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Legislation

Contents

[1] Text with EEA relevance

(Continued overleaf)

EN

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

The titles of all other acts are printed in bold type and preceded by an asterisk.

Contents (continued)

EN

[1] Text with EEA relevance

I

(Acts whose publication is obligatory)

COMMISSION REGULATION (EC) No 1281/2002

of 15 July 2002

establishing the standard import values for determining the entry price of certain fruit and vegetables

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Commission Regulation (EC) No 3223/94 of 21 December 1994 on detailed rules for the application of the import arrangements for fruit and vegetables [1], as last amended by Regulation (EC) No 1498/98 [2], and in particular Article 4(1) thereof,

Whereas:

(1) Regulation (EC) No 3223/94 lays down, pursuant to the outcome of the Uruguay Round multilateral trade negotiations, the criteria whereby the Commission fixes the standard values for imports from third countries, in respect of the products and periods stipulated in the Annex thereto.

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

HAS ADOPTED THIS REGULATION:

Article 1

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

Article 2

This Regulation shall enter into force on 16 July 2002.

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

Done at Brussels, 15 July 2002.

For the Commission
J. M. SILVA RODRÍGUEZ
Agriculture Director-General

[1] OJ L 337, 24.12.1994, p. 66.
[2] OJ L 198, 15.7.1998, p. 4.

ANNEX

to the Commission Regulation of 15 July 2002 establishing the standard import values for determining the entry price of certain fruit and vegetables

(EUR/100 kg)

CN code	Third country code (1)	Standard import value
0702 00 00	052	83,4
	999	83,4
0707 00 05	052	83,4
	999	83,4
0709 90 70	052	69,6
	999	69,6
0805 50 10	388	58,6
	524	73,9
	528	52,4
	999	61,6
0808 10 20, 0808 10 50, 0808 10 90	064	143,9
	388	93,0
	400	114,5
	404	90,8
	508	78,0
	512	89,8
	524	54,7
	528	69,2
	720	138,9
	804	100,5
	999	97,3
0808 20 50	388	107,2
	512	83,2
	528	59,2
	800	65,2
	804	114,9
	999	85,9
0809 10 00	052	181,0
	064	124,4
	999	152,7
0809 20 95	052	330,7
	061	255,2
	400	258,0
	999	281,3
0809 40 05	064	150,2
	624	217,9
	999	184,1

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

COMMISSION REGULATION (EC) No 1282/2002

of 15 July 2002

amending Annexes to Council Directive 92/65/EEC laying down animal health requirements governing trade in and imports into the Community of animals, semen, ova and embryos not subject to animal health requirements laid down in specific Community rules referred to in Annex A(1) to Directive 90/425/EEC

(Text with EEA relevance)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Directive 92/65/EEC of 13 July 1992 laying down animal health requirements governing trade in and imports into the Community of animals, semen, ova and embryos not subject to animal health requirements laid down in specific Community rules referred to in Annex A(1) to Directive 90/425/EEC [1], as last amended by Commission Decision 2001/298/EC [2], and in particular Article 22 thereof.

Whereas:

(1) According to the experience of the Member States with the implementation of Directive 92/65/EEC in relation to the trade in the animals referred to in Articles 5, 13 and 23 of that Directive, there is a need to clarify the requirements for approved bodies, institutes or centres and to include certain quarantine provisions.

(2) Therefore, it is necessary to make some technical adaptations concerning the conditions governing the approval of bodies, institutes or centres, to introduce a specific certificate for trade in these animals and to clarify the list of notifiable diseases.

(3) Those bodies, institutions or centres already approved by Member States under the old arrangements should continue to be approved and brought into line with the new requirements as soon as possible.

(4) Annexes A, C and E to Directive 92/65/EEC should therefore be amended accordingly.

(5) In order to ensure that there is an appropriate period of time for these provisions to be implemented in all Member States, a date for the implementation of this Regulation should be laid down.

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

HAS ADOPTED THIS REGULATION:

Article 1

Annexes A, C and E to Directive 92/65/EEC are amended as set out in the Annex to this Regulation.

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*.

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

Done at Brussels, 15 July 2002.

For the Commission

David BYRNE

Member of the Commission

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[1] OJ L 268, 14.9.1992, p. 54.
[2] OJ L 102, 12.4.2001, p. 63.

ANNEX

1) Annex A to Directive 92/65/EEC is replaced by the following:

'*ANNEX A*

NOTIFIABLE DISEASES IN THE CONTEXT OF THIS DIRECTIVE

Disease	Order/family/species primarily concerned
Newcastle disease, avian influenza	Aves
Psitacosis	Psittaciformes
American foulbrood	Apis
Brucella abortus	Antilocapridae, Bovidae, Camelidae, Cervidae, Giraffidae, Hippopotamidae and Tragulidae
Brucella melitensis	Antilocapridae, Bovidae, Camelidae, Cervidae, Giraffidae, Hippopotamidae and Tragulidae
Brucella ovis	Camelidae, Tragulidae, Cervidae, Giraffidae, Bovidae and Antilocapridae
Brucella suis	Cervidae, Leporidae, *Ovibos moschatus*, Suidae and Tayassuidae
Mycobacterium bovis	Mammalia, in particular Antilocapridae, Bovidae, Camelidae, Cervidae, Giraffidae, and Tragulidae
Foot and mouth disease	Artiodactyla and Asian elephants
Classical swine fever, African swine fever	Suidae and Tayassuidae
Swine vesicular disease	Suidae and Tayassuidae
Rinderpest	Artiodactyla
Bluetongue	Antilocapridae, Bovidae, Cervidae, Giraffidae, and Rhinocerotidae
Contagious bovine pleuropneumonia	Bovines (including zebu, buffalo, bison and yak)
Vesicular stomatitis	Artiodactyla and Equidae
Peste des petits ruminants	Bovidae and Suidae
Lumpy skin disease	Bovidae and Giraffidae
Sheep and goat pox	Bovidae
African horse sickness	Equidae
Rift valley fever	Bovidae, Camelus species and Rhinocerotidae
Porcine enterovirus encephalomyelitis	Suidae
Infectious haematopoeitic necrosis	Salmonidae
TSE	Bovidae, Cervidae, Felidae and Mustelidae
Anthrax	Bovidae, Camelidae, Cervidae, Elephantidae, Equidae and Hippopotamidae
Rabies	Carnivora, and Chiroptera'

