

English edition

## Legislation

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## I

(Acts whose publication is obligatory)

**COUNCIL REGULATION (EC) No 332/2002**  
**of 18 February 2002**  
**establishing a facility providing medium-term financial assistance for Member States' balances of payments**

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community, and in particular Article 308 thereof,

Having regard to the proposal from the Commission, presented following consultation with the Economic and Financial Committee <sup>(1)</sup>,

Having regard to the opinion of the European Parliament <sup>(2)</sup>,

Having regard to the opinion of the European Central Bank <sup>(3)</sup>,

Whereas:

- (1) The second subparagraph of Article 119(1) and Article 119(2) of the Treaty provide that, acting on a recommendation from the Commission made after consulting the Economic and Financial Committee, the Council will grant mutual assistance where a Member State is in difficulties or is seriously threatened with difficulties as regards its balance of payments. Article 119 does not define the instrument to be used for granting the mutual assistance envisaged.
- (2) It should be possible for the operation of lending to a Member State to take place soon enough to encourage that Member State to adopt, in good time in a situation where orderly exchange rate conditions prevail, economic policy measures likely to prevent the occurrence of an acute balance of payments crisis and to support its efforts towards convergence.
- (3) Each loan to a Member State should be linked to the adoption by that Member State of economic policy measures designed to re-establish or ensure a sustainable balance of payments situation and to adapt it to the gravity of the balance of payments situation in that State and to the way in which it develops.
- (4) Appropriate procedures and instruments should be provided for in advance to enable the Community and Member States to ensure that, if required, financial medium-term assistance is provided quickly, especially where circumstances call for immediate action.
- (5) In order to finance assistance that has been granted, the Community needs to be able to use its creditworthiness to borrow resources that will be placed at the disposal of the Member States concerned in the form of loans. Operations of this kind are necessary to the achievement of the objectives of the Community as defined in the Treaty, especially the harmonious development of economic activities in the Community as a whole.
- (6) To this end, a single facility providing medium-term financial assistance for Member States' balances of payments was established by Council Regulation (EEC) No 1969/88 <sup>(4)</sup>.
- (7) Since 1 January 1999 the Member States participating in the single currency no longer qualify for medium-term financial assistance. However, the financial assistance facility should be retained in order to meet not only the potential needs of the present Member States which have not adopted the euro but also the needs of new Member States until such time as they adopt the euro.
- (8) The introduction of the single currency has led to a substantial reduction in the number of Member States eligible for the instrument. A downwards revision of the present ceiling of EUR 16 billion is therefore justified. The loan ceiling should, though, be kept at a sufficiently high level in order to satisfy properly the simultaneous needs of several Member States. A reduction in the loan ceiling from EUR 16 billion to EUR 12 billion seems apt to meet this need and also to take account of forthcoming enlargements of the European Union.
- (9) The glaring imbalance between the number of potential beneficiaries of the loans during the third stage of economic and monetary union and the number of countries capable of financing them makes it difficult to maintain direct financing of loans granted by all the other Member States. These loans should therefore be financed exclusively by way of recourse to capital markets and financial institutions, these having now attained a stage of development and maturity which should enable them to undertake such financing.

<sup>(1)</sup> OJ C 180 E, 26.6.2001, p. 199.

<sup>(2)</sup> Opinion delivered on 6 September 2001 (not yet published in the Official Journal).

<sup>(3)</sup> OJ C 151, 22.5.2001, p. 18.

<sup>(4)</sup> OJ L 178, 8.7.1988, p. 1. Regulation as amended by the 1994 Act of Accession.

- (10) The arrangements for using the facility should also be clarified in the light of experience gained and account should be taken of the development of international financial markets and of the technical possibilities and constraints inherent in recourse to these sources of financing.
- (11) It is for the Council to decide whether to grant a loan or appropriate financing facility, its average duration, its total amount and the amounts of the successive instalments. However, the characteristics of the instalments, duration and type of interest rate, should be fixed by common agreement between the beneficiary Member State and the Commission. If the Commission takes the view that the loan characteristics desired by that Member State result in financing that is incompatible with the technical constraints imposed by capital markets or financial institutions, it must be able to propose alternative financing arrangements.
- (12) In order to finance loans granted under this Regulation, the Commission should be authorised to contract on behalf of the European Community borrowings on capital markets or from financial institutions.
- (13) The financial assistance facility established by Regulation (EEC) No 1969/88 should be adapted accordingly. In the interests of clarity, that Regulation should be replaced.
- (14) For the adoption of this Regulation, which provides for the granting of Community loans financed exclusively with funds raised on the capital markets and not by the other Member States, the Treaty provides no powers other than those of Article 308,

HAS ADOPTED THIS REGULATION:

#### Article 1

1. A Community medium-term financial assistance facility enabling loans to be granted to one or more Member States which are experiencing, or are seriously threatened with, difficulties in their balance of current payments or capital movements shall be established. Only Member States which have not adopted the euro may benefit from this Community facility.

The outstanding amount of loans to be granted to Member States under this facility shall be limited to EUR 12 billion in principal.

2. To this end, in accordance with a decision adopted by the Council pursuant to Article 3 and after consulting the Economic and Financial Committee, the Commission shall be empowered on behalf of the European Community to contract borrowings on the capital markets or with financial institutions.

#### Article 2

Where a Member State which has not adopted the euro proposes to call upon sources of financing outside the Community which are subject to economic policy conditions,

it shall first consult the Commission and the other Member States in order to examine, among other things, the possibilities available under the Community medium-term financial assistance facility. Such consultations shall be held within the Economic and Financial Committee, in accordance with Article 119 of the Treaty.

#### Article 3

1. The medium-term financial assistance facility may be implemented by the Council on the initiative of:

- (a) the Commission, acting pursuant to Article 119 of the Treaty in agreement with the Member State seeking Community financing;
- (b) a Member State experiencing, or seriously threatened with, difficulties as regards its balance of current payments or capital movements.

2. The Council, after examining the situation in the Member State seeking medium-term financial assistance and the adjustment or back-up programme presented in support of its application, shall decide, as a rule during the same meeting:

- (a) whether to grant a loan or appropriate financing facility, its amount and its average duration;
- (b) the economic policy conditions attaching to the medium-term financial assistance with a view to re-establishing or ensuring a sustainable balance of payments situation;
- (c) the techniques for disbursing the loan or financing facility, the release or drawing-down of which shall, as a rule, be by successive instalments, the release of each instalment being subject to verification of the results achieved in implementing the programme in terms of the objectives set.

#### Article 4

In cases where restrictions on capital movements are introduced or reintroduced pursuant to Article 120 of the Treaty during the period of the financial assistance, its conditions and arrangements shall be re-examined pursuant to Article 119 of the Treaty.

#### Article 5

The Commission shall take the necessary measures to verify at regular intervals, in collaboration with the Economic and Financial Committee, that the economic policy of the Member State in receipt of a Community loan accords with the adjustment or back-up programme and with any other conditions laid down by the Council pursuant to Article 3. To this end, the Member State shall place all the necessary information at the disposal of the Commission. On the basis of the findings of such verification, the Commission, after the Economic and Financial Committee has delivered an opinion, shall decide on the release of further instalments.

The Council shall decide on any adjustments to be made to the initial economic policy conditions.

*Article 6*

Loans granted as medium-term financial assistance may be granted as consolidation of support made available by the European Central Bank under the very short-term financing facility.

*Article 7*

1. The borrowing and lending operations referred to in Article 1 shall be carried out in euro. They shall use the same value date and shall not involve the Community in the transformation of maturities, in any interest rate risk, or in any other commercial risk.

The characteristics of the successive instalments released by the Community under the financial assistance facility shall be negotiated between the Member State and the Commission. Where the Commission takes the view that the characteristics desired by the Member State will lead to Community financing that runs counter to the technical constraints imposed by financial markets or is such as to tarnish the reputation of the Community as a borrower on those same markets, it has the right to withhold its agreement and propose an alternative solution.

Where a Member State receives a loan carrying an early repayment clause and decides to exercise this option, the Commission shall take the necessary steps.

2. At the request of the debtor Member State and where circumstances permit an improvement in the interest rate on the loan, the Commission may refinance all or part of its initial borrowings or restructure the corresponding financial conditions.

Refinancing or restructuring operations shall be carried out in accordance with the conditions set out in paragraph 1 and shall not have the effect of extending the average duration of the borrowing concerned or increasing the amount of capital outstanding at the date of the refinancing or restructuring.

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

Done at Brussels, 18 February 2002.

3. The costs incurred by the Community in concluding and carrying out each operation shall be borne by the beneficiary Member State.

4. The Economic and Financial Committee shall be kept informed of developments in the operations referred to in the first subparagraph of paragraph 2.

*Article 8*

The Council shall adopt the decisions referred to in Articles 3 and 5, acting by qualified majority on a proposal from the Commission made after consulting the Economic and Financial Committee.

*Article 9*

The European Central Bank shall make the necessary arrangements for the administration of the loans.

The funds shall be paid only for the purposes indicated in Article 1.

*Article 10*

Every three years the Council shall examine, on the basis of a report from the Commission and after the Economic and Financial Committee has delivered an opinion, whether the facility established still meets, in its principle, arrangements and ceiling, the need which led to its creation.

*Article 11*

Regulation (EEC) No 1969/88 is hereby repealed.

*Article 12*

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

*For the Council*

*The President*

J. PIQUÉ I CAMPS

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**COUNCIL REGULATION (EC) No 333/2002****of 18 February 2002****on a uniform format for forms for affixing the visa issued by Member States to persons holding travel documents not recognised by the Member State drawing up the form**

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community, and in particular Article 62(2)(b)(iii) thereof,

Having regard to the proposal from the Commission <sup>(1)</sup>,

Having regard to the opinion of the European Parliament <sup>(2)</sup>,

Whereas:

- (1) The harmonisation of visa policy is an essential measure in relation to establishing progressively an area of freedom, security and justice, specifically as regards border crossing.
- (2) Measure No 38 of the Vienna Action Plan, adopted by the Justice and Home Affairs Council on 3 December 1998, states that attention must be given to new technical developments in order to ensure where appropriate greater security in the uniform format for visas.
- (3) Conclusion No 22 of the Tampere European Council of 15 and 16 October 1999 states that a common active policy on visas and false documents should be further developed.
- (4) Member States currently use forms, for affixing visas issued to persons holding travel documents which are not recognised by the Member State drawing up the form, which do not meet the required security standards. For this reason, the format for such forms should be harmonised in order to render them more secure.
- (5) This uniform format must contain all the necessary information and meet high technical standards, in particular as regards safeguards against counterfeiting and falsification. It must also be suited to use by all Member States and bear universally recognisable harmonised security features which are clearly visible to the naked eye.
- (6) This Regulation limits itself to a description of the model for the uniform format. The description must be supplemented by further technical specifications which must remain secret in order to prevent counterfeiting and falsification and which may not include personal data or references to such data. Powers to adopt such further technical specifications should be conferred on the Commission, assisted by the Committee established by Article 6 of Council Regulation (EC) No 1683/95 of 29 May 1995 laying down a uniform format for visas <sup>(3)</sup>.
- (7) To ensure that the information referred to is not made available to more persons than necessary, each Member State should designate a single body having responsibility for printing the uniform format, while remaining free to change the body, if need be. Each Member State should communicate the name of the competent body to the Commission and the other Member States.
- (8) Member States should, in concert with the Commission, implement the necessary measures in order to ensure that the processing of personal data respects the standard of protection referred to in Directive 95/46/EC of the European Parliament and of the Council of 24 October 1995 on the protection of individuals with regard to the processing of personal data and on the free movement of such data <sup>(4)</sup>.
- (9) The conditions governing entry into the territory of the Member States or the issue of visas do not affect the rules currently governing recognition of the validity of travel documents.
- (10) This Regulation constitutes in relation to the implementation of the Agreement on the association of Norway and Iceland a development of the Schengen *acquis* within the meaning of the Protocol integrating the Schengen *acquis* into the framework of the European Union.
- (11) In accordance with Article 3 of the Protocol on the position of the United Kingdom and Ireland, annexed to the Treaty on European Union and to the Treaty establishing the European Community, the United Kingdom gave notice by letter of 3 July 2001 of its wish to take part in the adoption and application of this Regulation.
- (12) In accordance with Article 1 of the Protocol on the position of the United Kingdom and Ireland annexed to the Treaty on European Union and to the Treaty establishing the European Community, Ireland is not participating in the adoption of this Regulation. As a result, and without prejudice to Article 4 of the said Protocol, the provisions of this Regulation do not apply to Ireland.
- (13) The measures necessary for the implementation of this Regulation should be adopted in accordance with Council Decision 1999/468/EC of 28 June 1999 laying down the procedures for the exercise of implementing powers conferred on the Commission <sup>(5)</sup>.

<sup>(1)</sup> OJ C 180 E, 26.6.2001, p. 301.

<sup>(2)</sup> Opinion delivered on 12 December 2001 (not yet published in the Official Journal).

<sup>(3)</sup> OJ L 164, 14.7.1995, p. 1.

<sup>(4)</sup> OJ L 281, 23.11.1995, p. 31.

<sup>(5)</sup> OJ L 184, 17.7.1999, p. 23.

