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(Acts adopted pursuant to Title VI of the Treaty on European Union)

COUNCIL FRAMEWORK DECISION
of 15 March 2001
on the standing of victims in criminal proceedings
(2001/220/JHA)

THE COUNCIL OF THE EUROPEAN UNION,

irrespective of the Member State in which they are present.

Having regard to the Treaty on European Union, and in particular Article 31 and Article 34(2)(b) thereof,

- (5) Victims' needs should be considered and addressed in a comprehensive, coordinated manner, avoiding partial or inconsistent solutions which may give rise to secondary victimisation.

Having regard to the initiative by the Portuguese Republic ⁽¹⁾,

Having regard to the opinion of the European Parliament ⁽²⁾,

- (6) The provisions of this framework Decision are therefore not confined to attending to the victim's interests under criminal proceedings proper. They also cover certain measures to assist victims before or after criminal proceedings, which might mitigate the effects of the crime.

Whereas:

- (1) In accordance with the Action Plan of the Council and the Commission on how best to implement the provisions of the Treaty of Amsterdam on an area of freedom, security and justice, in particular points 19 and 51(c), within five years following entry into force of the Treaty, the question of victim support should be addressed, by making a comparative survey of victim compensation schemes and by assessing the feasibility of taking action within the European Union.

- (7) Measures to assist victims of crime, and in particular the provisions regarding compensation and mediation do not concern arrangements under civil procedure.

- (2) The Commission submitted a communication to the European Parliament, the Council and the Economic and Social Committee on 14 July 1999 entitled 'Crime victims in the European Union: reflections on standards and action'. The European Parliament adopted a Resolution on the Commission communication on 15 June 2000.

- (8) The rules and practices as regards the standing and main rights of victims need to be approximated, with particular regard to the right to be treated with respect for their dignity, the right to provide and receive information, the right to understand and be understood, the right to be protected at the various stages of procedure and the right to have allowance made for the disadvantage of living in a different Member State from the one in which the crime was committed.

- (3) The conclusions of the European Council meeting in Tampere on 15 and 16 October 1999, in particular point 32 thereof, stipulate that minimum standards should be drawn up on the protection of the victims of crimes, in particular on crime victims' access to justice and on their right to compensation for damages, including legal costs. In addition, national programmes should be set up to finance measures, public and non-governmental, for assistance to and protection of victims.

- (9) The provisions of this Framework Decision do not, however, impose an obligation on Member States to ensure that victims will be treated in a manner equivalent to that of a party to proceedings.

- (4) Member States should approximate their laws and regulations to the extent necessary to attain the objective of affording victims of crime a high level of protection,

- (10) The involvement of specialised services and victim support groups before, during and after criminal proceedings is important.

- (11) Suitable and adequate training should be given to persons coming into contact with victims, as this is essential both for victims and for achieving the purposes of proceedings.

- (12) Use should be made of existing contact point networking arrangements in Member States, whether under the judicial system or based on victim support group networks,

⁽¹⁾ OJ C 243, 24.8.2000, p. 4.

⁽²⁾ Opinion delivered on 12.12.2000 (not yet published in the Official Journal).

HAS ADOPTED THIS FRAMEWORK DECISION:

Article 1

Definitions

For the purposes of this Framework Decision:

- (a) 'victim' shall mean a natural person who has suffered harm, including physical or mental injury, emotional suffering or economic loss, directly caused by acts or omissions that are in violation of the criminal law of a Member State;
- (b) 'victim support organisation' shall mean a non-governmental organisation, legally established in a Member State, whose support to victims of crime is provided free of charge and, conducted under appropriate conditions, complements the action of the State in this area;
- (c) 'criminal proceedings' shall be understood in accordance with the national law applicable;
- (d) 'proceedings' shall be broadly construed to include, in addition to criminal proceedings, all contacts of victims as such with any authority, public service or victim support organisation in connection with their case, before, during, or after criminal process;
- (e) 'mediation in criminal cases' shall be understood as the search, prior to or during criminal proceedings, for a negotiated solution between the victim and the author of the offence, mediated by a competent person.

Article 2

Respect and recognition

1. Each Member State shall ensure that victims have a real and appropriate role in its criminal legal system. It shall continue to make every effort to ensure that victims are treated with due respect for the dignity of the individual during proceedings and shall recognise the rights and legitimate interests of victims with particular reference to criminal proceedings.
2. Each Member State shall ensure that victims who are particularly vulnerable can benefit from specific treatment best suited to their circumstances.

Article 3

Hearings, and provision of evidence

Each Member State shall safeguard the possibility for victims to be heard during proceedings and to supply evidence.

Each Member State shall take appropriate measures to ensure that its authorities question victims only insofar as necessary for the purpose of criminal proceedings.

Article 4

Right to receive information

1. Each Member State shall ensure that victims in particular have access, as from their first contact with law enforcement agencies, by any means it deems appropriate and as far as

possible in languages commonly understood, to information of relevance for the protection of their interests. Such information shall be at least as follows:

- (a) the type of services or organisations to which they can turn for support;
- (b) the type of support which they can obtain;
- (c) where and how they can report an offence;
- (d) procedures following such a report and their role in connection with such procedures;
- (e) how and under what conditions they can obtain protection;
- (f) to what extent and on what terms they have access to:
 - (i) legal advice or
 - (ii) legal aid, or
 - (iii) any other sort of advice,if, in the cases envisaged in point (i) and (ii), they are entitled to receive it;
- (g) requirements for them to be entitled to compensation;
- (h) if they are resident in another State, any special arrangements available to them in order to protect their interests.

2. Each Member State shall ensure that victims who have expressed a wish to this effect are kept informed of:

- (a) the outcome of their complaint;
- (b) relevant factors enabling them, in the event of prosecution, to know the conduct of the criminal proceedings regarding the person prosecuted for offences concerning them, except in exceptional cases where the proper handling of the case may be adversely affected;
- (c) the court's sentence.

3. Member States shall take the necessary measures to ensure that, at least in cases where there might be danger to the victims, when the person prosecuted or sentenced for an offence is released, a decision may be taken to notify the victim if necessary.

4. In so far as a Member State forwards on its own initiative the information referred to in paragraphs 2 and 3, it must ensure that victims have the right not to receive it, unless communication thereof is compulsory under the terms of the relevant criminal proceedings.

Article 5

Communication safeguards

Each Member State shall, in respect of victims having the status of witnesses or parties to the proceedings, take the necessary measures to minimise as far as possible communication difficulties as regards their understanding of, or involvement in, the relevant steps of the criminal proceedings in question, to an extent comparable with the measures of this type which it takes in respect of defendants.

*Article 6***Specific assistance to the victim**

Each Member State shall ensure that victims have access to advice as referred to in Article 4(1)(f)(iii), provided free of charge where warranted, concerning their role in the proceedings and, where appropriate, legal aid as referred to in Article 4(1)(f)(ii), when it is possible for them to have the status of parties to criminal proceedings.

*Article 7***Victims' expenses with respect to criminal proceedings**

Each Member State shall, according to the applicable national provisions, afford victims who have the status of parties or witnesses the possibility of reimbursement of expenses incurred as a result of their legitimate participation in criminal proceedings.

*Article 8***Right to protection**

1. Each Member State shall ensure a suitable level of protection for victims and, where appropriate, their families or persons in a similar position, particularly as regards their safety and protection of their privacy, where the competent authorities consider that there is a serious risk of reprisals or firm evidence of serious intent to intrude upon their privacy.
2. To that end, and without prejudice to paragraph 4, each Member State shall guarantee that it is possible to adopt, if necessary, as part of the court proceedings, appropriate measures to protect the privacy and photographic image of victims and their families or persons in a similar position.
3. Each Member State shall further ensure that contact between victims and offenders within court premises may be avoided, unless criminal proceedings require such contact. Where appropriate for that purpose, each Member State shall progressively provide that court premises have special waiting areas for victims.
4. Each Member State shall ensure that, where there is a need to protect victims — particularly those most vulnerable — from the effects of giving evidence in open court, victims may, by decision taken by the court, be entitled to testify in a manner which will enable this objective to be achieved, by any appropriate means compatible with its basic legal principles.

*Article 9***Right to compensation in the course of criminal proceedings**

1. Each Member State shall ensure that victims of criminal acts are entitled to obtain a decision within reasonable time limits on compensation by the offender in the course of crim-

inal proceedings, except where, in certain cases, national law provides for compensation to be awarded in another manner.

2. Each Member State shall take appropriate measures to encourage the offender to provide adequate compensation to victims.

3. Unless urgently required for the purpose of criminal proceedings, recoverable property belonging to victims which is seized in the course of criminal proceedings shall be returned to them without delay.

*Article 10***Penal mediation in the course of criminal proceedings**

1. Each Member State shall seek to promote mediation in criminal cases for offences which it considers appropriate for this sort of measure.
2. Each Member State shall ensure that any agreement between the victim and the offender reached in the course of such mediation in criminal cases can be taken into account.

*Article 11***Victims resident in another Member State**

1. Each Member State shall ensure that its competent authorities can take appropriate measures to minimise the difficulties faced where the victim is a resident of a State other than the one where the offence has occurred, particularly with regard to the organisation of the proceedings. For this purpose, its authorities should, in particular, be in a position:
 - to be able to decide whether the victim may make a statement immediately after the commission of an offence,
 - to have recourse as far as possible to the provisions on video conferencing and telephone conference calls laid down in Articles 10 and 11 of the Convention on Mutual Assistance in Criminal Matters between the Member States of the European Union of 29 May 2000 ⁽¹⁾ for the purpose of hearing victims resident abroad.
2. Each Member State shall ensure that the victim of an offence in a Member State other than the one where he resides may make a complaint before the competent authorities of his State of residence if he was unable to do so in the Member State where the offence was committed or, in the event of a serious offence, if he did not wish to do so.

The competent authority to which the complaint is made, insofar as it does not itself have competence in this respect, shall transmit it without delay to the competent authority in the territory in which the offence was committed. The complaint shall be dealt with in accordance with the national law of the State in which the offence was committed.

*Article 12***Cooperation between Member States**

Each Member State shall foster, develop and improve cooperation between Member States in order to facilitate the more effective protection of victims' interests in criminal proceedings, whether in the form of networks directly linked to the judicial system or of links between victim support organisations.

⁽¹⁾ OJ C 197, 12.7.2000, p. 1.

*Article 13***Specialist services and victim support organisations**

1. Each Member State shall, in the context of proceedings, promote the involvement of victim support systems responsible for organising the initial reception of victims and for victim support and assistance thereafter, whether through the provision of specially trained personnel within its public services or through recognition and funding of victim support organisations.

2. Each Member State shall encourage action taken in proceedings by such personnel or by victim support organisations, particularly as regards:

- (a) providing victims with information;
- (b) assisting victims according to their immediate needs;
- (c) accompanying victims, if necessary and possible during criminal proceedings;
- (d) assisting victims, at their request, after criminal proceedings have ended.

*Article 14***Training for personnel involved in proceedings or otherwise in contact with victims**

1. Through its public services or by funding victim support organisations, each Member State shall encourage initiatives enabling personnel involved in proceedings or otherwise in contact with victims to receive suitable training with particular reference to the needs of the most vulnerable groups.

