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I

(Acts whose publication is obligatory)

**COMMISSION REGULATION (EC) No 1618/2001
of 8 August 2001
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 Commission Regulation (EC) No 3223/94 of 21 December 1994 on detailed rules for the application of the import arrangements for fruit and vegetables ⁽¹⁾, as last amended by Regulation (EC) No 1498/98 ⁽²⁾, and in particular Article 4(1) thereof,

Whereas:

- (1) Regulation (EC) No 3223/94 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 the Annex thereto.

- (2) In compliance with the above criteria, the standard import values must be fixed at the levels set out in the Annex to this Regulation,

HAS ADOPTED THIS REGULATION:

Article 1

The standard import values referred to in Article 4 of Regulation (EC) No 3223/94 shall be fixed as indicated in the Annex hereto.

Article 2

This Regulation shall enter into force on 9 August 2001.

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

Done at Brussels, 8 August 2001.

For the Commission
Philippe BUSQUIN
Member of the Commission

⁽¹⁾ OJ L 337, 24.12.1994, p. 66.

⁽²⁾ OJ L 198, 15.7.1998, p. 4.

ANNEX

to the Commission Regulation of 8 August 2001 establishing the standard import values for determining the entry price of certain fruit and vegetables

(EUR/100 kg)

CN code	Third country code ⁽¹⁾	Standard import value
0707 00 05	052	57,0
	999	57,0
0709 90 70	052	78,4
	999	78,4
0805 30 10	388	83,1
	524	60,0
	528	71,9
	999	71,7
0806 10 10	052	96,2
	220	87,3
	600	102,2
	624	101,3
0808 10 20, 0808 10 50, 0808 10 90	999	96,8
	388	89,4
	400	75,9
	508	87,4
	512	97,9
	524	51,2
	528	59,6
	720	117,5
	800	185,2
	804	95,0
0808 20 50	999	95,5
	052	112,6
	388	58,5
	512	63,3
0809 20 95	528	68,9
	999	75,8
	052	344,7
	400	226,5
0809 30 10, 0809 30 90	404	242,6
	999	271,3
	052	119,6
	999	119,6
0809 40 05	052	72,1
	064	65,9
	066	74,5
	999	70,8

⁽¹⁾ Country nomenclature as fixed by Commission Regulation (EC) No 2032/2000 (OJ L 243, 28.9.2000, p. 14). Code '999' stands for 'of other origin'.

COMMISSION REGULATION (EC) No 1619/2001
of 6 August 2001
laying down the marketing standard for apples and pears and amending Regulation (EEC) No 920/89

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 2200/96 of 28 October 1996 on the common organisation of the market in fruit and vegetables ⁽¹⁾, as last amended by Commission Regulation (EC) No 911/2001 ⁽²⁾, and in particular Article 2(2),

Whereas:

(1) Apples and pears are among the products listed in Annex I to Regulation (EC) No 2200/96 for which standards must be adopted. Commission Regulation (EEC) No 920/89 of 10 April 1989 laying down quality standards for carrots, citrus fruit and dessert apples and pears and amending Commission Regulation No 58 ⁽³⁾, as last amended by Regulation (EC) No 730/1999 ⁽⁴⁾, has been amended and can no longer ensure legal clarity.

(2) In the interest of clarity, the rules on apples and pears should be separated from those on other products under Regulation (EEC) No 920/89. The rules in question should therefore be recast and Annex III to Regulation (EEC) No 920/89 should be repealed. To that end, and in the interest of preserving transparency on the world market, account should be taken of the standard for apples and pears recommended by the Working Party on Standardisation of Perishable Produce and Quality Development of the United Nations Economic Commission for Europe (UN/ECE).

(3) Application of these standards should remove products of unsatisfactory quality from the market, bring production into line with consumer requirements and facilitate trade based on fair competition, thereby helping to improve profitability.

(4) The standards are applicable at all marketing stages. Long-distance transport, storage over a certain period and the various processes the products undergo may cause some degree of deterioration owing to the biological development of the products or their perishable nature. Account should be taken of such deterioration

when applying the standard at the marketing stages following dispatch. As products in the 'Extra' class have to be particularly carefully sorted and packaged, only lack of freshness and turgidity is to be taken into account in their case.

(5) The measures provided for in this Regulation are in accordance with the opinion of the Management Committee for Fresh Fruit and Vegetables,

HAS ADOPTED THIS REGULATION:

Article 1

The marketing standard for the following products shall be as set out in the Annex:

- apples, falling within CN code ex 0808 10,
- pears, falling within CN code ex 0808 20.

The standard shall apply at all marketing stages under the conditions laid down in Regulation (EC) No 2200/96.

However, at stages following dispatch, products may show in relation to the requirements of the standard:

- a slight lack of freshness and turgidity,
- for products graded in classes other than the 'Extra' class, slight deteriorations due to their development and their tendency to perish.

Article 2

Regulation (EEC) No 920/89 is amended as follows:

1. In Article 1(1), the third indent is deleted.
2. Annex III is deleted.

Article 3

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

It shall apply from the first day of the second month following its entry into force.

⁽¹⁾ OJ L 297, 21.11.1996, p. 1.

⁽²⁾ OJ L 129, 11.5.2001, p. 3.

⁽³⁾ OJ L 97, 11.4.1989, p. 19.

⁽⁴⁾ OJ L 93, 8.4.1999, p. 14.

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

Done at Brussels, 6 August 2001.

For the Commission
Franz FISCHLER
Member of the Commission

ANNEX

STANDARD FOR APPLES AND PEARS

I. DEFINITION OF PRODUCE

This standard applies to apples and pears of varieties (cultivars) grown from *Malus domestica* Borkh. and *Pyrus communis* L., to be supplied fresh to the consumer, apples and pears for industrial processing being excluded.

II. PROVISIONS CONCERNING QUALITY

The purpose of the standard is to define the quality requirements of apples and pears, after preparation and packaging.

A. Minimum requirements

In all classes, subject to the special provisions for each class and the tolerances allowed, apples and pears must be:

- intact,
- sound; produce affected by rotting or deterioration such as to make it unfit for consumption is excluded,
- clean, practically free of any visible foreign matter,
- practically free from pests,
- practically free from damage caused by pests,
- free of abnormal external moisture,
- free of any foreign smell and/or taste.

In addition, they must have been carefully picked.

The development and condition of the apples and pears must be such as to enable them:

- to continue their maturing process and to reach the degree of maturity required in relation to the varietal characteristics ⁽¹⁾,
- to withstand transport and handling, and
- to arrive in satisfactory condition at the place of destination.

B. Classification

Apples and pears are classified in three classes defined below.

(i) 'Extra' Class

Apples and pears in this class must be of superior quality. In shape, size and colouring, they must be characteristic of the variety ⁽²⁾ and the stalk must be intact.

The flesh must be perfectly sound.

They must be free from defects with the exception of very slight superficial defects provided these do not affect the general appearance of the produce, the quality, the keeping quality and presentation in the package.

Pears must not be gritty.

(ii) Class I

Apples and pears in this class must be of good quality. In shape, size and colouring, they must be characteristic of the variety ⁽²⁾.

The flesh must be perfectly sound.

⁽¹⁾ Due to varietal characteristics of the Fuji variety concerning maturity at harvest, radial watercore is permitted provided it is contained within the vascular bundles of each fruit.

⁽²⁾ The criteria for colouring and russetting of apples are given in the appendix of this standard, as well as a non-exhaustive list of the varieties concerned by each criteria.

The following slight defects, however, may be allowed on individual fruit provided these do not affect the general appearance of the produce, the quality, the keeping quality and presentation in the package:

- a slight defect in shape,
- a slight defect in development,
- a slight defect in colouring,
- slight skin defects which must not extend over more than:
 - 2 cm in length for defects of elongated shape,
 - 1 cm² of total surface area for other defects, with the exception of scab (*Venturia inaequalis*), which must not extend over more than 0,25 cm² cumulative in area,
 - slight bruising not exceeding 1 cm² of total surface area and not discoloured.

For apples, the stalk may be missing, provided the break is clean and the adjacent skin is not damaged. For pears, the stalk may be slightly damaged.

Pears must not be gritty.

(iii) *Class II*

This class includes apples and pears which do not qualify for inclusion in the higher classes but satisfy the minimum requirements specified above ⁽¹⁾.

The flesh must be free from major defects.

The following defects are allowed provided the fruit retains its essential characteristics as regards the quality, the keeping quality and presentation:

- defects in shape,
- defects in development,
- defects in colouring,
- skin defects which must not extend over more than:
 - 4 cm in length for defects of elongated shape,
 - 2,5 cm² of total surface area for other defects, including slightly discoloured bruising, with the exception of scab (*Venturia inaequalis*), which must not extend over more than 1 cm² cumulative in area.

III. PROVISIONS CONCERNING SIZING

Size is determined by maximum diameter of the equatorial section or by weight. However, when sizing by weight, the minimum weight must ensure all fruit, as appropriate, meet the minimum diameter sizes listed below.

A minimum size by diameter is required for all classes as follows:

	(mm)		
	Extra	Class I	Class II
Apples			
Large fruited varieties ⁽¹⁾	70	65	65
Other varieties	60	55	55
Pears			
Large fruited varieties ⁽¹⁾	60	55	55
Other varieties	55	50	45

⁽¹⁾ The non-exhaustive list of large fruited varieties is given in the appendix of this standard.

Exceptionally, and for summer pears included in the appendix of this standard, no minimum size will be laid down for consignments dispatched between 10 June and 31 July (inclusive) of any year.

⁽¹⁾ The criteria for colouring and russetting of apples are given in the appendix of this standard, as well as a non-exhaustive list of the varieties concerned by each criteria.

To ensure there is uniformity of size within a package, the difference in diameter between fruit in the same package shall be limited to:

- 5 mm for extra Class fruit and for Class I and II fruit packed in rows and layers ⁽¹⁾,
- 10 mm for Class I fruit packed in bulk in the package or in pre-packages ⁽²⁾.

There is no sizing uniformity limit for Class II fruit packed in bulk in the package or in pre-packages.

IV. PROVISIONS CONCERNING TOLERANCES

Tolerances in respect of quality and size shall be allowed in each package for produce not satisfying the requirements of the class indicated.

A. Quality tolerances

(i) 'Extra' Class

5% by number or weight of apples or pears not satisfying the requirements of the class, but meeting those of Class I or, exceptionally, coming within the tolerances of that class.

(ii) Class I

10 % cent by number or weight of apples or pears not satisfying the requirements of the class, but meeting those of Class II, or exceptionally, coming within the tolerances of that class. However, pears without stalk are not included in this tolerance.

(iii) Class II

10 % by number or weight of apples or pears satisfying neither the requirements of the class nor the minimum requirements, with the exception of produce affected by rotting or any other deterioration rendering it unfit for consumption.

Within this tolerance, a maximum of 2 % by number or weight of fruit is allowed which shows the following defects:

- serious attacks of cork (bitter pit) or water-core,
- slight damage or unhealed cracks,
- very slight traces of rot,
- presence of internal feeding pests and/or damage to the flesh caused by pests.

B. Size tolerances

For all classes:

- (a) for fruit which is subject to the rules of uniformity, 10 % by number or weight of fruit not corresponding to the size immediately above or below that marked on the package, with, for fruit classified in the smallest grade allowed a maximum variation of 5 mm below the minimum;
- (b) for fruit which is not subject to the rules of uniformity, 10 % by number or weight of fruit below the minimum size laid down, with a maximum variation of 5 mm below the minimum size.

⁽¹⁾ However, for apples of the varieties Bramley's Seedling (Bramley, Triomphe de Kiel) and Horneburger, the difference in diameter may amount to 10 mm.

⁽²⁾ However, for apples of the varieties Bramley's Seedling (Bramley, Triomphe de Kiel) and Horneburger, the difference in diameter may amount to 20 mm.

V. PROVISIONS CONCERNING PRESENTATION

A. Uniformity

The contents of each package must be uniform and contain only apples or pears of the same origin, variety, quality and size (if sized) and the same degree of ripeness.

In the case of the 'Extra' Class, uniformity also applies to colouring.

Uniformity of variety is not required for apples in small consumer packages of a net weight not exceeding 3 kg. If different varieties of apples are sold in the same package, uniformity of origin is not required.

The visible part of the contents of the package must be representative of the entire contents

B. Packaging

The apples and pears must be packed in such a way as to protect the produce properly.

The materials used inside the package must be new, clean and of a quality such as to avoid causing any external or internal damage to the produce. The use of materials, particularly of paper or stamps bearing trade specifications is allowed provided the printing or labelling has been done with non-toxic ink or glue.

Packages must be free of all foreign matter.

C. Presentation

For 'Extra' Class fruit must be packed in layers.

VI. PROVISIONS CONCERNING MARKING

Each package must bear the following particulars, in letters grouped on the same side, legibly and indelibly marked, and visible from the outside:

A. Identification

Packer and/or dispatcher: Name and address or officially issued or accepted code mark. However, in the case where a code mark is used, the reference 'packer and/or dispatcher (or equivalent abbreviations)' has to be indicated in close connection with the code mark.

B. Nature of produce

— 'Apples' or 'Pears', if the contents are not visible from the outside.

— Name of the variety or varieties where appropriate.

C. Origin of produce

Country of origin and, optionally, district where grown, or national, regional or local place name. In the case, mentioned under the third subparagraph of V(A), of apples of different varieties and different origins packed together in the same consumer package, the country of origin of each of the varieties concerned shall be mentioned.

D. Commercial specifications

— Class.

— Size or, for fruit packed in layers, number of units.

If identification is by the size, this should be expressed:

(a) for produce subject to the uniformity rules, as minimum and maximum diameters;

(b) for produce not subject to the uniformity rules, the diameter of the smallest fruit in the package followed by 'and over' or '+' or, where applicable, followed by the diameter of the largest fruit.

E. Official control mark (optional)

APPENDIX

1. COLOURING CRITERIA FOR APPLES

Apple varieties are classified in four groups according to colouring:

Group A — red varieties

'Extra' class: at least three quarters of the surface of the fruit red coloured

Class I: at least half of the surface of the fruit red coloured

Class II: at least a quarter of the surface of the fruit red coloured.

Group B — varieties of mixed red colouring

'Extra' class: at least half of the surface of the fruit red coloured

Class I: at least one third of the surface of the fruit red coloured

Class II: at least one tenth of the surface of the fruit red coloured.

Group C — striped varieties, slightly coloured

'Extra' class: at least one third of the surface of the fruit streaked with characteristic red colouring

Class I: at least one tenth of the surface of the fruit streaked with characteristic red colouring.

Group D — other varieties

2. CRITERIA CONCERNING RUSSETING ON APPLES

Apple varieties are classified in two groups according to russetting:

Group R — apple varieties for which russetting is a characteristic of the skin and is not a defect if it corresponds to the typical appearance of the variety.

For varieties other than those listed in Group R, russetting is allowed within the following limits:

	'Extra' class	Class I	Class II	Tolerance for Class II
i) Brown patches	Not outside the stem cavity	May go slightly beyond the stem or pistil cavities	May go beyond the stem or pistil cavities	Fruit not seriously detracting from the appearance and condition of the package
	Not rough	Not rough	Slightly rough	
ii) Russetting		Maximum surface area of the fruit permitted		
Thin net-like russetting (not contrasting strongly with the general colouring of the fruit)	Slight and isolated traces of russetting not altering the general appearance of the fruit and of the package	One fifth	One half	Fruit not seriously detracting from the appearance and condition of the package
Heavy	None	One twentieth	One third	Fruit not seriously detracting from the appearance and condition of the package

	'Extra' class	Class I	Class II	Tolerance for Class II
Cumulative defects (with the exception of the brown patches which are excluded from these cumulative defects). In no case may thin russetting and heavy russetting and heavy russetting taken together exceed a maximum of:	—	One fifth	One half	Fruit not seriously detracting from the appearance and condition of the package

3. SIZING CRITERIA FOR APPLES AND PEARS

Apple and pear varieties are classified in three groups according to their size characteristics:

Group L — large fruited apple or pear varieties mentioned in the second subparagraph of title III of the present standard.

Group SP — varieties of summer pears mentioned in the third subparagraph of title III of the present standard.