HAS ADOPTED THIS REGULATION:

*Article 1*

1. For the purposes of this Regulation, 'form for affixing a visa' shall mean the document issued by the authorities of a Member State to the holder of a travel document which is not recognised by that Member State, to which its competent authorities affix a visa.
2. The form for affixing a visa shall correspond to the model set out in the Annex.
3. Where the holder of a form for affixing a visa is accompanied by his or her dependant(s), it shall be for each Member State to decide whether separate visa sheets should be issued to the principal and each of his or her dependant(s).

*Article 2*

The technical specifications applicable to the uniform format for forms for affixing a visa and the specifications relating to the following shall be established in accordance with the procedure referred to in Article 5(2):

- (a) security features and requirements, including enhanced anti-forgery, counterfeiting and falsification standards;
- (b) procedures and technical methods to be used for filling in the uniform form for affixing a visa.

*Article 3*

The specifications referred to in Article 2 shall be secret. They shall be made available only to the bodies designated by the Member States for printing the uniform format and to persons duly authorised by a Member State or the Commission.

Each Member State shall designate one body having responsibility for printing the uniform format for forms. It shall communicate the name of that body to the Commission and the other Member States. The same body may be designated by two or more Member States. Each Member State shall be entitled to change its designated body. It shall inform the Commission and the other Member States accordingly.

*Article 4*

Without prejudice to data protection rules, persons to whom the uniform format for forms is issued shall have the right to verify the personal particulars contained in the uniform format

for forms and, where appropriate, to ask for any corrections or deletions to be made.

No information in machine-readable form shall be given on the uniform format for forms, unless provided for in the Annex, or unless it is mentioned in the relevant travel document.

*Article 5*

This Regulation shall not affect the competence of Member States with regard to the recognition of States and territorial units and passports, travel and identity documents issued by their authorities.

*Article 6*

1. The Commission shall be assisted by the Committee set up by Article 6 of Regulation (EC) No 1683/95.
2. Where reference is made to this paragraph, Articles 5 and 7 of Decision 1999/468/EC shall apply.

The period laid down in Article 5(6) of Decision 1999/468/EC shall be set at two months.

3. The Committee shall adopt its rules of procedure.

*Article 7*

Where Member States use the uniform format for forms for purposes other than those covered by Article 1, appropriate measures must be taken to ensure that no confusion is possible with the form defined in Article 1.

*Article 8*

The Member States shall use the uniform format for forms for affixing a visa no later than two years after the adoption of the measures referred to in Article 2(a). However, the validity of authorisations granted already and issued in another format shall not be affected by the introduction of the uniform format for forms for affixing a visa, unless the Member State concerned decides otherwise.

*Article 9*

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 the Member States in accordance with the Treaty establishing the European Community.

Done at Brussels, 18 February 2002.

For the Council  
The President  
J. PIQUÉ I CAMPS

ANNEX

Name of Member State  
Nom de l'État membre

Form for affixing a visa  
Feuillet pour l'apposition d'un visa

No .....

Issuing authority:  
Autorité de délivrance:

.....  
 .....  
 ..... (1)

Date: .....  
Date

Stamp  
Cachet

.....  
Signature  
Signature

Enter the holder's surname, forename(s), date of birth and passport number if the passport number is not indicated in the machine-readable area.  
Inscrire les nom, prénom(s), date de naissance et numéro de passeport du titulaire dans le cas où le numéro du passeport n'est pas indiqué dans la zone réservée à la lecture machine.

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VISA sticker

(1) The printed text shall appear in English and French. The issuing Member State may add other language(s). However, the words 'Form for affixing a visa' and 'VISA sticker' the name of the issuing Member State and the instructions may appear in any language(s).

**COUNCIL REGULATION (EC) No 334/2002**  
**of 18 February 2002**  
**amending Regulation (EC) No 1683/95 laying down a uniform format for visas**

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community, and in particular Article 62(2)(b)(iii) thereof,

Having regard to the proposal from the Commission <sup>(1)</sup>,

Having regard to the opinion of the European Parliament <sup>(2)</sup>,

Whereas:

- (1) Council Regulation (EC) No 1683/95 <sup>(3)</sup> laid down a uniform format for visas.
- (2) Measure No 38 of the Vienna Action Plan, adopted by the Justice and Home Affairs Council on 3 December 1998, states that attention must be given to new technical developments in order to ensure, where appropriate, greater security in the uniform format for visas.
- (3) Conclusion No 22 of the Tampere European Council of 15 and 16 October 1999 states that a common active policy on visas and false documents should be further developed.
- (4) The establishment of a uniform visa format is an essential element in the harmonisation of visa policy.
- (5) It is necessary to make provision for the establishment of common standards relating to the implementation of the uniform format for visas, in particular common rules on the technical methods and standards to be used for filling in the form.
- (6) The integration of a photograph produced according to high security standards is a first step towards the use of elements establishing a more reliable link between the uniform format visa and the holder as an important contribution to ensuring that the uniform format for visas is protected even against fraudulent use. The specifications set out in ICAO (International Civil Aviation Organisation) document 9303 on machine readable visas will be taken into account.
- (7) Common standards relating to the implementation of the uniform format for visas are essential to meet high technical standards and to facilitate detection of forged or falsified visa stickers.
- (8) The powers to adopt such common standards should be conferred on the Committee set up by Article 6 of Regulation (EC) No 1683/95 which should be adapted to take account of Council Decision 1999/468/EC of 28 June 1999 laying down the procedures for the exercise of implementing powers conferred on the Commission <sup>(4)</sup>.
- (9) Regulation (EC) No 1683/95 should therefore be amended.
- (10) The measures provided for in this Regulation to make the uniform format for visas more secure do not affect the rules currently governing recognition of the validity of travel documents.
- (11) The conditions governing entry into the territory of the Member States or the issue of visas do not affect the rules currently governing recognition of the validity of travel documents.
- (12) As regards the Republic of Iceland and the Kingdom of Norway, this Regulation constitutes a development of the provisions of the Schengen *acquis* falling within the area referred to in Article 1, point B, of Council Decision 1999/437/EC of 17 May 1999 on certain arrangements for the application of the Agreement concluded by the Council of the European Union and the Republic of Iceland and the Kingdom of Norway concerning the association of those two States with the implementation, application and development of the Schengen *acquis* <sup>(5)</sup>.
- (13) In accordance with Article 3 of the Protocol on the position of the United Kingdom and Ireland annexed to the Treaty on European Union and to the Treaty establishing the European Community, the United Kingdom gave notice, by letter of 4 December 2001, of its wish to take part in the adoption and application of this Regulation.
- (14) In accordance with Article 1 of the Protocol on the position of the United Kingdom and Ireland annexed to the Treaty on European Union and to the Treaty establishing the European Community, Ireland is not participating in the adoption of this Regulation. As a result, and without prejudice to Article 4 of the said Protocol, the provisions of this Regulation do not apply to Ireland.

<sup>(1)</sup> OJ C 180 E, 26.6.2001, p. 310.

<sup>(2)</sup> Opinion delivered on 12 December 2001 (not yet published in the Official Journal).

<sup>(3)</sup> OJ L 164, 14.7.1995, p. 1.

<sup>(4)</sup> OJ L 184, 17.7.1999, p. 23.

<sup>(5)</sup> OJ L 176, 10.7.1999, p. 31.

HAS ADOPTED THIS REGULATION:

*Article 1*

Regulation (EC) No 1683/95 is hereby amended as follows:

1. Article 2 shall be replaced by the following:

*Article 2*

1. Further technical specifications for the uniform format for visas relating to the following shall be established in accordance with the procedure referred to in Article 6(2):

- (a) additional elements and security requirements including enhanced anti-forgery, counterfeiting and falsification standards;
- (b) technical standards and methods to be used for the filling in of the uniform visa.

2. The colours of the visa sticker may be changed in accordance with the procedure referred to in Article 6(2).'

2. Article 6 shall be replaced by the following:

*Article 6*

- 1. The Commission shall be assisted by a committee.
- 2. Where reference is made to this paragraph, Articles 5 and 7 of Decision 1999/468/EC (\*) shall apply.

The period laid down in Article 5(6) of Decision 1999/468/EC shall be set at two months.

3. The Committee shall adopt its rules of procedure.

(\*) OJ L 184, 17.7.1999, p. 23.'

3. The following subparagraph shall be added to Article 8:

'The integration of the photograph provided for in point 2a of the Annex shall be implemented at the latest five

years after the adoption of the technical measures provided for the adoption of this measure in Article 2.'

4. The following point shall be inserted in the Annex:

'2a. An integrated photograph produced according to high security standards.'

*Article 2*

The first sentence of Annex 8 of the final version of the Common Consular Instructions and Annex 6 of the final version of the Common Manual as they stand following the Decision of the Schengen Executive Committee of 28 April 1999 <sup>(1)</sup> shall be replaced by the following:

'The technical and security features for the visa sticker format are contained in, or adopted on the basis of, Council Regulation (EC) No 1683/95 of 29 May 1995 laying down a uniform format for visas (\*), as last amended by Regulation (EC) No 334/2002 (\*\*).

(\*) OJ L 164, 14.7.1995, p. 1.

(\*\*) OJ L 53, 23.2.2002, p. 7.'

*Article 3*

This Regulation shall not affect the powers of the Member States regarding recognition of States and territorial entities and passports, identity documents and travel documents issued by their authorities.

*Article 4*

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

This Regulation shall be binding in its entirety and directly applicable in the Member States in accordance with the Treaty establishing the European Community.

Done at Brussels, 18 February 2002.

*For the Council*

*The President*

J. PIQUÉ I CAMPS

<sup>(1)</sup> OJ L 239, 22.9.2000, p. 317.

**COMMISSION REGULATION (EC) No 335/2002**  
**of 22 February 2002**  
**establishing the standard import values for determining the entry price of certain fruit and vegetables**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Commission Regulation (EC) No 3223/94 of 21 December 1994 on detailed rules for the application of the import arrangements for fruit and vegetables <sup>(1)</sup>, as last amended by Regulation (EC) No 1498/98 <sup>(2)</sup>, 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 23 February 2002.

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

Done at Brussels, 22 February 2002.

*For the Commission*  
Franz FISCHLER  
*Member of the Commission*

<sup>(1)</sup> OJ L 337, 24.12.1994, p. 66.

<sup>(2)</sup> OJ L 198, 15.7.1998, p. 4.

## ANNEX

**to the Commission Regulation of 22 February 2002 establishing the standard import values for determining the entry price of certain fruit and vegetables**

(EUR/100 kg)

CN code	Third country code <sup>(1)</sup>	Standard import value	
0702 00 00	052	173,2	
	204	135,4	
	212	198,3	
	624	156,1	
	999	165,8	
0707 00 05	052	179,3	
	068	130,1	
	220	175,4	
	624	237,7	
	628	171,8	
0709 10 00	999	178,9	
	220	242,2	
0709 90 70	999	242,2	
	052	167,5	
0805 10 10, 0805 10 30, 0805 10 50	204	161,6	
	999	164,6	
	052	52,6	
	204	52,5	
	212	45,9	
	220	44,9	
	508	22,3	
0805 20 10	600	63,2	
	624	74,5	
	999	50,8	
	052	83,4	
	204	85,3	
0805 20 30, 0805 20 50, 0805 20 70, 0805 20 90	999	84,3	
	052	63,6	
	204	93,9	
	220	59,3	
	464	114,9	
	600	114,3	
	624	87,4	
	662	33,9	
	999	81,0	
0805 50 10	052	51,3	
	600	60,3	
	999	55,8	
0808 10 20, 0808 10 50, 0808 10 90	060	41,6	
	388	126,2	
	400	126,2	
	404	94,8	
	508	112,1	
	528	104,2	
	720	124,4	
	728	130,0	
	999	107,4	
	0808 20 50	388	102,4
		400	103,3
512		87,8	
528		82,4	
720		116,7	
	999	98,5	

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

**COMMISSION REGULATION (EC) No 336/2002**

**of 22 February 2002**

**amending Regulation (EC) No 805/1999 laying down certain measures for implementing Council Regulation (EC) No 718/1999 on a Community-fleet capacity policy to promote inland waterway transport**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

various sectors of the inland waterways transport market the 'old-for-new' ratios should again be reduced.

Having regard to the Treaty establishing the European Community,

- (6) It is therefore necessary to adjust the various 'old-for-new' ratios mentioned in Article 4 of Regulation (EC) No 718/1999 and set by Article 4 of Regulation (EC) No 805/1999, as amended by Article 1 of Regulation (EC) No 997/2001, though without undoing the achievements of the structural improvement carried out since 1990. To take into consideration a slight general increase in demand in the inland waterway transport sector while maintaining the balance between the three sectors, and taking account of their specific features, the ratios should be halved to 0,30:1 for dry cargo carriers, 0,45:1 for tanker vessels, and 0,125:1 for pusher craft.

Having regard to Council Regulation (EC) No 718/1999 of 29 March 1999 on a Community-fleet capacity policy to promote inland waterway transport <sup>(1)</sup>, and in particular Article 9(3) thereof,

Whereas:

- (7) The Group of Experts on Community Fleets Capacity and Promotion Policy set up by Article 6 of Regulation (EC) No 805/1999 has been consulted about the measures laid down in this Regulation,

(1) Article 7 of Regulation (EC) No 718/1999 requires the Commission to lay down detailed rules for implementing the Community-fleet capacity policy as defined by that Regulation.

