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Legislation

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I

(Acts whose publication is obligatory)

COMMISSION REGULATION (EC) No 2/2002

of 3 January 2002

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 4 January 2002.

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

Done at Brussels, 3 January 2002.

For the Commission

Franz FISCHLER

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 3 January 2002 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
0702 00 00	052	61,0
	204	49,1
	999	55,0
0707 00 05	052	198,6
	999	198,6
0709 90 70	052	203,9
	204	164,6
	999	184,3
0805 10 10, 0805 10 30, 0805 10 50	052	53,5
	204	52,2
	508	22,4
	999	42,7
0805 20 10	052	52,5
	204	63,1
	999	57,8
0805 20 30, 0805 20 50, 0805 20 70, 0805 20 90	052	73,4
	204	62,7
	464	151,3
	999	95,8
0805 50 10	052	52,6
	600	50,5
	999	51,5
0808 10 20, 0808 10 50, 0808 10 90	060	40,9
	400	101,7
	404	93,8
	720	122,2
	999	89,6
0808 20 50	064	70,7
	400	103,0
	999	86,8

(1) Country nomenclature as fixed by Commission Regulation (EC) No 2020/2001 (OJ L 273, 16.10.2001, p. 6). Code '999' stands for 'of other origin'.

COMMISSION REGULATION (EC) No 3/2002
of 3 January 2002
altering the export refunds on white sugar and raw sugar exported in the natural state

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 1260/2001 of 19 June 2001 on the common organisation of the markets in the sugar sector [1], and in particular the third subparagraph of Article 27(5) thereof,

Whereas:

(1) The refunds on white sugar and raw sugar exported in the natural state were fixed by Commission Regulation (EC) No 2437/2001 [2], as last amended by Regulation (EC) No 2607/2001 [3].

(2) It follows from applying the detailed rules contained in Regulation (EC) No 2437/2001 to the information known to the Commission that the export refunds at present in force should be altered to the amounts set out in the Annex hereto,

HAS ADOPTED THIS REGULATION:

Article 1

The export refunds on the products listed in Article 1(1)(a) of Regulation (EC) No 1260/2001, undenatured and exported in the natural state, as fixed in the Annex to Regulation (EC) No 2437/2001 are hereby altered to the amounts shown in the Annex hereto.

Article 2

This Regulation shall enter into force on 4 January 2002.

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

Done at Brussels, 3 January 2002.

For the Commission

Franz FISCHLER

Member of the Commission

[1] OJ L 178, 30.6.2001, p. 1.
[2] OJ L 329, 14.12.2001, p. 11.
[3] OJ L 345, 29.12.2001, p. 60.

ANNEX

to the Commission Regulation of 3 January 2002 altering the export refunds on white sugar and raw sugar exported in its unaltered state

Product code	Destination	Unit of measurement	Amount of refund
1701 11 90 9100	A00	EUR/100 kg	34,73 (1)
1701 11 90 9910	A00	EUR/100 kg	34,73 (1)
1701 11 90 9950	A00	EUR/100 kg	(2)
1701 12 90 9100	A00	EUR/100 kg	34,73 (1)
1701 12 90 9910	A00	EUR/100 kg	34,73 (1)
1701 12 90 9950	A00	EUR/100 kg	(2)
1701 91 00 9000	A00	EUR/1 % of sucrose × net 100 kg of product	0,3775
1701 99 10 9100	A00	EUR/100 kg	37,75
1701 99 10 9910	A00	EUR/100 kg	37,75
1701 99 10 9950	A00	EUR/100 kg	37,75
1701 99 90 9100	A00	EUR/1 % of sucrose × net 100 kg of product	0,3775

(1) Applicable to raw sugar with a yield of 92 %; if the yield is other than 92 %, the refund applicable is calculated in accordance with the provisions of Article 28(4) of Council Regulation (EC) No 1260/2001.

(2) Fixing suspended by Commission Regulation (EEC) No 2689/85 (OJ L 255, 26.9.1985, p. 12), as amended by Regulation (EEC) No 3251/85 (OJ L 309, 21.11.1985, p. 14).

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).

COMMISSION REGULATION (EC) No 4/2002

of 3 January 2002

amending the export refunds on syrups and certain other sugar sector products exported in the natural state

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 1260/2001 of 19 June 2001 on the common organisation of the markets in the sugar sector [1], and in particular the third indent of Article 27(5) thereof,

Whereas:

(1) The refunds on syrups and certain other sugar products were fixed by Commission Regulation (EC) No 2606/2001 [2].

(2) It follows from applying the rules, criteria and other provisions contained in Regulation (EC) No 2606/2001 to the information at present available to the Commission that the export refunds at present in force should be altered as shown in the Annex hereto,

HAS ADOPTED THIS REGULATION:

Article 1

The refunds to be granted on the products listed in Article 1(1)(d), (f) and (g) of Regulation (EC) No 1260/2001, exported in the natural state, as fixed in the Annex to Regulation (EC) No 2606/2001 are hereby altered to the amounts shown in the Annex hereto.