Other varieties.

4. NON-EXHAUSTIVE LIST OF APPLE VARIETIES CLASSIFIED ACCORDING TO THEIR COLOURING, RUSSETING AND SIZING CRITERIA

Varieties	Synonyms and/ or mutations	Colouring group	Russetting	Size group
Abbondanza		C		
Akane	Prime Rouge, Prime Red, Tohoku 3, Tokyo Rose	B		
Alice		B		
Alkmene	Early Windsor	C		
Altländer				L
Apollo		C		L
Arlet		C		L
Aroma		C		
Aroma Amorosa		B		
Ashmead's Kernel			R	
Belfort	Pella	B		
Bellavista	Vista Bella	B		
Belle de Boskoop and mutations	Schöner von Boskoop, Schone van Boskoop, Goudrenet		R	L
Belle fleur double				L
Berlepsch		C		
Berlepsch rouge	Red Berlepsch, Roter Berlepsch	B		
Bismarck				L
Black Ben Davis		A		L
Black Stayman		A		L
Blenheim				L
Boskoop rouge	Red Boskoop, Roter Boskoop, Schmitz-Hübsch, Rode Boskoop	B	R	L

Varieties	Synonyms and/ or mutations	Colouring group	Russetting	Size group
Braeburn	Bramley, Triomphe de Kiel	C	R	L
Bramley's Seedling				L
Brettacher				L
Calville (group of ...)				L
Cardinal		B		
Carmio		A		
Carola		C		L
Casanova de Alcobaça		C		
Charden				L
Charles Ross				L
Chata Encarnada		C		
Commercio		C		
Cortland		B		L
Cox Pomona				L
Cox's Orange Pippin and mutations	Cox Orange	C Cherry Cox: B		
Crimson Bramley	Riscadinha Ordinary Delicious			L
Cunha		C		
Delicious ordinaire		B		
Delicious Pilafa		B		L
Democrat		A		L
Discovery		B		
Dunn's Seedling			R	
Egremont Russet			R	
Elan				L
Ellison's Orange (Ellison)		C		L
Elstar		C		
Finkenwerder				L
Fortuna Delicious		A		L
Fortune	Graham Royal Jubile		R	
Fuji		C		L
Gala		C		
Garcia				L
Gelber Edel				L
Glorie van Holland				L
Gloster 69		B		L
Golden Delicious and mutations				L
Golden Russet			R	
Graham				L
Granny Smith				L
Gravenstein rouge	Red Gravenstein, Gravenstein rossa, Roter Gravensteiner	B		L

Varieties	Synonyms and/ or mutations	Colouring group	Russetting	Size group
Gravensteiner	Gravenstein			L
Greensleeves				L
Grossherzog Friedrich von Baden				L
Herma				L
Honeygold				L
Horneburger				L
Howgate Wonder				L
Idared		B		L
Imperatore	Emperor Alexander	C		L
Ingrid Marie		B	R	
Jacob Fischer	Jakob Fischer			L
Jacques Lebel	Jakob Lebel			L
Jamba		C		L
James Grieve and mutations				L
James Grieve rouge	Red James Grieve, Roter James Grieve	B		L
Jerseymac		B		
Jester				L
Jonagold ⁽¹⁾ and mutations		C		L
Jonagored		A		L
Jonathan		B		
Jupiter				L
Karmijn de Sonnaville		C	R	L
Katy	Katja	B		
Kent			R	
Kidd's Orange Red		C	R	
Kim		B		
King David		A		
Königin	The Queen			L
Lane's Prince Albert	Lanes Prinz Albert			L
Laxton's Superb	Laxtons Superb	C	R	
Lemoen Apfel	Lemoenappel			L
Lobo		B		
Lord Lambourne		C		
Maigold		C		L
Mantet rouge	Red Mantet, Roter Mantet	C		
McIntosh Red		B		
Melodie		C		
Melrose		C		L
Mingan	Peromingan, Mingana		R	L
Morgenduft	Rome Beauty	B		L
Musch				L
Mutsu	Crispin			L

Varieties	Synonyms and/ or mutations	Colouring group	Russetting	Size group
Normanda	Notaris, Notarisappel	C		L
Notarapfel				L
Nueva Europa		C		
Nueva Orleans		B		L
Odin		B		
Oldenburg		C		
Ontario		B		L
Oregon		A		L
Ortell		B		
Ozarkgold				L
Pater v. d. Elsen				L
Paula Red		B		
Pero de Cirio				L
Piglos		B		L
Pimona		C		
Pinova		C		L
Piros		C		L
Pomme raisin		C		
Rambour d'hiver	Winterrambour, Teuringer, Menz-nauer Jäger			L
Rambour franc		B		
Red Chief		A		L
Red Delicious and mutations		A		L
Red Dougherty		A		
Red Rome		A		
Red York		A		
Reglindis		C		L
Reine des Reinettes		C		
Reineta Encarnada		B		
Reineta Roja del Canada		B		L
Reinette blanche du Canada	Reinette du Canada, Canada blanc, Kanadarenette, Renetta del Canada		R	L
Reinette de France	Renetta di Francia			L
Reinette de Landsberg	Renetta di Landesberg, Landsberger, Landsberger Renette			L
Reinette d'Orléans	Orleans Reinette, Renetta d'Orleans			L
Reinette étoilée	Sternrenette, Sterappel	A		
Reinette grise	Graue Renette, Renetta Grigia		R	L
Reinette grise du Canada	Graue Kanadarenette		R	L
Richared		A		L

Varieties	Synonyms and/ or mutations	Colouring group	Russetting	Size group
Roja de Benejama	Verruga, Roja del Valle, Clavelina	A		
Rose de Berne	Berner Rosenapfel	A		
Rose de Caldaro	Kalterer, Rose di Caldaro	C		
Royal Gala	Tenroy	A		
Royal Red		A		L
Saure Gamerae	Gamerae Zure			L
Septer				L
Shampion		C		L
Signe Tillisch				L
Spartan		A		
St Edmunds Pippin			R	
Stalapfel		B		
Stark Delicious		A		
Starking		A		L
Starkrimson		A		L
Stark's Earliest		C		
Stayman Winesap	Stayman	B		L
Staymared	Staymanred, Red Stayman	A		L
Sturmer Pippin			R	
Summerred		B		
Sunset			R	
Suntan			R	
Top Red		A		L
Toreno			R	
Transparente de Croncels	Croncels			L
Triomphe de Luxembourg				L
Tydeman's Early Worcester	Tydeman's Early	B		L
Wagener		B		
Wealthy		B		
Well Spur		A		L
Winesap	Winter Winesap	A		
Winston		C		
Winter Banana	Winterbanane, Winterbanane-napfel			L
Worcester Pearmain		B		
Yellow Newton	Albemarle Pippin		R	
York		B		
Zabergäu				L
Zigeunerin				L

(¹) However, for the variety Jonagold, at least one tenth surface of the fruit in class II must be streaked with red colouring.

5. NON-EXHAUSTIVE LIST OF PEAR VARIETIES CLASSIFIED ACCORDING THEIR SIZING CRITERIA

Varieties	Synonyms and/or mutations	Size group
Abbé Fétel	Abbate Fetel, Abate Fetel	L
Abugo o Siete en Boca		SP
Alexandrine Douillard		L
André Desportes		SP
Azucar Verde		SP
Bergamotten		SP
Beurré Alexandre Lucas	Lucas, Alexander Lucas	L
Beurré Clairgeau	Clairgeau, Clairgeaus Butterbirne	L
Beurré d'Arenberg	Hardenpont	L
Beurré Diel	Diels Butterbirne	L
Beurré Giffard	Giffards Butterbirne	SP
Beurré Gris		SP
Beurré Lebrun		L
Beurré précoce Morettini	Buttira precoce Morettini	SP
Blanca de Aranjuez	Agua de Aranjuez, Espadona, Blanquilla	SP
Buntrocks		SP
Carapinha		SP
Carusella		SP
Castell	Castell de Verano	SP
Catillac	Pondspear, Ronde Gratio, Grand Monarque, Charteuse	L
Claude Blanchet		SP
Colorée de Juillet	Bunte Juli	SP
Condoula		SP
Coscia	Ercolini	SP
Curé	Curato, Pastoren, Del Cura de Ouro, Espadon de Invierno, Bella de Berry, Lombarda de Rioja, Batall de Campana	L
D. Joaquina	Doyenné de Juillet	SP
Devoe		L
Don Guido		L
Doyenné d'hiver	Winterdechant, Decana d'Inverno	L
Doyenné du Comice	Comice, Vereinsdechant, Decana del Comizio	L
Duchesse d'Angoulême	Duchessa d'Angoulême	L
Empereur Alexandre	Beurré Bosc, Bosc, Beurré d'Apremont, Kaiser Alexander, Imperatore Alessandro, Kaiserkrone, Alexanderbirne	L
Flor de Invierno		L

Varieties	Synonyms and/or mutations	Size group
Général Leclerc		L
Gentile		SP
Gentile Bianca di Firenze		SP
Gentilona		SP
Giardina		SP
Gramshirtle		SP
Grand Champion		L
Hartleffs		SP
Jeanne d'Arc		L
Leonardeta	Mosqueruela, Margallon, Colorada de Acanadre, Leonarda de Magallon	SP
Marguerite Marillat	Margarete Marillat	L
Moscatella		SP
Oomskinderen		SP
Packham's Triumph	Williams d'Automne	L
Passe Crassane	Passa Crassana, Edelcrassane	L
Perita de San Juan		SP
Pérola		SP
Précoce de Altedo	Precoce di Altedo	SP
Précoce de Trévoux	Trévoux, Precoce di Trévoux, Frühe von Trévoux	SP
Président Drouard	Präsident Drouard	L
Santa Maria	Santa Maria Morettini	SP
Souvenir du Congrès	Kongress, Congress	L
Spadoncina	Agua de Verano, Agua de Agosto	SP
Triomphe de Vienne	Trionfo di Vienna, Triumph von Vienne	L
Wilder		SP
Williams Duchesse	Pitmaston	L
Witthöftsbirne		SP

COMMISSION REGULATION (EC) No 1620/2001
of 8 August 2001
amending Regulation (EC) No 1232/2001 opening crisis distillation as provided for in Article 30 of
Council Regulation (EC) No 1493/1999 for table wine in Italy

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⁾, as last amended by Regulation (EC) No 2826/2000 ⁽²⁾, and in particular Articles 30 and 33 thereof,

Whereas:

- (1) Commission Regulation (EC) No 1232/2001 ⁽³⁾ opens the crisis distillation provided for in Article 30 of Regulation (EC) No 1493/1999 for table wines in Italy. The quantity for which this distillation was opened was fixed at 1 200 000 hl. Article 4 of the Regulation stipulates that the Member State is to take the necessary administrative steps to approve the contracts entered into and indicate the rate of reduction applied if the total quantity covered by the contracts exceeds the total volume of 1 200 000 hl. A calculating error was made when fixing this rate which increased the overall quantity to 1 211 500 hl when the rate was applied. In order to take account of this situation, the overall quantity for which crisis distillation is opened in Italy should be increased to 1 211 500 hl.

- (2) As approval of the final contracts must take place no later than 27 July 2001, this amendment must apply before that date.
- (3) The measures provided for in this Regulation are in accordance with the opinion of the Management Committee for Wine,

HAS ADOPTED THIS REGULATION:

Article 1

Article 1 of Regulation (EC) No 1232/2001 is replaced by the following:

'Article 1

Crisis distillation as provided for in Article 30 of Regulation (EC) No 1493/1999 is hereby opened for a maximum of 1 211 500 hectolitres of table wine in Italy.'

Article 2

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

It shall apply from 26 July 2001.

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

Done at Brussels, 8 August 2001.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ L 179, 14.7.1999, p. 1.

⁽²⁾ OJ L 328, 23.12.2000, p. 2.

⁽³⁾ OJ L 168, 23.6.2001, p. 9.

COMMISSION REGULATION (EC) No 1621/2001**of 8 August 2001****amending Regulation (EC) No 1661/1999 as regards the export certificate required for agricultural products and the list of customs offices permitting the declaration of products for free circulation in the Community**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 737/90 of 22 March 1990 on the conditions governing imports of agricultural products originating in third countries following the accident at the Chernobyl nuclear power station ⁽¹⁾, as last amended by Regulation (EC) No 616/2000 ⁽²⁾, and in particular Article 6 thereof,

Whereas:

- (1) According to Article 1(3)(b) of Commission Regulation (EC) No 1661/1999 of 27 July 1999 laying down detailed rules for the application of Council Regulation (EEC) No 737/90 on the conditions governing imports of agricultural products originating in third countries following the accident at the Chernobyl nuclear power station ⁽³⁾, as amended by Regulation (EC) No 1627/2000 ⁽⁴⁾, the products listed in Annex I to that Regulation may only be declared for free circulation in the Member State of destination in a restricted number of customs offices. Annex III to Regulation (EC) No 1661/1999 contains the list of those customs offices.
- (2) In view of the request of the competent authorities of Germany, it is appropriate to add a number of customs offices in the territory of Germany to the list.
- (3) In June 2000, an inspection team of the Food and Veterinary Office (FVO) carried out a mission in Bulgaria, in order to assess the facilities and measures in

place to control radioactive contamination in foodstuffs and in particular in non-cultivated mushrooms.

- (4) The report of that mission recommends an amendment to the export certificate set out in Annex II to Regulation (EC) No 1661/1999, in order to ensure that an independent and authorised person takes representative samples from mushroom consignments intended for export into the Community.
- (5) Regulation (EC) No 1661/1999 should therefore be amended accordingly.
- (6) The measures provided for in this Regulation are in accordance with the opinion of the Committee established by Article 7 of Regulation (EEC) No 737/90,

HAS ADOPTED THIS REGULATION:

Article 1

Regulation (EC) No 1661/1999 is amended as follows:

1. Annex II is replaced by the text shown in Annex I to this Regulation;
2. Annex III is replaced by the text shown in Annex II to this Regulation.

Article 2

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

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

Done at Brussels, 8 August 2001.

For the Commission

Margot WALLSTRÖM

Member of the Commission

⁽¹⁾ OJ L 82, 29.3.1990, p. 1.

⁽²⁾ OJ L 75, 24.3.2000, p. 1.

⁽³⁾ OJ L 197, 29.7.1999, p. 17.

⁽⁴⁾ OJ L 187, 26.7.2000, p. 7.

ANNEX I

ANNEX II

EXPORT CERTIFICATE FOR AGRICULTURAL PRODUCTS (ONE CERTIFICATE PER SPECIES)

This certificate must be lodged in triplicate with the entry for free circulation and be kept by the customs

Statement by the exporter

1. Exporter (name, full address, country)	5. Country of origin	6. Country of destination
2. Consignee (name, full address, country)	7. Invoice(s) number(s)	
3. Identity of means of transport	8. Number and kind of packages	9. Marks and batch numbers
4. Description of products	10. Gross mass (kg)	11. Net mass (kg)
12. I, undersigned, responsible for these exports, certify the above information		
Date	Place	Name (in block letters)
		Signature ⁽²⁾

Certification by the laboratory

13. Number of analysed samples from the above products representatively taken by a person authorised by the competent authorities:	15. Identity of the laboratory (name, full address, country)
14. Recorded radioactivity levels for each sample (Bq/kg) (specify the batch No for each sample): Report No Date This report must be presented immediately on the demand of the control authorities	16. Accredited by (name and address of the body)
	17. Date, name (in block letters), signature and stamp of the laboratory ⁽²⁾

Certification by the competent authority

18. I, undersigned, certify that the accumulated radioactivity level in terms of caesium 134 and 137 for the products described above does not exceed: 370 Bq/kg for milk and milk products and for foodstuffs intended for the special feeding of infants, and 600 Bq/kg for all other products listed in the current Commission Regulation relating to Council Regulation (EEC) No 737/90 ⁽¹⁾				
Place	Date	Name (in block letters)	Signature ⁽²⁾	Stamp ⁽²⁾
⁽¹⁾ Delete as appropriate. ⁽²⁾ Signatures and stamps must be in a different colour from that of the text.				