(2) Article 4 of Commission Regulation (EC) No 805/1999 <sup>(2)</sup>, as last amended by Regulation (EC) No 997/2001 <sup>(3)</sup>, laying down certain measures for implementing Regulation (EC) No 718/1999, set ratios for the 'old-for-new' rule to apply from 29 April 1999.

HAS ADOPTED THIS REGULATION:

(3) Article 4(2) of Regulation (EC) No 718/1999 requires the 'old-for-new' ratio to be constantly reduced to bring it as quickly as possible and in regular stages to zero no later than 29 April 2003.

*Article 1*

Regulation (EC) No 805/1999 is hereby amended as follows:

(4) Article 1 of Commission Regulation (EC) No 1532/2000 <sup>(4)</sup> amending Regulation (EC) No 805/1999 reduced the 'old-for-new' ratios as from the 20th day following their publication, i.e. as from 3 August 2000. They were again reduced by Article 1 of Regulation (EC) No 997/2001, as from the 20th day following their publication, i.e. as from 18 June 2001.

1. in Article 4(1), the ratio '0,60:1' is replaced by '0,30:1';
2. in Article 4(2), the ratio '0,90:1' is replaced by '0,45:1';
3. in Article 4(3), the ratio '0,25:1' is replaced by '0,125:1'.

(5) In view of the obligation to reduce the ratios to zero no later than 29 April 2003 and the economic trend in the

*Article 2*

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

<sup>(1)</sup> OJ L 90, 2.4.1999, p. 1.

<sup>(2)</sup> OJ L 102, 17.4.1999, p. 64.

<sup>(3)</sup> OJ L 139, 23.5.2001, p. 11.

<sup>(4)</sup> OJ L 175, 14.7.2000, p. 74.

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

Done at Brussels, 22 February 2002.

*For the Commission*  
Loyola DE PALACIO  
*Vice-President*

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**COMMISSION REGULATION (EC) No 337/2002****of 22 February 2002****fixing the maximum export refund on wholly milled round grain rice in connection with the invitation to tender issued in Regulation (EC) No 2007/2001**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 3072/95 of 22 December 1995 on the common organisation of the market in rice <sup>(1)</sup>, as last amended by Regulation (EC) No 1987/2001 <sup>(2)</sup>, and in particular Article 13(3) thereof,

Whereas:

- (1) An invitation to tender for the export refund on rice was issued pursuant to Commission Regulation (EC) No 2007/2001 <sup>(3)</sup>.
- (2) Article 5 of Commission Regulation (EEC) No 584/75 <sup>(4)</sup>, as last amended by Regulation (EC) No 299/95 <sup>(5)</sup>, allows the Commission to fix, in accordance with the procedure laid down in Article 22 of Regulation (EC) No 3072/95 and on the basis of the tenders submitted, a maximum export refund. In fixing this maximum, the criteria provided for in Article 13 of Regulation (EC) No 3072/95 must be taken into account. A contract is awarded to any tenderer whose tender is equal to or less than the maximum export refund.

(3) The application of the abovementioned criteria to the current market situation for the rice in question results in the maximum export refund being fixed at the amount specified in Article 1.

(4) 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*

The maximum export refund on wholly milled round grain rice to be exported to certain third countries pursuant to the invitation to tender issued in Regulation (EC) No 2007/2001 is hereby fixed on the basis of the tenders submitted from 15 to 21 February 2002 at 193,00 EUR/t.

*Article 2*

This Regulation shall enter into force on 23 February 2002.

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

Done at Brussels, 22 February 2002.

*For the Commission*

Franz FISCHLER

*Member of the Commission*

<sup>(1)</sup> OJ L 329, 30.12.1995, p. 18.

<sup>(2)</sup> OJ L 271, 12.10.2001, p. 5.

<sup>(3)</sup> OJ L 272, 13.10.2001, p. 13.

<sup>(4)</sup> OJ L 61, 7.3.1975, p. 25.

<sup>(5)</sup> OJ L 35, 15.2.1995, p. 8.

**COMMISSION REGULATION (EC) No 338/2002****of 22 February 2002****fixing the maximum export refund on wholly milled medium grain and long grain A rice to be exported to certain European third countries, in connection with the invitation to tender issued in Regulation (EC) No 2008/2001**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 3072/95 of 22 December 1995 on the common organization of the market in rice <sup>(1)</sup>, as last amended by Regulation (EC) No 1987/2001 <sup>(2)</sup>, and in particular Article 13(3) thereof,

Whereas:

- (1) An invitation to tender for the export refund on rice was issued pursuant to Commission Regulation (EC) No 2008/2001 <sup>(3)</sup>.
- (2) Article 5 of Commission Regulation (EEC) No 584/75 <sup>(4)</sup>, as last amended by Regulation (EC) No 299/95 <sup>(5)</sup>, allows the Commission to fix, in accordance with the procedure laid down in Article 22 of Regulation (EC) No 3072/95 and on the basis of the tenders submitted, a maximum export refund. In fixing this maximum, the criteria provided for in Article 13 of Regulation (EC) No 3072/95 must be taken into account. A contract is awarded to any tenderer whose tender is equal to or less than the maximum export refund.

(3) The application of the abovementioned criteria to the current market situation for the rice in question results in the maximum export refund being fixed at the amount specified in Article 1.

(4) 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*

The maximum export refund on wholly milled medium grain and long grain A rice to be exported to certain European third countries pursuant to the invitation to tender issued in Regulation (EC) No 2008/2001 is hereby fixed on the basis of the tenders submitted from 15 to 21 February 2002 at 212,00 EUR/t.

*Article 2*

This Regulation shall enter into force on 23 February 2002.

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

Done at Brussels, 22 February 2002.

*For the Commission*

Franz FISCHLER

*Member of the Commission*

<sup>(1)</sup> OJ L 329, 30.12.1995, p. 18.

<sup>(2)</sup> OJ L 271, 12.10.2001, p. 5.

<sup>(3)</sup> OJ L 272, 13.10.2001, p. 15.

<sup>(4)</sup> OJ L 61, 7.3.1975, p. 25.

<sup>(5)</sup> OJ L 35, 15.2.1995, p. 8.

**COMMISSION REGULATION (EC) No 339/2002****of 22 February 2002****fixing the maximum export refund on wholly milled round grain, medium grain and long grain A rice to be exported to certain third countries in connection with the invitation to tender issued in Regulation (EC) No 2009/2001**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 3072/95 of 22 December 1995 on the common organisation of the market in rice <sup>(1)</sup>, as last amended by Regulation (EC) No 1987/2001 <sup>(2)</sup>, and in particular Article 13(3) thereof,

Whereas:

- (1) An invitation to tender for the export refund on rice was issued pursuant to Commission Regulation (EC) No 2009/2001 <sup>(3)</sup>.
- (2) Article 5 of Commission Regulation (EEC) No 584/75 <sup>(4)</sup>, as last amended by Regulation (EC) No 299/95 <sup>(5)</sup>, allows the Commission to fix, in accordance with the procedure laid down in Article 22 of Regulation (EC) No 3072/95 and on the basis of the tenders submitted, a maximum export refund. In fixing this maximum, the criteria provided for in Article 13 of Regulation (EC) No 3072/95 must be taken into account. A contract is awarded to any tenderer whose tender is equal to or less than the maximum export refund.

(3) The application of the abovementioned criteria to the current market situation for the rice in question results in the maximum export refund being fixed at the amount specified in Article 1.

(4) 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*

The maximum export refund on wholly milled grain, medium grain and long grain A rice to be exported to certain third countries pursuant to the invitation to tender issued in Regulation (EC) No 2009/2001 is hereby fixed on the basis of the tenders submitted from 15 to 21 February 2002 at 203,00 EUR/t.

*Article 2*

This Regulation shall enter into force on 23 February 2002.

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

Done at Brussels, 22 February 2002.

*For the Commission*

Franz FISCHLER

*Member of the Commission*

<sup>(1)</sup> OJ L 329, 30.12.1995, p. 18.

<sup>(2)</sup> OJ L 271, 12.10.2001, p. 5.

<sup>(3)</sup> OJ L 272, 13.10.2001, p. 17.

<sup>(4)</sup> OJ L 61, 7.3.1975, p. 25.

<sup>(5)</sup> OJ L 35, 15.2.1995, p. 8.

**COMMISSION REGULATION (EC) No 340/2002****of 22 February 2002****fixing the maximum export refund on wholly milled long grain rice in connection with the invitation to tender issued in Regulation (EC) No 2010/2001**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 3072/95 of 22 December 1995 on the common organisation of the market in rice <sup>(1)</sup>, as last amended by Regulation (EC) No 1987/2001 <sup>(2)</sup>, and in particular Article 13(3) thereof,

Whereas:

- (1) An invitation to tender for the export refund on rice was issued pursuant to Commission Regulation (EC) No 2010/2001 <sup>(3)</sup>.
- (2) Article 5 of Commission Regulation (EEC) No 584/75 <sup>(4)</sup>, as last amended by Regulation (EC) No 299/95 <sup>(5)</sup>, allows the Commission to fix, in accordance with the procedure laid down in Article 22 of Regulation (EC) No 3072/95 and on the basis of the tenders submitted, a maximum export refund. In fixing this maximum, the criteria provided for in Article 13 of Regulation (EC) No 3072/95 must be taken into account. A contract is awarded to any tenderer whose tender is equal to or less than the maximum export refund.

(3) The application of the abovementioned criteria to the current market situation for the rice in question results in the maximum export refund being fixed at the amount specified in Article 1.

(4) 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*

The maximum export refund on wholly milled long grain rice to be exported to certain third countries pursuant to the invitation to tender issued in Regulation (EC) No 2010/2001 is hereby fixed on the basis of the tenders submitted from 15 to 21 February 2002 at 297,00 EUR/t.

*Article 2*

This Regulation shall enter into force on 23 February 2002.

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

Done at Brussels, 22 February 2002.

*For the Commission*

Franz FISCHLER

*Member of the Commission*

<sup>(1)</sup> OJ L 329, 30.12.1995, p. 18.

<sup>(2)</sup> OJ L 271, 12.10.2001, p. 5.

<sup>(3)</sup> OJ L 272, 13.10.2001, p. 19.

<sup>(4)</sup> OJ L 61, 7.3.1975, p. 25.

<sup>(5)</sup> OJ L 35, 15.2.1995, p. 8.

**COMMISSION REGULATION (EC) No 341/2002**  
**of 22 February 2002**  
**concerning tenders submitted in response to the invitation to tender for the export of husked long grain rice to the island of Réunion referred to in Regulation (EC) No 2011/2001**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 3072/95 of 22 December 1995 on the common organisation of the market in rice <sup>(1)</sup>, as last amended by Regulation (EC) No 1987/2001 <sup>(2)</sup>, and in particular Article 10(1) thereof,

Having regard to Commission Regulation (EEC) No 2692/89 of 6 September 1989 laying down detailed rules for exports of rice to Réunion <sup>(3)</sup>, as amended by Regulation (EC) No 1453/1999 <sup>(4)</sup>, and in particular Article 9(1) thereof,

Whereas:

- (1) Commission Regulation (EC) No 2011/2001 <sup>(5)</sup> opens an invitation to tender for the subsidy on rice exported to Réunion.
- (2) Article 9 of Regulation (EEC) No 2692/89 allows the Commission to decide, in accordance with the procedure laid down in Article 22 of Regulation (EC) No 3072/95

and on the basis of the tenders submitted, to make no award.

- (3) On the basis of the criteria laid down in Articles 2 and 3 of Regulation (EEC) No 2692/89, a maximum subsidy should not be fixed.
- (4) 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*

No action shall be taken on the tenders submitted from 18 to 21 February 2002 in response to the invitation to tender referred to in Regulation (EC) No 2011/2001 for the subsidy on exports to Réunion of husked long grain rice falling within CN code 1006 20 98.

*Article 2*

This Regulation shall enter into force on 23 February 2002.

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

Done at Brussels, 22 February 2002.

*For the Commission*  
Franz FISCHLER  
*Member of the Commission*

<sup>(1)</sup> OJ L 329, 30.12.1995, p. 18.

<sup>(2)</sup> OJ L 271, 12.10.2001, p. 5.

<sup>(3)</sup> OJ L 261, 7.9.1989, p. 8.

<sup>(4)</sup> OJ L 167, 2.7.1999, p. 19.

<sup>(5)</sup> OJ L 272, 13.10.2001, p. 21.

**COMMISSION REGULATION (EC) No 342/2002**  
**of 22 February 2002**  
**amending Regulation (EC) No 713/2001 on the purchase of beef under Regulation (EC) No 690/2001**

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 <sup>(1)</sup>, as last amended by Regulation (EC) No 2345/2001 <sup>(2)</sup>,

Having regard to Commission Regulation (EC) No 690/2001 of 3 April 2001 on special market support measures in the beef sector <sup>(3)</sup>, as amended by Regulation (EC) No 2595/2001 <sup>(4)</sup>, and in particular Article 2(2),

Whereas:

- (1) Regulation (EC) No 690/2001 provides in its Article 2(2) in particular for the opening or the suspension of tendering for purchase of beef depending on the average market prices for the reference class during the two most recent weeks with price quotations preceding the tender.