Article 2

This Regulation shall enter into force on 4 January 2002.

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

Done at Brussels, 3 January 2002.

For the Commission

Franz FISCHLER

Member of the Commission

[1] OJ L 178, 30.6.2001, p. 1.
[2] OJ L 345, 29.12.2001, p. 57.

ANNEX

to the Commission Regulation of 3 January 2002 altering the export refunds on syrups and certain other sugar products exported in the natural state

Product code	Destination	Unit of measurement	Amount of refund
1702 40 10 9100	A00	EUR/100 kg dry matter	37,75 (2)
1702 60 10 9000	A00	EUR/100 kg dry matter	37,75 (2)
1702 60 80 9100	A00	EUR/100 kg dry matter	71,73 (4)
1702 60 95 9000	A00	EUR/1 % sucrose × net 100 kg of product	0,3775 (1)
1702 90 30 9000	A00	EUR/100 kg dry matter	37,75 (2)
1702 90 60 9000	A00	EUR/1 % sucrose × net 100 kg of product	0,3775 (1)
1702 90 71 9000	A00	EUR/1 % sucrose × net 100 kg of product	0,3775 (1)
1702 90 99 9900	A00	EUR/1 % sucrose × net 100 kg of product	0,3775 (1) (3)
2106 90 30 9000	A00	EUR/100 kg dry matter	37,75 (2)
2106 90 59 9000	A00	EUR/1 % sucrose × net 100 kg of product	0,3775 (1)

(1) The basic amount is not applicable to syrups which are less than 85 % pure (Regulation (EC) No 2135/95). Sucrose content is determined in accordance with Article 3 of Regulation (EC) No 2135/95.

(2) Applicable only to products referred to in Article 5 of Regulation (EC) No 2135/95.

(3) The basic amount is not applicable to the product defined under point 2 of the Annex to Regulation (EEC) No 3513/92 (OJ L 355, 5.12.1992, p. 12).

(4) Applicable only to products defined under Article 6 of Regulation (EC) No 2135/95.

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).

COMMISSION REGULATION (EC) No 5/2002

of 3 January 2002

amending the rates of the refunds applicable to certain products from the sugar sector exported in the form of goods not covered by Annex I to the Treaty

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 1260/2001 of 19 June 2001 on the common organisation of the markets in the sugar sector [1], and in particular Article 27(5)(a) and (15) thereof,

Whereas:

(1) The rates of the refunds applicable from 1 January 2002 to the products listed in the Annex, exported in the form of goods not covered by Annex I to the Treaty, were fixed by Commission Regulation (EC) No 2578/2001 [2].

(2) It follows from applying the rules and criteria contained in Regulation (EC) No 2578/2001 to the information at present available to the Commission that the export refunds at present applicable should be altered as shown in the Annex hereto,

HAS ADOPTED THIS REGULATION:

Article 1

The rates of refund fixed by Regulation (EC) No 2578/2001 are hereby altered as shown in the Annex hereto.

Article 2

This Regulation shall enter into force on 4 January 2002.

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

Done at Brussels, 3 January 2002.

For the Commission

Erkki LIIKANEN

Member of the Commission

ANNEX

to the Commission Regulation of 3 January 2002 fixing the rates of the refunds applicable to certain products in the sugar sector exported in the form of goods not covered by Annex I to the Treaty

Product	Rate of refund in EUR/100 kg	
	In case of advance fixing of refunds	Other
White sugar:	37,75	37,75

[1] OJ L 178, 30.6.2001, p. 1.
[2] OJ L 344, 28.12.2001, p. 66.

II

(Acts whose publication is not obligatory)

COMMISSION

COMMISSION RECOMMENDATION

of 27 December 2001

concerning a coordinated Community monitoring programme for 2002 to ensure compliance with maximum levels of pesticide residues in and on cereals and certain other products of plant origin

(notified under document number C(2001) 3771)

(Text with EEA relevance)

(2002/1/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Directive 86/362/EEC of 24 July 1986 on the fixing of maximum levels for pesticide residues in and on cereals [1], as last amended by Commission Directive 2001/57/EC [2], and in particular Article 7(2)(b) thereof,

Having regard to Council Directive 90/642/EEC of 27 November 1990 on the fixing of maximum levels for pesticide residues in and on certain products of plant origin, including fruit and vegetables [3], as last amended by Directive 2001/57/EC, and in particular Article 4(2)(b) thereof,

Whereas:

(1) Article 7(2)(b) of Directive 86/362/EEC and Article 4(2)(b) of Directive 90/642/EEC require the Commission to submit to the Standing Committee on Plant Health by 31 December each year a recommendation setting out a coordinated Community monitoring programme to ensure compliance for maximum levels of pesticide residues set out in the Annexes II to the said Directives. Article 1(1) of Commission Regulation (EC) No 645/2000 [4] provides that such recommendations may cover a periods of between one and five years.