ANNEX II

ANNEX III

LIST OF CUSTOMS OFFICES IN WHICH PRODUCTS LISTED IN ANNEX I MAY BE DECLARED FOR FREE CIRCULATION IN THE EUROPEAN COMMUNITY

Member State	Customs offices	
BELGIQUE/BELGIË	Anvers D.E. — voie maritime Bierset (Grâce-Hollogne) D.E. — voies aérienne et/ou terrestre Bruxelles D.E. — voie aérienne Zaventem D. — voie aérienne	
DANMARK	Every port and airport in Denmark	
DEUTSCHLAND	Baden-Württemberg	HZA Lörrach — ZA Weil am Rhein-Autobahn HZA Stuttgart — ZA Flughafen HZA Ulm — ZA Aalen
	Bayern	HZA München-Flughafen HZA Hof — ZA Schirnding-Landstraße HZA Weiden — ZA Furth im Wald-Schafberg HZA Weiden — ZA Waldhaus-Autobahn HZA Bamberg — ZA Kulmbach HZA Nürnberg-Fürth — ZA Neustadt-Aisch HZA Passau — ZA Phillipsreut HZA Regensburg — ZA Hafen HZA Regensburg — ZA Amberg HZA Schweinfurt — ZA Kitzingen
	Berlin	HZA Berlin-Packhof — ZA Marzahn, Abfertigungsstelle Großmarkthallen HZA Berlin-Packhof — ZA Tegel-Flughafen
	Brandenburg	HZA Frankfurt (Oder) — ZA Autobahn HZA Cottbus — ZA Forst-Autobahn
	Bremen	HZA Bremen-ZA Neustädter Hafen HZA Bremerhaven — ZA Container-Terminal HZA Bremerhaven — ZA Rotersand
	Hamburg	HZA Hamburg-Freihafen — Abfertigungsstelle HZA Hamburg-Freihafen — ZA Ericus-Abfertigungsstelle Südbahnhof HZA Hamburg-Harburg — ZA Köhlfleetdamm HZA Hamburg-St. Annen — ZA Altona HZA Hamburg-St. Annen — ZA Oberelbe HZA Hamburg-Waltershof — Abfertigungsstelle HZA Hamburg-Waltershof — ZA Flughafen
	Hessen	HZA Frankfurt am Main-Flughafen
	Mecklenburg-Vorpommern	HZA Neubrandenburg — ZA Pomellen — Grenzkontrollstelle Pomellen HZA Schwerin — ZA Rostock-Seehafen — Grenzkontrollstelle Rostock-Seehafen HZA Stralsund — ZA Mukran Grenzkontrollstelle Rügen/Mukran, Im Fährhafen
	Niedersachsen	HZA Lüneburg — Abfertigungsstelle HZA Göttingen — Abfertigungsstelle HZA Hannover — Abfertigungsstelle
	Nordrhein-Westfalen	HZA Dortmund — ZA Ost
	Rheinland-Pfalz	HZA Trier — ZA Idar-Oberstein, Grenzkontrollstelle Flughafen Hahn

Member State	Customs offices	
	Sachsen	HZA Dresden — ZA Friedrichstadt, Grenzkontrollstelle Dresdenfriedrichstadt (für Eisenbahntransport) HZA Pirna — ZA Zinnwald, Grenzkontrollstelle Zinnwald (für Straßentransport) HZA Löbau — ZA Ludwigsdorf-Autobahn, Grenzkontrollstelle Ludwigsdorf (für Straßentransport)
	Schleswig-Holstein	HZA Kiel — ZA Wik, Grenzkontrollstelle Kiel Ostuferhafen HZA Lübeck — ZA Travemünde Grenzkontrollstelle
ΕΛΛΑΔΑ	Αθηνών, Πειραιά, Κρατικού Αερολιμένα Αθηνών, Θεσσαλονίκης, Αερολιμένα Μίκρας, Βόλου, Πατρών, Ηρακλείου, Αερολιμένα Ηρακλείου Κρήτης, Καβάλας, Ιωαννίνων, Ναυπλίου	
ESPAÑA	Algeciras (puerto), Alicante (aeropuerto, puerto), Almería (aeropuerto, puerto), Barcelona (aeropuerto, puerto), Bilbao (aeropuerto, puerto), Cádiz (puerto), Cartagena (puerto), Gijón (aeropuerto, puerto), Huelva (puerto), A Coruña-Santiago de Compostela (aeropuerto, puerto), Las Palmas de Gran Canaria (aeropuerto, puerto), Madrid-Barajas (aeropuerto), Málaga (aeropuerto, puerto), Palma de Mallorca (aeropuerto), Pasajes-Irún (aeropuerto, puerto), Santa Cruz de Tenerife (aeropuerto, puerto), Santander (aeropuerto, puerto), Sevilla (aeropuerto, puerto), Tarragona (puerto), Valencia (aeropuerto, puerto), Vigo-Vilagarcía (aeropuerto), Marín (puerto), Vitoria (aeropuerto), Zaragoza (aeropuerto)	
FRANCE	Dunkerque (transport maritime) Lille (transport aérien et terrestre) Marseille (transport aérien, terrestre et maritime) Roissy (transport aérien et terrestre) Saint-Louis/Bâle (transport aérien et terrestre) Strasbourg (transport terrestre) Orly (transport aérien) Bordeaux (transport aérien) Lyon-Satolas (transport aérien) Nice-aéroport (transport aérien) Toulouse-Blagnac (transport aérien) Thionville (transport terrestre) Saint-Julien-en-Genevois (transport terrestre)	
IRELAND	All customs offices	
ITALIA	Ufficio di Sanità marittima ed aerea di Trieste Ufficio di Sanità aerea di Torino-Caselle Ufficio di Sanità aerea di Roma — Fiumicino Ufficio di Sanità marittima ed aerea di Venezia Ufficio di Sanità marittima ed aerea di Genova Ufficio di Sanità marittima di Livorno Ufficio di Sanità marittima ed aerea di Ancona Ufficio di Sanità marittima ed aerea di Brindisi Ufficio di Sanità aerea di Varese — Malpensa Ufficio di Sanità aerea di Bologna — Panicale Ufficio di Sanità marittima ed aerea di Bari Posto d'Ispezione frontaliere di Chiasso	
LUXEMBOURG	Bureau des douanes et accises, Centre douanier — Luxembourg Bureau des douanes et accises, Luxembourg-Aéroport — Niederanven	
NEDERLAND	All customs offices	
ÖSTERREICH	Drasenhofen (Czech Republic) Berg (Slovakia) Nickelsdorf (Hungary) Heiligenkreuz (Hungary) Spielfeld (Slovenia) Tisis (Switzerland) Wien, Flughafen Schwechat	

Member State	Customs offices
PORTUGAL	Airports of Lisbon, Porto and Faro Ports of Lisbon and Leixões.
SUOMI-FINLAND	Helsinki, Vaalimaa, Niirala, Vartius, Raja-Jooseppi, Utsjoki, Kilpisjärvi
SVERIGE	Arlanda, Göteborg, Landvetter, Helsingborg, Karlskrona, Stockholm, Ystad, Wallhamn, Varberg
UNITED KINGDOM	Belfast International Airport, Port of Belfast, Port of Dover, Port of Falmouth, Port of Felixstowe, Gatwick Airport, Port of Hull, Port of Larne, Port of London, Port of Southampton'

COMMISSION REGULATION (EC) No 1622/2001
of 8 August 2001
on the issue of import licences for high-quality fresh, chilled or frozen beef and veal

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Commission Regulation (EC) No 936/97 of 27 May 1997 opening and providing for the administration of tariff quotas for high-quality fresh, chilled and frozen beef and for frozen buffalo meat ⁽¹⁾, as last amended by Regulation (EC) No 134/1999 ⁽²⁾,

Whereas:

- (1) Regulation (EC) No 936/97 provides in Articles 4 and 5 the conditions for applications and for the issue of import licences for meat referred to in Article 2(f).
- (2) Article 2(f) of Regulation (EC) No 936/97 fixes the amount of high-quality fresh, chilled or frozen beef and veal originating in and imported from the United States of America and Canada which may be imported on special terms for the period 1 July 2001 to 30 June 2002 at 11 500 t.

- (3) It should be recalled that licences issued pursuant to this Regulation will, throughout the period of validity, be open for use only in so far as provisions on health protection in force permit,

HAS ADOPTED THIS REGULATION:

Article 1

1. All applications for import licences from 1 to 5 August 2001 for high-quality fresh, chilled or frozen beef and veal as referred to in Article 2(f) of Regulation (EC) No 936/97 shall be granted in full.
2. Applications for licences may be submitted, in accordance with Article 5 of Regulation (EC) No 936/97, during the first five days of September 2001 for 2 676,0 t.

Article 2

This Regulation shall enter into force on 9 August 2001.

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

Done at Brussels, 8 August 2001.

For the Commission

Philippe BUSQUIN

Member of the Commission

⁽¹⁾ OJ L 137, 28.5.1997, p. 10.

⁽²⁾ OJ L 17, 22.1.1999, p. 22.

COMMISSION REGULATION (EC) No 1623/2001
of 8 August 2001
amending the corrective amount applicable to the refund on cereals

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 1766/92 of 30 June 1992 on the common organisation of the market in cereals ⁽¹⁾, as last amended by Regulation (EC) No 1666/2000 ⁽²⁾, and in particular Article 13(8) thereof,

Whereas:

- (1) The corrective amount applicable to the refund on cereals was fixed by Commission Regulation (EC) No 1494/2001 ⁽³⁾, as amended by Regulation (EC) No 1572/2001 ⁽⁴⁾.
- (2) On the basis of today's cif prices and cif forward delivery prices, taking foreseeable developments on the market into account, the corrective amount at present applicable to the refund on cereals should be altered.

- (3) The corrective amount must be fixed according to the same procedure as the refund. It may be altered in the period between fixings,

HAS ADOPTED THIS REGULATION:

Article 1

The corrective amount referred to in Article 1(1)(a), (b) and (c) of Regulation (EEC) No 1766/92 which is applicable to the export refunds fixed in advance in respect of the products referred to, except for malt, is hereby altered to the amounts set out in the Annex hereto.

Article 2

This Regulation shall enter into force on 9 August 2001.

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

Done at Brussels, 8 August 2001.

For the Commission

Philippe BUSQUIN

Member of the Commission

⁽¹⁾ OJ L 181, 1.7.1992, p. 21.

⁽²⁾ OJ L 193, 29.7.2000, p. 1.

⁽³⁾ OJ L 196, 20.7.2001, p. 24.

⁽⁴⁾ OJ L 208, 1.8.2001, p. 29.

ANNEX

to the Commission Regulation of 8 August 2001 altering the corrective amount applicable to the refund on cereals

(EUR/t)

Product code	Destination	Current 8	1st period 9	2nd period 10	3rd period 11	4th period 12	5th period 1	6th period 2
1001 10 00 9200	—	—	—	—	—	—	—	—
1001 10 00 9400	—	—	—	—	—	—	—	—
1001 90 91 9000	—	—	—	—	—	—	—	—
1001 90 99 9000	C01	—	-0,93	-1,86	-2,79	-3,72	—	—
1002 00 00 9000	C02	-10,00	-10,00	-10,00	-10,00	-10,00	—	—
	A02	0,00	0,00	0,00	0,00	0,00	—	—
1003 00 10 9000	—	—	—	—	—	—	—	—
1003 00 90 9000	A00	—	-0,93	-1,86	-2,79	-3,72	—	—
1004 00 00 9200	—	—	—	—	—	—	—	—
1004 00 00 9400	A00	0	-0,93	-1,86	-2,79	-3,72	—	—
1005 10 90 9000	—	—	—	—	—	—	—	—
1005 90 00 9000	A00	0	-1,00	0,00	-0,93	-1,86	—	—
1007 00 90 9000	—	—	—	—	—	—	—	—
1008 20 00 9000	—	—	—	—	—	—	—	—
1101 00 11 9000	—	—	—	—	—	—	—	—
1101 00 15 9100	C01	0	-1,27	-2,55	-3,82	-5,10	—	—
1101 00 15 9130	C01	0	-1,19	-2,38	-3,57	-4,76	—	—
1101 00 15 9150	C01	0	-1,10	-2,19	-3,29	-4,39	—	—
1101 00 15 9170	C01	0	-1,01	-2,03	-3,04	-4,05	—	—
1101 00 15 9180	C01	0	-0,95	-1,90	-2,85	-3,79	—	—
1101 00 15 9190	—	—	—	—	—	—	—	—
1101 00 90 9000	—	—	—	—	—	—	—	—
1102 10 00 9500	C01	0	0,00	0,00	0,00	0,00	—	—
1102 10 00 9700	C01	0	0,00	0,00	0,00	0,00	—	—
1102 10 00 9900	—	—	—	—	—	—	—	—
1103 11 10 9200	A00	0	-1,40	-2,79	-4,19	-5,58	—	—
1103 11 10 9400	A00	0	-1,25	-2,49	-3,74	-4,98	—	—
1103 11 10 9900	—	—	—	—	—	—	—	—
1103 11 90 9200	A00	0	-1,27	-2,55	-3,82	-5,10	—	—
1103 11 90 9800	—	—	—	—	—	—	—	—

NB: The product codes and the 'A' series destination codes are set out in Commission Regulation (EEC) No 3846/87 (OJ L 366, 24.12.1987, p. 1) as amended.

The numeric destination codes are set out in Commission Regulation (EC) No 2032/2000 (OJ L 243, 28.9.2000, p. 14).

The other destinations are as follows:

C01 All destinations except for Poland,

C02 Poland, Czech Republic, Slovak Republic, Hungary, Estonia, Latvia, Lithuania, Norway, Faroe Islands, Iceland, Russia, Belarus, Bosnia and Herzegovina, Croatia, Slovenia, former Republic of Yugoslavia with the exception of Slovenia, Croatia and Bosnia and Herzegovina, Albania, Romania, Bulgaria, Armenia, Georgia, Azerbaijan, Moldova, Ukraine, Kazakhstan, Kyrgyzstan, Uzbekistan, Tajikistan and Turkmenistan,

A02 other non-member countries.

COMMISSION DIRECTIVE 2001/61/EC
of 8 August 2001
on the use of certain epoxy derivatives in materials and articles intended to come into contact with
foodstuffs
(Text with EEA relevance)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Directive 89/109/EEC of 21 December 1988 on the approximation of the laws of the Member States relating to materials and articles intended to come into contact with foodstuffs ⁽¹⁾, and in particular Article 3 thereof,

After consulting the Scientific Committee on Food,

Whereas:

- (1) The use and/or presence of 2,2-bis(4-hydroxyphenyl)propane bis(2,3-epoxypropyl) ether ('BADGE'), bis(hydroxyphenyl)methane bis(2,3-epoxypropyl)ethers ('BFDGE') and novolac glycidyl ethers ('NOGE') in materials and articles intended to come into contact with foodstuffs has led to questions about their safety, mainly when they are used as an additive.
- (2) Test results have shown significant levels of these substances and certain derivatives thereof in some foodstuffs.
- (3) The Scientific Committee on Food has given an opinion that the specific migration limit for BADGE and some of its derivatives can be extended for another three years pending the submission of further toxicological data for evaluation.
- (4) Acceptance of the use and/or presence of BADGE may therefore be provisionally extended.
- (5) The Scientific Committee on Food has examined the data available on BFDGE, which are very similar to the corresponding data obtained for BADGE.
- (6) Acceptance of the use and/or presence of BFDGE and some of its derivatives may therefore also be continued pending the submission and evaluation of further toxicological data, under certain conditions.
- (7) The Scientific Committee on Food has stated that, in the absence of information about the potential exposure and toxicological profile of NOGE components with more than two aromatic rings and their derivatives, it is not in a position to evaluate the safety of use and/or the presence of corresponding products. The Committee is therefore of the opinion that at present, it is not appropriate to use NOGE as an additive in materials and articles intended to come into contact with foodstuffs due to its tendency to migrate in this application.
- (8) The use and/or presence of NOGE components with more than two aromatic rings and their derivatives in plastic materials and articles, surface coatings and adhesives intended to come into contact with foodstuffs should be regulated through the establishment of a strict limit. That limit should, in practice, provisionally rule out their use as additives, pending the submission of adequate data for an appropriate risk assessment and the development of adequate methods for the determination of their levels in foodstuffs.

