19 April 2010.

For the Commission

Dacian CIOLOȘ

Member of the Commission

⁽¹⁾ OJ L 93, 31.3.2006, p. 12.

⁽²⁾ OJ L 208, 24.7.1992, p. 1.

⁽³⁾ OJ C 54, 7.3.2009, p. 7.

⁽⁴⁾ OJ L 164, 26.6.2009, p. 45.

ANNEX I

Natural mineral waters and spring waters

GERMANY

Bad Kissinger Theresienquelle

Bad Liebenwerda Stille Urquelle

Bad Rappenaauer Mineralquelle

Bad Vilbeler Elisabethen Stille Quelle

Deutschlandsprudel

Elfen-Quelle Dortelweil

Geotaler

Gold der Oberpfalz

Hessen-Quelle

Hessen-Quelle Stilles Mineralwasser Bad Vilbel

Hochwald Stille Quelle

Ileburger Schlossbrunnen

Köllertaler Sprudel, Köllertaler Still (Alexander-Quelle)

Kondrauer Mineralsprudel Heilwasser Prinz-Ludwig-Quelle

Mariahilfberger

Mühlenquelle Löhne

Osning-Quelle Bielefeld-Brackwede

Peterstaler Mineralwasser

Reinbecker Schlossquelle

Rippoldsauer Mineralwasser

Romina-Medium Rommelsbach

Romina-Stilles Rommelsbach

Rommelsbacher Silberbrunnen

Rosbacher Brunnen

Rosbacher Diana Quelle

Silberquelle Höxter-Bruchhausen

Taunusquelle

Tönissteiner Römerfüllung

Urstein-Quelle Riesa a.d. Elbe

Walsumer Quelle

Wiesentaler Stilles Mineralwasser

*ANNEX II***Natural mineral waters and spring waters**

GERMANY

Dauner Still

Falkenbergquelle

Rosbacher Urquelle

Stiftsquelle Essen

Kondrauer Stilles Mineralwasser Antonien-Quelle

Kondrauer Mineral-Sprudel Gerwig-Quelle

Urstein Quelle Bad Windsheim CASCADA

ANNEX III

Natural mineral waters and spring waters

GERMANY

Arienheller

Bad Liebenwerdaer

Bad Nieratz-Quelle

Bad Vilbeler Hermanns Quelle

Bad Vilbeler Urquelle

Breisgauer Mineralwasser

Buchhorn Quelle

Diemeltaler Quelle

Dietenbronner Lazarus-Quelle

Dunaris, Heilwasser aus der Dunaris-Quelle

Eifel-Quelle

Emsland-Quelle

Emstaler Brunnen

Extaler-Mineralquell

Eyachtal-Quellen

Freyersbacher Mineralwasser

Fuldataler Mineralbrunnen

Fürstenfelder Prinzenquelle

Gänsefurther Schlossquelle

Germetta-Quelle

Griesbacher Mineralquelle

Harzer Berg-Brunnen

Harzer Grauhof Brunnen

Harzer Kristall Brunnen

Harzer Viktoria Brunnen

Harzer Weinbrunnen

Hochwald-Sprudel

Knetzgauer Steigerwald Naturbrunnen

Kondrauer Mineralsprudel Bayern-Quelle

Labertaler Sebastiani-Brunnen

Labertaler Stephanie Brunnen

Lauchstädter Heilbrunnen

Lesumer Urquelle

Lüttertaler Mineralbrunnen

Markgrafen Quelle

Markgräfler Mineralwasser

Märkisch Kristall vormals Private Quelle Grüneberg II

Neuselters Mineralquelle

Oberharzer Brunnen

Oberselters Mineralbrunnen
Okertaler Mineralbrunnen
Peterstaler Mineralquelle
Pfälzer Silberbrunnen
Q3 Mineralquelle
Rangau-Quelle
Rheinfels Quelle
Rheinfels Urquell
Rhönsprudel
Rippoldsauer Mineralquelle
Rohrauer Friedrichsquelle
Roisdorfer Mineralwasser
Salinger Brunnen
Schildetaler Mineralquell (Schildetaler Dodow)
Schillerbrunnen Bad Lauchstädt
Schwarzwald Quirlique
Schwarzwald-Sprudel
Sodenthaler Mineralbrunnen
St. Medardus Quelle
Staatlich Fachingen
Steigerwald-Mineralbrunnen
Stralsunder
Tönissteiner Sprudel
Ulmtal-Quelle
Vilsa-Brunnen
Vinsebecker Sauerling
Wald-Quelle Kinkel
Westfalenborn
Wiesentaler Mineralwasser
Wittmannsthal-Quelle
Zwestener Löwensprudel