(2) The Commission should progressively work towards a system which would permit the estimation of dietary exposure to actual pesticide, as provided for in the second paragraph of Article 7(3) of Directive 86/362/EEC and the second paragraph of Article 4(3) of Directive 90/642/EEC. To facilitate examination of the feasibility of such estimations, data concerning the monitoring of residues of pesticides in a number of food products which constitute major components of European diets should be available. In view of the resources available at national level for pesticide residue monitoring, Member States are only able to analyse samples of eight products each year within a coordinated monitoring programme. Pesticide uses show changes within the timescale of the five-year rolling programme. Each pesticide should thus generally be monitored in 20 to 30 food products over a series of three-year cycles.

(3) Member States should adopt continuous monitoring methods, since these facilitate the recognition of changes in the occurrence of pesticides.

(4) Residues of the pesticides acephate, the benomyl group, chlorpyriphos, iprodione and methamidophos should be monitored in 2002, as this will allow examination of the feasibility of using these pesticides for the estimation of actual dietary exposure to them, since these compounds (identified as Group A in Annex I) have already been monitored between 1996 and 2001.

[1] OJ L 221, 7.8.1986, p. 37.
[2] OJ L 208, 1.8.2001, p. 36.
[3] OJ L 350, 14.12.1990, p. 71.
[4] OJ L 78, 29.3.2000, p. 7.

(5) Residues of the pesticides diazinon, metalaxyl, methidathion, thiabendazole and triazophos should be monitored between 2002 and 2005, as this will allow examination of the feasibility of using these pesticides for the estimation of actual dietary exposure to them, since these compounds (identified as Group B in Annex I) have already been monitored between 1997 and 2001.

(6) Residues of the pesticides chlorpyriphos-methyl, deltamethrin, endosulfan, imazalil, lambda-cyhalothrin, the maneb group, mecarbam, permethrin, pirimiphos-methyl and vinclozolin should be monitored between 2002 and 2005, as this will allow examination of the feasibility of using these pesticides for the estimation of actual dietary exposure to them, since these compounds (identified as Group C in Annex I) have already been monitored between 1998 and 2001.

(7) Residues of the pesticides azinphos-methyl, captan, chlorothalonil, dichlofluanid, dicofol, dimethoate, folpet, malathion, omethoate, oxydemeton-methyl, phorate, procymidone, propyzamide and azoxystrobine should be monitored between 2002 and 2005, as this will allow examination of the feasibility of using these pesticides for the estimation of actual dietary exposure to them, since these compounds (identified as Group D in Annex I) have already been monitored in 2001.

(8) Residues of the pesticides aldicarb, bromopropylate, cypermethrin, methiocarb, methomyl, parathion and tolylfluanid should be monitored between 2002 and 2005, as this will allow examination of the feasibility of using these pesticides for the estimation of actual dietary exposure to them, since these compounds (identified as Group E in Annex I) will be monitored in 2002.

(9) A systematic statistical approach to numbers of samples to be taken in each coordinated monitoring exercise is necessary. Such an approach has been set out by the Commission of the Codex Alimentarius [1]. Based on a binomial probability distribution it can be calculated that examination of 459 samples gives a 99 % confidence of detecting one sample containing pesticide residues above the limit of determination (LOD) where 1 % of products of plant origin contain residues above the LOD. At least 459 samples should therefore be taken across the Community. Collection of these samples should be apportioned between Member States on the basis of population and consumer numbers, with a minimum of 12 samples per product and per year.

(10) Draft guidelines concerning Quality Control Procedures for Pesticide Residue Analysis, have been discussed by the experts of the Member States at Oeiras, Portugal on 15 and 16 September 1997 and discussed and noted in the Subgroup Pesticide Residues of the Working Group on Plant Health on 20 and 21 November 1997. It is agreed that these draft guidelines should be implemented as far as possible by the analytical laboratories of the Member States and should be reviewed in the light of this experience. The guidelines were again discussed and revised by the experts of the Member States in Athens on 15, 16 and 17 November 1999. The revised guidelines have been submitted to the Standing Committee on Plant Health and have been published by the Commission [2].

(11) Article 4(2)(a) of Directive 90/642/EEC requires Member States to specify the criteria applied in drawing up their national inspection programmes when sending to the Commission information on their implementation during the following year. Such information should include the criteria applied in determining the numbers of samples to be taken and analyses to be carried out and the reporting levels applied and the criteria by which the reporting levels have been fixed. Details of accreditation under Council Directive 93/99/EEC of 29 October 1993 on the subject of additional measures concerning the official control of foodstuffs [3] of the laboratories carrying out analyses should be indicated.

(12) Information on the results of monitoring programmes is particularly appropriate for treatment, storage and transmission by electronic/informatic methods. Formats have been developed for supply of data in diskette form from the Member States to the Commission. Member States should therefore be able to send their reports to the Commission in the standard format. The further development of such a standard format is most effectively undertaken by the development of guidelines by the Commission.