- (2) The application of Article 2 referred to above results in the opening of purchase by tender in a number of Member States. Commission Regulation (EC) No 713/2001 <sup>(5)</sup>, as last amended by Regulation (EC) No 228/2002 <sup>(6)</sup>, on the purchase of beef under Regulation (EC) No 690/2001 should be amended accordingly.

- (3) Since this Regulation should be applied immediately it is necessary to provide for its entry into force on the day of its publication,

HAS ADOPTED THIS REGULATION:

*Article 1*

The Annex to Regulation (EC) No 713/2001 is replaced by the Annex to this Regulation.

*Article 2*

This Regulation shall enter into force on 23 February 2002.

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

Done at Brussels, 22 February 2002.

*For the Commission*

Franz FISCHLER

*Member of the Commission*

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<sup>(1)</sup> OJ L 160, 26.6.1999, p. 21.

<sup>(2)</sup> OJ L 315, 1.12.2001, p. 29.

<sup>(3)</sup> OJ L 95, 5.4.2001, p. 8.

<sup>(4)</sup> OJ L 345, 29.12.2001, p. 33.

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<sup>(5)</sup> OJ L 100, 11.4.2001, p. 3.

<sup>(6)</sup> OJ L 38, 8.2.2002, p. 14.

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

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Estado miembro

Medlemsstat

Mitgliedstaat

Κράτος μέλος

Member State

État membre

Stati membri

Lidstaat

Estado-Membro

Jäsenvaltiot

Medlemsstat

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Belgique/België

Deutschland

Österreich

Nederland

España

France

Finland

Luxembourg

Ireland

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**COUNCIL DIRECTIVE 2002/11/EC****of 14 February 2002****amending Directive 68/193/EEC on the marketing of material for the vegetative propagation of the vine and repealing Directive 74/649/EEC**

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community, and in particular Article 37 thereof,

Having regard to the proposal from the Commission <sup>(1)</sup>,

Having regard to the opinion of the European Parliament <sup>(2)</sup>,

Having regard to the opinion of the Economic and Social Committee <sup>(3)</sup>,

Whereas:

- (1) In the context of consolidating the internal market and in the light of experience, various provisions of Directive 68/193/EEC <sup>(4)</sup> should be amended or repealed to remove all barriers to trade likely to prevent the free movement of vinepropagating material in the Community. To that end, any possibility for Member States to make unilateral derogations from the Directive should be removed.
- (2) It should be made possible, on certain conditions, to market propagating material produced by new production methods.
- (3) The Commission, assisted by the Standing Committee on Seeds and Propagating Material for Agriculture, Horticulture and Forestry, should be able to lay down the conditions under which Member States may authorise the marketing of propagating material for trials, scientific purposes or selection work.
- (4) In the light of the experience gained in other sectors regarding the marketing of seed and propagating material, temporary trials should be organised, subject to certain conditions, to find better alternatives to certain provisions of the Directive.
- (5) As a result of scientific and technical progress, it is now possible to modify vine varieties genetically. It is therefore important that genetically modified vine varieties are not accepted unless all the appropriate measures have been taken to avoid any risk to human health or the environment.
- (6) A specific environmental risk assessment should be carried out equivalent to that provided for in Directive 2001/18/EC of the European Parliament and of the

Council of 12 March 2001 on the deliberate release into the environment of genetically modified organisms and repealing Council Directive 90/220/EEC <sup>(5)</sup> where vine variety propagating material is composed of genetically modified organisms. The Commission should submit to the European Parliament and the Council a proposal for a Regulation ensuring the equivalence of risk assessment and other relevant requirements, in particular those regarding risk management, labelling, any monitoring required, public information and a safeguard clause with those established by Directive 2001/18/EC. Pending the entry into force of that Regulation, the provisions of Directive 2001/18/EC should remain applicable.

- (7) Regulation (EC) No 258/97 of the European Parliament and of the Council of 27 January 1997 concerning novel foods and novel food ingredients <sup>(6)</sup> includes provisions on genetically modified food and food ingredients. In determining whether a genetically modified vine variety can be accepted on the market and in order to protect public health, it is necessary to ensure that novel foods and novel food ingredients were subject to a safety assessment.
- (8) To ensure that the movement of vine-propagating material is adequately monitored, it is appropriate that Member States should be able to require a document to accompany each lot.
- (9) It is desirable to ensure that genetic diversity is preserved. Appropriate biodiversity conservation measures to guarantee the conservation of existing varieties must be taken. The Commission should take into account not only the concept of variety but also that of genotype and of clone.
- (10) The measures necessary for the implementation of Directive 68/193/EEC should be adopted in accordance with Council Decision 1999/468/EC of 28 June 1999 laying down the procedures for the exercise of implementing powers conferred on the Commission <sup>(7)</sup>.
- (11) Council Directive 74/649/EEC of 9 December 1974 on the marketing of material for the vegetative propagation of the vine produced in third countries <sup>(8)</sup> should be repealed,

<sup>(1)</sup> OJ C 177 E, 27.6.2000, p. 77.

<sup>(2)</sup> OJ C 197, 12.7.2001, p. 24.

<sup>(3)</sup> OJ C 268, 19.9.2000, p. 42.

<sup>(4)</sup> OJ L 93, 17.4.1968, p. 15. Directive as last amended by the 1994 Act of Accession.

<sup>(5)</sup> OJ L 106, 17.4.2001, p. 1.

<sup>(6)</sup> OJ L 43, 14.2.1997, p. 1.

<sup>(7)</sup> OJ L 184, 17.7.1999, p. 23.

<sup>(8)</sup> OJ L 352, 28.12.1974, p. 45.

HAS ADOPTED THIS DIRECTIVE:

Article 1

Directive 68/193/EEC is hereby amended as follows:

1. Article 2(1) shall be replaced by the following:

'1. For the purposes of this Directive, the following definitions shall apply:

(A) *Vines*: plants of the genus *Vitis* (L.) intended for the production of grapes or for use as propagation material for such plants.

AA. *Variety*: a plant grouping within a single botanical taxon of the lowest known rank, which can be:

- (a) defined by the expression of the characters resulting from a given genotype or combination of genotypes;
- (b) distinguished from any other plant grouping by the expression of at least one of the said characters; and
- (c) considered as an entity in view of its ability to be propagated unchanged.

AB. *Clone*: a clone is the vegetative progeny of a variety which is true to a vine stock chosen on account of varietal identity, its phenotypic characters and its state of health.

(B) *Propagating material*

(i) *Young vine plants*

- (a) rooted cuttings: ungrafted pieces of rooted vine shoot or herbaceous shoot, intended for planting ungrafted or for use as rootstocks;
- (b) rooted grafts: pieces of vine shoot or herbaceous shoot joined by grafting, the underground part of which is rooted.

(ii) *Parts of young vine plants*

- (a) vine shoots: one-year shoots;
- (b) herbaceous shoots: un lignified shoots;
- (c) graftable rootstock cuttings: pieces of vine shoot or herbaceous shoot intended to form the underground part when preparing rooted grafts;
- (d) top-graft cuttings: pieces of vine shoot or herbaceous shoot intended to form the part above ground when preparing rooted grafts or when grafting plants *in situ*;
- (e) nursery cuttings: pieces of vine shoot or herbaceous shoot intended for the production of rooted cuttings.

(C) *Stock nurseries*: nurseries for the production of rootstock cuttings for grafting, nursery cuttings or top-graft cuttings.

(D) *Cutting nurseries*: nurseries for the cultivation of rooted cuttings or rooted grafts.

DA. *Initial propagating material*: propagating material

- (a) which has been produced under the responsibility of the grower according to accepted practices for the maintenance of the identity of the variety and, where applicable, of the clone, and for the prevention of diseases;
- (b) which is intended for the production of basic propagating material or certified propagating material;
- (c) which satisfies the conditions laid down in Annexes I and II for basic propagating material. These Annexes may be amended in accordance with the procedure laid down in Article 17(2) in order to set additional or more stringent conditions for the certification of initial propagating material;
- (d) which has been found by official examination to satisfy the above conditions.

(E) *Basic propagating material*: propagating material

- (a) which has been produced under the responsibility of the grower according to accepted practices for the maintenance of the identity of the variety and, where applicable, of the clone, and for the prevention of diseases and which is obtained by vegetative propagation directly from initial propagating material;
- (b) which is intended for the production of certified propagating material;
- (c) which satisfies the conditions laid down in Annexes I and II for basic propagating material; and
- (d) which has been found by official examination to satisfy the above conditions.

(F) *Certified material*: propagation material

- (a) which is obtained directly from basic propagating material or initial propagating material;
- (b) which is intended for:
  - the production of young plants or parts of plants for use in the production of grapes, or
  - the production of grapes;
- (c) which satisfies the conditions laid down in Annexes I and II for certified material; and
- (d) which has been found by official examination to satisfy the abovementioned conditions.

- (G) *Standard material*: propagation material
- (a) which has varietal identity and purity;
  - (b) which is intended for:
    - the production of young plants or parts of plants for use in the production of grapes, or
    - the production of grapes;
  - (c) which satisfies the conditions laid down in Annexes I and II for standard material; and
  - (d) which has been found by official examination to satisfy the abovementioned conditions.

- (H) *Official measures*: measures taken
- (a) by State authorities; or
  - (b) by any legal person whether governed by public or by private law, acting under the responsibility of the State; or
  - (c) in the case of ancillary activities which are also subject to State control, by any natural person duly sworn for that purpose,
- provided that the persons mentioned under (b) and (c) derive no private gain from such measures.

- (I) *Marketing*:
- the sale, holding with a view to sale, offer for sale and any disposal, supply or transfer aimed at commercial exploitation of propagating material to third parties, whether or not for a consideration.

Trade in propagating material not aimed at commercial exploitation of the variety, such as the following operations, shall not be regarded as marketing:

- (a) the supply of propagating material to official testing and inspection bodies;
- (b) the supply of propagating material to providers of services for processing or packaging, provided that the provider of services does not acquire title to propagating material thus supplied.

The rules for the application of these provisions shall be adopted in accordance with the procedure laid down in Article 17(3).;

2. Article 3 shall be replaced by the following:

*Article 3*

1. The Member States shall require that vine propagating material may not be placed on the market unless:

- (a) it has been officially certified as "initial propagating material", "basic propagating material" or "certified propagating material" or, in the case of propagating material not intended for use as rootstocks, it is officially checked standard material, and

- (b) it satisfies the conditions laid down in Annex II.

2. By derogation from paragraph 1, Member States may, as a transitional measure until 1 January 2005, allow the marketing in their own territory of standard material intended for use as rootstocks and taken from parent plants in existence on 23 February 2002.

3. Notwithstanding paragraph 1, Member States may authorise producers on their own territory to place on the market appropriate quantities of propagating material:

- (a) intended for trials or for scientific purposes;
- (b) for selection work;
- (c) intended to help preserve genetic diversity.

The conditions under which Member States may grant such authorisation may be determined in accordance with the procedure laid down in Article 17(2).

In the case of genetically modified material, such authorisation may be granted only if all appropriate measures have been taken to avoid risks to human health and the environment. For the environmental risk assessment and other checks to be carried out in this respect, Article 5ba shall apply accordingly.

4. In the case of propagating material produced by means of *in vitro* propagation techniques, the following provisions may be adopted in accordance with the procedure laid down in Article 17(2):

- (a) derogation from specific provisions of this Directive;
- (b) conditions applicable to such propagating material;
- (c) designations that may be used for such propagating material;
- (d) conditions to guarantee that the varietal authenticity has first been verified.

5. The Commission, acting in accordance with the procedure laid down in Article 17(3), may require that, after specified dates, propagating material other than for use as rootstocks may be placed on the market only if it has been officially certified as "initial propagating material", "basic propagating material" or "certified propagating material":

- (a) throughout the Community, in the case of certain vine varieties for which the Community's needs can be covered, taking into account their genetic diversity, if necessary under an established programme, by propagating material officially certified as "initial propagating material", "basic propagating material" or "certified propagating material", and

(b) in the case of propagating material of varieties other than those referred to in (a), if intended for use in the territory of Member States which have already required, in accordance with this Directive, that "standard material" may no longer be marketed.;

3. the following subparagraph shall be added to Article 4:

'This provision shall not apply, in the case of grafting, to propagating material produced in another Member State or in a third country recognised as equivalent in accordance with Article 15(2).';

4. Article 5 shall be replaced by the following:

'Article 5

1. Each Member State shall establish a catalogue of the vine varieties officially accepted for certification and for checking as standard propagating material in its territory. The catalogue shall be open to public inspection. The catalogue shall determine the principal morphological and physiological characters by which the varieties can be distinguished from one another. For those varieties already accepted as at 31 December 1971, reference may be made to the description in the official ampelographic publications.

2. Member States shall ensure that varieties and clones accepted into the catalogues of the other Member States are also accepted for certification and for the checking of standard propagating material in their own territory, without prejudice to Council Regulation (EC) No 1493/1999 of 17 May 1999 on the common organisation of the market in wine (\*), with regard to the rules for the classification of vine varieties.