⁽¹⁾ OJ L 40, 11.2.1989, p. 38.

- (9) The use and/or presence of NOGE and BFDGE as monomers and starting substances for the preparation of special coatings used to cover the surfaces of very big containers should provisionally be allowed to continue, pending the submission of further technical data. The large volume/surface area ratio of these containers, their repeated use over their long lifetime, which reduces migration and their contact with foodstuffs at ambient temperature in the majority of the applications suggest that it is not necessary to set a migration limit for NOGE and BFDGE in such containers.
- (10) Member States which have not yet authorised the use and/or the presence of BADGE and/or BFDGE and/or NOGE in materials and articles intended to come into contact with foodstuffs may maintain their prohibition.
- (11) The use of BADGE, BFDGE and NOGE and/or their presence in plastic materials and articles, surface coatings such as varnishes, lacquers and paints, as well as adhesives, should be regulated at Community level to avoid risks to human health and barriers to the free movement of goods.
- (12) A transitional period should be provided for in respect of materials and articles intended to come into contact with foodstuffs or which are brought into contact with foodstuffs and which are manufactured before 1 December 2002.
- (13) The measures provided for in this Directive are in accordance with the opinion of the Standing Committee on Foodstuffs,

HAS ADOPTED THIS DIRECTIVE:

Article 1

1. This Directive shall apply to the following materials and articles:

- (a) materials and articles made of any type of plastics;
- (b) materials and articles covered by surface coatings;
- (c) adhesives;

which are manufactured with or contain one or more of the following substances:

- 2,2-bis(4-hydroxyphenyl)propane bis(2,3-epoxypropyl) ether hereinafter called 'BADGE', and some of its derivatives,
- bis(-hydroxyphenyl)methane bis(2,3-epoxypropyl) ethers hereinafter called 'BFDGE', and some of their derivatives,
- other novolac glycidyl ethers hereinafter called 'NOGE', and some of their derivatives,

and which, in the finished product state, are intended to come into contact or are brought into contact with foodstuffs and are intended for that purpose.

2. This Directive shall not apply to containers or storage tanks having a capacity greater than 10 000 liters or to pipelines belonging to or connected with them, covered by special coatings called 'heavy-duty coatings'.

Article 2

The materials and articles referred to in Article 1(1) shall not release the substances listed in Annex I in a quantity exceeding the limit laid down in that Annex.

The use and/or presence of BADGE in the manufacture of those materials and articles may only be continued until 31 December 2004.

Article 3

The materials and articles referred to in Article 1(1) shall not release the substances listed in Annex II in a quantity which, when added, to the sum of BADGE and its derivatives listed in Annex I, exceeds the limit laid down in Annex II.

The use and/or presence of BFDGE in the manufacture of those materials and articles may only be continued until 31 December 2004.

Article 4

As from 1 December 2002, the quantity of NOGE components with more than two aromatic rings and at least one epoxy group as well as their derivatives containing chlorohydrin functions and having a molecular mass less than 1 000 Daltons shall not be detectable in the materials and articles referred to in Article 1(1) at the detection limit of 0,2 mg/6 dm², including analytical tolerance.

The use and/or presence of NOGE in the manufacture of those materials and articles may only be continued until 31 December 2004.

Article 5

The requirements of this Directive shall not apply to materials and articles referred to in Article 1(1)(b) and (c) which have been put into free circulation in the Community before 1 December 2002.

Article 6

Member States shall bring into force the laws, regulations and administrative provisions necessary to comply with this Directive by 30 November 2002 at latest. They shall forthwith inform the Commission thereof.

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. Member States shall determine how such reference is to be made.

Article 7

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

Article 8

This Directive is addressed to the Member States.

Done at Brussels, 8 August 2001.

For the Commission

David BYRNE

Member of the Commission

ANNEX I

Specific migration limit for BADGE and certain of its derivatives

1. The sum of the migration levels of the following substances:
 - (a) BADGE (= 2,2-bis(4-hydroxyphenyl)propane bis(2,3-epoxypropyl) ether;
 - (b) BADGE.H₂O;
 - (c) BADGE.HCl;
 - (d) BADGE.2HCl;
 - (e) BADGE.H₂O.HCl;shall not exceed the following limits:
 - 1 mg/kg in foodstuffs or in food simulants (analytical tolerance excluded), or
 - 1 mg/6 dm² in accordance with the cases provided by Article 4 of Commission Directive 90/128/EEC ⁽¹⁾.
2. The migration testing shall be carried out in accordance to the rules established in Council Directive 82/711/EEC ⁽²⁾, as last amended by Commission Directive 97/48/EC ⁽³⁾, as well as in Directive 90/128/EEC, as last amended by Directive 1999/91/EC ⁽⁴⁾. However in aqueous food simulants, this value should also include BADGE.2H₂O unless the material or article is labelled for use in contact only with those foods and/or beverages for which it has been demonstrated that the sum of the migration levels of the five substances listed in paragraph 1(a)(b)(c)(d) and (e) cannot exceed the limits provided in paragraph 1.

ANNEX II

Specific migration limit for BFDGE and certain of its derivatives

1. The sum of the migration levels of the following substances:
 - (a) BFDGE (= bis(hydroxyphenyl)methane bis(2,3-epoxypropyl) ethers);
 - (b) BFDGE.H₂O;
 - (c) BFDGE.HCl;
 - (d) BFDGE.2HCl;
 - (e) BFDGE.H₂O.HCl;added to the sum of those listed in Annex I, shall not exceed the following limits:
 - 1 mg/kg in foodstuffs or in food simulants (analytical tolerance excluded), or
 - 1 mg/6 dm² in accordance with the cases provided by Article 4 of Directive 90/128/EEC.
2. The migration testing shall be carried out in accordance to the rules established in the Directive 82/711/EEC, as last amended by Directive 97/48/EC, as well as in the Directive 90/128/EEC, as last amended by Directive 1999/91/EC. However in aqueous food simulants, this value should also include BFDGE.2H₂O unless the material or article is labelled for use in contact only with those foods and/or beverages for which it has been demonstrated that the sum of the migration levels of the five substances listed in paragraph 1(a)(b)(c)(d) and (e), added to those listed in Annex I, cannot exceed the limits provided in paragraph 1.

⁽¹⁾ OJ L 75, 21.3.1990, p. 19.

⁽²⁾ OJ L 297, 23.10.1982, p. 26.

⁽³⁾ OJ L 222, 12.8.1997, p. 10.

⁽⁴⁾ OJ L 310, 4.12.1999, p. 41.

II

(Acts whose publication is not obligatory)

COUNCIL

**RECOMMENDATION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL
of 10 July 2001
on mobility within the Community for students, persons undergoing training, volunteers, teachers
and trainers**

(2001/613/EC)

THE EUROPEAN PARLIAMENT AND THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community, and in particular Article 149(4) and Article 150(4) thereof,

Having regard to the proposal from the Commission,

Having regard to the opinion of the Economic and Social Committee ⁽¹⁾,

Having regard to the opinion of the Committee of the Regions ⁽²⁾,

Acting in accordance with the procedure laid down in Article 251 of the Treaty ⁽³⁾,

Whereas:

- (1) The transnational mobility of people contributes to enriching different national cultures and enables those concerned to enhance their own cultural and professional knowledge and European society as a whole to benefit from those effects. Such experience is proving to be increasingly necessary given the current limited employment prospects and an employment market which requires more flexibility and a greater ability to adapt to change.
- (2) Mobility for students, persons undergoing training, volunteers, teachers and trainers – whether in the context of a Community programme or not – is an integral part of freedom of movement for people. This is one of the fundamental freedoms protected by the Treaty. The right to move and reside freely is moreover recognised for any citizen of the Union under the conditions provided for by Article 18 of the Treaty.
- (3) Council Directive 68/360/EEC of 15 October 1968 on the abolition of restrictions on movement and residence within the Community for workers of Member States and their families ⁽⁴⁾, recognises the right of residence for workers and their families. Council Directive 93/96/EEC of 29 October 1993 on the right of residence for students ⁽⁵⁾ obliges Member States to recognise the right of residence for any student who is a national of another Member State and who has been accepted on a vocational training course, and for the student's spouse and their dependent children who do not enjoy this right under other provisions of Community law. Furthermore, Council Directive 90/364/EEC of 28 June 1990 on the right of residence ⁽⁶⁾ recognises the right of residence more generally, in certain conditions, for citizens of the Union.

⁽¹⁾ OJ C 168, 16.6.2000, p. 25.

⁽²⁾ OJ C 317, 6.11.2000, p. 53.

⁽³⁾ Opinion of the European Parliament of 5 October 2001 (not yet published in the Official Journal), Council Common Position of 19 January 2001 (OJ C 70, 2.3.2001, p. 1) and Decision of the European Parliament of 15 May 2001 (not yet published in the Official Journal). Council Decision of 26 June 2001.

⁽⁴⁾ OJ L 257, 19.10.1968, p. 13. Directive as last amended by the 1994 Act of Accession.

⁽⁵⁾ OJ L 317, 18.12.1993, p. 59.

⁽⁶⁾ OJ L 180, 13.7.1990, p. 26.

- (4) Mobility for students, persons undergoing training, volunteers, teachers and trainers is also an integral part of the principle of non-discrimination on grounds of nationality as provided for in Article 12 of the Treaty. That principle applies to the areas covered by the Treaty, as has been held in the case law of the Court of Justice. It therefore applies to the fields of education, training and youth.
- (5) The Council and the Representatives of the Governments of the Member States, meeting within the Council, adopted on 14 December 2000 a resolution concerning an Action Plan for mobility ⁽¹⁾, which was also approved at the Nice European Council.
- (6) Council Regulation (EEC) No 1408/71 of 14 June 1971 on the application of social security schemes to employed persons, to self-employed persons and to members of their families moving within the Community ⁽²⁾ has in part become applicable to students under Council Regulation (EC) No 307/1999 ⁽³⁾.
- (7) Council Regulation (EEC) No 1612/68 of 15 October 1968 on freedom of movement for workers within the Community ⁽⁴⁾ provides for equality of treatment as regards access to education and vocational training for workers and their families who have exercised their right to freedom of movement.
- (8) The recognition of professional qualifications for entering and exercising regulated professions, such as teaching, is governed in the Community by the general system established by Council Directives 89/48/EEC ⁽⁵⁾ and 92/51/EEC ⁽⁶⁾.
- (9) Council Resolution of 3 December 1992 on the transparency of qualifications ⁽⁷⁾, and Council Resolution of 15 July 1996 on the transparency of vocational training certificates ⁽⁸⁾, called on the Commission and the Member States to take steps to improve mutual understanding of the qualifications systems of the various Member States and of the qualifications themselves, by making them clearer and more readable, and therefore more transparent. A European Forum in the field of transparency of vocational qualifications has been created to make concrete proposals for implementing those Resolutions. The first proposals were submitted in February 2000.
- (10) Involvement in transnational voluntary activities helps to shape young people's future careers, develop their social skills and smooth their integration into society, thereby fostering the development of an active citizenship. In addition, since voluntary work is an activity which specifically involves solidarity, is non-profit-making and unpaid, it should not be treated, under national legislation, as employment.
- (11) Furthermore, the Council has invited the Commission to study the feasibility of introducing, on a voluntary basis, a European administrative annex to the diploma in order to establish synergies between academic recognition and professional recognition of qualifications ⁽⁹⁾. The work undertaken along those lines by the Commission together with the Council of Europe and UNESCO has been completed and will soon be followed up with a public awareness campaign.
- (12) Despite the provisions quoted above, the Green Paper on 'Education, training, research: the obstacles to transnational mobility', adopted by the Commission in October 1996, noted the existence of obstacles to mobility. The diversity of the status in the Member States of students, persons undergoing training, teachers and trainers, particularly with regard to provisions on the right of residence, employment law, social security and taxation, is an obstacle to mobility. Similarly, not recognising the specific nature of voluntary work is a hindrance to the mobility of volunteers.
- (13) Persons wishing to undertake mobility in the areas of education, training and youth, particularly students, persons in training, volunteers and teachers and trainers, are often discouraged by the many obstacles they encounter, as evidenced by the petitions they address to the European Parliament. In this context, the Community's action should cater for the aspirations of its citizens in terms of mobility in education and training.

⁽¹⁾ OJ C 371, 23.12.2000, p. 4.

⁽²⁾ OJ L 149, 5.7.1971, p. 2. Regulation as last amended by Regulation (EC) No 1399/1999 (OJ L 164, 30.6.1999, p. 1).

⁽³⁾ OJ L 38, 12.2.1999, p. 1.

⁽⁴⁾ OJ L 19, 24.1.1989, p. 16.

⁽⁵⁾ OJ L 19, 24.1.1989, p. 16.

⁽⁶⁾ OJ L 209, 24.7.1992, p. 25. Directive as last amended by Commission Directive 2000/5/EC (OJ L 54, 26.2.2000, p. 42).

⁽⁷⁾ OJ C 49, 19.2.1993, p. 1.

⁽⁸⁾ OJ C 224, 1.8.1996, p. 7.

⁽⁹⁾ OJ C 195, 6.7.1996, p. 6.

- (14) In the context of Article 293 of the Treaty which provides in particular for the Member States, so far as is necessary, to enter into negotiations with each other with a view to securing for the benefit of their nationals the abolition of double taxation within the Community, it should be noted that this network of bilateral agreements is still not complete, with the result that obstacles to mobility still remain.
- (15) The Green Paper proposed a series of actions to eliminate those obstacles. They have been largely approved in the context of the debates which have been organised on this subject in all Member States. It is therefore necessary to remove those obstacles to mobility. Special attention should be paid to the needs of the most disadvantaged and most vulnerable groups, such as the disabled.
- (16) The European Council in Lisbon on 23 and 24 March 2000 declared its support for mobility as an essential feature of the new knowledge society and in promoting lifelong education. It called on the Member States, the Council and the Commission to:
- take the necessary steps within their areas of competence to foster the mobility of students, teachers and training staff, in particular by removing obstacles, through greater transparency in the recognition of qualifications and periods of study and training, and through specific measures for removing obstacles to the mobility of teachers by 2002;
 - develop a common European format for curricula vitae to encourage mobility by helping to improve assessment, by education and training establishments and employers, of knowledge acquired.
- The European Council also called on the Council and the Commission to create a European database on jobs and learning opportunities to facilitate mobility, while improving employability and reducing the skills shortage.
- (17) Mobility fosters the discovery of new cultural and social environments. There is therefore a need to facilitate the cultural preparation and initiation of the persons concerned into living, learning and working practices in different European countries, as well as their return under appropriate conditions, namely by training relevant contact persons of the target groups (university teachers and administrators, vocational teachers and trainers, teachers and head teachers, staff of sending and hosting organisations) interculturally, and to encourage educational and training establishments to appoint staff to coordinate and facilitate their intercultural training.
- (18) This Recommendation conforms to the principle of subsidiarity referred to in Article 5 of the Treaty insofar as Community action, complementing action by the Member States, is necessary for the obstacles to mobility to be removed. It is important to that end to emphasise that mobility requires Community intervention because by its nature it entails transnational aspects. This Recommendation also conforms to the principle of proportionality referred to in that Article because it does not go beyond what is necessary to achieve the objectives pursued.
- (19) This Recommendation seeks to encourage cooperation between Member States on the subject of mobility by supporting their activities and fully respecting their responsibilities within the framework of their national legislation in particular as regards the implementation of the invitations which it contains.
- (20) This Recommendation is aimed at Member State nationals who would like to experience living in a Member State other than the home Member State. Nevertheless, it should also be noted that the European Council stated at Tampere on 15 and 16 October 1999 that the European Union must ensure 'equal treatment for third country nationals who are legally resident in a Member State' and that a more vigorous integration policy should aim at granting them rights and imposing on them obligations comparable to those citizens of the Union. Third country nationals who are legally resident in a Member State should be granted a number of rights in that Member State which come as close as possible to those enjoyed by the citizens of the Union.