(13) The measures provided for in this recommendation are in accordance with the opinion of the Standing Committee on Plant Health,

HEREBY RECOMMENDS:

Article 1

Member States are invited to take and analyse samples for the product/pesticide residue combinations set out in Annex I, on the basis of the number of samples of each product allocated to them in Annex II, reflecting as appropriate, national, Community and third country share of the Member State's market.

For at least one pesticide possibly posing an acute risk, one of the products should be subjected to individual analysis of the individual units in the laboratory sample.

[1] Codex Alimentarius, Pesticide Residues in Foodstuffs, Rome 1994, ISBN 92-5-203271-1; Vol. 2, page 372.

[2] Doc. No SANCO/3103/2000 (http://europa.eu.int/comm/food/fs/ph_ps/pest/index_en.htm).

[3] OJ L 290, 24.11.1993, p. 14.

Two samples of an appropriate number of units should be taken, where possible the produce of a single producer; if in the first, laboratory sample a detectable level of the pesticide is found, the units of the second sample should be analysed individually. In 2002 this should include at least one of the following combinations: aldicarb/potatoes, aldicarb/bananas, oxydemeton-methyl/spinach, chlorpropham/potatoes and phosmet/pears.

Article 2

Member States are invited to report the results for the part of the specific exercise allocated for 2002 in Annex I by 31 August 2003, indicating the analytical methods used and reporting levels achieved, in accordance with the quality control procedures set out in the Quality Control Procedures for Pesticide Residue Analysis.

The report should be produced in a format — including the electronic format — conforming to the Working Document for guidance to the Member States with regard to implementation of Commission recommendations concerning coordinated Community monitoring programmes, set out in Annex III to Commission Recommendation 1999/333/EC [1].

Article 3

Member States are invited to send to the Commission and to all other Member States, by 31 August 2002, all the information as required by Article 7(3) of Directive 86/362/EEC and Article 4(3) of Directive 90/642/EEC concerning the 2001 monitoring exercise to ensure, at least by check sampling, compliance with maximum pesticide residue levels including:

(a) the results of their national programmes concerning pesticides listed in the Annexes II of Directives 86/362/EEC and 90/642/EEC, in relation to harmonised levels and, where these have not yet been fixed at Community level, in relation to the national levels in force;

(b) information on their laboratories quality control procedures and, in particular, information concerning aspects of the guidelines concerning Quality Control Procedures for Pesticide Residue Analysis which they have not been able to apply or have had difficulty in applying;

(c) information on accreditation in accordance with the provisions of Article 3 of Directive 93/99/EEC (including type of accreditation, accreditation body and copy of accreditation certificate) of the laboratories carrying out the analyses;

(d) information about the proficiency tests and ring tests in which the laboratory has participated.

Article 4

Member States are invited to send to the Commission, by 30 September 2002, their intended national programme for monitoring maximum pesticide residue levels fixed by Directives 90/642/EEC and 86/362/EEC for the year 2003.

This Recommendation is addressed to the Member States.

Done at Brussels, 27 December 2001.

For the Commission

David BYRNE

Member of the Commission

[1] OJ L 128, 21.5.1999, p. 25.

ANNEX I

Pesticide/product combinations to be monitored in the specific exercise set out in Article 1 of the Recommendation

Pesticide residue to be analysed for	Years (*)			
	2002	2003	2004	2005
Acephate (A)	(a)	(b)	(c)	(a)
Aldicarb (E)	(a)	(b)	(c)	(a)
Azinphos-methyl (D)	(a)	(b)	(c)	(a)
Azoxystrobin (D)	(a)	(b)	(c)	(a)
Benomyl group (A)	(a)	(b)	(c)	(a)
Bromopropylate (E)	(a)	(b)	(c)	(a)
Captan (D)	(a)	(b)	(c)	(a)
Chlorothalonil (D)	(a)	(b)	(c)	(a)
Chlorpyriphos (A)	(a)	(b)	(c)	(a)
Chlorpyriphos-methyl (C)	(a)	(b)	(c)	(a)
Cypermethrin (E)	(a)	(b)	(c)	(a)
Deltamethrin (C)	(a)	(b)	(c)	(a)
Diazinon (B)	(a)	(b)	(c)	(a)
Dichlofluanid (D)	(a)	(b)	(c)	(a)
Dicofol (D)	(a)	(b)	(c)	(a)
Dimethoate (D)	(a)	(b)	(c)	(a)
Endosulfan (C)	(a)	(b)	(c)	(a)
Folpet (D)	(a)	(b)	(c)	(a)
Imazalil (C)	(a)	(b)	(c)	(a)
Iprodione (A)	(a)	(b)	(c)	(a)
Lambda-cyhalothrin (C)	(a)	(b)	(c)	(a)
Malathion (D)	(a)	(b)	(c)	(a)
Maneb group (C)	(a)	(b)	(c)	(a)
Mecarbam (C)	(a)	(b)	(c)	(a)
Methamidophos (A)	(a)	(b)	(c)	(a)
Metalaxyl (B)	(a)	(b)	(c)	(a)
Methidathion (B)	(a)	(b)	(c)	(a)
Methiocarb (E)	(a)	(b)	(c)	(a)
Methomyl (E)	(a)	(b)	(c)	(a)
Omethoate (D)	(a)	(b)	(c)	(a)
Oxydemeton-methyl (D)	(a)	(b)	(c)	(a)