2. Paragraph 1 shall apply in particular to police officers and legal practitioners.

*Article 15***Practical conditions regarding the position of victims in proceedings**

1. Each Member State shall support the progressive creation, in respect of proceedings in general, and particularly in venues where criminal proceedings may be initiated, of the necessary conditions for attempting to prevent secondary victimisation and avoiding placing victims under unnecessary pressure. This shall apply particularly as regards proper initial reception of victims, and the establishment of conditions appropriate to their situation in the venues in question.

2. For the purposes of paragraph 1, each Member State shall in particular have regard to facilities within courts, police stations, public services and victim support organisations.

*Article 16***Territorial scope**

This Framework Decision shall apply to Gibraltar.

*Article 17***Implementation**

Each Member State shall bring into force the laws, regulations and administrative provisions necessary to comply with this Framework Decision:

- regarding Article 10, 22 March 2006,
- regarding Articles 5 and 6, 22 March 2004,
- regarding the other provisions, 22 March 2002.

*Article 18***Assessment**

As from the dates referred to in Article 17, each Member State shall forward to the General Secretariat of the Council and to the Commission the text of the provisions enacting into national law the requirements laid down by this Framework Decision. The Council shall assess, within one year following each of these dates, the measures taken by Member States to comply with the provisions of this Framework Decision, by means of a report drawn up by the General Secretariat on the basis of the information received from Member States and a report in writing submitted by the Commission.

*Article 19***Entry into force**

This Framework Decision shall enter into force on the date of its publication in the *Official Journal of the European Communities*.

Done at Brussels, 15 March 2001.

For the Council

The President

M-I. KLINGVALL

I

(Acts whose publication is obligatory)

**COMMISSION REGULATION (EC) No 551/2001
of 21 March 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 22 March 2001.

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

Done at Brussels, 21 March 2001.

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 21 March 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
0702 00 00	052	113,2
	204	44,1
	212	106,0
	999	87,8
0707 00 05	052	148,6
	999	148,6
0709 10 00	220	255,0
	999	255,0
0709 90 70	052	126,4
	204	121,3
	999	123,8
0805 10 10, 0805 10 30, 0805 10 50	052	68,0
	204	49,3
	212	56,2
	220	58,8
	624	56,7
	999	57,8
0805 30 10	052	57,2
	600	60,6
	999	58,9
0808 10 20, 0808 10 50, 0808 10 90	039	91,2
	388	90,5
	400	84,2
	404	94,8
	508	89,7
	512	96,7
	528	90,3
	720	115,7
	728	105,3
	999	95,4
	999	95,4
0808 20 50	388	70,6
	512	65,3
	528	70,5
	999	68,8

⁽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 552/2001
of 21 March 2001**

**fixing the maximum export refund for white sugar for the 32nd partial invitation to tender issued
within the framework of the standing invitation to tender provided for in Regulation (EC) No
1531/2000**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 2038/1999 of 13 September 1999 on the common organisation of the markets in the sugar sector ⁽¹⁾, as amended by Commission Regulation (EC) No 1527/2000 ⁽²⁾, and in particular the second subparagraph of Article 18(5) thereof,

Whereas:

- (1) Commission Regulation (EC) No 1531/2000 of 13 July 2000 on a standing invitation to tender to determine levies and/or refunds on exports of white sugar ⁽³⁾, requires partial invitations to tender to be issued for the export of this sugar.
- (2) Pursuant to Article 9(1) of Regulation (EC) No 1531/2000 a maximum export refund shall be fixed, as the case may be, account being taken in particular of the state and foreseeable development of the Community

and world markets in sugar, for the partial invitation to tender in question.

- (3) Following an examination of the tenders submitted in response to the 32nd partial invitation to tender, the provisions set out in Article 1 should be adopted.
- (4) The measures provided for in this Regulation are in accordance with the opinion of the Management Committee for Sugar,

HAS ADOPTED THIS REGULATION:

Article 1

For the 32nd partial invitation to tender for white sugar issued pursuant to Regulation (EC) No 1531/2000 the maximum amount of the export refund is fixed at 45,658 EUR/100 kg.

Article 2

This Regulation shall enter into force on 22 March 2001.

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

Done at Brussels, 21 March 2001.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ L 252, 25.9.1999, p. 1.

⁽²⁾ OJ L 175, 14.7.2000, p. 59.

⁽³⁾ OJ L 175, 14.7.2000, p. 69.

COMMISSION REGULATION (EC) No 553/2001**of 21 March 2001****fixing the representative prices and the additional import duties for molasses in the sugar sector**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 2038/1999 of 13 September 1999 on the common organisation of the market in sugar ⁽¹⁾, as amended by Commission Regulation 1527/2000 ⁽²⁾,

Having regard to Commission Regulation (EC) No 1422/95 of 23 June 1995 laying down detailed rules of application for imports of molasses in the sugar sector and amending Regulation (EEC) No 785/68 ⁽³⁾, and in particular Articles 1(2) and 3(1) thereof,

Whereas:

- (1) Regulation (EC) No 1422/95 stipulates that the cif import price for molasses, hereinafter referred to as the 'representative price', should be set in accordance with Commission Regulation (EEC) No 785/68 ⁽⁴⁾. That price should be fixed for the standard quality defined in Article 1 of the above Regulation.
- (2) The representative price for molasses is calculated at the frontier crossing point into the Community, in this case Amsterdam; that price must be based on the most favourable purchasing opportunities on the world market established on the basis of the quotations or prices on that market adjusted for any deviations from the standard quality. The standard quality for molasses is defined in Regulation (EEC) No 785/68.
- (3) When the most favourable purchasing opportunities on the world market are being established, account must be taken of all available information on offers on the world market, on the prices recorded on important third-country markets and on sales concluded in international trade of which the Commission is aware, either directly or through the Member States. Under Article 7 of Regulation (EEC) No 785/68, the Commission may for this purpose take an average of several prices as a basis, provided that this average is representative of actual market trends.
- (4) The information must be disregarded if the goods concerned are not of sound and fair marketable quality or if the price quoted in the offer relates only to a small

quantity that is not representative of the market. Offer prices which can be regarded as not representative of actual market trends must also be disregarded.

- (5) If information on molasses of the standard quality is to be comparable, prices must, depending on the quality of the molasses offered, be increased or reduced in the light of the results achieved by applying Article 6 of Regulation (EEC) No 785/68.
- (6) A representative price may be left unchanged by way of exception for a limited period if the offer price which served as a basis for the previous calculation of the representative price is not available to the Commission and if the offer prices which are available and which appear not to be sufficiently representative of actual market trends would entail sudden and considerable changes in the representative price.
- (7) Where there is a difference between the trigger price for the product in question and the representative price, additional import duties should be fixed under the conditions set out in Article 3 of Regulation (EC) No 1422/95. Should the import duties be suspended pursuant to Article 5 of Regulation (EC) No 1422/95, specific amounts for these duties should be fixed.
- (8) Application of these provisions will have the effect of fixing the representative prices and the additional import duties for the products in question as set out in the Annex to this Regulation.
- (9) The measures provided for in this Regulation are in accordance with the opinion of the Management Committee for Sugar,

HAS ADOPTED THIS REGULATION:

Article 1

The representative prices and the additional duties applying to imports of the products referred to in Article 1 of Regulation (EC) No 1422/95 are fixed in the Annex hereto.

Article 2

This Regulation shall enter into force on 22 March 2001.

⁽¹⁾ OJ L 252, 25.9.1999, p. 1.

⁽²⁾ OJ L 175, 14.7.2000, p. 59.

⁽³⁾ OJ L 141, 24.6.1995, p. 12.

⁽⁴⁾ OJ L 145, 27.6.1968, p. 12.

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

Done at Brussels, 21 March 2001.

For the Commission

Franz FISCHLER

Member of the Commission

ANNEX

to the Commission Regulation of 21 March 2001 fixing the representative prices and additional import duties to imports of molasses in the sugar sector

(in EUR)

CN code	Amount of the representative price in 100 kg net of the product in question	Amount of the additional duty in 100 kg net of the product in question	Amount of the duty to be applied to imports in 100 kg net of the product in question because of suspension as referred to in Article 5 of Regulation (EC) No 1422/95 ⁽²⁾
1703 10 00 ⁽¹⁾	9,31	—	0
1703 90 00 ⁽¹⁾	11,31	—	0

⁽¹⁾ For the standard quality as defined in Article 1 of amended Regulation (EEC) No 785/68.

⁽²⁾ This amount replaces, in accordance with Article 5 of Regulation (EC) No 1422/95, the rate of the Common Customs Tariff duty fixed for these products.

COMMISSION REGULATION (EC) No 554/2001**of 21 March 2001****fixing the export refunds on white sugar and raw sugar exported in its unaltered state**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 2038/1999 of 13 September 1999 on the common organisation of the markets in the sugar sector ⁽¹⁾, as amended by Commission Regulation (EC) No 1527/2000 ⁽²⁾, and in particular point (a) of the second subparagraph of Article 18(5) thereof,

Whereas:

- (1) Article 18 of Regulation (EC) No 2038/1999 provides that the difference between quotations or prices on the world market for the products listed in Article 1(1)(a) of that Regulation and prices for those products within the Community may be covered by an export refund.
- (2) Regulation (EC) No 2038/1999 provides that when refunds on white and raw sugar, undenatured and exported in its unaltered state, are being fixed account must be taken of the situation on the Community and world markets in sugar and in particular of the price and cost factors set out in Article 19 of that Regulation; whereas the same Article provides that the economic aspect of the proposed exports should also be taken into account.
- (3) The refund on raw sugar must be fixed in respect of the standard quality; the latter is defined in Article 1 of Council Regulation (EC) No 431/68 of 9 April 1968 determining the standard quality for raw sugar and fixing the Community frontier crossing point for calculating cif prices for sugar ⁽³⁾, as amended by Regulation (EC) No 3290/94 ⁽⁴⁾; furthermore, this refund should be fixed in accordance with Article 19(4) of Regulation (EC) No 2038/1999; candy sugar is defined in Commission Regulation (EC) No 2135/95 of 7 September 1995

laying down detailed rules of application for the grant of export refunds in the sugar sector ⁽⁵⁾; the refund thus calculated for sugar containing added flavouring or colouring matter must apply to their sucrose content and, accordingly, be fixed per 1 % of the said content.

- (4) The world market situation or the specific requirements of certain markets may make it necessary to vary the refund for sugar according to destination.
- (5) In special cases, the amount of the refund may be fixed by other legal instruments.
- (6) The refund must be fixed every two weeks; whereas it may be altered in the intervening period.
- (7) It follows from applying the rules set out above to the present situation on the market in sugar and in particular to quotations or prices for sugar within the Community and on the world market that the refund should be as set out in the Annex hereto.
- (8) The measures provided for in this Regulation are in accordance with the opinion of the Management Committee for Sugar,

HAS ADOPTED THIS REGULATION:

Article 1

The export refunds on the products listed in Article 1(1)(a) of Regulation (EC) No 2038/1999, undenatured and exported in the natural state, are hereby fixed to the amounts shown in the Annex hereto.

Article 2

This Regulation shall enter into force on 22 March 2001.

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

Done at Brussels, 21 March 2001.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ L 252, 25.9.1999, p. 1.

⁽²⁾ OJ L 175, 14.7.2000, p. 59.

⁽³⁾ OJ L 89, 10.4.1968, p. 3.

⁽⁴⁾ OJ L 349, 31.12.1994, p. 105.