- (21) Community education, training and youth programmes are open to the countries of the European Free Trade Association participating in the European Economic Area and the associated countries of Central and Eastern Europe (CCEE), in accordance with the conditions set out in the Europe Agreements, in their additional protocols and in the decisions of the relevant Association Councils, and to Cyprus, Malta and Turkey. This Recommendation should accordingly be brought to the attention of these countries and mobility should be facilitated for any nationals from those countries who pursue studies or training, take part in voluntary activities, or provide teaching or training within the European Union under a Community programme.
- (22) The Community programmes, including those mentioned above, have enabled the development at Community level of good practice and of important tools which aim to facilitate mobility for students, persons undergoing training, volunteers, teachers and trainers. The widest possible application of those good practices and tools should be envisaged,

I. HEREBY RECOMMEND that Member States:

1. Measures which concern all categories of people covered by this Recommendation:

- (a) take the measures they consider appropriate to remove the legal and administrative obstacles to the mobility of persons undertaking a course of studies, a period of training or a voluntary activity, or providing teaching or training in another Member State, particularly in the context of Community programmes (including Socrates, Leonardo da Vinci and Youth) but also outside them; to cooperate with the Commission in the promotion of the exchange of experience and good practice relating to the transnational mobility of the persons concerned and the various aspects of this Recommendation;
- (b) take the measures they consider appropriate to reduce linguistic and cultural obstacles, for example:
- to encourage the learning of at least two Community languages, and to make young people aware, in particular, of Union citizenship and respect for cultural and social differences;
 - to encourage linguistic and cultural preparation before any mobility measure;
- (c) promote the development of various arrangements for financial support for mobility (grants, scholarships, subsidies, loans, etc.) and in particular:
- facilitate the portability of scholarships and national aids;
 - take the measures they consider appropriate so that the procedures for transferring and paying grants and other assistance abroad are facilitated and simplified;
- (d) take the measures they consider appropriate to promote a European qualification area, i.e. to enable those concerned to report on the qualifications obtained and the experience acquired in the host State to the relevant authorities, particularly the academic and professional authorities in their home State; that might be carried out by promoting the objectives of the 1992 and 1996 Resolutions on the transparency of qualifications and training certificates, by encouraging the use of the Europass Training document as provided for in Council Decision 1999/51/EC of 21 December 1998 on the promotion of European pathways in work-linked training, including apprenticeship ⁽¹⁾ and of the European diploma supplement, and by implementing the conclusions of the Lisbon European Council of 23 and 24 March 2000, in particular by establishing a European framework of basic skills and a common European format for curricula vitae;
- (e) consider to what extent the persons covered by this Recommendation can benefit from the arrangements for support available to the same categories of persons in the host State, such as for example reductions for public transport, financial assistance with accommodation and meals, as well as access to libraries and museums, with the exception of benefits available under social security. In this context discussions on introducing a 'mobility card' should be initiated;

⁽¹⁾ OJ L 17, 22.1.1999, p. 45.

- (f) help to enable people interested in mobility to have easy access to any useful information concerning opportunities for studying, training, volunteering, or providing teaching or training in the other Member States, by extending the work of the National Academic Recognition Information Centres, the European Network of Information Centres and Europe Direct, in particular by:
- improving the dissemination of information regarding the possibilities and conditions (especially the arrangements for financial support) concerning transnational mobility;
 - ensuring that their citizens are aware of their entitlements under Regulation (EEC) No 1408/71 and under existing reciprocal arrangements concerning social security cover while they are temporarily resident in another Member State;
 - encouraging the training of, and regular provision of information to, those at all administrative levels regarding the Community acquis on mobility;
 - taking part in the work on the creation of a database on jobs and learning opportunities, in the context of decentralised procedures and taking full advantage of existing structures and mechanisms such as the European Employment Services (EURES);
- (g) take the measures they consider appropriate so that the categories of persons concerned by this Recommendation are not subjected to discrimination in their home Member State in relation to the same categories of persons who do not undertake a transnational mobility experience;
- (h) take measures they consider appropriate to remove obstacles to the mobility of third country nationals who, when participating in Community programmes, including Socrates, Leonardo da Vinci and Youth, pursue study or training, do voluntary work or provide teaching or training.

2. Measures which specifically concern students:

- (a) facilitate the recognition, for academic purposes, in the home Member State of the period of study undertaken in the host Member State; for this purpose the use of the European Credit Transfer System (ECTS) throughout the Community should be encouraged which, based on the transparency of curricula, guarantees the recognition of academic experience as a result of a contract drawn up in advance between the student and the home and host establishments;
- (b) take, furthermore, appropriate measures so that the decisions of the authorities responsible for academic recognition are adopted within reasonable timescales, are justified and can be subject to administrative and/or legal appeal;
- (c) encourage educational establishments to issue a European supplement as an administrative annex to the diploma, the aim of which is to describe the studies undertaken in order to facilitate their recognition;
- (d) encourage students and pupils to complete a part of their studies in another Member State and to facilitate the recognition of periods of study completed in this context in another Member State;
- (e) take or to encourage appropriate measures to enable students more easily to prove that they have health cover or insurance in order to obtain their residence permits;
- (f) facilitate the integration (academic guidance, educational psychology, etc.), of students undergoing mobility into the education system of the host Member State, as well as their reintegration into the education system of the home Member State, following the example of the Socrates programme.

3. Measures which specifically concern persons undergoing training:

- (a) promote the consideration in the home Member State of attested training undertaken in the host Member State; to this end, the use of the 'Europass Training' document, amongst others, should be encouraged;

- (b) encourage the use of more transparent models for vocational training certificates, as provided for in the 1996 Resolution on the transparency of vocational training certificates and in the proposals submitted by the European Forum on the transparency of vocational qualifications. These proposals aim in particular at:
 - issuing, with official national certificates, a translation of such certificates and/or a European certificate supplement;
 - designating national reference points responsible for providing information on national vocational qualifications;
 - (c) take the measures they consider appropriate, in accordance with Community law and in the framework of their national law, so that persons travelling to another Member State for the purpose of undergoing recognised training there are not subject, because of their mobility to discrimination with respect to relevant social protection, including the administrative formalities for this protection, such as in the area of health care and other relevant areas;
 - (d) take the measures they consider appropriate from the administrative point of view to make it easier to obtain proof that a person undergoing training in another Member State has sufficient resources, as provided for in Directive 90/364/EEC.
4. Measures which specifically concern volunteers:
- (a) ensure that the specific nature of voluntary activity is taken into account in national legal and administrative measures;
 - (b) promote the consideration, in the home Member State, of voluntary activity undertaken in the host Member State by means of a certificate that persons have taken part in voluntary activity projects, describing the experience gained, within the framework of the objective of bringing about a common European format for curricula vitae;
 - (c) take the measures they consider appropriate, in accordance with Community law and in the framework of their national law, so that volunteers and their families are not discriminated against because of their mobility with respect to relevant social protection, such as health care and social welfare policies;
 - (d) take the measures they consider appropriate, under national legislation, to ensure that recognised voluntary activities are not treated as employment.
5. Measures which specifically concern teachers and trainers:
- (a) take into account as far as possible the problems facing teachers and trainers on short-term mobility covered by the legislation of several Member States and encourage cooperation in this respect;
 - (b) take the measures they consider appropriate to facilitate teachers' and trainers' mobility to other Member States, for example:
 - by making arrangements for the temporary replacement of teachers and trainers on European mobility;
 - by ensuring that arrangements are made to facilitate their integration in the host establishment;
 - by considering the introduction, in accordance with procedures established at national level, of European training periods to make mobility easier.
 - (c) encourage the introduction of a European dimension into the professional environments of teachers and trainers, in particular:
 - in the content of the programmes for the training of teachers and trainers;
 - by encouraging contacts between establishments for the training of teachers and trainers in different Member States, including exchanges and courses in other Member States;
 - (d) promote consideration of European mobility experience as a component of the careers of teachers and trainers.

II. HEREBY INVITE Member States:

- to draw up and forward to the Commission, within two years of the adoption of this Recommendation and thereafter every two years, an evaluative report on the action they have taken in response to the recommendations set out above and in the Action Plan for mobility.

III. HEREBY INVITE the Commission:

- (a) to set up a group of experts who represent all Member States and comprise the officials responsible for coordinating, at national level, the implementation of these recommendations and of the measures in the Action Plan for mobility, in order to enable the exchange of information and experience on these;
- (b) to continue to cooperate with the Member States and the social partners, within *inter alia* the European Forum on the transparency of professional qualifications, so that useful information and experience concerning the implementation of the measures advocated in this Recommendation may be exchanged;
- (c) to submit to the European Parliament, the Council, the Economic and Social Committee and the Committee of the Regions, at the latest two years and six months after the adoption of this Recommendation and thereafter every two years, an analytical summary of the reports from the Member States referred to in II above; and to include in such a summary an indication of the areas of activity in which Community action may be needed to complement measures which have been taken by Member States;
- (d) to study the procedures for introducing a pass for schoolchildren/students/trainees/volunteers within the Community giving holders entitlement to different concessions during their period of mobility;
- (e) to draw up proposals for improved cooperation in promoting the transparency of qualifications, in particular for making the EUROPASS available to third countries participating in Community programmes, and with regard to certificates of completion of vocational training;
- (f) to study appropriate procedures for the adoption of measures, in cooperation with the Member States, for the exchange of information on opportunities for education, training or voluntary work, or providing teaching or training in the other Member States.

Done at Brussels, 10 July 2001.

For the European Parliament

The President

N. FONTAINE

For the Council

The President

D. REYNDEERS

ANNEX

CATEGORIES OF PEOPLE COVERED BY THIS RECOMMENDATION

The people mentioned below are covered by this Recommendation only if they move from one State (the home State) to another (the host State) for a temporary stay and return to the home State at the end of their stay. Such persons keep their legal residence, as defined by the law of each Member State, in the home State.

I. Students

People who study in educational establishments such as those covered by the third indent of Article 149(2) of the Treaty.

II. Persons undergoing training

People who, regardless of their age and professional conditions, attend vocational training at any level including higher education.

III. Volunteers

People, especially young people, who, in the context of the 'European Voluntary Service' section of the Community 'Youth' programme or of transnational voluntary projects similar to the 'European Voluntary Service', undertake an activity which specifically involves solidarity, is nonprofit making and unpaid and helps them acquire social and personal skills.

IV. Teachers

People who provide teaching in educational establishments such as those covered by the third indent of Article 149(2) of the Treaty.

V. Trainers

People who provide training in educational or vocational training centres such as those referred to in the fourth indent of Article 150(2) of the Treaty and/or in training centres or undertakings.

**DECISION No 2/2001 OF THE EU-POLAND ASSOCIATION COUNCIL
of 7 May 2001**

extending by five years the period within which any public aid granted by the Republic of Poland will be assessed taking into account the fact that the Republic of Poland is to be regarded as an area identical to those areas of the Community described in Article 87(3)(a) of the Treaty establishing the European Community

(2001/614/EC)

THE ASSOCIATION COUNCIL,

Having regard to the Europe Agreement establishing an association between the European Communities and their Member States, of the one part, and the Republic of Poland, of the other part, and in particular Article 63(4)(a) thereof,

Whereas:

- (1) Article 63(4)(a) of the Europe Agreement lays down that the Association Council shall, taking into account the economic situation of the Republic of Poland, decide whether the period within which any public aid granted by the Republic of Poland shall be assessed taking into account the fact that the Republic of Poland shall be regarded as an area identical to those areas of the Community described in Article 87(3)(a) of the Treaty establishing the European Community should be extended for a further period of five years.
- (2) The GDP/capita of the Republic of Poland measured in Purchasing Power Standards reached 36 % of the Community average in 1998, it is appropriate to make such an extension,

HAS DECIDED AS FOLLOWS:

Article 1

The period within which any public aid granted by the Republic of Poland shall be assessed, taking into account the fact that the Republic of Poland shall be regarded as an area

identical to those areas of the Community described in Article 87(3)(a) of the Treaty establishing the European Community, shall be extended for a further period of five years.

Article 2

Within six months of the date of adoption of this Decision, the Republic of Poland shall submit the GDP per capita figures which have been harmonised at NUTS II level to the European Commission. The Republic of Poland State aid monitoring authority and the European Commission shall then jointly evaluate the eligibility of the regions as well as the maximum aid intensities in relation thereto in order to draw up the regional aid map on the basis of the Community guidelines on national regional aid. ⁽¹⁾ Thereafter, the joint proposal shall be submitted to the Association Committee, which shall take a decision to this effect.

Article 3

This Decision shall enter into force on the day of its adoption. It shall apply as from 1 January 1997.

Done at Brussels, 7 May 2001.

For the Association Council

The President

W. BARTOSZEWSKI

⁽¹⁾ OJ C 74, 10.3.1998, p. 9.

**DECISION No 3/2001 OF THE EU-POLAND ASSOCIATION COUNCIL
of 23 May 2001**

adopting the implementing rules for the application of the provisions on State aid referred to in Article 63(1)(iii) and (2) pursuant to Article 63(3) of the Europe Agreement establishing an association between the European Communities and their Member States, of the one part, and the Republic of Poland, of the other part, and in Article 8(1)(iii) and (2) of Protocol 2 on European Coal and Steel Community (ECSC) products to that Agreement

(2001/615/EC)

THE ASSOCIATION COUNCIL,

Having regard to the Europe Agreement establishing an association between the European Communities and their Member States, of the one part, and the Republic of Poland, of the other part, and in particular Article 63(3) thereof,

Having regard to Protocol 2 on European Coal and Steel Community (ECSC) products to the Europe Agreement, and in particular Article 8(3) thereof,

Whereas:

- (1) Article 63(3) of the Europe Agreement lays down that the Association Council shall, within three years of the entry into force of the Agreement, adopt by decision the necessary rules for the implementation of paragraphs 1 and 2 of that Article.
- (2) It is recalled that, in accordance with Article 63(2) of the Europe Agreement, the concept of 'public aid' as contained in Article 63(1)(iii) of the Europe Agreement is to be assessed on the basis of criteria arising from the application of the rules of Article 87 of the Treaty establishing the European Community, and thus covers any aid granted by the State or through State resources in any form whatsoever which distorts or threatens to distort competition by favouring certain undertakings or the production of certain goods, insofar as it may affect trade between the European Community and the Republic of Poland (State aid).
- (3) The Republic of Poland will appoint a national institution or administration to become a monitoring authority with responsibility for State aid matters.
- (4) This monitoring authority will be responsible for the analysis of existing and future individual aid awards and programmes in the Republic of Poland and will give an opinion as to their compatibility with Article 63(1)(iii) and (2) of the Europe Agreement, and Article 8(1)(iii) and (2) and (4) of Protocol 2 on European Coal and

Steel Community (ECSC) products to the Europe Agreement.

- (5) The Republic of Poland will, when providing for the necessary rules to ensure effective supervision, ensure in particular that the monitoring authority receives in due time all the relevant information from the other government departments at central, regional and local level.
- (6) The Commission of the European Communities will, under the relevant Community programmes, assist the monitoring authority by providing for documentation, training, study tours and other relevant technical assistance,

HAS DECIDED AS FOLLOWS:

Article 1

The implementing rules for the application of the provisions on State aid referred to in Article 63(1)(iii) and (2) pursuant to Article 63(3) of the Europe Agreement establishing an association between the European Communities and their Member States, of the one part, and the Republic of Poland, of the other part, and in Article 8(1)(iii) and (2) of Protocol 2 on European Coal and Steel Community (ECSC) products to that Agreement as set out in the Annex to this Decision, are hereby adopted.

Article 2

These Implementing Rules shall enter into force on the first day of the month following the adoption of the rules.

Done at Brussels, 23 May 2001.

For the Association Council

The President

W. BARTOSZEWSKI

IMPLEMENTING RULES

for the application of the provisions on State aid referred to in Article 63(1)(iii) and (2) pursuant to Article 63(3) of the Europe Agreement establishing an association between the European Communities and their Member States, of the one part, and the Republic of Poland, of the other part, and in Article 8(1)(iii) and (2) of Protocol 2 on European Coal and Steel Community (ECSC) products to that Agreement

SURVEILLANCE OF STATE AID BY MONITORING AUTHORITIES

Article 1

Surveillance of State aid by monitoring authorities

Subject to the procedural rules in force in the European Community ('the Community') and the Republic of Poland, the granting of State aid shall be surveyed and assessed as to its compatibility with the Europe Agreement by the responsible monitoring authorities in the Community and the Republic of Poland, respectively. The monitoring authority in the Community shall be the Commission of the European Communities ('the Commission'), and in the Republic of Poland the President of the Office for Competition and Consumer Protection.