COMMISSION DECISION

of 20 April 2010

on the re-examination of the restriction concerning short-chain chlorinated paraffins (SCCPs) listed in Annex XVII to Regulation (EC) No 1907/2006 of the European Parliament and of the Council

(notified under document C(2010) 1942)

(Text with EEA relevance)

(2010/226/EU)

THE EUROPEAN COMMISSION,

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

Having regard to Regulation (EC) No 1907/2006 of the European Parliament and of the Council of 18 December 2006 concerning the Registration, Evaluation, Authorisation and Restriction of Chemicals (REACH), establishing a European Chemicals Agency, amending Directive 1999/45/EC and repealing Council Regulation (EEC) No 793/93 and Commission Regulation (EC) No 1488/94 as well as Council Directive 76/769/EEC and Commission Directives 91/155/EEC, 93/67/EEC, 93/105/EC and 2000/21/EC⁽¹⁾, and in particular Article 69(5) thereof,

After consulting the Committee established by Article 133 of Regulation (EC) No 1907/2006,

Whereas:

(1) By letter of 4 June 2009 the Netherlands has proposed that the restriction concerning short-chain chlorinated paraffins (SCCPs) listed as entry 42 of Annex XVII to Regulation (EC) No 1907/2006 be re-examined and has brought the evidence to that effect according to Article 69(5) of that Regulation. The Netherlands states that those substances pose a risk to the environment, in particular from their incorporation in articles, including rubber goods, building and construction materials (sealants), textiles, and articles treated with paints and coatings, due to volatilisation, leaching, and erosion during the life-cycle of those articles.

(2) The last addendum of the European Union Risk Assessment Report⁽²⁾ established under Council Regulation (EEC) No 793/93 of 23 March 1993 on the evaluation and control of the risks of existing substances⁽³⁾ concluded that SCCPs meet the criteria for a persistent, bioaccumulative and toxic (PBT)

substance and also identified further environmental risks for back coating of textiles and for rubber compounding/conversion. Due to their PBT properties, SCCPs were identified as Substances of Very High Concern (SVHC) and included in the candidate list in accordance with Article 59 of Regulation (EC) No 1907/2006.

(3) By Decision 2007/395/EC of 7 June 2007 concerning national provisions on the use of short-chain chlorinated paraffins notified by the Kingdom of the Netherlands under Article 95(4) of the EC Treaty⁽⁴⁾ the Commission authorised the Netherlands to maintain their national provisions on SCCPs which were stricter than the provisions on SCCPs contained in Annex I to Council Directive 76/769/EEC of 27 July 1976 on the approximation of the laws, regulations and administrative provisions of the Member States relating to restrictions on the marketing and use of certain dangerous substances and preparations⁽⁵⁾. Those existing and more stringent restrictions on SCCPs are listed in the Communication from the Commission pursuant to Article 67(3) of Regulation (EC) No 1907/2006⁽⁶⁾ and the Netherlands may maintain them until 1 June 2013.

(4) SCCPs have been proposed for inclusion in the Protocol on Persistent Organic Pollutants in the framework of the UNECE Convention on Long-Range Transboundary Air Pollution, as well as in the Stockholm Convention on Persistent Organic Pollutants. As such inclusion is not yet achieved, it is appropriate to initiate the re-examination of the restriction concerning SCCPs under Regulation (EC) No 1907/2006, in order not to delay the possible adoption of adequate risk reduction measures.

(5) Pursuant to Article 69(4) of Regulation (EC) No 1907/2006 the Netherlands should prepare a dossier which conforms to the requirements of Annex XV to that Regulation,

⁽¹⁾ OJ L 396, 30.12.2006, p. 1.

⁽²⁾ The European Union Risk Assessment Report — updated version, August 2008 — is available at: <http://ecb.jrc.ec.europa.eu/>

⁽³⁾ OJ L 84, 5.4.1993, p. 1.

⁽⁴⁾ OJ L 148, 9.6.2007, p. 17.

⁽⁵⁾ OJ L 262, 27.9.1976, p. 201.

⁽⁶⁾ OJ C 130, 9.6.2009, p. 3.

HAS ADOPTED THIS DECISION:

Article 1

The restriction concerning short-chain chlorinated paraffins (SCCPs) listed as entry 42 of Annex XVII to Regulation (EC) No 1907/2006 shall be re-examined in accordance with the procedure set out in Article 69 of that Regulation.

Article 2

This Decision is addressed to the Member States and the European Chemicals Agency.

Done at Brussels, 20 April 2010.

For the Commission

Antonio TAJANI

Vice-President

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