⁽⁵⁾ OJ L 214, 8.9.1995, p. 16.

ANNEX

to the Commission Regulation of 21 March 2001 fixing 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	39,35 ⁽¹⁾
1701 11 90 9910	A00	EUR/100 kg	35,62 ⁽¹⁾
1701 11 90 9950	A00	EUR/100 kg	⁽²⁾
1701 12 90 9100	A00	EUR/100 kg	39,35 ⁽¹⁾
1701 12 90 9910	A00	EUR/100 kg	35,62 ⁽¹⁾
1701 12 90 9950	A00	EUR/100 kg	⁽²⁾
1701 91 00 9000	A00	EUR/1 % of sucrose × net 100 kg of product	0,4278
1701 99 10 9100	A00	EUR/100 kg	42,78
1701 99 10 9910	A00	EUR/100 kg	42,63
1701 99 10 9950	A00	EUR/100 kg	42,63
1701 99 90 9100	A00	EUR/1 % of sucrose × net 100 kg of product	0,4278

⁽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 19 (4) of Regulation (EC) No 2038/1999.

⁽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 555/2001**of 21 March 2001****opening an invitation to tender for the reduction in the duty on maize imported into Portugal from third countries**

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 12(1) thereof,

Whereas:

- (1) Pursuant to the Agreement on Agriculture concluded during the Uruguay Round of multilateral trade negotiations, the Community has undertaken to import a certain quantity of maize into Portugal.
- (2) Commission Regulation (EC) No 1839/95 of 26 July 1995 laying down detailed rules for the application of tariff quotas for imports of maize and sorghum into Spain and imports of maize into Portugal ⁽³⁾, as last amended by Regulation (EC) No 2235/2000 ⁽⁴⁾, lays down the rules governing the administration of those special arrangements. This Regulation lays down the special additional detailed rules necessary for implementing the invitation to tender, in particular those relating to the lodging and release of the security to be lodged by operators to ensure compliance with their obligations and, in particular, the obligation to process or use the imported product on the Portuguese market.
- (3) In the light of current market needs in Portugal, an invitation to tender for the reduction in the duty on imports of maize should be opened in the framework of these special arrangements for imports.
- (4) As a result of the temporary closure of the Danube to trade, transport costs for maize originating in countries through which that river flows and which no longer have access by sea to the Iberian peninsula have increased considerably. Accordingly, the rate of duty applying to such imports no longer reflects the real impact of the costs of transport. As a consequence, to

take these facts into account a further reduction should be made in the import duty for the purposes of invitations to tender opened by this Regulation.

- (5) The measures provided for in this Regulation are in accordance with the opinion of the Management Committee for Cereals,

HAS ADOPTED THIS REGULATION:

Article 1

1. An invitation to tender is hereby opened for the reduction in the import duty referred to in Article 10(2) of Regulation (EEC) No 1766/92 on maize to be imported into Portugal.
2. The invitation to tender shall be open until 31 May 2001. During that period, weekly invitations shall be issued with quantities and closing dates as shown in the notice of invitation to tender.
3. Regulation (EC) No 1839/95 shall apply save as otherwise provided for in this Regulation.

Article 2

Import licences issued under these invitations to tender shall be valid 50 days from the date they are issued, within the meaning of Article 10(4) of Regulation (EC) No 1839/95.

Article 3

The reduction in duty granted under the invitations to tender shall be increased by EUR 10 per tonne for imports originating in landlocked countries through which the Danube flows.

Article 4

This Regulation shall enter into force on the day 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 Brussels, 21 March 2001.

For the Commission

Franz FISCHLER

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 177, 28.7.1995, p. 4.

⁽⁴⁾ OJ L 256, 10.10.2000, p. 13.

COMMISSION REGULATION (EC) No 556/2001**of 21 March 2001****amending Regulation (EC) No 2316/1999 laying down detailed rules for the application of Council Regulation (EC) No 1251/1999 establishing a support system for producers of certain arable crops as regards set-aside areas and the list of eligible varieties of flax and hemp**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 1251/1999 of 17 May 1999 establishing a support system for producers of certain arable crops ⁽¹⁾, as last amended by Regulation (EC) No 1672/2000 ⁽²⁾, and in particular Article 9 thereof,

Whereas:

- (1) Commission Regulation (EC) No 2316/1999 ⁽³⁾, as last amended by Regulation (EC) No 2860/2000 ⁽⁴⁾, lays down detailed rules for the application of Regulation (EC) No 1251/1999 with respect to the conditions for granting area payments for certain arable crops and sets out the conditions for set-aside.
- (2) Article 18 of the above Regulation limits eligibility for set-aside payments to areas that in the preceding year were cultivated with a view to a harvest, set aside in accordance with Regulation (EC) No 1251/1999 or withdrawn from the production of arable crops or afforested in accordance with rural development legislation.
- (3) Application of these conditions is no longer of any practical interest in view of the long period which has passed since their introduction. Moreover, checks on compliance with this Article involve a disproportionately high amount of effort compared with the purpose of the measure. These restrictive conditions should therefore be abolished in order to simplify the rules.
- (4) New varieties of flax and hemp grown for fibre may be considered eligible. These should therefore be included in the list of varieties of flax and hemp grown for fibre

eligible for the support system in Annex XII to Regulation (EC) No 2316/1999.

- (5) The measures provided for in this Regulation are in accordance with the opinion of the Management Committee for Cereals,

HAS ADOPTED THIS REGULATION:

Article 1

Regulation (EC) No 2316/1999 is hereby amended as follows:

1. Article 18 is replaced by the following:

'Article 18

"Set-aside" means leaving fallow an area eligible for area payments within the meaning of Article 7 of Regulation (EC) No 1251/1999.'

2. The varieties 'Adélie' and 'Caesar Augustus' are added to point 1 of Annex XII.
3. The variety 'Uso 31' is added to point 2a of Annex XII.
4. The variety 'Delta-Ilosa' is added to point 2b of Annex XII, and the variety 'Uso 31' is deleted.

Article 2

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

It shall apply from the 2001/02 marketing year.

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

Done at Brussels, 21 March 2001.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ L 160, 26.6.1999, p. 1.

⁽²⁾ OJ L 193, 29.7.2000, p. 13.

⁽³⁾ OJ L 280, 30.10.1999, p. 43.

⁽⁴⁾ OJ L 332, 28.12.2000, p. 63.

COMMISSION REGULATION (EC) No 557/2001
of 21 March 2001
repealing Regulation (EC) No 284/2001 and amending Regulation (EEC) No 1627/89 on the
buying-in of beef by invitation to tender

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 1254/1999 of 17 May 1999 on the common organisation of the market in beef and veal ⁽¹⁾, and in particular Article 47(8) thereof,

Whereas:

- (1) Commission Regulation (EC) No 284/2001 of 9 February 2001 opening intervention in accordance with Article 47(5) of Regulation (EC) No 1254/1999 ⁽²⁾ and Commission Regulation (EEC) No 1627/89 of 9 June 1989 on the buying-in of beef by invitation to tender ⁽³⁾, as last amended by Regulation (EC) No 376/2001 ⁽⁴⁾, opened buying-in by invitation to tender in certain Member States or regions of a Member State for certain quality groups.
- (2) The application of Article 47(3), (4) and (5) of Regulation (EC) No 1254/1999 and the need to limit intervention to buying in the quantities necessary to ensure reasonable support for the market result, on the basis of the prices of which the Commission is aware, in the

repeal of Regulation (EC) No 284/2001 and an amendment, in accordance with the Annex hereto, to the list of Member States or regions of a Member State where buying-in is open by invitation to tender, and the list of the quality groups which may be bought in.

- (3) The measures provided for in this Regulation are in accordance with the opinion of the Management Committee for Beef and Veal,

HAS ADOPTED THIS REGULATION:

Article 1

Regulation (EC) No 284/2001 is hereby repealed.

Article 2

The Annex to Regulation (EEC) No 1627/89 is hereby replaced by the Annex hereto.

Article 3

This Regulation shall enter into force on 22 March 2001.

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

Done at Brussels, 21 March 2001.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ L 160, 26.6.1999, p. 21.

⁽²⁾ OJ L 41, 10.2.2001, p. 24.

⁽³⁾ OJ L 159, 10.6.1989, p. 36.

⁽⁴⁾ OJ L 55, 24.2.2001, p. 49.

ANEXO — BILAG — ANHANG — ΠΑΡΑΡΤΗΜΑ — ANNEX — ANNEXE — ALLEGATO — BIJLAGE — ANEXO —
LIITE — BILAGA

Estados miembros o regiones de Estados miembros y grupos de calidades previstos en el apartado 1 del artículo 1 del Reglamento (CEE) n° 1627/89

Medlemsstater eller regioner og kvalitetsgrupper, jf. artikel 1, stk. 1, i forordning (EØF) nr. 1627/89
Mitgliedstaaten oder Gebiete eines Mitgliedstaats sowie die in Artikel 1 Absatz 1 der Verordnung (EWG) Nr. 1627/89 genannten Qualitätsgruppen

Κράτη μέλη ή περιοχές κρατών μελών και ομάδες ποιότητας που αναφέρονται στο άρθρο 1 παράγραφος 1 του κανονισμού (ΕΟΚ) αριθ. 1627/89

Member States or regions of a Member State and quality groups referred to in Article 1 (1) of Regulation (EEC) No 1627/89

États membres ou régions d'États membres et groupes de qualités visés à l'article 1^{er} paragraphe 1 du règlement (CEE) n° 1627/89

Stati membri o regioni di Stati membri e gruppi di qualità di cui all'articolo 1, paragrafo 1 del regolamento (CEE) n. 1627/89

In artikel 1, lid 1, van Verordening (EEG) nr. 1627/89 bedoelde lidstaten of gebieden van een lidstaat en kwaliteitsgroepen

Estados-Membros ou regiões de Estados-Membros e grupos de qualidades referidos no n.º 1 do artigo 1.º do Regulamento (CEE) n.º 1627/89

Jäsenvaltiot tai alueet ja asetukset (ETY) N:o 1627/89 1 artiklan 1 kohdan tarkoittamat laaturyhmitt
Medlemsstater eller regioner och kvalitetsgrupper som avses i artikel 1.1 i förordning (EEG) nr 1627/89

Estados miembros o regiones de Estados miembros	Categoría A			Categoría C		
Medlemsstat eller region	Kategori A			Kategori C		
Mitgliedstaaten oder Gebiete eines Mitgliedstaats	Kategorie A			Kategorie C		
Κράτος μέλος ή περιοχή κράτους μέλους	Κατηγορία Α			Κατηγορία Γ		
Member States or regions of a Member State	Category A			Category C		
États membres ou régions d'États membres	Catégorie A			Catégorie C		
Stati membri o regioni di Stati membri	Categoria A			Categoria C		
Lidstaat of gebied van een lidstaat	Categorie A			Categorie C		
Estados-Membros ou regiões de Estados-Membros	Categoria A			Categoria C		
Jäsenvaltiot tai alueet	Luokka A			Luokka C		
Medlemsstater eller regioner	Kategori A			Kategori C		
	U	R	O	U	R	O
Belgique/België	×	×	×			
Danmark		×	×			
Deutschland	×	×	×			
España	×	×	×			
France	×	×	×			×
Ireland				×	×	×
Italia	×	×	×			
Österreich	×	×	×	×	×	×
Nederland		×	×			