3. Each Member State shall also establish, if appropriate, a list of clones officially accepted for certification in its territory.

Member States shall ensure that clones accepted for certification in another Member State are also accepted for certification in their own territory.

(\*) OJ L 179, 17.7.1999, p. 1.;

5. Article 5b shall be replaced by the following:

'Article 5b

1. A variety shall be deemed to be distinct if it is clearly distinguishable, by reference to the expression of the characteristics resulting from a particular genotype or combination of genotypes, from any other variety whose existence is a matter of common knowledge in the Community.

A variety shall be deemed to be a matter of common knowledge in the Community if, on the date on which application is duly made for its acceptance, it either is entered in the catalogue of the Member State in question or of another Member State or is the subject of an application for acceptance in the Member State in ques-

tion or in another Member State, unless the conditions referred to in the first sentence of this paragraph are no longer met in all the Member States concerned before a decision is made regarding the application for acceptance of the new variety being assessed.

2. A variety shall be deemed to be stable if the expression of the characters which are included in the examination for distinctness, as well as any others used for the variety description, remains unchanged after repeated propagation.

3. A variety shall be deemed to be uniform if, subject to the variation that may be expected from the particular features of its propagation, it is sufficiently uniform in the expression of those characters which are included in the examination for distinctness, as well as any others used for describing the variety.;

6. the following Article shall be inserted:

'Article 5ba

1. In the case of a genetically modified variety within the meaning of points 1 and 2 of Article 2 of Directive 2001/18/EC of the European Parliament and of the Council of 12 March 2001 on the deliberate release into the environment of genetically modified organisms and repealing Council Directive 90/220/EEC (\*), the variety shall be accepted only if all appropriate measures have been taken to avoid adverse effects on human health and the environment.

2. With regard to genetically modified varieties within the meaning of paragraph 1:

(a) a specific environmental risk assessment equivalent to the assessment provided for in Directive 2001/18/EC and in accordance with the principles set out in Annex II and on the basis of the information specified in Annex III of that Directive shall be carried out;

(b) the procedures intended to ensure the equivalence of the specific risk assessment and other relevant requirements, in particular those regarding risk management, labelling, and any monitoring required, public information and a safeguard clause with those established by Directive 2001/18/EC shall be introduced, on a proposal from the Commission, by a Regulation of the European Parliament and of the Council. Pending the entry into force of that Regulation, genetically modified varieties shall be accepted for inclusion in a national catalogue only when they have been accepted for marketing in accordance with Directive 2001/18/EC;

(c) Articles 13 to 24 of Directive 2001/18/EC shall no longer apply to genetically modified varieties of vine authorised in conformity with the Regulation referred to in point (b).

3. Where products derived from vine propagating material are intended to be used as a food or food ingredient falling within the scope of Regulation (EC) No 258/97 of the European Parliament and of the Council of 27 January 1997 concerning novel foods and novel food ingredients (\*\*), it must be ensured prior to the acceptance of genetically modified varieties of vine that the foods or food ingredients derived therefrom do not:

- (a) present a danger for the consumer;
- (b) mislead the consumer;
- (c) differ from the foods or food ingredients which they are intended to replace to such an extent that their normal consumption would be nutritionally disadvantageous for the consumer.

Where products derived from one of the varieties referred to in this Directive is intended for use as a food or food ingredient covered by Regulation (EC) No 258/97, the variety shall be accepted only if the food or food ingredient has already been authorised in accordance with that Regulation.

(\*) OJ L 106, 17.4.2001, p. 1.

(\*\*) OJ L 43, 14.2.1997, p. 1.;

7. Article 5c shall be replaced by the following:

*'Article 5c*

Member States shall ensure that varieties and, where applicable, clones coming from other Member States are subject to the same requirements as those which apply to domestic varieties or clones, in particular as regards the acceptance procedure.;

8. Article 5e(2) shall be replaced by the following:

'2. All applications or withdrawals of applications for acceptance of a variety, entries in a catalogue of varieties and amendments made to it shall immediately be communicated to the other Member States and to the Commission. On the basis of the notifications from the Member States, the Commission shall publish a common catalogue of varieties.;

9. the following Article shall be inserted:

*'Article 5f*

Member States shall ensure that genetically modified varieties which have been accepted are clearly indicated as such in the catalogue of varieties. They shall further ensure that any person marketing such a variety clearly indicates in their vine sales catalogue that the variety is genetically modified and states the purpose of the modification.;

10. the following Article shall be inserted:

*'Article 5g*

1. Member States shall require that varieties and, where applicable, clones accepted into the catalogue are maintained by selection for conservation.

2. Maintenance must always be verifiable on the basis of records made by those responsible for maintenance of a variety and, where applicable, of a clone.

3. Samples may be requested from those responsible for maintenance of a variety. Where necessary, samples may be taken officially.

4. Where maintenance is carried out in a Member State other than that in which the variety was accepted, the Member States in question shall assist each other administratively as regards control.;

11. Article 7 shall be replaced by the following:

*'Article 7*

Member States shall provide that, while growing and during lifting, or removal from the parent vine, packaging, storage and transportation, propagation material be kept in separate batches and be marked with the variety and, where applicable, in the case of original propagating materials, basic material and certified material, with the clone.;

12. Article 8(2) shall be replaced by the following:

'2. By way of derogation from paragraph 1 as regards packaging, sealing and marking, the Commission shall determine, in accordance with the procedure laid down in Article 17(2), the provisions applicable to the sale of small quantities to final consumers and also to market vines in pots, crates or boxes.;

13. Article 9 shall be replaced by the following:

*'Article 9*

Member States shall require packages and bundles of propagating material to be sealed officially or under official supervision in such a manner that they cannot be opened without damaging the seal or without the official label referred to in Article 10(1) or, in the case of packaging, the packaging showing signs of tampering. To ensure proper sealing, the sealing device must comprise at least either the official label or an official seal. A decision may be taken in accordance with the procedure laid down in Article 17(2) as to whether a specific sealing device meets the requirements of this Article. Further sealing may take place only officially or under official supervision.;

14. Article 10 shall be replaced by the following:

*'Article 10*

1. The Member States shall require that an official label in one of the official languages of the Community, conforming to the specification in Annex IV, be affixed on the outside of packages and bundles of propagating

material by means of the sealing device. The colour of the label shall be white with a diagonal violet stripe for initial material, white for basic material, blue for certified material and dark yellow for standard material.

2. However, Member States may authorise producers in their territory to market more than one package or bundle of grafted or rooted vines with the same characteristics, using a single label conforming to the specification in Annex IV. In such cases, the packages or bundles shall be attached together in such a way that the attachment is damaged on separation and can no longer be put back. The label shall be affixed by means of the attachment. No resealing shall be authorised.

3. Without prejudice to Article 23(2) of Regulation (EC) No 1493/1999, Member States may require that each delivery of material produced within their territories also be accompanied by a uniform document featuring the following particulars *inter alia*: the nature of the goods, the variety and, where applicable, the clone, the category, quantity, consignor and recipient. The conditions to be set regarding this accompanying document shall be established according to the procedure provided for under Article 17(3) of this Directive.

4. The official label provided for under paragraph 1 may also include the phytosanitary accompanying documents, provided for in Commission Directive 92/105/EEC (\*), which establishes a degree of standardisation for plant passports. However, all of the conditions applicable to the official labelling and plant passports are defined and must be recognised as equivalent.

5. Member States shall prescribe that the official labels must be preserved by the recipient of the material for the vegetative propagation of the vine for at least one year and made available to the official control authority.

6. By 23 February 2004, the Commission shall draw up a report, together with proposals, if appropriate, on the movement of material for the propagation of the vine and in particular on the use of official labels and the accompanying documents introduced by the Member States.

(\*) OJ L 4, 8.1.1993, p. 22.;

15. the following Article shall be inserted:

*'Article 10a*

In the case of propagating material of a variety which has been genetically modified, any label and document, official or otherwise, which is affixed to or accompanies the batch of material under this Directive shall clearly indicate that the variety has been genetically modified and shall name the genetically modified organisms.;

16. Article 11(2) shall be replaced by the following:

'2. Without prejudice to the free movement of material within the Community, Member States shall take all necessary measures to ensure that the competent authorities are supplied with the following particulars during the marketing of propagating material imported from a third country:

- (a) species (botanical name);
- (b) variety and, where applicable, clone; in the case of rooted grafts, such information shall apply both to the rootstock and to the top-graft cutting;
- (c) category;
- (d) nature of propagating material;
- (e) country of production and official control authority;
- (f) country of despatch, if different from the country of production;
- (g) importer;
- (h) quantity of material.

The manner in which these particulars are to be presented may be determined in accordance with the procedure laid down in Article 17(2).;

17. Article 12 shall be replaced by the following:

*'Article 12*

Member States shall ensure that propagating material marketed in accordance with this Directive, under either compulsory or optional rules, is not subjected to any marketing restrictions as regards its characteristics, examination arrangements, marking and sealing other than those laid down in this Directive.;

18. Article 12a shall be replaced by the following:

*'Article 12a*

Member States shall ensure that propagating material of vine varieties and, where applicable, clones, which have been officially accepted in one of the Member States for certification and for checking as standard propagating material in accordance with this Directive, are not subjected to any marketing restrictions in their territory based on variety, and, where applicable, clone, without prejudice to Regulation (EC) No 1493/1999.;

19. Article 14(1) shall be replaced by the following:

'1. In order to eliminate any temporary difficulties in the supply of propagating material in the Community that cannot be overcome in any other way, a decision may be taken in accordance with the procedure laid down in Article 17(2) that Member States should authorise, for a specified period, the marketing throughout the Community's territory of such quantity of propagating material of a category satisfying less stringent requirements as is needed to overcome the difficulties.;

20. the following Article shall be inserted:

*'Article 14a*

For the purpose of seeking better alternatives to certain provisions of this Directive, it may be decided, in accordance with the procedure laid down in Article 17(3), to organise temporary experiments under specified conditions at Community level.;

21. Article 15(2) shall be replaced by the following:

2. (a) On a Commission proposal the Council, acting by qualified majority, shall determine whether material for the vegetative propagation of the vine produced in a third country offers, as regards the conditions for its acceptance and the measures taken to ensure its production with a view to its marketing, the same guarantees as material produced in the Community and meets the requirements of this Directive.

(b) Furthermore, the Council shall determine the types of material and the categories of material for the vegetative propagation of the vine that may be admitted to marketing within the territory of the Community under point (a).

(c) Until the Council has taken a decision pursuant to point (a) and without prejudice to Council Directive 2000/29/EC of 8 May 2000 on protective measures against the introduction into the Community of organisms harmful to plants or plant products and against their spread within the Community (\*), the Member States may be authorised to take such decisions in accordance with the procedure laid down in Article 17(2). When doing so, they shall ensure that the material to be imported offers guarantees equivalent in every respect to those offered by material for the vegetative propagation of the vine produced in the Community in accordance with this Directive. Such imported material shall in particular be accompanied by a document setting out the particulars prescribed in Article 11(2).

(\*) OJ L 169, 10.7.2000, p. 1.;

22. the following Articles shall be inserted:

*'Article 16a*

The measures necessary for the implementation of this Directive with regard to the matters contained in the provisions referred to below shall be adopted in accord-

ance with the management procedure laid down in Article 17(2):

— Article 2(1)(DA)(c), Article 3(3), Article 8(2), Article 9, Article 11(2), Article 14(1) and Article 15(2)(c).

*Article 16b*

The measures necessary for the implementation of this Directive with regard to the matters contained in the provisions referred to below shall be adopted in accordance with the regulatory procedure laid down in Article 17(3):

— Article 2(1)(I), Article 3(5), Article 10(3) and Article 14a.;

23. Article 17 shall be replaced by the following:

*'Article 17*

1. The Commission shall be assisted by the Standing Committee on Seeds and Propagating Material for Agriculture, Horticulture and Forestry (hereinafter referred to as the "committee").

2. Where reference is made to this paragraph, Articles 4 and 7 of Council Decision 1999/468/EC of 28 June 1999 laying down the procedures for the exercise of implementing powers conferred on the Commission (\*) shall apply.

The period laid down in Article 4(3) of Decision 1999/468/EC shall be set at one month.

3. Where reference is made to this paragraph, Articles 5 and 7 of Decision 1999/468/EC shall apply.

The period laid down in Article 5(6) of Decision 1999/468/EC shall be two months.

4. The committee shall adopt its rules of procedure.

(\*) OJ L 184, 17.7.1999, p. 23.;

24. References to Article 17 appearing in Article 5d(2), Article 14(3), Article 16, Article 17a and Article 18a shall be deemed to be references to Article 17(2).

*Article 2*

Directive 74/649/EEC shall be repealed.

*Article 3*

Member States shall bring into force the laws, regulations and administrative provisions necessary to comply with this Directive by 23 February 2003. They shall forthwith inform the Commission thereof.

When Member States adopt these measures, they shall contain a reference to this Directive or shall be accompanied by such reference on the occasion of their official publication. The methods of making such reference shall be laid down by Member States.

Member States shall communicate to the Commission the texts of the main provisions of national law which they adopt in the field governed by this Directive.