Pesticide residue to be analysed for	Years (*)			
	2002	2003	2004	2005
Parathion (E)	(a)	(b)	(c)	(a)
Permethrin (C)	(a)	(b)	(c)	(a)
Phorate (D)	(a)	(b)	(c)	(a)
Pirimiphos-methyl (C)	(a)	(b)	(c)	(a)
Procymidone (D)	(a)	(b)	(c)	(a)
Propyzamide (D)	(a)	(b)	(c)	(a)
Thiabendazole (B)	(a)	(b)	(c)	(a)
Tolylfluanid (E)	(a)	(b)	(c)	(a)
Triazophos (B)	(a)	(b)	(c)	(a)
Vinclozolin (C)	(a)	(b)	(c)	(a)

(a) Pears, bananas, beans (fresh or frozen), potatoes, carrots, oranges/mandarines, peaches/nectarins, spinach (fresh or frozen).
(b) Cauliflower, peppers, wheat, aubergines, rice, cucumber, head cabbage, peas (fresh/frozen, withoud pod).
(c) Apples, tomatoes, lettuce, grapes, strawberries, leek, orange juice, rye/oats.
(*) Indicative for, 2003, 2004 and 2005, subject to programmes which will be recommended for these years.

ANNEX II

Number of samples of each product to be taken by each Member State, in the coordinated Community monitoring programme for 2002

B	DK	D	EL	E	F	IRL	I	L	NL	A	P	FIN	S	UK	Total
12	12	93	12	45	66	12	65	12	17	12	12	12	12	66	460

COMMISSION DECISION

of 20 December 2001

pursuant to Directive 95/46/EC of the European Parliament and of the Council on the adequate protection of personal data provided by the Canadian Personal Information Protection and Electronic Documents Act

(notified under document number C(2001) 4539)

(2002/2/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Directive 95/46/EC of the European Parliament and of the Council of 24 October 1995 on the protection of individuals with regard to the processing of personal data and on the free movement of such data [1], and in particular Article 25(6) thereof,

Whereas:

(1) Pursuant to Directive 95/46/EC Member States are required to provide that the transfer of personal data to a third country may take place only if the third country in question ensures an adequate level of protection and if the Member States' laws implementing other provisions of the Directive are complied with prior to the transfer.

(2) The Commission may find that a third country ensures an adequate level of protection. In that case, personal data may be transferred from the Member States without additional guarantees being necessary.

(3) Pursuant to Directive 95/46/EC the level of data protection should be assessed in the light of all the circumstances surrounding a data transfer operation or a set of data transfer operations, and in respect of given conditions. The Working Party on Protection of Individuals with regard to the processing of Personal Data established under Article 29 of Directive 95/46/EC has issued guidance on the making of such assessments [2].

(4) Given the different approaches to data protection in third countries, the adequacy assessment should be carried out and any decision based on Article 25(6) of Directive 95/46/EC should be made and enforced in a way that does not arbitrarily or unjustifiably discriminate against or between third countries where like conditions prevail nor constitute a disguised barrier to trade, regard being had to the Community's present international commitments.

(5) The Canadian Personal Information Protection and Electronic Documents Act ('the Canadian Act') of 13 April 2000 [3] applies to private sector organisations that collect, use or disclose personal information in the course of commercial activities. It enters into force in three stages:

As from 1 January 2001, the Canadian Act applies to the personal information, other than personal health information, that an organisation, which is a federal work, undertaking or business, collects, uses or discloses in the course of commercial activity. These organisations are found in sectors such as airlines, banking, broadcasting, inter-provincial transportation and telecommunication. The Canadian Act also applies to all organisations that disclose personal information for consideration outside a province or outside Canada and to employee data relating to an employee in a federal work, undertaking or business.

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[1] OJ L 281, 23.11.1995, p. 31.

[2] WP 12 : Transfers of personal data to third countries : applying Articles 25 and 26 of the EU data protection directive, adopted by the Working Party on 24 July 1998, available at http://europa.eu.int/comm/internal_market/en/media/dataprot/wpdocs/wpdocs_98.htm

[3] Electronically published (paper and web) versions of the Act are available at http://www.parl.gc.ca/36/2/parlbus/chambus/house/bills/government/C-6/C-6_4/C-6_cover-E.html and http://www.parl.gc.ca/36/2/parlbus/chambus/house/bills/government/C-6/C-6_4/C-6_cover-F.html. Printed versions are available at Public Works and Government Services Canada — Publishing, Ottawa, Canada K1A 0S9.

From 1 January 2002, the Canadian Act will apply to personal health information for the organisations and activities already covered in the first stage.