GUIDANCE FOR DEALING WITH CASES

Article 2

Criteria for compatibility

1. The assessment of compatibility of individual aid awards and programmes with the Europe Agreement, as provided for in Article 1 of these Rules, shall be made on the basis of the criteria arising from the application of the rules of Article 87 of the Treaty establishing the European Community, including the present and future secondary legislation, frameworks, guidelines and other relevant administrative acts in force in the Community, as well as the case law of the Court of First Instance and the Court of Justice of the European Communities and any decision taken by the Association Council pursuant to Article 4(3).

Insofar as the aid awards or aid programmes are destined for products covered by Protocol 2 to the Europe Agreement, the first sentence of this paragraph applies fully with the exception that the assessment shall not be made on the basis of the criteria arising from the application of the rules of Article 87 of the Treaty establishing the European Community but on the basis of the criteria arising from the application of the rules on State aid of the Treaty establishing the European Coal and Steel Community.

2. The monitoring authority of the Republic of Poland shall be informed of any acts relating to the adoption, abolition or modification of the Community criteria of compatibility referred to in paragraph 1, insofar as these are not published but are specifically brought to the attention of all Member States.

3. Where such changes do not encounter objections from the Republic of Poland within three months from the date of receiving the official information about them, they shall become criteria of compatibility as provided for in paragraph 1 of this Article. Where such changes encounter objections from the Republic of Poland and having regard to the approximation of legislation as provided for in the Europe Agreement, consul-

tations shall take place, in accordance with Articles 7 and 8 of these Rules.

4. The same principles shall apply in respect of other significant changes in Community policy on State aids.

Article 3

De minimis aid

Aid programmes or individual aid awards which do not involve export aid and which fall below the threshold applicable in the Community for *de minimis* aid⁽¹⁾ shall be considered as having only a negligible effect on competition and trade between the Parties and shall therefore not be treated under these Rules. This Article does not apply to the industries covered by the Treaty establishing the European Coal and Steel Community, to shipbuilding, to transport nor to aid towards expenditure in connection with agriculture or fisheries.

Article 4

Derogations

1. In accordance with and within the limits of Article 63(4)(a) of the Europe Agreement, the Republic of Poland shall be regarded as an area identical to those areas of the Community referred to in Article 87(3)(a) of the Treaty establishing the European Community.

2. The monitoring authorities shall jointly evaluate the maximum aid intensities and specific regional coverage of areas in the Republic of Poland eligible for national regional aid. They shall submit a joint proposal to the Association Committee which shall establish a decision to this effect.

3. The monitoring authorities may, if necessary and at the request of the Republic of Poland jointly evaluate problems raised by the implementation of the Community acquis in the field of State aids awarded by the Republic of Poland as it completes transition to a market economy. The evaluation of such problems shall not relate to the agricultural sector, fisheries, coal and steel, or to sensitive sectors (automobiles, manmade fibres or shipbuilding) for which specific Community arrangements exist. Where appropriate, the monitoring authorities shall submit a joint proposal to the Association Council, which may adopt a decision.

⁽¹⁾ Currently the Community *de minimis* threshold according to the Commission Notice on *de minimis* aid (OJ C 68, 6.3.1996, p. 9) is EUR 100 000 of total aid per firm over a three-year period.

PROCEDURES FOR CONSULTATION AND PROBLEM SOLVING

*Article 5***Examination of certain aid**

1. Where the amount of the aid in question amounts to over EUR 3 million, aid programmes or individual aid awards, whether or not covered by frameworks and guidelines in the Community, may be referred by the relevant monitoring authority to the Sub-Committee dealing with competition policy and State aids for examination. The Sub-Committee may submit a report to the Association Committee which may adopt appropriate decisions or recommendations concerning the compatibility of the aid programme or aid award with the Europe Agreement and these Rules.

2. The principal purpose of such decisions or recommendations shall be to avoid the resorting to commercial defence measures as a consequence of the aid in question.

3. The Association Committee may decide to extend further the possibility of examination as provided for in this Article.

*Article 6***Request for information**

Whenever the monitoring authority of a Party becomes aware of the fact that an aid programme or individual aid award appears to affect important interests of that Party, it may request information about this from the authority responsible. In any event, both monitoring authorities shall endeavour to keep each other informed of important developments that may be of practical interest for the other.

*Article 7***Consultation and comity**

1. Whenever the Commission or the monitoring authority of the Republic of Poland considers that the award of State aid on the territory for which the other authority is responsible substantially affects its important interests, it may request consultation with the other authority, and consequently it may request that the other Party's monitoring authority initiate any appropriate procedures with a view to taking remedial action. This is without prejudice to any action under the respective Parties' relevant legislation and does not hamper the full freedom of ultimate decision of the authority so addressed, within the framework of the Europe Agreement.

2. The monitoring authority so addressed shall give full and sympathetic consideration to such views and factual material as may be presented by the requesting authority and in particular to the alleged harmful effects on the important interests of the requesting Party.

3. Without prejudice to any of their rights and obligations, the monitoring authorities involved in consultations under this Article shall endeavour to find, within three months, a mutually acceptable solution in the light of the respective important interests involved.

*Article 8***Problem solving**

1. Where consultations under Article 7 do not lead to a mutually acceptable solution, an exchange of views shall take place within the Sub-Committee dealing with competition policy and State aids established in the framework of the Europe Agreement at the request of one Party within three months following the request.

2. Where this exchange of views does not lead to a mutually acceptable solution, or after the expiration of the period referred to in paragraph 1, the matter may be submitted to the Association Committee which may make appropriate recommendations for the settlement of these cases.

3. These procedures shall be without prejudice to any action under Article 63(6) of the Europe Agreement and Article 8(6) of Protocol 2 on European Coal and Steel Community (ECSC) products to the Europe Agreement. Trade instruments should however only be used as a last resort.

*Article 9***Secrecy and confidentiality of information**

1. With respect to Article 63(7) of the Europe Agreement, neither monitoring authority is required to provide information to the other authority if disclosure of that information to the requesting authority is prohibited by the law of the authority possessing the information.

2. Each monitoring authority agrees to maintain the confidentiality of any information provided to it in confidence by the other authority.

TRANSPARENCY

*Article 10***Inventory**

1. Under the relevant Community programmes, the Commission shall assist the Republic of Poland to draw up and thereafter update an inventory of its aid programmes and individual aid awards, established on the same basis as in the Community, in order to ensure and continuously improve transparency.

2. The Commission shall provide the Republic of Poland with regular information on the documentation it produces with a similar aim in relation to the Member States of the Community.

*Article 11***Mutual information**

Both Parties shall ensure transparency in the domain of State aid by providing for appropriate publications and the exchange of information on State aid policy on a regular and reciprocal basis.

MISCELLANEOUS

*Article 12***Administrative assistance (languages)**

The Commission and the monitoring authority of the Republic of Poland shall provide for practical arrangements for mutual assistance or any other appropriate solution concerning in particular the question of translations.

COMMISSION

COMMISSION DECISION

of 5 June 2001

on financial aid from the Community for the operation of certain Community reference laboratories in the field of animal health and live animals 2001*(notified under document number C(2001) 1544)***(Only the Danish, German, French, Spanish, Swedish and English texts are authentic)**

(2001/616/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Decision 90/424/EEC of 26 June 1990 on expenditure in the veterinary field ⁽¹⁾, as last amended by Decision 2001/12/EC ⁽²⁾, and in particular Article 28(2) thereof,

Whereas:

(1) Community financial aid should be granted to the Community reference laboratories designated by the Community to assist them in carrying out the functions and duties laid down in the following Directives and Decisions:

- Council Directive 80/217/EEC of 22 January 1980 introducing Community measures for the control of classical swine fever ⁽³⁾, as last amended by Decision 93/384/EEC ⁽⁴⁾,
- Council Directive 92/40/EEC of 19 May 1992 introducing Community measures for the control of avian influenza ⁽⁵⁾, as last amended by the Act of Accession of Austria, Sweden and Finland,
- Council Directive 92/66/EEC of 14 July 1992 introducing Community measures for the control of Newcastle disease ⁽⁶⁾, as last amended by the Act of Accession of Austria, Sweden and Finland,

- Council Directive 92/119/EEC of 17 December 1992 introducing general Community measures for the control of certain animals diseases and specific measures relating to swine vesicular disease ⁽⁷⁾, as last amended by Decision 95/1/EC, Euratom, ECSC ⁽⁸⁾,

- Council Directive 93/53/EEC of 24 June 1993 introducing minimum Community measures for the control of certain fish diseases ⁽⁹⁾,

- Council Directive 95/70/EC of 22 December 1995 introducing minimum Community measures for the control of certain diseases affecting bivalve molluscs ⁽¹⁰⁾,

- Council Directive 92/35/EEC of 29 April 1992 laying down control rules and measures to combat African horse sickness ⁽¹¹⁾, as last amended by the Act of Accession of Austria, Finland and Sweden,

- Council Directive 2000/75/EC of 20 November 2000 laying down specific provisions for the control and eradication of bluetongue ⁽¹²⁾,

- Council Decision 2000/258/EC of 20 March 2000 designating a specific institute responsible for elaborating criteria for standardising serological tests to control the efficiency of rabies vaccines ⁽¹³⁾,

- Council Decision 96/463/EC of 23 July 1996 designating the reference body responsible for collaborating in rendering uniform the testing methods and the assessment of the results for pure-bred breeding animals of the bovine species ⁽¹⁴⁾.

⁽¹⁾ OJ L 224, 18.8.1990, p. 19.

⁽²⁾ OJ L 3, 6.1.2001, p. 27.

⁽³⁾ OJ L 47, 21.2.1980, p. 11.

⁽⁴⁾ OJ L 166, 8.7.1993, p. 34.

⁽⁵⁾ OJ L 167, 22.6.1992, p. 1.

⁽⁶⁾ OJ L 260, 5.9.1992, p. 1.

⁽⁷⁾ OJ L 62, 15.3.1993, p. 69.

⁽⁸⁾ OJ L 1, 1.1.1995, p. 1.

⁽⁹⁾ OJ L 175, 19.7.1993, p. 23.

⁽¹⁰⁾ OJ L 332, 30.12.1995, p. 33.

⁽¹¹⁾ OJ L 260, 5.9.1992, p. 1.

⁽¹²⁾ OJ L 327, 22.12.2000, p. 74.

⁽¹³⁾ OJ L 95, 15.4.2000, p. 40.

⁽¹⁴⁾ OJ L 192, 2.8.1996, p. 19.

- (2) The financial contribution from the Community shall be granted provided that the actions planned are efficiently carried out and that the authorities supply all the necessary information within the time limits laid down.
- (3) For budgetary reasons, Community assistance should be granted for a period of one year.
- (4) Pursuant to Article 3(2) of Council Regulation (EC) No 1258/1999 ⁽¹⁾, veterinary and plant health measures undertaken in accordance with Community rules shall be financed under the Guarantee Section of the European Agricultural Guidance and Guarantee Fund. For financial purposes, Articles 8 and 9 of Regulation (EC) No 1258/1999 apply.
- (5) The measures provided for in this Decision are in accordance with the opinion of the Standing Veterinary Committee,

HAS ADOPTED THIS DECISION:

Article 1

1. The Community grants financial assistance to Germany for the functions and duties to be carried out by the Institut für Virologie der Tierärztlichen Hochschule, Hanover, Germany, for classical swine fever referred to in Annex VI to Directive 80/217/EEC.
2. The Community's financial assistance shall amount to a maximum of EUR 46 000 for the period for 1 October to 31 December 2001.

Article 2

1. The Community grants financial assistance to the United Kingdom for the functions and duties to be carried out by the Central Veterinary Laboratory, Addlestone, United Kingdom, for avian influenza referred to in Annex V to Directive 92/40/EEC.
2. The Community's financial assistance shall amount to a maximum of EUR 75 000 for the period from 1 January to 31 December 2001.

Article 3

1. The Community grants financial assistance to the United Kingdom for the functions and duties to be carried out by the Central Veterinary Laboratory, Addlestone, United Kingdom for Newcastle disease referred to in Annex V to Directive 92/66/EEC.

⁽¹⁾ OJ L 160, 26.6.1999, p. 103.

2. The Community's financial assistance shall amount to a maximum of EUR 55 000 for the period from 1 January to 31 December 2001.

Article 4

1. The Community grants financial assistance to the United Kingdom for the functions and duties to be carried out by the Pirbright Laboratory, United Kingdom for swine vesicular disease referred to in Annex III to Directive 92/119/EEC.
2. The Community's financial assistance shall amount to a maximum of EUR 95 000 for the period from 1 January to 31 December 2001.

Article 5

1. The Community grants financial assistance to Denmark for the functions and duties to be carried out by the Statens Veterinære Serumlaboratorium, Århus, Denmark for fish diseases referred to in Annex C to Directive 93/53/EEC.
2. The Community's financial assistance shall amount to a maximum of EUR 125 000 for the period from 1 January to 31 December 2001.

Article 6

1. The Community grants financial assistance to France for the functions and duties to be carried out by the l'Ifremer, La Tremblade, France for diseases of bivalve molluscs referred to in Annex B to Directive 95/70/EC.
2. The Community's financial assistance shall amount to a maximum of EUR 90 000 for the period from 1 January to 31 December 2001.

Article 7

1. The Community grants financial assistance to Spain for the functions and duties to be carried out by the Laboratorio de sanidad y producción animal, Algete, Spain, for African horse sickness referred to in Annex I to Directive 92/35/EEC.
2. The Community's financial assistance shall amount to a maximum of EUR 40 000 for the period from 1 January to 31 December 2001.

Article 8

1. The Community grants financial assistance to the United Kingdom for the functions and duties to be carried out by the Pirbright Laboratory, United Kingdom for bluetongue referred to in Annex II to Directive 2000/75/EC.
2. The Community's financial assistance shall amount to a maximum of EUR 115 000 for the period from 1 January to 31 December 2001.

Article 9

1. The Community grants financial assistance to France for the functions and duties to be carried out by the laboratory of the AFSSA Nancy, France for rabies serology referred to in Annex II to Decision 2000/258/EC.

2. The Community's financial assistance shall amount to a maximum of EUR 130 000 for the period from 1 January to 31 December 2001.

Article 10

1. The Community grants financial assistance to Sweden for the functions and duties referred to in Annex II to Decision 96/463/EC to be carried out by the Interbull Centre, Uppsala, Sweden for the harmonisation of the various methods of testing and the assessment of the results of the methods of testing pure-bred breeding animals of the bovine species.

2. The Community's financial assistance shall amount to a maximum of EUR 60 000 for the period from 1 January to 31 December 2001.

Article 11

The Community's financial assistance shall be paid as follows:

- (a) 70 % by way of an advance at the request of the recipient Member States;

(b) the balance following presentation of supporting documents and a technical report by the recipient Member State. Those documents must be presented at the latest three months after the end of the period for which financial assistance has been granted;

(c) provided the actions planned are efficiently carried out and the authorities supply all the necessary information within the time limits laid down.

Article 12

This Decision is addressed to the Kingdom of Denmark, the Federal Republic of Germany, the French Republic, the Kingdom of Spain, the Kingdom of Sweden and the United Kingdom of Great Britain and Northern Ireland.

Done at Brussels, 5 June 2001.

For the Commission

David BYRNE

Member of the Commission

COMMISSION DECISION
of 20 July 2001
concerning a financial contribution towards the eradication of foot-and-mouth disease in Greece in 2000

(notified under document number C(2001) 2224)

(Only the Greek text is authentic)

(2001/617/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

HAS ADOPTED THIS DECISION:

Having regard to the Treaty establishing the European Community,

Article 1

Having regard to Council Decision 90/424/EEC of 26 June 1990 on expenditure in the veterinary field ⁽¹⁾, as last amended by Decision (EC) No 2001/12/EC ⁽²⁾, and in particular Article 11(2) and (4) thereof,

Greece may obtain financial assistance from the Community for eligible expenditure incurred under eradication measures relating to outbreaks of foot-and-mouth disease which occurred in 2000, in accordance with the provisions of Article 3(2) and Article 11 of Decision 90/424/EEC.