**COUNCIL DIRECTIVE 2001/23/EC
of 12 March 2001**

on the approximation of the laws of the Member States relating to the safeguarding of employees' rights in the event of transfers of undertakings, businesses or parts of undertakings or businesses

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community, and in particular Article 94 thereof,

Having regard to the proposal from the Commission,

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

Having regard to the opinion of the Economic and Social Committee ⁽²⁾,

Whereas:

- (1) Council Directive 77/187/EEC of 14 February 1977 on the approximation of the laws of the Member States relating to the safeguarding of employees' rights in the event of transfers of undertakings, businesses or parts of undertakings or businesses ⁽³⁾ has been substantially amended ⁽⁴⁾. In the interests of clarity and rationality, it should therefore be codified.
- (2) Economic trends are bringing in their wake, at both national and Community level, changes in the structure of undertakings, through transfers of undertakings, businesses or parts of undertakings or businesses to other employers as a result of legal transfers or mergers.
- (3) It is necessary to provide for the protection of employees in the event of a change of employer, in particular, to ensure that their rights are safeguarded.
- (4) Differences still remain in the Member States as regards the extent of the protection of employees in this respect and these differences should be reduced.
- (5) The Community Charter of the Fundamental Social Rights of Workers adopted on 9 December 1989 ('Social Charter') states, in points 7, 17 and 18 in particular that: 'The completion of the internal market must lead to an improvement in the living and working conditions of workers in the European Community. The improvement must cover, where necessary, the development of certain aspects of employment regulations such as procedures for collective redundancies and those regarding bankruptcies. Information, consultation and participation for workers must be developed along appropriate lines, taking account of the practice in force in the various Member States. Such information, consultation and participation must be implemented in due time, particularly in connection with restructuring operations in undertakings or in cases of mergers having an impact on the employment of workers'.

- (6) In 1977 the Council adopted Directive 77/187/EEC to promote the harmonisation of the relevant national laws ensuring the safeguarding of the rights of employees and requiring transferors and transferees to inform and consult employees' representatives in good time.
- (7) That Directive was subsequently amended in the light of the impact of the internal market, the legislative tendencies of the Member States with regard to the rescue of undertakings in economic difficulties, the case-law of the Court of Justice of the European Communities, Council Directive 75/129/EEC of 17 February 1975 on the approximation of the laws of the Member States relating to collective redundancies ⁽⁵⁾ and the legislation already in force in most Member States.
- (8) Considerations of legal security and transparency required that the legal concept of transfer be clarified in the light of the case-law of the Court of Justice. Such clarification has not altered the scope of Directive 77/187/EEC as interpreted by the Court of Justice.
- (9) The Social Charter recognises the importance of the fight against all forms of discrimination, especially based on sex, colour, race, opinion and creed.
- (10) This Directive should be without prejudice to the time limits set out in Annex I Part B within which the Member States are to comply with Directive 77/187/EEC, and the act amending it,

HAS ADOPTED THIS DIRECTIVE:

CHAPTER I

Scope and definitions

Article 1

1. (a) This Directive shall apply to any transfer of an undertaking, business, or part of an undertaking or business to another employer as a result of a legal transfer or merger.
- (b) Subject to subparagraph (a) and the following provisions of this Article, there is a transfer within the meaning of this Directive where there is a transfer of an economic entity which retains its identity, meaning an organised grouping of resources which has the objective of pursuing an economic activity, whether or not that activity is central or ancillary.

⁽¹⁾ Opinion delivered on 25 October 2000 (not yet published in the Official Journal).

⁽²⁾ OJ C 367, 20.12.2000, p. 21.

⁽³⁾ OJ L 61, 5.3.1977, p. 26.

⁽⁴⁾ See Annex I, Part A.

⁽⁵⁾ OJ L 48, 22.2.1975, p. 29. Directive replaced by Directive 98/59/EC (OJ L 225, 12.8.1998, p. 16).

- (c) This Directive shall apply to public and private undertakings engaged in economic activities whether or not they are operating for gain. An administrative reorganisation of public administrative authorities, or the transfer of administrative functions between public administrative authorities, is not a transfer within the meaning of this Directive.

2. This Directive shall apply where and in so far as the undertaking, business or part of the undertaking or business to be transferred is situated within the territorial scope of the Treaty.

3. This Directive shall not apply to seagoing vessels.

Article 2

1. For the purposes of this Directive:

- (a) 'transferor' shall mean any natural or legal person who, by reason of a transfer within the meaning of Article 1(1), ceases to be the employer in respect of the undertaking, business or part of the undertaking or business;
- (b) 'transferee' shall mean any natural or legal person who, by reason of a transfer within the meaning of Article 1(1), becomes the employer in respect of the undertaking, business or part of the undertaking or business;
- (c) 'representatives of employees' and related expressions shall mean the representatives of the employees provided for by the laws or practices of the Member States;
- (d) 'employee' shall mean any person who, in the Member State concerned, is protected as an employee under national employment law.

2. This Directive shall be without prejudice to national law as regards the definition of contract of employment or employment relationship.

However, Member States shall not exclude from the scope of this Directive contracts of employment or employment relationships solely because:

- (a) of the number of working hours performed or to be performed,
- (b) they are employment relationships governed by a fixed-duration contract of employment within the meaning of Article 1(1) of Council Directive 91/383/EEC of 25 June 1991 supplementing the measures to encourage improvements in the safety and health at work of workers with a fixed-duration employment relationship or a temporary employment relationship⁽¹⁾, or
- (c) they are temporary employment relationships within the meaning of Article 1(2) of Directive 91/383/EEC, and the undertaking, business or part of the undertaking or business transferred is, or is part of, the temporary employment business which is the employer.

CHAPTER II

Safeguarding of employees' rights

Article 3

1. The transferor's rights and obligations arising from a contract of employment or from an employment relationship existing on the date of a transfer shall, by reason of such transfer, be transferred to the transferee.

Member States may provide that, after the date of transfer, the transferor and the transferee shall be jointly and severally liable in respect of obligations which arose before the date of transfer from a contract of employment or an employment relationship existing on the date of the transfer.

2. Member States may adopt appropriate measures to ensure that the transferor notifies the transferee of all the rights and obligations which will be transferred to the transferee under this Article, so far as those rights and obligations are or ought to have been known to the transferor at the time of the transfer. A failure by the transferor to notify the transferee of any such right or obligation shall not affect the transfer of that right or obligation and the rights of any employees against the transferee and/or transferor in respect of that right or obligation.

3. Following the transfer, the transferee shall continue to observe the terms and conditions agreed in any collective agreement on the same terms applicable to the transferor under that agreement, until the date of termination or expiry of the collective agreement or the entry into force or application of another collective agreement.

Member States may limit the period for observing such terms and conditions with the proviso that it shall not be less than one year.

4. (a) Unless Member States provide otherwise, paragraphs 1 and 3 shall not apply in relation to employees' rights to old-age, invalidity or survivors' benefits under supplementary company or intercompany pension schemes outside the statutory social security schemes in Member States.

(b) Even where they do not provide in accordance with subparagraph (a) that paragraphs 1 and 3 apply in relation to such rights, Member States shall adopt the measures necessary to protect the interests of employees and of persons no longer employed in the transferor's business at the time of the transfer in respect of rights conferring on them immediate or prospective entitlement to old age benefits, including survivors' benefits, under supplementary schemes referred to in subparagraph (a).

Article 4

1. The transfer of the undertaking, business or part of the undertaking or business shall not in itself constitute grounds for dismissal by the transferor or the transferee. This provision shall not stand in the way of dismissals that may take place for economic, technical or organisational reasons entailing changes in the workforce.

⁽¹⁾ OJ L 206, 29.7.1991, p. 19.

Member States may provide that the first subparagraph shall not apply to certain specific categories of employees who are not covered by the laws or practice of the Member States in respect of protection against dismissal.

2. If the contract of employment or the employment relationship is terminated because the transfer involves a substantial change in working conditions to the detriment of the employee, the employer shall be regarded as having been responsible for termination of the contract of employment or of the employment relationship.

Article 5

1. Unless Member States provide otherwise, Articles 3 and 4 shall not apply to any transfer of an undertaking, business or part of an undertaking or business where the transferor is the subject of bankruptcy proceedings or any analogous insolvency proceedings which have been instituted with a view to the liquidation of the assets of the transferor and are under the supervision of a competent public authority (which may be an insolvency practitioner authorised by a competent public authority).

2. Where Articles 3 and 4 apply to a transfer during insolvency proceedings which have been opened in relation to a transferor (whether or not those proceedings have been instituted with a view to the liquidation of the assets of the transferor) and provided that such proceedings are under the supervision of a competent public authority (which may be an insolvency practitioner determined by national law) a Member State may provide that:

- (a) notwithstanding Article 3(1), the transferor's debts arising from any contracts of employment or employment relationships and payable before the transfer or before the opening of the insolvency proceedings shall not be transferred to the transferee, provided that such proceedings give rise, under the law of that Member State, to protection at least equivalent to that provided for in situations covered by Council Directive 80/987/EEC of 20 October 1980 on the approximation of the laws of the Member States relating to the protection of employees in the event of the insolvency of their employer ⁽¹⁾, and, or alternatively, that,
- (b) the transferee, transferor or person or persons exercising the transferor's functions, on the one hand, and the representatives of the employees on the other hand may agree alterations, in so far as current law or practice permits, to the employees' terms and conditions of employment designed to safeguard employment opportunities by ensuring the survival of the undertaking, business or part of the undertaking or business.

3. A Member State may apply paragraph 2(b) to any transfers where the transferor is in a situation of serious economic crisis, as defined by national law, provided that the situation is declared by a competent public authority and open to judicial supervision, on condition that such provisions already existed in national law on 17 July 1998.

The Commission shall present a report on the effects of this provision before 17 July 2003 and shall submit any appropriate proposals to the Council.

⁽¹⁾ OJ L 283, 20.10.1980, p. 23. Directive as last amended by the 1994 Act of Accession.

4. Member States shall take appropriate measures with a view to preventing misuse of insolvency proceedings in such a way as to deprive employees of the rights provided for in this Directive.

Article 6

1. If the undertaking, business or part of an undertaking or business preserves its autonomy, the status and function of the representatives or of the representation of the employees affected by the transfer shall be preserved on the same terms and subject to the same conditions as existed before the date of the transfer by virtue of law, regulation, administrative provision or agreement, provided that the conditions necessary for the constitution of the employee's representation are fulfilled.

The first subparagraph shall not supply if, under the laws, regulations, administrative provisions or practice in the Member States, or by agreement with the representatives of the employees, the conditions necessary for the reappointment of the representatives of the employees or for the reconstitution of the representation of the employees are fulfilled.

Where the transferor is the subject of bankruptcy proceedings or any analogous insolvency proceedings which have been instituted with a view to the liquidation of the assets of the transferor and are under the supervision of a competent public authority (which may be an insolvency practitioner authorised by a competent public authority), Member States may take the necessary measures to ensure that the transferred employees are properly represented until the new election or designation of representatives of the employees.

If the undertaking, business or part of an undertaking or business does not preserve its autonomy, the Member States shall take the necessary measures to ensure that the employees transferred who were represented before the transfer continue to be properly represented during the period necessary for the reconstitution or reappointment of the representation of employees in accordance with national law or practice.