As from 1 January 2004, the Canadian Act will extend to every organisation that collects, uses or discloses personal information in the course of a commercial activity, whether or not the organisation is a federally regulated business. The Canadian Act does not apply to organisations to which the Federal Privacy Act applies or that are regulated by the public sector at a provincial level, nor to non-profit organisations and charitable activities unless they are of a commercial nature. Similarly it does not cover employment data used for non-commercial purposes other than that relating to employees in the federally regulated private sector. The Canadian Federal Privacy Commissioner may provide further information on such cases.

(6) To respect the right of the provinces to legislate in their fields of jurisdiction, the Act provides that upon the passage of substantially similar provincial laws, an exemption may be granted to organisations or activities that will then be covered by the provincial privacy legislation. Section 26(2) of the Personal Information Protection and Electronic Documents Act gives the federal cabinet the power, 'if satisfied that legislation of a province that is substantially similar to this Part applies to an organisation, a class of organisations, an activity or a class of activities, to exempt the organisation, activity or class from the application of this Part in respect of the collection, use or disclosure of personal information that occurs within that province'. The Governor in Council (Canadian federal cabinet) makes exemptions for substantially similar legislation by way of Order-in-Council.

(7) Where and whenever a province adopts legislation that is substantially similar, the organisations, classes of organisations or activities covered will be exempted from the application of the federal law for intra-provincial transactions; the federal law will continue to apply to all interprovincial and international collections, uses and disclosures of personal information as well as in all instances where provinces have not created substantially similar legislation in whole or in part.

(8) Canada formally adhered to the 1980 OECD Guidelines on the Protection of Privacy and Transborder Flows of Personal Data on June 29, 1984. Canada was among the countries that supported the United Nations Guidelines Concerning Computerized Personal Data Files which were adopted by the General Assembly on 14 December 1990.

(9) The Canadian Act covers all the basic principles necessary for an adequate level of protection for natural persons, even if exceptions and limitations are also provided for in order to safeguard important public interests and to recognise certain information which exists in the public domain. The application of these standards is guaranteed by judicial remedy and by independent supervision carried out by the authorities, such as the Federal Privacy Commissioner invested with powers of investigation and intervention. Furthermore, the provisions of Canadian law regarding civil liability apply in the event of unlawful processing which is prejudicial to the persons concerned.

(10) In the interest of transparency and in order to safeguard the ability of the competent authorities in the Member States to ensure the protection of individuals as regards the processing of their personal data, it is necessary to specify in this Decision the exceptional circumstances in which the suspension of specific data flows may be justified, notwithstanding the finding of adequate protection.

(11) The Working Party on Protection of Individuals with regard to the processing of Personal Data established under Article 29 of Directive 95/46/EC has delivered an opinion on the level of protection provided by the Canadian Act, which have been taken into account in the preparation of this Decision [1].

[1] Opinion 2/2001 on the adequacy of the Canadian Personal Information and Electronic Documents Act — WP 39 of 26 January 2001 available at http://europa.eu.int/comm/internal_market/en/media/dataprot/wpdocs/index.htm

(12) The measures provided for in this Decision are in accordance with the opinion of the Committee established under Article 31 of Directive 95/46/EC,

HAS ADOPTED THIS DECISION:

Article 1

For the purposes of Article 25(2) of Directive 95/46/EC, Canada is considered as providing an adequate level of protection for personal data transferred from the Community to recipients subject to the Personal Information Protection and Electronic Documents Act ('the Canadian Act').

Article 2

This Decision concerns only the adequacy of protection provided in Canada by the Canadian Act with a view to meeting the requirements of Article 25(1) of Directive 95/46/EC and does not affect other conditions or restrictions implementing other provisions of that Directive that pertain to the processing of personal data within the Member States.

Article 3

1. Without prejudice to their powers to take action to ensure compliance with national provisions adopted pursuant to provisions other than Article 25 of Directive 95/46/EC, the competent authorities in Member States may exercise their existing powers to suspend data flows to a recipient in Canada whose activities fall under the scope of the Canadian Act in order to protect individuals with regard to the processing of their personal data in cases where:

(a) a competent Canadian authority has determined that the recipient is in breach of the applicable standards of protection; or

(b) there is a substantial likelihood that the standards of protection are being infringed; there are reasonable grounds for believing that the competent Canadian authority is not taking or will not take adequate and timely steps to settle the case at issue; the continuing transfer would create an imminent risk of grave harm to data subjects and the competent authorities in the Member State have made reasonable efforts in the circumstances to provide the party responsible for processing established in Canada with notice and an opportunity to respond.

The suspension shall cease as soon as the standards of protection are assured and the competent authority concerned in the Community is notified thereof.

2. Member States shall inform the Commission without delay when measures are adopted on the basis of paragraph 1.

3. The Member States and the Commission shall also inform each other of cases where the action of bodies responsible for ensuring compliance with the standards of protection in Canada fails to secure such compliance.