Whereas:

- (1) Outbreaks of foot-and-mouth occurred in Greece in 2000. The onset of the disease represents a serious danger to Community stocks. With a view to preventing the spread of the disease and contributing to its eradication the Community may contribute to eligible expenditure incurred by the Member State.
- (2) As soon as the presence of foot-and-mouth disease was officially confirmed the Greek authorities reported that they had taken measures listed in Article 3(2) of Decision 90/424/EEC, and immediately implemented the relevant provisions of Council Directive 85/511/EC ⁽³⁾.
- (3) Pursuant to Article 3(2) of Council Regulation (EC) No 1258/1999 ⁽⁴⁾, veterinary and plant health measures undertaken in accordance with Community rules shall be financed under the Guarantee Section of the European Agricultural Guidance and Guarantee Fund. For financial control purposes, Articles 8 and 9 of Regulation (EC) No 1258/1999 apply.
- (4) The financial contribution from the Community shall be granted provided that the actions planned are efficiently carried out and that the authorities supply all the necessary information within the time limits laid down.
- (5) It is appropriate to precise the term 'adequate compensation of farmers' used in Article 3(2) of Decision 90/424/EEC.
- (6) The measures provided for in this Decision are in accordance with the opinion of the Standing Veterinary Committee,

Article 2

1. The Community financial contribution shall be paid on the basis of:

- (a) the supporting documents submitted by Greece on the swift and adequate compensation of owners for:
 - the slaughter and/or destruction of animals and, where appropriate, of their milk,
 - the cleaning and disinfecting of holdings and equipment, and
 - the destruction of the contaminated feedingstuffs and, where appropriate, contaminated equipment.
- (b) the results of the Commission checks referred to in Article 3.

2. The documents referred to in paragraph 1 shall include an epidemiological report covering each holding on which animals have been slaughtered and destroyed, and a financial report.

The financial report shall take account of the categories of the animals destroyed, or slaughtered and destroyed in each farm due to foot-and-mouth. These reports shall be provided in computerised form in accordance with the model and format requested by the Commission.

3. The supporting documents relating to the measures taken in the period referred to in Article 1 shall be forwarded no later than 15 July 2001.

4. For the purposes of this Decision, 'adequate compensation' means animals compensated at the value the animals had immediately before they became affected.

⁽¹⁾ OJ L 224, 18.8.1990, p. 19.

⁽²⁾ OJ L 3, 6.1.2001, p. 27.

⁽³⁾ OJ L 315, 26.11.1985, p. 11.

⁽⁴⁾ OJ L 160, 26.6.1999, p. 103.

Article 3

The Commission may make on-the-spot checks, with the cooperation of the competent national authorities, on the application of the above measures and the related expenditure incurred.

The Commission shall inform the Member States of the results of the checks carried out.

Article 4

This Decision is addressed to the Hellenic Republic.

Done at Brussels, 20 July 2001.

For the Commission

David BYRNE

Member of the Commission

COMMISSION DECISION

of 23 July 2001

on additional guarantees in intra-Community trade of pigs relating to Aujeszky's disease, criteria to provide information on this disease and repealing Decisions 93/24/EEC and 93/244/EEC

(notified under document number C(2001) 2236)

(Text with EEA relevance)

(2001/618/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Directive 64/432/EEC of 26 June 1964, on animal health problems affecting intra-Community trade in bovine animals and swine ⁽¹⁾, as last amended and updated by Directive 2000/20/EC ⁽²⁾, and in particular Article 8, Article 9(2) and Article 10(2) thereof,

Whereas:

- (1) Commission Decision 93/24/EEC ⁽³⁾ establishes additional guarantees relating to Aujeszky's disease for pigs destined for Member States or regions free of the disease.
- (2) Commission Decision 93/244/EEC ⁽⁴⁾ establishes additional guarantees relating to Aujeszky's disease for pigs destined for certain parts of the territory of the Community where approved programmes are in place for the eradication of this disease.
- (3) The International Office of Epizootic Diseases (OIE) is the international organisation designated under the Agreement on the Application of Sanitary and Phytosanitary Measures in application of GATT 1994 which is responsible for the establishment of international animal health rules for trade in animals and animal products. These rules are published in the International Animal Health Code.
- (4) The chapter of the International Animal Health Code on Aujeszky's disease has recently been substantially amended.
- (5) It is appropriate to modify the additional guarantees required in intra-Community trade of pigs in relation to Aujeszky's disease in order to ensure their consistency with the international rules on this disease and better control in the Community.
- (6) Criteria must be established on the information to be provided by the Member States on Aujeszky's disease, in accordance with Article 8 of Directive 64/432/EEC.
- (7) For the sake of clarity Decisions 93/24/EEC and 93/244/EEC should be repealed and a single Decision should be adopted concerning additional guarantees in

intra-Community trade of pigs relating to Aujeszky's disease and on criteria to provide information on this disease.

- (8) The measures provided for in this Decision are in accordance with the opinion of the Standing Veterinary Committee,

HAS ADOPTED THIS DECISION:

Article 1

The dispatching of pigs intended for breeding or production destined for the Member States or regions free of Aujeszky's disease listed in Annex I and coming from any other Member State or region not listed in that Annex is authorised subject to the following conditions:

- (a) Aujeszky's disease must be compulsorily notifiable in the Member State of origin;
- (b) a plan for the control and eradication of Aujeszky's disease, fulfilling the criteria laid down in Article 9(1) of Directive 64/432/EEC, must be in place in the Member State or regions of origin under the supervision of the competent authority. Appropriate measures on pig transport and movements must be in place according to this plan for preventing a spread of disease between holdings of a different status;
- (c) with regard to the holding of origin of the pigs:
 - no clinical, pathological or serological evidence of Aujeszky's disease has been recorded in the previous 12 months in the holding in question,
 - no clinical, pathological or serological evidence of Aujeszky's disease has been recorded in the previous 12 months in the holdings located in an area of 5 km surrounding the holding of origin of the pigs; however, this provision shall not apply if, in these latter holdings, disease monitoring and eradication measures have been regularly applied under the supervision of the competent authority and in accordance with the eradication plan referred to in point (b), and these measures have effectively prevented any spread of disease to the holding in question,

⁽¹⁾ OJ 121, 29.7.1964, p. 1977/64.

⁽²⁾ OJ L 163, 4.7.2000, p. 35.

⁽³⁾ OJ L 16, 25.1.1993, p. 18.

⁽⁴⁾ OJ L 111, 5.5.1993, p. 21.

- vaccination against Aujeszky's disease has not been carried out for at least 12 months,
- the pigs have been subjected on at least two occasions at a distance of at least four months to a serological survey for the presence of ADV-gE or ADV-gB or ADV-gD antibody or to the whole Aujeszky's disease virus. This survey must have shown the absence of Aujeszky's disease and that vaccinated pigs have been free from gE antibodies,
- no pigs have been introduced from holdings of a lower animal health status as regards Aujeszky's disease in the previous 12 months, unless they have been tested for Aujeszky's disease with negative results;

(d) the pigs to be moved:

- have not been vaccinated,
- have been kept isolated in accommodation approved by the competent authority, during the 30 days prior to movement, and in such a way that any risk of spreading Aujeszky's disease to these pigs is prevented,
- must have lived in the holding of origin or in a holding of an equivalent status since birth, and have remained in the holding of origin for at least:
 - (i) 30 days, in the case of pigs intended for production;
 - (ii) 90 days, in the case of pigs intended for breeding,
- have been subjected with negative results to at least two serological tests for ADV-gB or ADV-gD or the whole Aujeszky's disease virus, at a distance of at least 30 days between each test. However, in case of pigs less than four months old, the serological test for ADV-gE may also be used. Sampling for the last test must be performed within 15 days prior to shipment. The number of pigs tested in the isolation unit must be sufficient to detect:
 - (i) 2 % seroprevalence with 95 % confidence in the isolation unit in case of pigs intended for production;
 - (ii) 0,1 % seroprevalence with 95 % confidence in the isolation unit in case of pigs intended for breeding.

However, the first of the two tests shall not be necessary if:

- (i) in the framework of the plan referred to in point (b), a serological survey has been carried out in the holding of origin between 45 and 17 days prior to shipment, demonstrating the absence of Aujeszky's disease antibodies and that vaccinated pigs have been free from gE antibodies;
- (ii) the pigs to be moved have lived in the holding of origin since birth;
- (iii) no pigs have moved on to the holding of origin while the pigs to be moved have been kept in isolation.

Article 2

The dispatching of pigs intended for slaughter destined for the Member States or regions free of Aujeszky's disease listed in Annex I and coming from any other Member State or region not listed in that Annex, is authorised subject to the following conditions:

- (a) Aujeszky's disease must be compulsorily notifiable in the Member State of origin;
- (b) a plan for the control and eradication of Aujeszky's disease is in place in the Member State or regions of origin of the pigs, fulfilling the criteria laid down in Article 1(b);
- (c) all the pigs in question must be transported directly to the slaughterhouse of destination and either:
 - they come from a holding which fulfils the conditions laid down in Article 1(c), or
 - they have been vaccinated against Aujeszky's disease at least 15 days prior to their shipment and come from a holding of origin where:
 - (i) in the framework of the plan referred to in point (b), Aujeszky's disease monitoring and eradication measures have been regularly applied under the supervision of the competent authority for the previous 12 months;
 - (ii) they had remained for at least 30 days before dispatch and where no clinical or pathological evidence of this disease has been detected at the moment of completion of the health certificate referred to in Article 7, or
 - they have not been vaccinated and they proceed from a holding where:
 - (i) in the framework of the plan referred to in point (b), Aujeszky's disease monitoring and eradication measures have been regularly applied under the supervision of the competent authority in the previous 12 months and no clinical, pathological or serological evidence of Aujeszky's disease has been recorded in the previous six months;
 - (ii) vaccination against Aujeszky's disease and introduction of vaccinated pigs have been forbidden by the competent authority, since the holding is in the process of reaching the highest status as regards Aujeszky's disease in accordance to the plan referred to in point (b);
 - (iii) they have lived for at least 90 days before dispatch.

Article 3

Pigs intended for breeding destined for the Member States or regions listed in Annex II, where approved Aujeszky's disease eradication programmes are in place, must either:

(a) come from Member States or regions listed in Annex I, or

(b) come from:

- Member States or regions listed in Annex II, and
- a holding which fulfils the requirements of Article 1(c); or

(c) fulfil the following conditions:

- Aujeszky's disease must be compulsorily notifiable in the Member State of origin,
- a plan for the control and eradication of Aujeszky's disease is in place in the Member States or region of origin, which fulfils the criteria laid down in Article 1(b),
- no clinical, pathological or serological evidence of Aujeszky's disease has been recorded in the previous 12 months in the holding of origin of the pigs in question,
- the pigs must have been isolated in accommodation approved by the competent authority for the 30 days immediately prior to movement and kept isolated in such a way that any risk of spreading of Aujeszky's disease is prevented,
- the pigs must have been subjected, with negative results, to a serological test for the presence of gE antibodies. Sampling for the last test must be performed within 15 days prior to shipment. The number of pigs tested must be sufficient to detect 2 % seroprevalence with 95 % confidence in these pigs,
- the pigs must have lived in the holding of origin or in a holding of an equivalent status since birth, and have remained in the holding of origin for at least 90 days.

Article 4

Pigs intended for production destined for the Member States or regions listed in Annex II, where approved Aujeszky's disease eradication programmes are in place, must either:

(a) come from Member States or regions listed in Annex I, or

(b) come from:

- Member States or regions listed in Annex II, and
- a holding which fulfils the requirements of Article 1(c); or

(c) fulfil the following conditions:

- Aujeszky's disease must be compulsorily notifiable in the Member State of origin,
- a plan for the control and eradication of Aujeszky's disease is in place in the Member States or region of origin, which fulfils the criteria laid down in Article 1(b),

— no clinical, pathological or serological evidence of Aujeszky's disease has been recorded in the previous 12 months in the holding of origin of the pigs in question,

— a serological survey for Aujeszky's disease, demonstrating its absence and that vaccinated pigs have been free from gE antibodies, has been carried out in the holding of origin and between 45 and 170 days prior to shipment,

— the pigs must either have lived in the holding of origin since birth or have remained in such holdings for at least 30 days after introduction from a holding of an equivalent status, where a serological survey equivalent to the one referred to in the fourth indent above has been carried out.

Article 5

The serological tests carried out to monitor or detect Aujeszky's disease in pigs in accordance with this Decision must meet the standards laid down in Annex III.

Article 6

Without prejudice to Article 10(3) of Directive 64/432/EEC, information of the occurrence of Aujeszky's disease, including details of the monitoring and eradication programmes in operation in the Member States listed in Annex II and in the other Member States or regions not listed in that Annex where monitoring and eradication programmes are in place, must be provided at least annually by each Member State in accordance with the uniform criteria laid down in Annex IV.

Article 7

1. Without prejudice to the provisions laid down in Community legislation concerning health certificates, before the completion, for animals of the porcine species destined for Member States or regions listed in Annex I or II, of section C of the health certificate required by Directive 64/432/EC, the official veterinarian shall ascertain:

(a) the status of the holding and of the Member State or region of origin of the pigs in question as regards Aujeszky's disease;

(b) in case the pigs are not originating from a Member State or a region free of the disease, the status of the holding and of the Member State or regions of destination for the pigs in question as regards Aujeszky's disease;

(c) the compliance of the pigs in question with the conditions laid down in this Decision.

2. For animals of the porcine species destined for Member States or regions listed in Annex I or II, the certification under paragraph 4 of Section C of the health certificate referred to in paragraph 1 shall be completed and supplemented as follows:

- (a) in the first indent, after the word 'disease:' the word 'Aujeszky' must be added;
- (b) in the second indent, reference shall be made to this Decision. In the same line, the number of the Article of this Decision, which is relevant for the pigs in question, shall be quoted between brackets.

Article 8

Member States must ensure that when pigs destined for Member States or regions listed in Annex I or II are transported, they shall not come in contact with pigs of different or unknown status, as regards Aujeszky's disease, during transport or transit.

Article 9

Decisions 93/24/EEC and 93/244/EEC are repealed as from the date laid down in Article 10.

Article 10

This Decision shall apply from 1 July 2002.

Article 11

This Decision is addressed to the Member States.

Done at Brussels, 23 July 2001

For the Commission

David BYRNE

Member of the Commission

ANNEX I

Member States or regions thereof free of Aujeszky's disease and where vaccination is prohibited

Denmark:	all regions
United Kingdom:	all regions in England, Scotland and Wales
France:	the Departements of Aisne, Allier, Ardennes, Ariège, Aube, Aude, Aveyron, Bas-Rhin, Bouches-du-Rhône, Calvados, Cantal, Charente, Charente-Maritime, Cher, Corrèze, Côte d'Or, Creuse, Deux-Sèvres, Dordogne, Doubs, Eure, Eure-et-Loir, Gard, Gers, Gironde, Haute-Garonne, Haute-Loire, Haute-Marne, Haute-Pyrénées, Haut-Rhin, Haute-Saône, Indre, Indre-et-Loire, Jura, Landes, Loire, Loire-Atlantique, Loir-et-Cher, Loiret, Lot, Lot-et-Garonne, Lozère, Maine-et-Loire, Marne, Meurthe-et-Moselle, Meuse, Moselle, Nièvre, Oise, Pyrénées-Atlantiques, Puy-de-Dôme, Rhône, Sarthe, Saône-et-Loire, Savoie, Seine-Maritime, Somme, Vaucluse, Tarn, Tarn-et-Garonne, Territoire de Belfort, Vendée, Vienne, Vosges and Yonne
Finland:	all regions
Germany:	the <i>Länder</i> of Thuringia, Saxony, Brandenburg, Mecklenburg-Western Pomerania, Saxony-Anhalt, Rheinland-Pfalz and Baden-Württemberg
Austria:	all regions
Sweden:	all regions
Luxembourg:	whole territory.