2. If the term of office of the representatives of the employees affected by the transfer expires as a result of the transfer, the representatives shall continue to enjoy the protection provided by the laws, regulations, administrative provisions or practice of the Member States.

CHAPTER III

Information and consultation

Article 7

1. The transferor and transferee shall be required to inform the representatives of their respective employees affected by the transfer of the following:

- the date or proposed date of the transfer,
- the reasons for the transfer,
- the legal, economic and social implications of the transfer for the employees,
- any measures envisaged in relation to the employees.

The transferor must give such information to the representatives of his employees in good time, before the transfer is carried out.

The transferee must give such information to the representatives of his employees in good time, and in any event before his employees are directly affected by the transfer as regards their conditions of work and employment.

2. Where the transferor or the transferee envisages measures in relation to his employees, he shall consult the representatives of this employees in good time on such measures with a view to reaching an agreement.

3. Member States whose laws, regulations or administrative provisions provide that representatives of the employees may have recourse to an arbitration board to obtain a decision on the measures to be taken in relation to employees may limit the obligations laid down in paragraphs 1 and 2 to cases where the transfer carried out gives rise to a change in the business likely to entail serious disadvantages for a considerable number of the employees.

The information and consultations shall cover at least the measures envisaged in relation to the employees.

The information must be provided and consultations take place in good time before the change in the business as referred to in the first subparagraph is effected.

4. The obligations laid down in this Article shall apply irrespective of whether the decision resulting in the transfer is taken by the employer or an undertaking controlling the employer.

In considering alleged breaches of the information and consultation requirements laid down by this Directive, the argument that such a breach occurred because the information was not provided by an undertaking controlling the employer shall not be accepted as an excuse.

5. Member States may limit the obligations laid down in paragraphs 1, 2 and 3 to undertakings or businesses which, in terms of the number of employees, meet the conditions for the election or nomination of a collegiate body representing the employees.

6. Member States shall provide that, where there are no representatives of the employees in an undertaking or business through no fault of their own, the employees concerned must be informed in advance of:

- the date or proposed date of the transfer,
- the reason for the transfer,
- the legal, economic and social implications of the transfer for the employees,

- any measures envisaged in relation to the employees.

CHAPTER IV

Final provisions

Article 8

This Directive shall not affect the right of Member States to apply or introduce laws, regulations or administrative provisions which are more favourable to employees or to promote or permit collective agreements or agreements between social partners more favourable to employees.

Article 9

Member States shall introduce into their national legal systems such measures as are necessary to enable all employees and representatives of employees who consider themselves wronged by failure to comply with the obligations arising from this Directive to pursue their claims by judicial process after possible recourse to other competent authorities.

Article 10

The Commission shall submit to the Council an analysis of the effect of the provisions of this Directive before 17 July 2006. It shall propose any amendment which may seem necessary.

Article 11

Member States shall communicate to the Commission the texts of the laws, regulations and administrative provisions which they adopt in the field covered by this Directive.

Article 12

Directive 77/187/EEC, as amended by the Directive referred to in Annex I, Part A, is repealed, without prejudice to the obligations of the Member States concerning the time limits for implementation set out in Annex I, Part B.

References to the repealed Directive shall be construed as references to this Directive and shall be read in accordance with the correlation table in Annex II.

Article 13

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

Article 14

This Directive is addressed to the Member States.

Done at Brussels, 12 March 2001.

For the Council

The President

B. RINGHOLM

ANNEX I

PART A

Repealed Directive and its amending Directive

(referred to in Article 12)

Council Directive 77/187/EEC (OJ L 61, 5.3.1977, p. 26)

Council Directive 98/50/EC (OJ L 201, 17.7.1998, p. 88)

PART B

Deadlines for transposition into national law

(referred to in Article 12)

Directive	Deadline for transposition
77/187/EEC	16 February 1979
98/50/EC	17 July 2001

ANNEX II

CORRELATION TABLE

Directive 77/187/EEC	This Directive
Article 1	Article 1
Article 2	Article 2
Article 3	Article 3
Article 4	Article 4
Article 4a	Article 5
Article 5	Article 6
Article 6	Article 7
Article 7	Article 8
Article 7a	Article 9
Article 7b	Article 10
Article 8	Article 11
—	Article 12
—	Article 13
—	Article 14
—	ANNEX I
—	ANNEX II

II

(Acts whose publication is not obligatory)

COUNCIL

COUNCIL DECISION

of 12 March 2001

concerning the participation of the Community in the International Lead and Zinc Study Group

(2001/221/EC)

THE COUNCIL OF THE EUROPEAN UNION,

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

Having regard to the proposal of the Commission,

Whereas:

- (1) The Terms of Reference of the International Lead and Zinc Study Group (ILZSG) were adopted at the Inaugural Meeting for Lead and Zinc, under the auspices of the United Nations Economic and Social Council, in New York in May 1959.
- (2) The ILZSG operates independently as an autonomous United Nations-affiliated intergovernmental organisation that provides its members with:
 - (a) accurate and timely information on world markets of lead and zinc; and
 - (b) regular intergovernmental consultations on international trade in lead and zinc and any other related issue important to member countries.
- (3) The work of ILZSG is carried out largely by its six committees, Standing, Statistical and Forecasting, Mine and Smelter Projects, Recycling, International Economic and Environment. In addition, an Industry Advisory Panel, consisting of senior experts from the lead and zinc industry of member countries is chaired by the Chairman of the Study Group. The Panel provides advice to Study Group members and is open for consultation.
- (4) ILZSG is recognised as an international commodity body by the United Nations Common Fund for Commodities, which entitles ILZSG to apply for funding for development projects from the Common Fund.
- (5) Governments and Contracting Parties of the WTO/GATT have been asked to notify the United Nations Secretary-General of their acceptance of the Terms of Reference

and the Rules of Procedure in accordance with ILZSG Rule of Procedure 1.

- (6) The financing of ILZSG comes from Member Governments. Contributions are calculated by dividing one half of the budget equally among member countries and the other half is allocated in proportion to the amount of total trade in lead and zinc of each country.
- (7) Several Member States of the Community already participate in the work of ILZSG,

HAS ADOPTED THIS DECISION:

Article 1

The Terms of Reference and the Rules of Procedure of the International Lead and Zinc Study Group are hereby accepted by the Community.

The Community shall lodge its instrument of acceptance with the Secretary-General of the United Nations.

The texts of the Terms of Reference and the Rules of Procedure are annexed to this Decision.

Article 2

The President of the Council is hereby authorised to designate the persons empowered to lodge the instruments of acceptance on behalf of the Community.

Done at Brussels, 12 March 2001.

For the Council

The President

B. RINGHOLM

ANNEX I

TERMS OF REFERENCE OF THE INTERNATIONAL LEAD AND ZINC STUDY GROUP**Membership**

1. Membership of the International Lead and Zinc Study Group shall be open to the Governments of States Members of the United Nations or of appropriate specialised agencies or to Contracting Parties to the General Agreement on Tariffs and Trade, which consider themselves substantially interested in the production or consumption of or trade in lead and zinc.

Functions

2. The group shall provide opportunities for appropriate intergovernmental consultations on international trade in lead and/or zinc and shall make such studies of the world situation in lead and zinc, as it sees fit, having regard especially to the desirability of providing continuous accurate information regarding the supply and demand position and of its probable development. For this purpose the group shall arrange for the collection and dissemination of statistics, making use of existing sources so far as practicable.
3. The group shall, as appropriate, consider possible solutions to any special problems or difficulties which exist or may be expected to arise in lead or zinc and are unlikely to be resolved in the ordinary development of world trade.
4. The group may report to Member Governments. Such reports may include suggestions and/or recommendations.
5. For the purpose of these terms of reference, lead and zinc shall include scraps, wastes and/or residues and such lead and zinc products as the group may determine.

Operation of study group

6. The group shall meet at times and places mutually convenient to its members.
7. The group shall adopt such rules of procedure as are considered necessary to carry out its functions.
8. The group shall make such secretariat arrangements as it may deem necessary for the proper conduct of its work.
9. The participating Governments shall contribute to the expenses of the group on a basis to be determined by it.
10. The group shall remain in existence as long as it continues, in the opinion of the participating Governments, to serve a useful purpose.
11. The group shall make such arrangements as it considers appropriate by which information may be exchanged with the interested non-participating Governments of the States referred to in paragraph 1 and with appropriate non-governmental and intergovernmental organisations. The group shall cooperate in particular with the Interim Coordinating Committee for International Commodity Arrangements which, under Resolution 557 F (XVIII) of the Economic and Social Council, has the function of coordinating the activities of study groups and councils.

ANNEX II

RULES OF PROCEDURE OF THE INTERNATIONAL LEAD AND ZINC STUDY GROUP**Membership***Rule 1*

Any Government referred to in paragraph 1 of the Terms of Reference which desires to become a member of the Study Group shall notify the Secretary-General in writing accordingly. The notification shall include a declaration by the Government concerned that it considers itself substantially interested in the production or consumption of or trade in lead and/or zinc and that it accepts the Terms of Reference and the Rules of Procedure.

Rule 2

A member may at any time withdraw from the Group by written notification in advance to the Secretary-General, the withdrawal taking effect on the date specified in the notification. Withdrawal shall be without prejudice to any financial obligations already incurred and shall not entitle the withdrawing Government to any rebate of its contribution for the year in which the withdrawal occurs.

Rule 3

The Secretary-General shall notify each member of the Group of any notification received in accordance with Rules 1 or 2.

Representation*Rule 4*

Each member of the Group shall, if possible, designate a person resident at the seat of the Group to whom all notices and other communications regarding the work of the Group shall be addressed, but other arrangements may be made with the Secretary-General.

Rule 5

Each member of the Group shall notify the Secretary-General as soon as possible of the names of the representative, alternates and advisers designated to represent it at a session. Members may, however, designate permanent delegations to represent them at all sessions of the Group until they decide otherwise.

Rule 6

If a member and the territories for the international relations of which it is responsible form a group of which one or more units are mainly interested in the production of lead and zinc and one or more in the consumption of lead and zinc, there may, at the request of the member, be either joint representation for all such territories within the Group or separate representation for the territories interested in production and separate representation for the territories interested in consumption of lead and zinc. Where a territory or group of territories is separately represented in accordance with this rule, it shall for the purposes of these Rules be regarded as a member of the Group.

Liaison*Rule 7*

The Group shall make such arrangements as it considers appropriate by which information may be exchanged with interested non-participating Governments of the State referred to in paragraph 1 of its Terms of Reference and with appropriate non-governmental and intergovernmental organisations.

The Group may invite any appropriate intergovernmental or non-governmental organisation substantially interested in lead and zinc problems to be represented at its meetings by an observer, on the understanding that such organisation will extend similar rights to the Group. Such observer may attend all meetings of the Group unless the Group decides otherwise, in respect of the whole or any part of a particular meeting or series of meetings but, unless the Group decides otherwise, may not attend meetings of the Standing Committee nor of any committee or subcommittee on which all members of the Group are not represented.

The Chairman may invite any such observer to participate in the Group's discussion of any item in which the organisation represented by the observer is substantially interested, but the observer shall not have the right to vote or to submit proposals.

The following Rules of Procedure of the Group shall apply to any such organisation, *mutatis mutandis*: Rules 4, 5, 13, 16, 26, 27 and 28.

Financial obligations

Rule 8

The financial year for the Group shall be from 1 January to 31 December.