4. If the information collected under paragraphs 1, 2 and 3 provides evidence that any body responsible for ensuring compliance with the standards of protection in Canada is not effectively fulfilling its role, the Commission shall inform the competent Canadian authority and, if necessary, present draft measures in accordance with the procedure referred to in Article 31(2) of Directive 95/46/EC with a view to repealing or suspending this Decision or limiting its scope.

Article 4

1. This Decision may be amended at any time in the light of experience with its functioning or of changes in Canadian legislation, including measures recognising that a Canadian province has substantially similar legislation. The Commission shall evaluate the functioning of this Decision on the basis of available information, three years after its notification to the Member States and report any pertinent findings to the Committee established under Article 31 of Directive 95/46/EC, including any evidence that could affect the finding in Article 1 of this Decision that protection in Canada is adequate within the meaning of Article 25 of Directive 95/46/EC and any evidence that this Decision is being implemented in a discriminatory way.

2. The Commission shall, if necessary, present draft measures in accordance with the procedure referred to in Article 31(2) of Directive 95/46/EC.

Article 5

Member States shall take all the measures necessary to comply with this Decision at the latest at the end of a period of 90 days from the date of its notification to the Member States.

Article 6

This Decision is addressed to the Member States.

Done at Brussels, 20 December 2001.

For the Commission

Frederik BOLKESTEIN

Member of the Commission

COMMISSION DECISION

of 28 December 2001

amending Decision 97/232/EC drawing up lists of third countries from which the Member States authorise imports of sheep and goats

(notified under document number C(2001) 4650)

(Text with EEA relevance)

(2002/3/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Directive 72/462/EEC [1] of 12 December 1972 on health and veterinary inspection problems upon importation of bovine, ovine and caprine animals and swine, fresh meat and meat products from third countries, as last amended by Regulation (EC) No 1452/2001 [2], and in particular Article 3(1) and Article 8 thereof,

Whereas:

(1) Council Directive 91/68/EEC [3], as last amended by Commission Decision 2001/10/EC [4], lays down the animal health conditions governing intra-Community trade in ovine and caprine animals.

(2) Commission Decision 97/232/EC [5], as last amended by Decision 2001/600/EC [6], draws up lists of third countries from which Member States authorise imports of sheep and goats.

(3) In Romania *Brucellosis melitensis* has been a notifiable disease for at least five years, no case has been officially confirmed for at least five years and vaccination has been banned for at least three years; therefore this country complies with the requirements laid down in Annex A, Chapter 1.II(1)(b) to Directive 91/68/EEC.

(4) Following a Commission mission carried out in July 2001 it appears that the controls by the competent veterinary services of Romania and the animal health situation with regard to *Brucella melitensis* are satisfactory.

(5) Furthermore, Romania undertakes to comply with Annex A, Chapter 1.II(2) to Directive 91/68/EEC and therefore sheep and goats introduced onto holdings in Romania must comply with the conditions laid down in Annex A, Chapter 1.I.D to Directive 91/68/EEC.

(6) Romania therefore satisfies the conditions to be recognised as officially free of *Brucellosis melitensis* and Decision 97/232/EC must be amended accordingly.

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

HAS ADOPTED THIS DECISION:

Article 1

'PART 5' of the Annex to Decision 97/232/EC is replaced by the Annex to this Decision.

Article 2

This Decision shall apply from 1 January 2002.

Article 3

This Decision is addressed to the Member States.

Done at Brussels, 28 December 2001.

For the Commission

David BYRNE

Member of the Commission

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[1] OJ L 302, 31.12.1972, p. 28.
[2] OJ L 198, 21.7.2001, p. 11.
[3] OJ L 46, 19.2.1991, p. 19.
[4] OJ L 147, 31.5.2001, p. 41.
[5] OJ L 93, 8.4.1997, p. 43.
[6] OJ L 210, 3.8.2001, p. 51.

ANNEX

'PART 5

Non-member countries or parts of non-member countries recognised as satisfying the criteria for officially *Brucellosis* free status

Czech Republic

Greenland

Romania

Slovak Republic'

COMMISSION DECISION

of 27 December 2001

on financial assistance from the Community for storage in France, Italy and the United Kingdom of antigen for production of foot-and-mouth disease vaccine

(notified under document number C(2001) 4383)

(2002/4/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 Council Decision (EC) No 2001/572/EC [2], and in particular Article 14 thereof,

Whereas:

(1) By virtue of Council Decision 91/666/EEC of 11 December 1991 establishing Community reserves of foot-and-mouth disease vaccines [3], as last amended by Commission Decision 2001/181/EC [4], establishment of antigen banks is part of the Community's action to create Community reserves of foot-and-mouth disease vaccines.

(2) Article 3 of that Decision designates the 'Laboratoire de pathologie bovine du Centre national d'études vétérinaires et alimentaires' at Lyon in France, which is now part of the 'Agence Française de Securite Sanitaire des Aliments (AFSSA)', and the 'Istituto Zooprofilattico Sperimentale di Brescia' in Italy, as the antigen banks holding Community reserves, and provides for a procedure to designate other establishments as antigen bank by Commission Decision.