ANNEX II

Member States or regions thereof where approved Aujeszky's disease control programmes are in place

Germany:	all regions except the <i>Länder</i> of Thuringia, Saxony, Brandenburg, Mecklenburg-Western Pomerania, Saxony-Anhalt, Rheinland-Pfalz, Baden-Württemberg
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ANNEX III

Standards for Aujeszky's disease serological tests — Protocol for the enzyme linked immunosorbent assay (ELISA) for detecting antibodies to Aujeszky's disease virus (whole virus), to glycoprotein B (ADV-gB), to glycoprotein D (ADV-gD) or to glycoprotein E (ADV-gE)

1. The institutes listed in paragraph 2(d) shall evaluate Elisa ADV-gE tests and kits against the criteria in paragraph 2(a), (b) and (c). The competent authority in each Member State shall ensure that only Elisa ADV-gE kits that meet these standards shall be registered. The examinations listed in 2(a) and (b) must be carried out prior to approval of the test and the examination in 2(c), at least, must thereafter be carried out on each batch.
2. Standardisation, sensitivity and specificity of the test.
 - (a) The sensitivity of the test must be of such a level that the following Community reference sera are scored positive:
 - Community reference serum ADV 1 at 1:8 dilution,
 - Community reference serum ADV-gE A,
 - Community reference serum ADV-gE B,
 - Community reference serum ADV-gE C,
 - Community reference serum ADV-gE D,
 - Community reference serum ADV-gE E,
 - Community reference serum ADV-gE F.
 - (b) The specificity of the test must be of such a level that the following Community reference sera are scored negative:
 - Community reference serum ADV-gE G,
 - Community reference serum ADV-gE H,
 - Community reference serum ADV-gE J,
 - Community reference serum ADV-gE K,
 - Community reference serum ADV-gE L,
 - Community reference serum ADV-gE M,
 - Community reference serum ADV-gE N,
 - Community reference serum ADV-gE O,
 - Community reference serum ADV-gE P,
 - Community reference serum ADV-gE Q.
 - (c) For batch control, Community reference serum ADV 1 must be scored positive at 1:8 dilution and one of the Community reference serum sera from ADV-gE G to ADV-gE Q, as listed in point (b), must be scored negative.
 For batch control of ADV-gB and ADV-gD kits, Community reference serum ADV 1 must be scored positive at the dilution of 1:2 and Community reference serum Q referred to in (b) should be scored negative.
 - (d) The institutes listed below will, in addition, be responsible for checking the quality of the ELISA method in each Member State, and in particular for producing and standardising national reference sera according to the Community reference sera.
 - Belgium — Centre de Recherches vétérinaires et agrochimiques, 1180 Bruxelles;
 - Denmark — Statens veterinære Institut for Virusforskning, Lindholm, 4771 Kalvehave;
 - Germany — Bundesforschungsanstalt für Viruskkrankheiten der Tiere, 16868 Wusterhausen,
 - Greece — Veterinary Institute of Infectious and Parasitic Diseases, 15310 Ag. Paraskevi,
 - Spain — Laboratorio Central de Veterinaria de Algete, Madrid,
 - France — École nationale vétérinaire, Alfort, 94704 Maisons-Alfort,
 - Ireland — Veterinary Research Laboratory, Abbotstown, Castleknock, Dublin 15,
 - Italy — Istituto Zooprofilattico Sperimentale della Lombardia e dell'Emilia-Romagna, Brescia,
 - Luxembourg — Laboratoire de Médecine Vétérinaire de l'État, 1020 Luxembourg,
 - The Netherlands — Instituut voor Veehouderij en Diergezondheid (ID-DLO), 8200 AB Lelystad,
 - Austria — Bundesanstalt für veterinärmedizinische Untersuchungen in Mödling, 240 Mödling,
 - Portugal — Laboratório Nacional de Investigação Veterinária, 1500 Lisboa,
 - Finland — Eläinlääkintä- ja elintarviketutkimuslaitos, 00581 Helsinki,
 - Sweden — Statens veterinärmedicinska anstalt, 75189 Uppsala,
 - United Kingdom — Veterinary Laboratory Agency, New Haw, Weybridge, Surrey KT15 3NB.

ANNEX IV

Criteria on the information to be provided on the occurrence of Aujeszky's disease (AD) and on plans for the monitoring and eradication of this disease, to be provided in accordance with Article 8 of Council Directive 64/432/EEC

1. Member State:
2. Date:
3. Reporting period:
4. Number of holdings where AD has been detected by means of clinical, serological or virological investigations:
5. Information on AD vaccination, serological investigations and categorisation of holdings (please complete the attached table):

Region	Number of pig holdings	Number of pig holdings under an AD-programme ⁽¹⁾	Number of AD not-infected pig holdings (with vaccination) ⁽²⁾	Number of AD free pig holdings (without vaccination) ⁽³⁾
Total				

⁽¹⁾ Programme under the supervision of the competent authority.

⁽²⁾ Pig holdings where serological tests for AD have been carried out with negative results in accordance with an official AD programme and where vaccination has been applied during the previous 12 months.

⁽³⁾ Pig holdings which fulfil the conditions of Article 1(c).

6. Further information on serological monitoring in Artificial Insemination Centres, for export purposes, in the framework of other surveillance schemes, etc.:
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COMMISSION DECISION

of 25 July 2001

amending Decisions 92/160/EEC, 92/260/EEC and 93/197/EEC with regard to importation of registered horses from certain parts of Peru

(notified under document number C(2001) 2314)

(Text with EEA relevance)

(2001/619/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Directive 90/426/EEC of 26 June 1990 on animal health conditions governing the movement and imports from third countries of equidae ⁽¹⁾, as last amended by Decision 2001/298/EC ⁽²⁾, and in particular Article 13(2), Article 15, Article 16, Article 19(i) and (ii) thereof,

Whereas:

- (1) Peru is included in Part 2, special column for registered horses, of the Annex of Council Decision 79/542/EEC of 21 December 1979 drawing up a list of third countries from which the Member States authorise imports of bovine animals, swine, equidae, sheep and goats, fresh meat and meat products ⁽³⁾, as last amended by Decision 2001/117/EEC ⁽⁴⁾.
- (2) By Commission Decision 92/160/EEC of 5 March 1992 establishing the regionalisation of certain third countries for imports of equidae ⁽⁵⁾, as last amended by Decision 2001/611/EC ⁽⁶⁾, Peru is regionalised to restrict the re-entry after temporary export of registered horses to the metropolitan area of Lima only.
- (3) Commission Decision 93/195/EEC ⁽⁷⁾, as last amended by Decision 2001/611/EC, established the animal health conditions and veterinary certification for the re-entry of registered horses after temporary export to Peru.
- (4) Commission Decisions 92/260/EEC ⁽⁸⁾ and 93/197/EEC ⁽⁹⁾, as last amended by Decision 2001/611/EC, laid down respectively the animal health conditions and veterinary certification for temporary admission and imports of registered horses.
- (5) Following a Commission veterinary inspection mission to Peru the animal health situation appears to be under the satisfactory control of the veterinary services and in

particular the movement of equidae into certain parts of the territory from the rest of the country appears to be well controlled.

- (6) The veterinary authorities of Peru have provided a written undertaking to notify within 24 hours by telefax, telegram or telex to the Commission and the Member States the confirmation of any infectious or contagious disease in equidae mentioned in Annex A of Directive 90/426/EEC, which are compulsory notifiable in the country, and within due time any change in the vaccination or import policy in respect of equidae.
- (7) Venezuelan equine encephalomyelitis has not been reported in the country for more than two years, however the disease is reported in adjacent countries.
- (8) Peru cannot be considered free from vesicular stomatitis, which is reported in cattle in many parts of the country and in horses in the northern Andean valleys.
- (9) A recently completed survey for glanders and dourine has substantiated the absence of these diseases in Peru and equine viral arteritis has not been reported for many years.
- (10) For reason of the health situation in certain neighbouring countries Peru has implemented a regionalisation, restricting the movement of equidae from the northern parts of the country into the rest of the territory, and the movement of equidae out of the Lima region is under direct control of the central veterinary services.
- (11) Therefore it appears appropriate to amend Decision 92/160/EEC so as to allow importation into the Community of registered horses from the region of Lima.
- (12) The animal health conditions and veterinary certification for temporary admission and imports into the Member States of registered horses must be adopted according to the animal health situation of the third country concerned and Decisions 92/260/EEC and 93/197/EEC must be amended accordingly.

⁽¹⁾ OJ L 224, 18.8.1990, p. 42.

⁽²⁾ OJ L 102, 12.4.2001, p. 63.

⁽³⁾ OJ L 146, 14.6.1979, p. 15.

⁽⁴⁾ OJ L 43, 14.2.2001, p. 38.

⁽⁵⁾ OJ L 71, 18.3.1992, p. 27.

⁽⁶⁾ OJ L 214, 8.8.2001, p. 49.

⁽⁷⁾ OJ L 86, 6.4.1993, p. 1.

⁽⁸⁾ OJ L 130, 15.5.1992, p. 67.

⁽⁹⁾ OJ L 86, 6.4.1993, p. 16.

- (13) For clarity the ISO country code should be used for amendments of lists of third countries.
- (14) The measures provided for in this Decision are in accordance with the opinion of the Standing Veterinary Committee,

HAS ADOPTED THIS DECISION:

Article 1

In the Annex to Decision 92/160/EEC the heading 'Peru⁽¹⁾' is replaced by the heading 'Peru', and the words 'Metropolitan area of Lima' are replaced by the words 'Region of Lima'.

Article 2

Decision 92/260/EEC is amended as follows:

1. The list of third countries in Group D of Annex I is replaced by the following:
'Argentina (AR), Barbados (BB), Bermuda (BM), Bolivia (BO), Brazil⁽¹⁾ (BR), Chile (CL), Cuba (CU), Jamaica (JM), Mexico⁽¹⁾ (MX), Peru⁽¹⁾ (PE), Paraguay (PY), Uruguay (UY)'.
2. The title of the health certificate set out in Annex II(D) is replaced by the following:

'HEALTH CERTIFICATE

for the temporary admission of registered horses into Community territory from Argentina, Barbados, Bermuda, Bolivia, Brazil⁽¹⁾, Chile, Cuba, Jamaica, Mexico⁽¹⁾, Peru⁽¹⁾, Paraguay, Uruguay for a period of less than 90 days'.

Article 3

Decision 93/197/EEC is amended as follows:

1. The list of third countries in Group D of Annex I is replaced by the following:
'Argentina (AR), Barbados⁽²⁾ (BB), Bermuda⁽²⁾ (BM), Bolivia⁽²⁾ (BO), Brazil⁽¹⁾ (BR), Chile (CL), Cuba⁽²⁾ (CU), Jamaica⁽²⁾ (JM), Mexico⁽¹⁾ (MX), Peru ⁽¹⁾(²) (PE), Paraguay (PY), Uruguay (UY)'.
2. The title of the health certificate set out in Annex II (D) is replaced by the following:

'HEALTH CERTIFICATE

for imports into Community territory of registered horses from Barbados, Bermuda, Bolivia, Cuba, Jamaica, Peru⁽¹⁾ and of registered equidae and equidae for breeding and production from Argentina, Brazil⁽¹⁾, Chile, Mexico⁽¹⁾, Paraguay, Uruguay'.

Article 4

This Decision is addressed to the Member States.

Done at Brussels, 25 July 2001.

For the Commission

David BYRNE

Member of the Commission

CORRIGENDA

Corrigendum to Council Regulation (EC) No 1116/2001 of 5 June 2001 amending Regulation (EEC) No 3677/90 laying down measures to be taken to discourage the diversion of certain substances to the illicit manufacture of narcotic drugs and psychotropic substances

(Official Journal of the European Communities L 153 of 8 June 2001)

The text of this Regulation is annulled and replaced by the following:

'COUNCIL REGULATION (EC) No 1116/2001**of 5 June 2001****amending Regulation (EEC) No 3677/90 laying down measures to be taken to discourage the diversion of certain substances to the illicit manufacture of narcotic drugs and psychotropic substances**

THE COUNCIL OF THE EUROPEAN UNION,

HAS ADOPTED THIS REGULATION:

Having regard to the Treaty establishing the European Community, and in particular Article 133 thereof,

Article 1

Having regard to the proposal from the Commission,

Regulation (EEC) No 3677/90 is amended as follows:

Whereas:

1. in Article 1(2), point (a) shall be replaced by the following:

(1) Regulation (EEC) No 3677/90 ⁽¹⁾ lays down measures to be taken to discourage the diversion of certain substances to the illicit manufacture of narcotic drugs and psychotropic substances.

"(a) "scheduled substance" means any substance listed in the Annex, including mixtures and natural products containing such substances. This excludes medicines, pharmaceutical preparations, mixtures, natural products or other preparations containing scheduled substances that are compounded in such a way that such substances cannot be easily used or recovered by readily applicable or economically viable means;"

(2) The measures applicable to sassafras oil are currently interpreted in different ways in the Community, since it is regarded as a mixture containing safrole and is therefore controlled in some Member States, while other Member States regard it as a natural product not subject to controls. Inserting a reference to natural products in the definition of scheduled substance should resolve this discrepancy and therefore allow controls to be applied to sassafras oil. Only natural products from which scheduled substances can be easily extracted should be covered by the definition.

2. the following Article shall be inserted:

*"Article 3a***Guidelines**

(3) The establishment of a cooperation procedure is foreseen in the European Union's anti-drug action plan, approved by the Santa Maria da Feira European Council on 19 and 20 June 2000. To underpin cooperation between the authorities of the Member States and the chemical industry, in particular as regards substances which, although not covered by the rules on precursors, may be used in the illicit manufacture of synthetic drugs, the Commission should be given responsibility for drawing up guidelines to assist that industry.

1. In order to facilitate cooperation between the authorities of the Member States and the chemical industry in particular as regards non-scheduled substances commonly used in the illicit manufacture of narcotic drugs and psychotropic substances, the Commission shall, acting in accordance with the management procedure referred to in Article 10(2), draw up and update guidelines to assist the chemical industry.

2. The guidelines shall provide, in particular:

(a) information on how to recognise and notify suspect transactions;

(b) a regularly updated list of non-scheduled substances commonly used in the illicit manufacture of narcotic drugs and psychotropic substances, to enable the industry to monitor on a voluntary basis the trade in such substances;

(c) other information which may be deemed useful.

(4) The measures necessary for the implementation of Regulation (EEC) No 3677/90 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 ⁽²⁾.

3. The Member States shall ensure that the guidelines and the list referred to in paragraph 2(b) are regularly disseminated in a manner deemed appropriate by the competent authorities in line with the objectives of the guidelines;"

(5) Regulation (EEC) No 3677/90 should be amended accordingly,

3. the following Article shall be inserted:

"Article 9a

The measures necessary for the implementation of this Regulation relating to the matters referred to below shall be adopted in accordance with the management procedure referred to in Article 10(2):

⁽¹⁾ OJ L 357, 20.12.1990, p. 1. Regulation as last amended by Commission Regulation (EEC) No 3769/92 (OJ L 383, 29.12.1992, p. 17).

⁽²⁾ OJ L 184, 17.7.1999, p. 23.

- (a) the determination of the quantities of the scheduled substances listed in Category 3 and the identification of mixtures containing scheduled substances listed in Category 3 pursuant to the second subparagraph of Article 2a(2);
- (b) the identification of countries and substances pursuant to Article 5(2);
- (c) the adoption of export authorisation requirements pursuant to Article 5a(1)(b) whenever there is no agreement with the third country in question;
- (d) the adoption of the model export authorisation form referred to in Article 4, as well as the detailed rules concerning its use and the detailed rules for implementation of the open individual authorisation system referred to in Articles 5 and 5a;
- (e) the amendment of the Annex to this Regulation in cases where the tables in the Annex to the United Nations Convention are themselves amended.”;

4. Article 10 shall be replaced by the following:

“Article 10

- 1. The Commission shall be assisted by a 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 three months.

- 3. The committee shall adopt its rules of procedure.

(*) OJ L 184, 17.7.1999, p. 23.”

Article 2

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

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

Done at Luxembourg, 5 June 2001.

For the Council

The President

L. ENGQVIST