Rule 9

Each member of the Group shall contribute annually to the expenses of the Group in accordance with the scale of contributions established subject to a minimum contribution, on the basis of the interest of each member in both lead and zinc. At the last scheduled session of each year the budget for the ensuing year shall be approved by the Group and the contributions for each member Government established. The Secretary-General will immediately notify each member Government of the amount of its contribution. Contributions shall be due on 1 January. Should any member country still not have paid its contribution for the previous calendar year by the time of the regular Spring meeting of the Standing Committee, it shall explain any such delay at that meeting. Any member in arrears by more than its contribution for the preceding financial year shall be deprived of its voting rights or may be suspended from membership for so long as it remains in arrears.

Rule 10

Any member joining the group in the course of a financial year shall pay such proportion of its normal annual contributions as the Group may establish. Contributions received from new members shall not affect the contributions applicable to existing members in the financial year in question.

Rule 11

Contributions of members shall be payable in the currency of the State in which the headquarters of the Group is located. Financial arrangements for the Group shall be made by the Secretary-General with the authority of the Standing Committee and such arrangements shall apply until the Group decides otherwise.

Rule 12

The adoption of a budget shall be the authority to incur the expenditures set out therein. Within the limits of the overall budget and with the approval of the Standing Committee or of an appropriately designated body or officer of the Standing Committee, any appropriation under any one heading of the budget may be applied to any other heading. Payment for the account of the Group may be made under such authority(ies) as the Standing Committee may from time to time decide.

Rule 13

Travelling and subsistence expenses of delegations of members, including those of delegations to Committees or other bodies of the Group, shall not be a charge on the funds of the Group.

Headquarters of the Group

Rule 14

The headquarters of the Group shall be in London until the Group decides otherwise. The Group shall hold its sessions at such places as it decides.

Sessions of the Group

Rule 15

Sessions of the Group, other than those decided upon at a previous session, shall be held at the request of the Standing Committee or of the Chairman of the Group or of not less than four members. Where the request is made on the grounds of urgency, the request shall include a statement of the reasons.

Rule 16

The Secretary-General shall send to the designated representative of each member of the Group a written notification of the date of each session together with a provisional agenda for that session. Such notification and provisional agenda shall be dispatched at least 35 days before the commencement of the session. If a session is convened on the grounds of urgency, the notification and provisional agenda shall be dispatched at least 15 days prior to the session and the notification shall include a statement of the reasons for convening the session.

Provisional agenda

Rule 17

The provisional agenda for each session shall be prepared by the Secretary-General in consultation with the Chairman of the Group. If a member of the Group wishes a particular matter to be discussed at a session of the Group it shall if possible notify the Secretary-General 60 days before the commencement of the session, including in that notification a written explanation. The agenda shall be finally decided at the Session of the Group.

Chairman and Vice-Chairmen

Rule 18

The Group shall have a Chairman and two Vice-Chairmen who shall be elected for a calendar year and may be re-elected. The elections for a calendar year shall be held at an appropriate meeting in the preceding calendar year but, in default of such elections, the Chairman and Vice-Chairman shall continue in that capacity until their successors have been elected and have taken office.

Rule 19

The duties of the Chairman or a Vice-Chairman acting as a Chairman, shall include the following:

- (a) preside and conduct the proceedings of each session;
- (b) declare the opening and closing of each session of the Group;
- (c) direct discussions at meetings, ensure observance of these rules, accord the right to speak and, subject to Rule 20, decide all questions of order;
- (d) put questions, announce decisions, and, if a vote is requested, call for votes and announce the result of voting.

Conduct of business

Rule 20

During the discussion of any matter, any representative may raise a point of order and may move the closure or adjournment of the debate. In each such case, the Chairman shall immediately state his ruling, which shall stand unless overruled by the meeting.

Rule 21

The required quorum for each meeting of the Group shall be a majority of its members.

Rule 22

Each meeting of the Group shall be private unless it decides otherwise.

Rule 23

In the ordinary course of business, decisions shall be taken according to the sense of the meeting and without a vote. If a vote is requested on decisions concerning the budget, any amendment of the budget and any amendment either of the Terms of Reference or of this rule, a two-thirds majority of members present and voting shall be required. The vote shall be by a show of hands, roll-call or secret ballot, in accordance with the request. Should a vote be requested on other decisions, a simple majority shall be sufficient.

Rule 24

The Chairman, or a Vice-Chairman acting in his place, shall have no vote, but may appoint another member of his delegation to vote in his place.

Rule 25

The Chairman of the Standing Committee may arrange for the Group to reach decisions on any matter by correspondence. For this purpose a communication shall be sent to members inviting them to record their votes within a specified time-limit, which shall not be less than 21 days. The communication shall state clearly the matter at issue and the proposals in respect of which Members are invited to vote for or against. At the end of the specified time-limit, the Secretary-General shall notify all members of the decision reached. If the replies of four members contain objections to the correspondence procedure, no vote shall be taken and the matter shall stand over for decision at the next session of the Group.

Official and working languages

Rule 26

English, French, Russian and Spanish shall be the official and working languages of the Group. Any representative wishing to speak in any other languages shall be responsible for interpretation into one of the working languages.

All documents for the Group shall be translated into the four working languages.

Rule 27

Minutes of meetings shall consist of a summary record of the proceedings which shall be provisional in the first case. If any delegation wishes to amend any of its statements reported in the provisional record, such amendment shall be made by notification to the Secretary-General within 21 days of the issue of that record and no other changes shall be made unless approved by the Group at its next session.

Rule 28

Information which is the property of the Group, reports of proceedings and all other documents of the Study Group and its various committees and other bodies shall be confidential until and unless the Group or the Standing Committee as appropriate, decides otherwise.

Standing Committee*Rule 29*

A Standing Committee shall be established by the Group and shall consist of those members of the Group which have indicated to the Secretary-General their desire to participate in its work. Documents connected with the work of the Committee shall be circulated to a person designated by each member of the Committee.

The Standing Committee shall elect its own Chairman and Vice-Chairmen.

The Secretary-General, or an officer designated by him, shall serve as Secretary of the Committee.

The Committee, which shall meet at least twice a year, shall adopt its own Rules of Procedure.

Rule 30

The Standing Committee shall keep the lead and zinc situation currently under review and make such recommendations to the Group as it may deem advisable. It shall carry out such other tasks as may be delegated to it by the Group. In addition, it shall exercise appropriate responsibility for the work of the Secretariat, preparation of a draft budget and other financial action in accordance with Rule 12. All financial transactions on behalf of the Group shall be notified regularly to the Committee.

Other Committees*Rule 31*

The Group may establish such other committees or bodies as may be appropriate on such terms and conditions as it may determine.

Secretariat*Rule 32*

The Group shall have a Secretariat consisting of a Secretary-General and such staff as may be required. The Secretariat shall be appointed or provided in such manner as the Group may decide.

Rule 33

The Secretary-General, subject to such decisions regarding provision of the Secretariat as may be made by the Group, shall be responsible for the execution of all duties falling on the Secretariat, including servicing the Group and its Committees.

Amendment*Rule 34*

These Rules may be amended by decision of the Group taken in accordance with Rule 23.

COUNCIL DECISION
of 12 March 2001
appointing an Austrian alternate member of the Committee of the Regions

(2001/222/EC)

THE COUNCIL OF THE EUROPEAN UNION,

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

Having regard to the Council Decision of 26 January 1998 ⁽¹⁾ appointing the members and alternate members of the Committee of the Regions,

Whereas a seat as an alternate member of the Committee of the Regions has become vacant following the resignation of Ms Brigitte EDERER, alternate member, notified to the Council on 6 February 2001,

Having regard to the proposal from the Austrian Government,

HAS DECIDED AS FOLLOWS:

Sole Article

Mr Sepp RIEDER is hereby appointed an alternate member of the Committee of the Regions in place of Ms Brigitte EDERER for the remainder of the latter's term of office, which runs until 25 January 2002.

Done at Brussels, 12 March 2001.

For the Council

The President

B. RINGHOLM

⁽¹⁾ OJ L 28, 4.2.1998, p. 19.

COMMISSION

COMMISSION DECISION

of 21 March 2001

concerning certain protection measures with regard to foot-and-mouth disease in the Netherlands

(notified under document number C(2001) 964)

(Text with EEA relevance)

(2001/223/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Directive 90/425/EEC of 26 June 1990 concerning veterinary and zootechnical checks applicable in intra-Community trade in certain live animals and products with a view to the completion of the internal market ⁽¹⁾, as last amended by Directive 92/118/EEC ⁽²⁾, and in particular Article 10 thereof,

Having regard to Council Directive 89/662/EEC of 11 December 1989 concerning veterinary checks in intra-Community trade with a view to the completion of the internal market ⁽³⁾, as last amended by Directive 92/118/EEC, and in particular Article 9 thereof,

Whereas:

- (1) Following the reports of outbreaks of foot-and-mouth disease in the United Kingdom, the Commission adopted Decision 2001/172/EC concerning certain protection measures with regard to foot-and-mouth disease in the United Kingdom ⁽⁴⁾, as last amended by Decision 2001/190/EC ⁽⁵⁾.
- (2) Outbreaks of foot-and-mouth disease have been declared in France the Commission adopted Decision 2001/208/EC ⁽⁶⁾.
- (3) Outbreaks of foot-and-mouth disease have been declared in the Netherlands.
- (4) The foot-and-mouth disease situation in certain parts of the Netherlands is liable to endanger the herds in other parts of the territory of the Netherlands and in other Member States in view of the placing on the market and trade in live biungulate animals and certain of their products.

- (5) The Netherlands have taken measures in the framework of Council Directive 85/511/EEC of 18 November 1985 introducing Community measures for the control of foot-and-mouth disease ⁽⁷⁾, as last amended by the Act of Accession of Austria, Finland and Sweden, and furthermore has introduced further measures within the affected areas, including the measures laid down in Decision 2001/172/EC.
- (6) The disease situation in the Netherlands requires re-inforcing the control measures for foot-and-mouth disease taken by the Netherlands by adopting, in close cooperation with the Member State concerned, additional Community protective measures.
- (7) Certain categories of treated products of animal origin do not present a risk of spreading the disease, it appeared therefore appropriate to include provisions allowing trade in such products under the conditions that adequate certification is ensured.
- (8) The situation shall be reviewed at the meeting of the Standing Veterinary Committee scheduled for 27 March 2001 and the measures adapted where necessary.
- (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

Without prejudice to the measures taken by the Netherlands within the framework of Directive 85/511/EEC, the Netherlands shall ensure that:

1. no live animals of the bovine, ovine, caprine and porcine species and other biungulates move between those parts of its territory listed in Annex I and Annex II;

⁽¹⁾ OJ L 224, 18.8.1990, p. 29.

⁽²⁾ OJ L 62, 15.3.1993, p. 49.

⁽³⁾ OJ L 395, 30.12.1989, p. 13.

⁽⁴⁾ OJ L 62, 2.3.2001, p. 22.

⁽⁵⁾ OJ L 67, 9.3.2001, p. 88.

⁽⁶⁾ OJ L 73, 15.3.2001, p. 38.

⁽⁷⁾ OJ L 315, 26.11.1985, p. 11.