*Article 4*

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

*Article 5*

This Directive is addressed to the Member States.

Done at Brussels, 14 February 2002.

*For the Council*

*The President*

P. del CASTILLO

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## II

(Acts whose publication is not obligatory)

## EUROPEAN PARLIAMENT AND COUNCIL

### DECISION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL

of 13 December 2001

on the mobilisation of the flexibility instrument

(paragraph 24 of the Interinstitutional Agreement of 6 May 1999 on budgetary discipline and improvement of the budgetary procedure)

(2002/158/EC)

THE EUROPEAN PARLIAMENT AND THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Interinstitutional Agreement of 6 May 1999 between the European Parliament, the Council and the Commission on budgetary discipline and improvement of the budgetary procedure <sup>(1)</sup>, and in particular paragraph 24 thereof,

Having regard to the proposal for a Council regulation aiming to promote the conversion of vessels and of fishermen that were, up to 1999, dependent on the Fisheries Agreement with Morocco (COM(2001) 384 — 2001/0163(CNS)) <sup>(2)</sup>,

Having regard to the conclusions of the conciliation meeting between the Council and the European Parliament delegation, in which the Commission also took part, held on 21 and 22 November 2001 on the Council's second reading of the draft general budget of the European Union for the financial year 2002,

Whereas:

(1) Following the non-renewal of the Fisheries Agreement between the European Union and the Kingdom of Morocco, the Nice European Council called on the Commission to put forward proposals with a view to restructuring the Community fleet which operated in Moroccan waters.

(2) The targeted measure for the conversion of the Spanish and Portuguese fleets proposed by the Commission on 18 July 2001, valued at EUR 197 million, provides for measures similar to those financed by the Financial Instrument for Fisheries Guidance (FIFG) and is modelled on its working methods, although it proposes special arrangements for the fleets concerned.

(3) This measure comes under heading 2 'Structural operations', subheading 'Structural Funds', of the financial perspective and supplements the compensatory amounts earmarked in this context since January 2000.

(4) Measures to assist regions bordering on the applicant countries are planned with a budget of EUR 30 million in 2002 under heading 2 'Structural operations' as part of the Community initiative Interreg.

(5) In accordance with paragraph 12, second paragraph, of the Interinstitutional Agreement, the amounts to be earmarked for all the measures covered by heading 2 'Structural operations' of the financial perspective do not allow for a margin.

(6) The conditions for the use of the Flexibility Instrument, as set out in paragraph 24 of the Interinstitutional Agreement, are therefore met,

HAVE DECIDED AS FOLLOWS:

#### Article 1

For the general budget of the European Union for the financial year 2002, the Flexibility Instrument shall be used to provide the sum of EUR 200 million in commitment appropriations.

#### Article 2

Of this sum, EUR 170 million shall be used to finance the targeted measure for the promotion of the conversion of the vessels and fishermen that were, up to 1999, dependent on the Fisheries Agreement with Morocco, which is covered by the 'Structural operations' heading in the financial perspective, under the new line B2-2 0 0 N of the general budget of the European Union for the financial year 2002.

<sup>(1)</sup> OJ C 172, 18.6.1999, p. 1.

<sup>(2)</sup> OJ C 270 E, 25.9.2001, p. 266.

The remaining EUR 30 million shall be used to finance measures for strengthening the competitiveness of regions bordering on the candidate countries under Chapter B2-1 4, 'Community initiatives' as part of the Interreg programme.

*Article 3*

This Decision shall be published in the *Official Journal of the European Communities* (L series) at the same time as the general budget of the European Union for the financial year 2002 <sup>(1)</sup>.

Done at Strasbourg, 13 December 2001.

*For the European Parliament*

*The President*

N. FONTAINE

*For the Council*

*The President*

J. VANDE LANOTTE

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<sup>(1)</sup> OJ L 29, 31.1.2002.

# COMMISSION

## COMMISSION DECISION

of 18 February 2002

on a common format for the submission of summaries of national fuel quality data

(notified under document number C(2002) 508)

(2002/159/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Directive 98/70/EC of the European Parliament and of the Council of 13 October 1998 relating to the quality of petrol and diesel fuels and amending Council Directive 93/12/EEC <sup>(1)</sup>, and in particular Article 8(3) thereof,

Whereas:

- (1) It is necessary for the Member States to monitor the quality of petrol and diesel fuels marketed in their territories in order to ensure compliance with the environmental specifications contained in Directive 98/70/EC and to ensure the effectiveness of measures to reduce atmospheric pollution caused by vehicles.
- (2) It is necessary to establish a common reporting format for the submission of fuel quality monitoring information in accordance with Article 8(3) of Directive 98/70/EC,

HAS ADOPTED THIS DECISION:

### *Article 1*

This Decision establishes a common format for the submission of national fuel quality data in accordance with Article 8 of Directive 98/70/EC.

### *Article 2*

Member States shall use the format set out in the Annex, when making their submission to the Commission.

### *Article 3*

This Decision is addressed to the Member States.

Done at Brussels, 18 February 2002.

*For the Commission*  
Margot WALLSTRÖM  
*Member of the Commission*

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<sup>(1)</sup> OJ L 350, 28.12.1998, p. 58.

## ANNEX

## ON A COMMON FORMAT FOR THE SUBMISSION OF SUMMARIES OF NATIONAL FUEL QUALITY DATA

## 1. INTRODUCTION

Directive 98/70/EC of the European Parliament and of the Council of 13 October 1998 relating to the quality of petrol and diesel fuels and amending Directive 93/12/EEC <sup>(1)</sup>, as last amended by Commission Directive 2000/71/EC <sup>(2)</sup>, sets the environmental specifications for all petrol and diesel fuel marketed in the European Union. These specifications can be found in Annexes I to IV of the Directive. Article 8(1) obliges the Member States to monitor the compliance with these fuel quality specifications according to the analytical measurement methods referred to in the Directive. By no later than 30 June each year the Member States must submit a summary of the fuel quality monitoring data collected during the period January to December of the previous calendar year. The first report must be made by 30 June 2002. The reporting format contained herein has been established by the European Commission in accordance with Article 8(3) of Directive 98/70/EC and this Decision.

## 2. DETAILS OF THOSE COMPILING THE FUEL QUALITY MONITORING REPORT

The authorities responsible for compiling the fuel quality monitoring report are requested to complete the table below.

Reporting year	
Country	
Date report completed	
Institute responsible for report	
Address of institute	
Person responsible for report	
Telephone No:	
E-mail:	

## 3. DEFINITIONS AND EXPLANATION

*Parent fuel grade:* Directive 98/70/EC sets the environmental specifications for petrol and diesel fuel marketed in the EU. The specifications in the Directive can be thought of as 'parent fuel grades'. These include (i) regular unleaded petrol (RON > 91), (ii) unleaded petrol (RON > 95) and (iii) diesel fuel.

*National fuel grade:* Member States may, of course, define 'national' fuel grades which must still, however, respect the specification of the parent fuel grade. For example, national fuel grades may comprise super unleaded petrol (RON > 98), lead replacement petrol, zero sulphur petrol, 50 ppm sulphur petrol, zero sulphur diesel, 50 ppm sulphur diesel, etc.

Zero sulphur or sulphur-free fuels are petrol and diesel fuels which contain less than 10 mg/kg (ppm) of sulphur.

## 4. DESCRIPTION OF FUEL QUALITY MONITORING SYSTEM

Member States should provide a description on the operation of their national fuel quality monitoring systems.

<sup>(1)</sup> OJ L 350, 28.12.1998, p. 58.

<sup>(2)</sup> OJ L 287, 14.11.2000, p. 46.

## 5. TOTAL SALES OF PETROL AND DIESEL

Member States are requested to complete the following table detailing the quantities of each grade of petrol and diesel marketed in their territory.

Fuel grade	National sales total (litres/tonnes)
Regular unleaded petrol (minimum RON = 91) <sup>(1)</sup>	
Unleaded petrol (minimum RON = 95) <sup>(2)</sup>	
Unleaded petrol (minimum RON = 95 and less than 50 ppm sulphur) <sup>(2)</sup>	
Sulphur-free unleaded petrol (less than 10 ppm sulphur) <sup>(3)</sup>	
Unleaded petrol (95 ≤ RON < 98)	
Unleaded petrol (RON ≥ 98)	
Diesel fuel <sup>(4)</sup>	
Diesel fuel (less than 50 ppm sulphur) <sup>(5)</sup>	
Diesel fuel (less than 10 ppm sulphur) <sup>(6)</sup>	

<sup>(1)</sup> As specified in Annex I of Directive 98/70/EC.

<sup>(2)</sup> As specified in Annex III of Directive 98/70/EC.

<sup>(3)</sup> As specified in Annex III of Directive 98/70/EC except the sulphur content which must be less than 10 ppm.

<sup>(4)</sup> As specified in Annex II of Directive 98/70/EC.

<sup>(5)</sup> As specified in Annex IV of Directive 98/70/EC.

<sup>(6)</sup> As specified in Annex IV of Directive 98/70/EC except the sulphur content which must be less than 10 ppm.

## 6. GEOGRAPHICAL AVAILABILITY OF SULPHUR-FREE FUELS

The Member States are requested to provide a description on the extent to which (i.e. geographic availability) sulphur-free fuels are marketed in their territory.

<p>Brief description of the geographical extent to which sulphur-free petrol and diesel are marketed within the territory of a Member State.</p>
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## 7. DEFINITION OF SUMMER PERIOD FOR PETROL VOLATILITY

Directive 98/70/EC requires the vapour pressure of petrol to be less than 60,0 kPa during the summer period which spans 1 May until 30 September. However, for those Member States which experience 'arctic conditions' the Summer period covers the period 1 June to 31 August and the vapour pressure must not exceed 70 kPa. Member States are requested to define the Summer period implemented in their territories.

<p>Sommer period (defined for petrol volatility)</p>	
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## 8. REPORTING FORMAT FOR PETROL

Member States should submit a summary report for the petrol quality monitoring data (for both nationally defined and parent grades) that they have collected in a given calendar year (January to December). This summary table is attached at Appendix I. Test methods shall be those included in EN228: 2000 or later version as appropriate.

9. REPORTING FORMAT FOR DIESEL FUEL

Member States should submit a summary report for the diesel fuel quality monitoring data (for nationally defined and parent grades) that they have collected in a given calendar year (January to December). This summary table is attached at Appendix II. Test methods shall be those included in EN590: 2000 or later versions as appropriate.

10. Submission of fuel quality monitoring report

The fuel quality monitoring report should be submitted formally to the following person:

The Secretary General  
The European Commission  
Rue de la Loi/Wetstraat 200  
B-1049 Brussels.

In addition, the report should be submitted in electronic form to the following email address: env-report-98-70@cec.eu.int

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## Appendix I

## Market fuels used in vehicles with spark ignition engines (petrol)

Parameter	Unit	Analytical and statistical results						Limiting value (1)		
		Number of samples	Minimum	Maximum	Mean	Standard deviation	National specification, if any			
							Minimum	Maximum	According to 98/70/EC	
Research octane No	—							95	—	—
Motor octane No	—							85		
Vapour pressure, DVPE	kPa							—		60,0
Distillation:										
— evaporated at 100 °C	%(v/v)								46,0	—
— evaporated at 150 °C	%(v/v)								75,0	—
Hydrocarbon analysis:										
— olefins	%(v/v)									18,0
— aromatics	%(v/v)									42,0
— benzene	%(v/v)									1,0
Oxygen content	%(m/m)									2,7
Oxygenates:										
— Methanol	%(v/v)									3
— Ethanol	%(v/v)									5
— Iso-propyl alcohol	%(v/v)									10
— Tert-butyl alcohol	%(v/v)									7
— Iso-butyl alcohol	%(v/v)									10
— Ethers with five or more carbon atoms per molecule	%(v/v)									15
— other oxygenates	%(v/v)									10
Sulphur content	mg/kg									150
Lead content	g/l									0,005

(1) The limiting values are 'true values' and were established according to the procedures for limit setting in EN ISO 4259:1995. The results of individual measurements shall be interpreted following the criteria described in EN ISO 4259:1995.

Number of samples in month						Total	
January		April		July		October	
February		May		August		November	
March		June		September		December	



## COMMISSION DECISION

of 21 February 2002

## amending Annex D to Council Directive 90/426/EEC with regard to diagnostic tests for African horse sickness

(notified under document number C(2002) 556)

(Text with EEA relevance)

(2002/160/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Directive 90/426/EEC of 26 June 1990 on animal health conditions governing the movement and import from third countries of equidae <sup>(1)</sup>, as last amended by Decision 2001/298/EC <sup>(2)</sup>, and in particular Article 23 thereof,

Whereas:

- (1) Annex D to Directive 90/426/EEC describes the complement fixation test to be carried out for the diagnosis of African horse sickness.
- (2) In November 2000 the Community reference laboratory in Algete, Spain, hosted the annual meeting of the national reference laboratories for African horse sickness of EU Member States. During this meeting scientific evidence was presented that the complement fixation test currently described in Annex D to Directive 90/426/EEC has serious limitations in particular because it is only suitable for detecting antibodies after a recent infection or vaccination. Furthermore, the test is in practice replaced by modern ELISA tests in almost all laboratories in the Community and also in major exporting countries.
- (3) The internationally accepted laboratory tests for the detection of antibodies against the African horse sickness virus are described in the *Manual of Standards for*

*Diagnostic Tests and Vaccines* <sup>(3)</sup> of the Office International des Epizooties (OIE); however, the current edition mentions only one of the ELISA tests available.