(3) By Decision 2000/111/EC [5] the Commission designated Merial S.A.S., Pirbright, United Kingdom, as a third antigen bank.

(4) The functions and duties of these antigen banks are specified in Article 4 of Decision 91/666/EEC and Community assistance must be conditional on accomplishment of these.

(5) Community financial assistance should be granted to the banks providing services to the Community to enable them to carry out during 2001 the said functions and duties.

(6) For budgetary reasons the Community assistance should be granted for a period of one year.

(7) According to Article 3(2) of Council Regulation (EC) No 1258/1999 of 17 May 1999 on the financing of the common agricultural policy [6], programmes for the eradication of animal diseases shall be financed under the Guarantee Section of the EAGGF; for financial control purposes Articles 8 and 9 of this Regulation apply.

(8) The financial contribution of the Community shall be granted to Member States provided that the authorities supply all the necessary information within the time limits set.

(9) 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 shall grant financial assistance to France for the stocking of antigen for the production of foot-and-mouth disease vaccine.

2. The 'Agence Française de Securite Sanitaire des Aliments (AFSSA)' at Lyon in France shall hold the stock of antigen to which paragraph 1 relates.

3. The Community's financial assistance shall be up to a maximum of EUR 30 000 for the period 1 January to 31 December 2001.

Article 2

1. The Community shall grant financial assistance to Italy for the stocking of antigen for the production of foot-and-mouth disease vaccine.

2. The 'Istituto Zooprofilattico Sperimentale di Brescia' in Italy shall hold the stock of antigen to which paragraph 1 relates.

3. The Community's financial assistance shall be up to a maximum of EUR 30 000 for the period 1 January to 31 December 2001.

[1] OJ L 224, 18.8.1990, p. 19.
[2] OJ L 203, 28.7.2001, p. 16.
[3] OJ L 368, 31.12.1991, p. 21.
[4] OJ L 66, 8.3.2001, p. 39.
[5] OJ L 33, 8.2.2000, p. 21.
[6] OJ L 160, 26.6.1999, p. 103.

Article 3

1. The Community shall grant Merial S.A.S. Pirbright, United Kingdom, financial assistance for the stocking of antigen for the production of foot-and-mouth disease vaccine.

2. Merial S.A.S. Pirbright, United Kingdom, shall hold the stock of antigen stored at the premises of Merial S.A.S. in accordance with contracts SANCO/161/2000 and SANCO/374/2000.

3. The Community's financial assistance shall be up to a maximum of EUR 26 100 for the periods 19 April 2001 to 31 December 2001 and 1 February 2001 to 31 December 2001 respectively.

Article 4

1. The Community's financial assistance referred to in Article 1(3) and Article 2(3) shall be paid following the presentation by the Member State concerned, and in the case of the financial assistance referred to in Article 3(3) following the presentation by Merial S.A.S., of supporting documents which demonstrate the effective completion of the tasks.

2. The supporting documents referred to in paragraph 1 must be presented to the Commission before 1 March 2002 and they shall include:

(a) technical information on:
   — the amount and type of antigen stored (storage records),
   — storage equipment used (type, number and capacity of tanks),
   — security systems in place (temperature control, anti-theft measures),
   — insurance arrangements (fire, accidents);

(b) financial information (completion of table as shown in the Annex).

Article 5

This Decision is addressed to the Member States.

Done at Brussels, 27 December 2001.

For the Commission

David BYRNE

Member of the Commission

ANNEX

FINANCIAL INFORMATION RELATED TO THE STORAGE OF ANTIGEN FOR PRODUCTION OF FOOT-AND-MOUTH DISEASE VACCINE

STATEMENT OF COSTS

Reporting period from: ..... to: .....

Reference No of Commission Decision providing financial assistance: .....

Name and address of beneficiary: .....

.....

Category of costs	Amount for the period (National currency) (1)
1. Staff	
2. Capital equipment	
3. Consumables	
4. Insurance	
5. Rental of premises	
Total	

(1) All costs must be expressed in national currency.

Certificate by the beneficiary

We certify that:

— the above costs were incurred in connection with the tasks defined in the Decision and were essential to the sound performance of those tasks,

— they are genuine costs falling within the definition of reimbursable costs,

— all the documents supporting the costs are available for audit purposes.

Date: .....

Name of technical director: .....

Signature: .....

Date: .....

Person financially responsible: .....

Signature: .....

CORRIGENDA

Corrigendum to Commission Regulation (EC) No 2480/2001 of 17 December 2001 determining the quantity available for the first half of 2002 for certain products in milk and milk products sectors under the schemes provided for in the Europe Agreements between the Community and the Republic of Hungary, the Republic of Poland, the Czech Republic, the Slovak Republic, Bulgaria, Romania and Slovenia, and in the Agreements on free trade between the Community and the Baltic States

(Official Journal of the European Communities L 334 of 18 December 2001)

On page 27, ANNEX, for the Republic of Lithuania, last column, order number:

for: '09.4581',

read: '09.4557'.