2. no live animals of the bovine, ovine, caprine and porcine species and other biungulates are dispatched from or moved through those parts of its territory listed in Annex I and Annex II;

Derogating from the provisions in the first paragraph the competent authorities may authorise the direct and uninterrupted transit of biungulate animals through the areas listed in Annex I and Annex II on main roads and railway lines;

3. the health certificates provided for in Council Directive 64/432/EEC ⁽¹⁾, as last amended by Directive 2000/20/EC ⁽²⁾, accompanying live bovine and porcine animals and in Council Directive 91/68/EEC ⁽³⁾, as last amended by Commission Decision 94/953/EC ⁽⁴⁾, accompanying live ovine and caprine animals consigned from parts of the territory of the Netherlands not listed in Annex I and Annex II to other Member States shall bear the following words:

'Animals conforming to Commission Decision 2001/223/EC of 21 March 2001 concerning certain protection measures with regard to foot-and-mouth disease in the Netherlands';

4. the health certificates accompanying biungulates, other than those covered by the certificates mentioned in paragraph 3, consigned from parts of the territory of the Netherlands not listed in Annex I and Annex II to other Member States shall bear the following words:

'Live biungulates conforming to Commission Decision 2001/223/EC of 21 March 2001 concerning certain protection measures with regard to foot-and-mouth disease in the Netherlands';

5. the movement to other Member States of animals accompanied by an animal health certificate referred to in paragraphs 3 or 4 shall only be allowed following three days advance notification dispatched by the local veterinary authority to the central and local veterinary authorities in the Member State of destination.

Article 2

1. The Netherlands shall not dispatch fresh meat of the bovine, ovine, caprine and porcine species and other biungulates coming from those parts of its territory listed in Annex I or obtained from animals originating in those parts of the Netherlands.

Fresh meat referred to in the first subparagraph shall include minced meat and meat preparations in accordance with Council Directive 94/65/EC laying down the requirements for the production and placing on the market of minced meat ⁽⁵⁾.

2. The prohibitions provided for in paragraph 1 shall not apply to:

- (a) fresh meat obtained before 20 February 2001 provided that the meat is clearly identified, and since this date has been transported and stored separately from meat which is not

destined for dispatch outside the areas mentioned in Annex I;

- (b) fresh meat obtained from animals reared outside the areas listed in Annex I and transported in derogation to Article 1(1) directly and under official control in sealed means of transport to a slaughterhouse situated in the area listed in Annex I outside the protection zone for immediate slaughter. Such meat shall only be placed on the market in the Netherlands;

- (c) fresh meat obtained from cutting plants situated in the area listed in Annex I under the following conditions:

— only fresh meat as described in subparagraphs (a) and (b) or fresh meat obtained from animals reared and slaughtered outside the area listed in the Annex I will be processed in this establishment,

— all such fresh meat must bear the health mark in accordance with Chapter XI of Annex I to Council Directive 64/433/EEC ⁽⁶⁾ on health conditions for the production and marketing of fresh meat, as last amended by Directive 95/23/EC ⁽⁷⁾,

— the plant will be operated under strict veterinary control,

— the fresh meat must be clearly identified, and transported and stored separately from meat which is not destined for dispatch outside the areas mentioned in Annex I,

— the control of the compliance with the above listed conditions shall be carried out by the competent veterinary authority under the supervision of the central veterinary authorities who will communicate to the other Member States and the Commission a list of those establishments which they have approved in application of these provisions;

- (d) fresh meat obtained from animals of susceptible species originating in the areas listed in Annex I which is transported under veterinary supervision to an establishment situated in the Netherlands outside the areas listed in Annex I for treatment in accordance with Article 3(2).

3. Meat consigned from the Netherlands to other Member States shall be accompanied by a certificate from an official veterinarian. The certificate shall bear the following words:

'Meat conforming to Commission Decision 2001/223/EC of 21 March 2001 concerning certain protection measures with regard to foot-and-mouth disease in the Netherlands'.

Article 3

1. The Netherlands shall not dispatch meat products of animals of the bovine, ovine, caprine and porcine species and other biungulates coming from those parts of the Netherlands listed in Annex I or prepared using meat obtained from animals originating in those parts of the Netherlands.

⁽¹⁾ OJ 121, 29.7.1964, p. 1977/64.

⁽²⁾ OJ L 163, 4.7.2000, p. 35.

⁽³⁾ OJ L 46, 19.2.1991, p. 19.

⁽⁴⁾ OJ L 371, 31.12.1994, p. 14.

⁽⁵⁾ OJ L 368, 31.12.1994, p. 10.

⁽⁶⁾ OJ 121, 29.7.1964, p. 2012/64. Directive updated by Directive 91/497/EEC (OJ L 268, 24.9.1991, p. 69).

⁽⁷⁾ OJ L 243, 11.10.1995, p. 7.

2. The restrictions described in paragraph 1 shall not apply to meat products which have undergone one of the treatments laid down in Article 4(1) of Council Directive 80/215/EEC ⁽¹⁾, as last amended by Council Directive 91/687/EEC ⁽²⁾, or to meat products as defined in Council Directive 77/99/EEC ⁽³⁾, as last amended by Council Directive 97/76/EC ⁽⁴⁾, on animal health problems affecting intra-Community trade in meat products which have been subjected during preparation uniformly throughout the substance to a pH value of less than 6.

3. The prohibitions described in paragraph 1 shall not apply to:

- (a) meat products prepared from meat derived from biungulate animals slaughtered before 20 February 2001 provided that the meat products are clearly identified, and since this date have been transported and stored separately from meat products which are not destined for dispatch outside the areas mentioned in Annex I;
- (b) meat products prepared in establishments under the following conditions:
 - all fresh meat used in the establishment must conform to the conditions of Article 2(2),
 - all meat products used in the final product will conform to the conditions of paragraph (a) or be made from fresh meat obtained from animals reared and slaughtered outside the area listed in Annex I,
 - all meat products must bear the health mark in accordance with Chapter VI of Annex B to Directive 77/99/EEC,
 - the establishment will be operated under strict veterinary control,
 - the meat products must be clearly identified and transported and stored separately from meat and meat products which are not destined for dispatch outside the areas mentioned in Annex I,
 - the control of the compliance with the above listed conditions shall be carried out by the competent authority under the responsibility of the central veterinary authorities who will communicate to other Member States and the Commission a list of those establishments which they have approved in application of these provisions;
- (c) meat products prepared in the parts of the territory which are not included in Annex I using meat obtained before 20 February 2001 from parts of the territory included in Annex I provided that the meat and meat products are clearly identified and transported and stored separately from meat and meat products which are not destined for dispatch outside the areas mentioned in Annex I.

4. Meat products consigned from the Netherlands to other Member States shall be accompanied by an official certificate. The certificate shall bear the following words:

'Meat products conforming to Commission Decision 2001/223/EC of 21 March 2001 concerning certain protection measures with regard to foot-and-mouth disease in the Netherlands'.

5. Derogating from the provisions in paragraph 4 it shall be sufficient in the case of meat products which conform to the requirements of paragraph 2 and are consigned in hermetically sealed containers or have been processed in an establishment operating HACCP ⁽⁵⁾ and an auditable standard operating procedure which ensures that standards for treatment are met and recorded that compliance with the conditions required for the treatment laid down in paragraph 2 is stated in the commercial document accompanying the consignment, endorsed in accordance with Article 9.

Article 4

1. The Netherlands shall not dispatch milk intended or not intended for human consumption from those parts of its territory listed in Annex I.

2. The prohibitions described in paragraph 1 shall not apply to milk intended or not intended for human consumption which has been subjected to at least:

- (a) an initial pasteurization in accordance with the norms defined in paragraph 3(b) of Chapter 1 in Annex I to Directive 92/118/EEC, followed by a second heat treatment by high temperature pasteurization, UHT, sterilization or by a drying process which includes a heat treatment with an equivalent effect to one of the above; or
- (b) an initial pasteurization in accordance with the norms defined in paragraph 3(b) of Chapter 1 in Annex I to Directive 92/118/EEC, combined with the treatment by which the pH is lowered below 6 and held there for at least one hour.

3. The prohibitions described in paragraph 1 shall not apply to milk prepared in establishments situated in the areas listed in Annex I under the following conditions:

- (a) all milk used in the establishment must either conform to the conditions of paragraph 2 or be obtained from animals outside the area listed in Annex I,
- (b) the establishment will be operated under strict veterinary control,
- (c) the milk must be clearly identified and transported and stored separately from milk and milk products which are not destined for dispatch outside the areas mentioned in Annex I,
- (d) transport of raw milk from holdings situated outside the areas mentioned in Annex I to the establishments referred to above is carried out in vehicles which were cleaned and disinfected prior to operation and had no subsequent contact with holdings in the areas mentioned in Annex I keeping animals of species susceptible to foot-and-mouth disease,

⁽¹⁾ OJ L 47, 21.2.1980, p. 4.

⁽²⁾ OJ L 377, 31.12.1991, p. 16.

⁽³⁾ OJ L 26, 31.1.1977, p. 85. Directive updated by Directive 92/5/EEC (OJ L 57, 2.3.1992, p. 1) and last amended by Directive 92/45/EEC (OJ L 268, 14.9.1992, p. 35).

⁽⁴⁾ OJ L 10, 16.1.1998, p. 25.

⁽⁵⁾ HACCP = Hazard Analysis and Critical Control Points

(e) the control of the compliance with the above listed conditions shall be carried out by the competent veterinary authority under the supervision of the central veterinary authorities who will communicate to other Member States and the Commission a list of those establishments which they have approved in application of these provisions.

4. Milk consigned from the Netherlands to other Member States shall be accompanied by an official certificate. The certificate shall bear the following words:

'Milk conforming to Commission Decision 2001/223/EC of 21 March 2001 concerning certain protection measures with regard to foot-and-mouth disease in the Netherlands'.

5. Derogating from the provisions in paragraph 4 it shall be sufficient in the case of milk which conforms to the requirements of paragraph 2(a) or (b) and is consigned in hermetically sealed containers or has been processed in an establishment operating HACCP and an auditable standard operating procedure which ensures that standards for treatment are met and recorded that compliance with the conditions required for the treatment laid down in paragraph 2(a) or (b) is stated in the commercial document accompanying the consignment, endorsed in accordance with Article 9.

Article 5

1. The Netherlands shall not dispatch milk products intended or not intended for human consumption from those parts of its territory listed in Annex I.

2. The prohibitions described in paragraph 1 shall not apply to milk products intended or not intended for human consumption:

- (a) produced before 20 February 2001;
- (b) prepared from milk complying with the provisions in Article 4(2) or (3);
- (c) subject to a heat treatment at a temperature of at least 72 °C for at least 15 seconds, on the understanding that such treatment was not necessary for finished products the ingredients of which comply with the respective animal health conditions laid down in this Decision;
- (d) for export to a third country where import conditions permit such products to be subject to treatment other than laid down in this Decision.

3. The prohibitions described in paragraph 1 shall not apply to:

- (a) milk products prepared in establishments situated in the areas listed in Annex I under the following conditions:
 - all milk used in the establishment will either conform to the conditions of Article 4(2) or be obtained from animals outside the area listed in Annex I,

- all milk products used in the final product will either conform to the conditions of paragraph 2 or be made from milk obtained from animals outside the area listed in Annex I,
- the establishment will be operated under strict veterinary control,
- the milk products must be clearly identified and transported and stored separately from milk and milk products which are not destined for dispatch outside the areas mentioned in Annex I,
- the control of the compliance with the above listed conditions shall be carried out by the competent authority under the responsibility of the central veterinary authorities who will communicate to other Member States and the Commission a list of those establishments which they have approved in application of these provisions;

(b) milk products prepared in the parts of the territory outside the areas mentioned in Annex I using milk obtained before 20 February 2001 from parts of the territory mentioned in Annex I provided that the milk products are clearly identified and transported and stored separately from milk products which are not destined for dispatch outside the areas mentioned in Annex I.