- (4) Therefore, it appears appropriate to modify Annex D to Directive 90/426/EEC so as to take into account technical developments and internationally approved standards.
- (5) The measures provided for in this Decision are in accordance with the opinion of the Standing Veterinary Committee,

HAS ADOPTED THIS DECISION:

## Article 1

Annex D to Directive 90/426/EEC is replaced by the Annex to this Decision.

## Article 2

This Decision is addressed to the Member States.

Done at Brussels, 21 February 2002.

For the Commission

David BYRNE

Member of the Commission

<sup>(1)</sup> OJ L 224, 18.8.1990, p. 42.

<sup>(2)</sup> OJ L 102, 12.4.2001, p. 63.

<sup>(3)</sup> Chapter 2.1.11., fourth edition 2000.

## ANNEX

## 'ANNEX D

**AFRICAN HORSE SICKNESS**

## DIAGNOSIS

Reagents for the enzyme-linked immunosorbent assays (ELISA) described below may be obtained from the European Community Reference Laboratory or the OIE Reference Laboratories for African horse sickness.

**1. COMPETITIVE ELISA FOR THE DETECTION OF ANTIBODIES TO AFRICAN HORSE SICKNESS VIRUS (AHSV) (PRESCRIBED TEST)**

Competitive ELISA is used to detect specific AHSV antibodies in sera from any species of equidae. The broad spectrum, polyclonal, immune anti-AHSV guinea-pig serum (hereinafter "guinea-pig antiserum") is serogroup specific and is able to detect all known serotypes of AHS virus.

The principle of the test is the interruption of the reaction between AHSV antigen and a guinea-pig antiserum by a test serum sample. AHSV antibodies in the test serum sample will compete with those in the guinea-pig antiserum resulting in a reduction in the expected colour (following the addition of enzyme labelled anti-guinea-pig antibody and substrate). Sera can be tested at a single dilution of 1 in 5 (spot test method) or may be titrated (serum titration method) to give dilution end-points. Inhibition values higher than 50 % may be regarded as positive.

The test protocol described hereinafter is used in the Regional Reference Laboratory for African horse sickness in Pirbright, United Kingdom.

**1.1. Test procedure****1.1.1. Preparation of plates**

1.1.1.1. Coat ELISA plates with AHSV antigen extracted from infected cell cultures and diluted in carbonate/bicarbonate buffer, pH 9,6. Incubate the ELISA plates overnight at 4 °C.

1.1.1.2. Wash plates three times by flooding and emptying the wells with phosphate buffered saline (PBS), pH 7,2 to 7,4 pH, and blot dry on adsorbent paper.

**1.1.2. Control wells**

1.1.2.1. Titrate the positive control sera in a twofold dilution series, from 1 in 5 to 1 in 640, across column 1 in blocking buffer (PBS containing 0,05 % (v/v) Tween-20, 5,0 % (w/v) skimmed-milk powder (Cadbury's Marvel™) and 1 % (v/v) adult bovine serum) to give a final volume of 50 µl/well.

1.1.2.2. Add 50 µl of the negative control serum at a dilution of 1 in 5 (10 µl serum + 40 µl blocking buffer) to wells A and B of column 2.

1.1.2.3. Add 100 µl/well of blocking buffer to wells C and D of column 2 (blank).

1.1.2.4. Add 50 µl of blocking buffer to wells E, F, G and H of column 2 (guinea pig control).

**1.1.3. Spot test method**

1.1.3.1. Add a 1 in 5 dilution of each test serum in blocking buffer to duplicate wells of columns 3 to 12 (10 µl sera + 40 µl blocking buffer).

or

**1.1.4. Serum titration method**

1.1.4.1. Prepare a twofold dilution series of each test sample (1 in 5 to 1 in 640) in blocking buffer across eight wells of single columns (3 to 12).

then

1.1.5. Add 50 µl of guinea pig antisera, pre-diluted in blocking buffer, to all wells except the blank wells of the ELISA plate (all wells now contain a final volume of 100 µl).

1.1.5.1. Incubate for 1 hour at 37 °C on an orbital shaker.

1.1.5.2. Wash plates three times and blot dry as before.

1.1.5.3. Add 50 µl of rabbit anti-guinea-pig horseradish peroxidase (HRP) conjugate pre-diluted in blocking buffer to each well.

1.1.5.4. Incubate for 1 hour at 37 °C on an orbital shaker.

1.1.5.5. Wash plates three times and blot dry as before.

1.1.6. *Chromogen*

Prepare the chromogen OPD (OPD = ortho-phenyldiamine) solution according to the manufacturers instructions (0,4 mg/ml in sterile distilled water) just before use. Add substrate (hydrogen peroxide = H<sub>2</sub>O<sub>2</sub>) to give a final concentration of 0,05 % (v/v) (1 in 2000 of a 30 % solution of H<sub>2</sub>O<sub>2</sub>). Add 50 µl of the OPD solution to each well and leave plates on the bench for 10 minutes at ambient temperature. Stop the reaction by the addition of 50 µl/well of 1M sulphuric acid (H<sub>2</sub>SO<sub>4</sub>).

1.1.7. *Reading*

Read spectrophotometrically at 492 nm.

1.2. **Expression of results**

1.2.1. Using a software package print out the optical density (OD) values, and the percentage inhibition (PI) for test and control sera based on the mean value recorded in the four guinea pig control wells. The data expressed as OD and PI values are used to determine whether the test has performed within acceptable limits. The upper control limits (UCL) and lower control limits (LCL) for the guinea pig control are between OD values 1,4 and 0,4 respectively. The end-point titre for the positive control based on 50 % PI should be 1 in 240 (within a range from 1 in 120 to 1 in 480). Any plate that fails to conform to the above criteria must be rejected. However, if the positive control serum titre is greater than 1 in 480 and the test samples are still negative then the negative test samples can be accepted.

The duplicate negative control serum wells and the duplicate blank wells should record PI values between + 25 % and - 25 %, and between + 95 % and + 105 %, respectively. Failure to be within these limits does not invalidate the plate but does suggest that background colour is developing.

1.2.2. The diagnostic threshold (cut-off value) for test sera is 50 % (PI 50 %). Samples recording PI values greater than 50 % are recorded as positive. Samples recording PI values lower than 50 % are recorded as negative.

Samples that record PI values above and below the threshold for the duplicate wells are considered doubtful. Such samples may be re-tested in the spot test and by titration. Positive samples may also be titrated to provide an indication of the degree of positivity.

Spot test layout

	1	2	3	4	5	6	7	8	9	10	11	12
	+ve cont.		Test sera									
A	1:5	-ve cont.	31	32	33	34	35	36	37	38	39	40
B	1:10	-ve cont.	31	32	33	34	35	36	37	38	39	40
C	1:20	Blank										
D	1:40	Blank										
E	1:80	GP cont.										
F	1:160	GP cont.										
G	1:320	GP cont.	1	2	3	4	5	6	7	8	9	10
H	1:640	GP cont.	1	2	3	4	5	6	7	8	9	10

-ve cont = negative control.  
 +ve cont = positive control.  
 GP cont = guinea pig control.

## Test sera

	1	2	3	4	5	6	7	8	9	10	11	12
	+ve cont.		Test sera									
A	1:5	-ve cont.	1:5									1:5
B	1:10	-ve cont.	1:10									1:10
C	1:20	Blank	1:20									1:20
D	1:40	Blank	1:40									1:40
E	1:80	GP cont.	1:80									1:80
F	1:160	GP cont.	1:160									1:160
G	1:320	GP cont.	1:320									1:320
H	1:640	GP cont.	1:640									1:640

-ve cont = negative control.  
+ve cont = positive control.  
GP cont = guinea pig control.

## 2. INDIRECT ELISA FOR THE DETECTION OF ANTIBODIES TO AFRICAN HORSE SICKNESS VIRUS (AHSV) (PRESCRIBED TEST)

The test described hereinafter is in accordance with the test description in Chapter 2.1.11 of the *OIE Manual of Standards for Diagnostic Tests and Vaccines*, fourth edition, 2000.

The recombinant VP7 protein has been used as antigen for AHS virus antibody determination with a high index of sensitivity and specificity. Other advantages are that it is stable and not infective.

### 2.1. Test procedure

#### 2.1.1. Solid phase

- 2.1.1.1. ELISA plates are coated with recombinant AHSV-4 VP7 diluted in carbonate/bicarbonate buffer, pH 9,6. Incubate plates overnight at 4 °C.
- 2.1.1.2. Wash the plates five times with distilled water containing 0,01 % (v/v) Tween 20 (washing solution). Gently tap the plates onto absorbent material to remove any residual wash.
- 2.1.1.3. Block the plates with phosphate buffered saline (PBS) + 5 % (w/v) skimmed milk (Nestlé Dry Skim Milk™), 200 µl/well, for 1 hour at 37 °C.
- 2.1.1.4. Remove the blocking solution and gently tap the plates onto absorbent material.

#### 2.1.2. Test samples

- 2.1.2.1. Serum samples to be tested, and positive and negative control sera, are diluted 1 in 25 in PBS + 5 % (w/v) skimmed milk + 0,05 % (v/v) Tween 20, 100 µl per well. Incubate for 1 hour at 37 °C.

For titration, make a twofold dilution series from 1 in 25 (100 µl/well), one serum per plate column, and do the same with positive and negative controls. Incubate for 1 hour at 37 °C.

- 2.1.2.2. Wash the plates as described in step 2.1.1.2.

#### 2.1.3. Conjugate

- 2.1.3.1. Dispense 100 µl/well of horseradish-peroxidase (HRP) -conjugated anti-horse gamma-globulin diluted in PBS + 5 % milk + 0,05 % Tween 20, pH 7,2. Incubate for 1 hour at 37 °C.
- 2.1.3.2. Wash the plates as described in step 2.1.1.2.

#### 2.1.4. Chromogen/Substrate

- 2.1.4.1. Add 200 µl/well of chromogen/substrate solution (10 ml of 80,6 mM DMAB (dimethyl aminobenzaldehyde) + 10 ml of 1,56 mM MBTH (3-methyl-2-benzo-thiazoline hydrazone hydrochlorid) + 5 µl H<sub>2</sub>O<sub>2</sub>)

Colour development is stopped by adding 50 µl of 3N H<sub>2</sub>SO<sub>4</sub> after approximately 5 to 10 minutes (before the negative control begins to be coloured).

Other chromogens such as ABTS (2,2'-Azino-bis-[3-ethylbenzothiazoline-6-sulphonic acid]), TMB (tetra-methyl benzidine), or OPD (ortho-phenyldiamine) can also be used.

- 2.1.4.2. Read the plates at 600 nm (or 620 nm).

### 2.2. Interpretation of the results

- 2.2.1. Calculate the cut-off value by adding 0,6 to the value of the negative control (0,6 is the standard deviation derived with a group of 30 negative sera).
- 2.2.2. Test samples giving absorbance values lower than the cut-off are regarded as negative.
- 2.2.3. Test samples giving absorbance values greater than the cut-off + 0,15 are regarded as positive.
- 2.2.4. Test samples giving intermediate absorbance values are doubtful and a second technique must be employed to confirm the result.

### 3. BLOCKING ELISA FOR THE DETECTION OF ANTIBODIES TO AFRICAN HORSE SICKNESS VIRUS (AHSV) (PRESCRIBED TEST)

The blocking ELISA is designed to detect specific AHSV antibodies in sera from any susceptible species. VP7 is the major, antigenic, viral protein of AHSV, and is conserved within the nine serotypes. Because the monoclonal antibody (Mab) is also directed against the VP7, the assay will give a high level of sensitivity and specificity. Further, the recombinant VP7 antigen is completely innocuous and therefore guarantees a high degree of safety.

The principal of the test is the interruption of the reaction between the recombinant VP7, as the antigen bound to the ELISA plate and the conjugated Mab specific for the VP7. Antibody in the test sera will block the reaction between the antigen and the Mab resulting in a reduction in colour.

The test described hereinafter is carried out in the European Community Reference Laboratory for African horse sickness in Algete, Spain.

#### 3.1. Test procedure

##### 3.1.1. ELISA plates

- 3.1.1.1. Coat ELISA plates with recombinant AHSV-4 VP7 diluted in carbonate/bicarbonate buffer, pH 9,6. Incubate overnight at 4 °C.
- 3.1.1.2. Wash the plates five times with phosphate buffered saline (PBS) containing 0,05 % (v/v) Tween 20 (PBST).
- 3.1.1.3. Stabilise the plate by treatment with a stabilising solution (in order to allow long term storage at 4 °C without loss of activity) and blot dry onto adsorbent material.

##### 3.1.2. Test samples and controls

- 3.1.2.1. For screening: dilute test sera and controls 1 in 10 directly on the plate in PBST to give a final volume 100 µl/well. Incubate for 1 hour at 37 °C.
- 3.1.2.2. For titration: prepare a twofold dilution series of test sera and positive controls (100 µl/well) from 1 in 10 to 1 in 1 280 across eight wells. Negative control is tested at 1 in 10 dilution.