4. Milk products consigned from the Netherlands to other Member States shall be accompanied by an official certificate. The certificate shall bear the following words:

'Milk products conforming to Commission Decision 2001/223/EC of 21 March 2001 concerning certain protection measures with regard to foot-and-mouth disease in the Netherlands'.

5. Derogating from the provisions in paragraph 4 it shall be sufficient in the case of milk products which conform to the requirements of paragraph 2 and are consigned in hermetically sealed containers or have been processed in an establishment operating HACCP and an auditable standard operating procedure which ensures that standards for treatment are met and recorded that compliance with the conditions laid down in paragraph 2 is stated in the commercial document accompanying the consignment, endorsed in accordance with Article 9.

Article 6

1. The Netherlands shall not send semen, ova and embryos of the bovine, ovine, caprine and porcine species and other biungulates from those parts of its territory listed in Annex I to other parts of the Netherlands.

2. The Netherlands shall not dispatch semen, ova and embryos of the bovine, ovine, caprine and porcine species and other biungulates from those parts of its territory listed in Annex I and Annex II.

3. This prohibition shall not apply to frozen bovine semen and embryos produced before 20 February 2001.

4. The health certificate provided for in Council Directive 88/407/EEC ⁽¹⁾, as last amended by the Act of Accession of Austria, Finland and Sweden, and accompanying frozen bovine semen consigned from the Netherlands to other Member States shall bear the following words:

'Frozen bovine semen conforming to Commission Decision 2001/223/EC of 21 March 2001 on certain protection measures with regard to foot-and-mouth disease in the Netherlands'.

5. The health certificate provided for in Council Directive 89/556/EEC ⁽²⁾, as last amended by the Act of Accession of Austria, Finland and Sweden, and accompanying bovine embryos consigned from the Netherlands to other Member States shall bear the following words:

'Bovine embryos conforming to Commission Decision 2001/223/EC of 21 March 2001 on certain protection measures with regard to foot-and-mouth disease in the Netherlands'.

Article 7

1. The Netherlands shall not dispatch hides and skins of bovine, ovine, caprine and porcine species and other biungulates from those parts of its territory listed in Annex I.

2. This prohibition shall not apply to hides and skins which were produced before 20 February 2001 or which conform to the requirements of paragraph 1(A) indents 2 to 5 or paragraph 1(B), indents 3 and 4 of Chapter 3 of Annex I to Directive 92/118/EEC. Care must be taken to separate effectively treated hides and skins from untreated hides and skins.

3. The Netherlands shall ensure that hides and skins of bovine, ovine, caprine and porcine species and other biungulates to be sent to other Member States shall be accompanied by a certificate which bears the following words:

'Hides and skins conforming to Commission Decision 2001/223/EC of 21 March 2001 on certain protection measures with regard to foot-and-mouth disease in the Netherlands'.

4. Derogating from the provisions in paragraph 3 it shall be sufficient in the case of hides and skins which conform to the requirements of paragraph 1(A) indents 2 to 5 of Chapter 3 of Annex I to Directive 92/118/EEC to be accompanied by a commercial document stating compliance with the conditions required for the treatment laid down in paragraph 1(A) indents 2 to 5 of Chapter 3 of Annex I to Directive 92/118/EEC.

5. Derogating from the provisions in paragraph 3 it shall be sufficient in the case of hides and skins which conform to the requirements of paragraph 1(B) indents 3 and 4 of Chapter 3 of Annex I to Directive 92/118/EEC that compliance with the conditions required for the treatment laid down in paragraph 1(B) indents 3 and 4 of Chapter 3 of Annex I to Directive

92/118/EEC is stated in the commercial document accompanying the consignment, endorsed in accordance with Article 9.

Article 8

1. The Netherlands shall not dispatch animal products of the bovine, ovine, caprine and porcine species and other biungulates not mentioned in Articles 2, 3, 4, 5, 6 and 7 produced after 20 February 2001 from those parts of its territory listed in Annex I.

The Netherlands shall not dispatch dung and manure from those parts of its territory listed in Annex I.

2. The prohibitions mentioned in paragraph 1 first subparagraph shall not apply to:

- (a) animal products referred to in paragraph 1 first subparagraph which have been subjected to:
 - heat treatment in a hermetically sealed container with a Fo value of 3,00 or more, or
 - heat treatment in which the centre temperature is raised to at least 70 °C;
- (b) blood and blood products as defined in Chapter 7 of Annex I to Directive 92/118/EEC which have been subject to at least one of the following treatments:
 - heat treatment at a temperature of 65 °C for at least three hours, followed by an effectiveness check,
 - irradiation at 2,5 megarads or gamma rays followed by an effectiveness check,
 - change of pH to pH 5 or lower for at least two hours, followed by an effectiveness check;
- (c) lard and rendered fats which have been subject to the heat treatment prescribed in paragraph 2(A) of Chapter 9 of Annex I to Directive 92/118/EEC;
- (d) animal casings to which the provisions in paragraph B Chapter 2 of Annex I to Directive 92/118/EEC apply *mutatis mutandis*;
- (e) sheep wool, ruminant hair and pigs bristles which have undergone factory washing or have been obtained from tanning and unprocessed sheep wool, ruminant hair and pigs bristles which are securely enclosed in packaging and dry;
- (f) semi-moist and dried petfood conforming to the requirements of paragraphs 2 and 3 respectively of Chapter 4 of Annex I to Directive 92/118/EEC;
- (g) composite products which are not subject to further treatment containing products of animal origin on the understanding that the treatment was not necessary for finished products the ingredients of which comply with the respective animal health conditions laid down in this Decision;
- (h) game trophies in accordance with paragraph 2(b) of part B in Chapter 13 of Annex I to Directive 92/118/EEC.

⁽¹⁾ OJ L 194, 22.7.1988, p. 10.

⁽²⁾ OJ L 302, 19.10.1989, p. 1.

3. The Netherlands shall ensure that the animal products mentioned in paragraph 2 to be sent to other Member States shall be accompanied by an official certificate which bears the following words:

‘Animal products conforming to Commission Decision 2001/223/EC of 21 March 2001 concerning certain protection measures with regard to foot-and-mouth disease in the Netherlands’.

4. Derogating from the provisions in paragraph 3 it shall be sufficient in the case of products mentioned in paragraphs 2(b), (c) and (d) that compliance with the conditions for the treatment stated in the commercial document required in accordance with the respective Community legislation is endorsed in accordance with Article 9.

5. Derogating from the provisions in paragraph 3 it shall be sufficient in the case of products mentioned in paragraph 2(e) to be accompanied by a commercial document stating either the factory washing or origin from tanning or compliance with the conditions laid down in paragraphs 2 and 4 of Chapter 15 of Annex I to Directive 92/118/EEC.

6. Derogating from the provisions in paragraph 3 it shall be sufficient in the case of products mentioned in paragraph 2(g) which have been produced in an establishment operating HACCP and an auditable standard operating procedure which ensures that pre-processed ingredients comply with the respective animal health conditions laid down in this Decision and that this is stated on the commercial document accompanying the consignment, endorsed in accordance with Article 9.

Article 9

Where reference is made to this Article, the competent authorities of the Netherlands shall ensure that the commercial document required by Community legislation for intra-Community trade be endorsed by the attachment of a copy of an official certificate stating that the production process has been audited and found in compliance with the appropriate requirements in Community legislation and suitable to destroy the foot-and-mouth disease virus or that the products concerned have been produced from pre-processed materials which had been certified accordingly, and provisions are in place to avoid possible re-contamination with the foot-and-mouth disease virus after treatment.

Such verifying certification of the production process shall bear a reference to this Decision, shall be valid for 30 days, shall state the expiry date and shall be renewable after inspection of the establishment.

Article 10

1. The Netherlands shall ensure that vehicles which have been used in the areas listed in Annex I for the transport of live animals are cleaned and disinfected after each operation, and shall furnish proof of such disinfection.

2. The Netherlands shall ensure that lorries used for the collection of milk which have been on a holding where animals of susceptible species are kept are cleaned and disinfected prior

to leaving the areas included in Annex II, and shall furnish proof of such disinfection.

Article 11

The restrictions laid down in Articles 3, 4, 5 and 8 shall not apply to the dispatch from the parts of the territory of the Netherlands listed in Annex I of the products referred to in Articles 3, 4, 5 and 8, if such products were:

- either not produced in the Netherlands and remained in their original packaging indicating the country of origin of the products, or
- produced in an approved establishment situated in the parts of the territory of the Netherlands listed in Annex I from pre-processed products not originating from these areas, which have been since introduction onto the territory of the Netherlands transported, stored and processed separately from products which are not destined for dispatch outside the areas mentioned in Annex I and are accompanied by a commercial document or official certificate as required by this Decision.

Article 12

1. The Netherlands shall ensure that equidae dispatched from its territory to another Member State are accompanied by an animal health certificate in accordance with the model in Annex C of Council Directive 90/426/EEC, which shall only be issued for equidae that for the past 15 days prior to certification have not been in a protection and surveillance zone established in accordance with Article 9 of Directive 85/511/EEC.

2. The Netherlands shall ensure that equidae mentioned in paragraph 1 to be sent to other Member States shall be accompanied by an official certificate which bears the following words:

‘Equidae conforming to Commission Decision 2001/223/EC of 21 March 2001 concerning certain protection measures with regard to foot-and-mouth disease in the Netherlands’.

Article 13

Member States shall amend the measures which they apply to trade so as to bring them into compliance with this Decision. They shall immediately inform the Commission thereof.

Article 14

This Decision shall apply until midnight on 4 April 2001.

Article 15

This Decision is addressed to the Member States.

Done at Brussels, 21 March 2001.

For the Commission

David BYRNE

Member of the Commission

ANNEX I

In the Netherlands the provinces of:

Gelderland, Overijssel, Flevoland, Noord-Brabant

ANNEX II

In the Netherlands the provinces of:

All provinces of mainland Netherlands except those in Annex I

CORRIGENDA**Corrigendum to Council Decision 2001/173/EC of 26 February 2001 appointing a Dutch member and a Dutch alternate member of the Committee of the Regions**

(Official Journal of the European Communities L 63 of 3 March 2001)

In the table of contents and on page 56, title of the Decision:

for: '... appointing a Dutch member and a Dutch alternate member ...',

read: '... appointing two Dutch alternate members ...',

and on page 56, in the sole recital:

for: 'Whereas one seat as member and one seat as alternate member of the Committee of the Regions have become vacant following the resignations of Mr A.G.J.M. ROMBOUTS, member, and Ms Mathilde VAN DEN BRINK, alternate member, ...',

read: 'Whereas two seats as alternate members of the Committee of the Regions have become vacant following the resignations of Mr A.G.J.M. ROMBOUTS and Ms Mathilde VAN DEN BRINK, ...',

and the first line in the Sole Article:

for: 'Mr W. ZWAAN is hereby appointed full member...',

read: 'Mr W. ZWAAN is hereby appointed alternate member ...'.