3.1.3. *Conjugate*

Add 50 µl/well of pre-diluted horseradish-peroxidase (HRP) -conjugated Mab (monoclonal antibodies specific for VP7) to each well and mix gently to ensure homogeneity. Incubate for 30 minutes at 37 °C.

3.1.4. Wash the plates five times with PBST and blot dry as above.

3.1.5. *Chromogen/Substrate*

Add 100 µl/well of chromogen/substrate solution (1 ml of ABTS (2,2'-Azino-bis-[3-ethylbenzothiazoline-6-sulphonic acid]) 5 mg/ml + 9 ml of substrate buffer (0,1 M Phosphate-Citrate buffer of pH 4 containing 0,03 % H<sub>2</sub>O<sub>2</sub>) and incubate for 10 minutes at room temperature. Colour development is stopped by adding 100 µl/well of 2 % (w/v) SDS (sodium dodecyl sulphate).

3.1.6. *Reading*

Read at 405 nm in an ELISA reader.

**3.2. Interpretation of the results**

3.2.1. *Assay validation*

The test is valid when the optical density (OD) of negative control (NC) is higher than 1,0 and the OD of positive control (PC) is lower than 0,2.

3.2.2. *Cut-off calculation*

Positive cut-off = NC - ((NC - PC) x 0,3)

Negative cut-off = NC - ((NC - PC) x 0,2)

Where, NC is the OD of the negative control and PC the OD of positive control.

3.2.3. *Interpretation of results*

Samples with OD lower than positive cut-off should be considered as positives to AHSV antibodies.

Samples with OD higher than negative cut-off should be considered negatives for AHSV antibodies.

Samples with OD between these two values should be considered doubtful and the animals re-sampled after two to three weeks.'

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## COMMISSION DECISION

of 22 February 2002

**approving the plans submitted by Germany for the eradication of classical swine fever in feral pigs in Saarland and the emergency vaccination against classical swine fever in feral pigs in Rhineland-Pfalz and Saarland**

(notified under document number C(2002) 617)

(Only the German text is authentic)

(Text with EEA relevance)

(2002/161/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Directive 2001/89/EC of 23 October 2001 on Community measures for the control of classical swine fever<sup>(1)</sup>, and in particular Article 16(1), Article 20(1) and Article 25(3) thereof,

Whereas:

- (1) Classical swine fever was confirmed in the feral pig population in Rhineland-Pfalz, Germany, in 1999.
- (2) By means of Decision 1999/335/EC<sup>(2)</sup>, the Commission approved the plan presented by Germany for the eradication of classical swine fever in feral pigs in Rhineland-Pfalz.
- (3) Despite the measures so far adopted, the disease has continued to spread and has also been confirmed in the feral pig population in Saarland. Outbreaks of classical swine fever have also occurred in pig holdings in Rhineland-Pfalz in 2001 and 2002, probably related with the disease in feral pigs.
- (4) In accordance with Articles 16 and 20 of Directive 2001/89/EC, German authorities have submitted plans for the eradication of classical swine fever in feral pigs in Saarland and for an emergency vaccination of the feral pigs in Rhineland-Pfalz and Saarland.
- (5) German authorities have authorised the use of a live attenuated vaccine against classical swine fever (C strain) to be used for the immunisation of feral pigs by means of oral baits.
- (6) In this context vaccination of feral pigs is considered to be an effective tool to supplement other disease control measures.
- (7) The submitted plans have been examined and found to comply with the provisions of Directive 2001/89/EC.

(8) It is appropriate to establish further detailed conditions on trade of live pigs and certain pig products from the areas of Germany in which the evolution of the disease will probably be influenced by the vaccination.

(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*

The plan submitted by Germany for the eradication of classical swine fever in feral pigs in Saarland is hereby approved.

*Article 2*

The plans submitted by Germany for emergency vaccination of feral pigs in Rhineland-Pfalz and Saarland are hereby approved.

*Article 3*

1. Germany shall ensure that no live pigs, porcine semen, ova or embryos of swine are dispatched from the areas described in the Annex.

2. However, Germany may grant derogations to the prohibitions established in paragraph 1 for consignments of pigs, porcine semen, ova or embryos of swine to be dispatched to other areas of Germany, provided that no pigs, porcine semen, ova or embryos of swine are then dispatched from the holding of destination to any other further destination outside Germany for a 30-day period after the introduction of pigs or the use of the semen, ova or embryos in the recipient sows.

*Article 4*

1. The health certificate provided for in Council Directive 64/432/EEC<sup>(3)</sup> accompanying pigs dispatched from Germany must be completed by the following: 'Animals in accordance with Commission Decision 2002/161/EC'.

<sup>(1)</sup> OJ L 316, 1.12.2001, p. 5.

<sup>(2)</sup> OJ L 126, 20.5.1999, p. 21.

<sup>(3)</sup> OJ 121, 29.7.1964, p. 1977/64.

2. The health certificate provided for in Council Directive 90/429/EEC <sup>(1)</sup> accompanying boar semen dispatched from Germany must be completed by the following: 'Semen in accordance with Commission Decision 2002/161/EC'.

3. The health certificate provided for in Commission Decision 95/483/EC <sup>(2)</sup> accompanying embryos and ova of swine dispatched from Germany must be completed by the following: 'Embryos/ova <sup>(\*)</sup> in accordance with Commission Decision 2002/161/EC'.

(\*) Delete as appropriate.'

#### Article 5

Germany shall ensure that all feral pigs found dead or shot in the area described in the Annex are removed in accordance with Article 16(3)(k) of Directive 2001/89/EC.

#### Article 6

Germany shall bring into force the laws, regulations and administrative provisions for implementing the plans referred to in Articles 1 and 2 from the date of adoption of this Decision.

#### Article 7

This Decision is addressed to the Federal Republic of Germany.

Done at Brussels, 22 February 2002.

For the Commission

David BYRNE

Member of the Commission

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#### ANNEX

##### Rhineland-Pfalz

The *Kreise*: Ahrweiler, Bernkastel-Wittlich, Birkenfeld, Bitburg-Pruem, Cochem-Zell, Daun, Mayen-Koblenz, Stadt Koblenz, Stadt Trier.

In the *Kreis* Kusel: Reichweiler, Pfeffelbach, Thallichtenberg, Körborn, Dennweiler-Frohnbach, Oberalben, Ulmet, Rathweiler, Nieder-alben, Homberg.

In the *Kreis* Birkenfeld: verbandsfr. Gemeinde Idar-Oberstein, Mackenrodt, Hettenrodt, Kirchweiler, Veitsrodt, Herborn, Mörschied, Weiden, Oberhosenbach, Wickenrodt, Sonnschied.

In the *Kreis* Bad Kreuznach: Bruschied, Schnepfenbach, Hennweiler, Kellenbach, Königsau, Schwarzerden, Staatswald Entenpfuhl, Winterbach.

In the *Kreis* Rhein-Hunsrück: Riesweiler, Argenthal, Schnorbach, Mörschbach, Rheinböllen.

In the *Kreis* Mainz-Bingen: Breitscheid, Stadt Bacharach.

In the *Kreis* Trier-Saarburg: Taben-Rodt, Kastel-Staadt, Serrig, Stadt Saarburg, Ayl, Kanzem, Stadt Konz, Wasserliesch, Oberbillig.

##### Saarland

In the *Kreise* Merzig-Wadern: Mettlach, Merzig, Beckingen, Losheim, Weiskirchen, Wadern.

In the *Kreis* Saarlouis: Dillingen, Bous, Ensdorf, Schwalbach, Saarwellingen, Nalbach, Lebach, Schmelz, Saarlouis.

In the *Kreis* Sankt Wendel: Nonnweiler, Nohfelden, Tholey.

##### NorthRhine-Westfalen

In the *Kreis* Euskirchen: Dahlem and Blankenheim.

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<sup>(1)</sup> OJ L 224, 18.8.1990, p. 62.

<sup>(2)</sup> OJ L 275, 18.11.1995, p. 30.

## COMMISSION DECISION

of 22 February 2002

**amending Decisions 2001/925/EC, 2002/33/EC and 2002/41/EC to prolong certain protection measures and detailed conditions in relation to classical swine fever in Spain**

(notified under document number C(2002) 618)

(Text with EEA relevance)

(2002/162/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 <sup>(1)</sup>, as last amended by Directive 92/118/EEC <sup>(2)</sup> and, in particular, Article 10(4) thereof,

Having regard to Council Directive 2001/89/EC of 23 October 2001 on Community measures for the control of classical swine fever <sup>(3)</sup> and, in particular, Article 10(1)(b) and Article 11(1)(f) thereof,

Whereas:

- (1) Outbreaks of classical swine fever have occurred in Cataluña in Spain.
- (2) Spain has taken measures within the framework of Directive 2001/89/EC.
- (3) In relation to these outbreaks of disease, the Commission adopted: (i) Decision 2001/925/EC <sup>(4)</sup>, as last amended by Decision 2002/31/EC <sup>(5)</sup>, concerning certain protection measures relating to classical swine fever in Spain; (ii) Decision 2002/33/EC <sup>(6)</sup> on the use of two slaughterhouses, in accordance with Article 10(1)(b) of Council Directive 2001/89/EC, by Spain; and (iii) Decision 2002/41/EC <sup>(7)</sup>, concerning certain further detailed conditions for the granting of authorisation for the removal of pigs from the holdings located within the protection and surveillance zones established in Spain in relation to classical swine fever.
- (4) In the light of the evolution of the situation in the concerned area of Spain it is appropriate to prolong the adopted measures and conditions and to amend Deci-

sions 2001/925/EC, 2002/33/EC and 2002/41/EC accordingly.

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

HAS ADOPTED THIS DECISION:

*Article 1*

In Article 8 of Decision 2001/925/EC:

- (a) the words '20 February 2002' are replaced by the words '20 March 2002';
- (b) the words '28 February 2002' are replaced by the words '31 March 2002'.

*Article 2*

In Article 2 of Decision 2002/33/EC the words '28 February 2002' are replaced by the words '31 March 2002'.

*Article 3*

In Article 4 of Decision 2002/41/EC the words '28 February 2002' are replaced by the words '31 March 2002'.

*Article 4*

This Decision is addressed to the Member States.

Done at Brussels, 22 February 2002.

*For the Commission*

David BYRNE

*Member of the Commission*<sup>(1)</sup> OJ L 224, 18.8.1990, p. 29.<sup>(2)</sup> OJ L 62, 15.3.1993, p. 49.<sup>(3)</sup> OJ L 316, 1.12.2001, p. 5.<sup>(4)</sup> OJ L 339, 21.12.2001, p. 56.<sup>(5)</sup> OJ L 13, 16.1.2002, p. 31.<sup>(6)</sup> OJ L 13, 16.1.2002, p. 35.<sup>(7)</sup> OJ L 19, 22.1.2002, p. 47.

**COMMISSION DECISION**  
**of 22 February 2002**  
**concerning certain protection measures relating to classical swine fever in Luxembourg**

*(notified under document number C(2002) 671)*

**(Text with EEA relevance)**

(2002/163/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 <sup>(1)</sup>, as last amended by Council Directive 92/118/EEC <sup>(2)</sup> and, in particular, Article 10(3) thereof,

Whereas:

- (1) Outbreaks of classical swine fever have occurred in Luxembourg.
- (2) Luxembourg has taken measures within the framework of Council Directive 2001/89/EC of 23 October 2001, on Community measures for the control of classical swine fever <sup>(3)</sup>.
- (3) These outbreaks are liable to endanger the herds of the Member States. Certain additional measures on movements and dispatch of pigs and certain pig products from, within and through Luxembourg are therefore appropriate.
- (4) The measures provided for in this Decision are in accordance with the opinion of the Standing Veterinary Committee,

HAS ADOPTED THIS DECISION:

*Article 1*

Luxembourg shall ensure that no pigs, porcine semen, ova or embryos are dispatched from its territory and that transit of vehicles transporting pigs through Luxembourg is prohibited.

*Article 2*

1. Luxembourg shall ensure that no pigs are moved within its territory unless the pigs:

- (a) have been resident on the holding of origin for at least 30 days prior to loading, and
- (b) are directly transported to a slaughterhouse for immediate slaughter.

2. The movements of pigs to a slaughterhouse referred to in paragraph 1 shall only be allowed following a specific authorisation of the competent authorities of Luxembourg.

*Article 3*

Luxembourg shall ensure that vehicles which have been used for the transport of pigs are cleaned and disinfected after each operation and the transporter shall furnish proof of such disinfection.

*Article 4*

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

*Article 5*

This Decision shall be reviewed before 10 March 2002. It is applicable until 15 March 2002.

*Article 6*

This Decision is addressed to the Member States.

Done at Brussels, 22 February 2002.

*For the Commission*

David BYRNE

*Member of the Commission*

<sup>(1)</sup> OJ L 224, 18.8.1990, p. 29.

<sup>(2)</sup> OJ L 62, 15.3.1993, p. 49.

<sup>(3)</sup> OJ L 316, 1.12.2001, p. 5.