2) Annex C to Directive 92/65/EEC is replaced by the following:

'ANNEX C

CONDITIONS GOVERNING APPROVAL OF BODIES, INSTITUTES OR CENTRES

1. In order to be granted official approval under Article 13(2) of this Directive, a body, institute or centre as defined in Article 2(1)(c) must:

   (a) be clearly demarcated and separated from its surroundings or the animals confined and located so as not to pose a health risk to agricultural holdings whose health status might be jeopardised;

   (b) have adequate means for catching, confining and isolating animals and, have available adequate quarantine facilities and approved procedures for animals coming from non-approved sources;

   (c) be free of the diseases listed in Annex A and the diseases listed in Annex B where the country concerned has a programme pursuant to Article 14. In order that a body, institute or centre is declared free from these diseases, the competent authority shall assess the records on the animal health status kept for at least the previous three years and the results of the clinical and laboratory tests carried out on the animals in the body, institute or centre. However, by way of derogation from this requirement new establishments shall be approved if the animals forming the collection are derived from approved establishments;

   (d) keep up to date records indicating:

      (i) the number and identity (age, sex, species and individual identification where practical) of the animals of each species present in the establishment;

      (ii) the number and identity (age, sex, species and individual identification where practical) of animals arriving in the establishment or leaving it, together with information on their origin or destination, the transport from or to the establishment and the animals health status;

      (iii) the results of blood tests or any other diagnostic procedures;

      (iv) cases of disease and, where appropriate, the treatment administered;

      (v) the results of the post-mortem examinations on animals that have died in the establishment, including still-born animals;

      (vi) observations made during any isolation or quarantine period;

   (e) either have an arrangement with a competent laboratory to perform post-mortem examinations, or have one or more appropriate premises where these examinations may be performed by a competent person under the authority of the approved veterinarian;

   (f) either have suitable arrangements or on-site facilities for the appropriate disposal of the bodies of animals which die of a disease or are euthanised;

   (g) secure, by contract or legal instrument, the services of a veterinarian approved by and under the control of the competent authority, who:

      (i) shall comply *mutatis mutandis* with the requirements referred to in Article 14(3)(B) of Directive 64/432/EEC,

      (ii) shall ensure that appropriate disease surveillance and control measures in relation to the disease situation of the country concerned are approved by the competent authority and applied in the body, institute or centre. Such measures shall include:

         — an annual disease surveillance plan including appropriate zoonoses control of the animals,

         — clinical, laboratory and post-mortem testing of animals suspected to be affected by transmissible diseases,

         — vaccination of susceptible animals against infectious diseases as appropriate, only in conformity with Community legislation;

      (iii) shall ensure that any suspect deaths or the presence of any other symptom suggesting that animals have contracted one or more of the diseases referred to in Annexes A and B is notified without delay to the competent authority, if that particular disease is notifiable in the Member State concerned;

      (iv) shall ensure that incoming animals have been isolated as necessary, and in accordance with the requirements of this Directive and the instructions, if any, given by the competent authority;

      (v) shall be responsible for the day to day compliance with the animal health requirements of this Directive and of Community legislation on welfare of animals during transport and disposal of animal waste;

   (h) if it keeps animals intended for laboratories carrying out experiments, in conformity with the provisions of Article 5 of Directive 86/609/EEC.

2. Approval shall be maintained where the following requirements are met:

   (a) the premises are under the control of an official veterinarian from the competent authority, who:

      (i) shall visit the premises of the body, institute or centre at least once per year;

      (ii) shall audit the activity of the approved veterinarian and the implementation of the annual disease surveillance plan;

      (iii) shall ensure that the provisions of this Directive are met;

   (b) only animals coming from another approved body, institute or centre, are introduced into the establishment, in accordance with the provisions of this Directive;

   (c) the official veterinarian verifies that:

      — the provisions of this Directive are fulfilled,

      — the results of the clinical, post-mortem and laboratory tests on the animals have revealed no occurrence of the diseases referred to in Annexes A and B;

   (d) the body, institute or centre keeps the records referred to in point 1(d) after approval, for a period of at least ten years.

3. By way of derogation from Article 5(1) of this Directive and point 2(b) of this Annex, animals including apes (*simiae* and *prosimiae*) having an origin other than an approved body, institute or centre may be introduced in an approved body, institute or centre, provided that these animals undergo a quarantine under official control and in accordance with the instructions given by the competent authority before being added to the collection.

   For apes (*simiae and prosimiae*) the quarantine requirements laid down in the OIE International Health Code (Chapter 2.10.1 and Appendix 3.5.1) shall be respected.

   For other animals undergoing quarantine in accordance with point 2(b) of this Annex, the quarantine period must be at least 30 days with respect to the diseases listed in Annex A.

4. Animals held in an approved body, institute or centre, shall only leave this establishment if destined to another approved body, institute or centre, in that Member State or another Member State; however, if not destined to an approved body, institute or centre, shall only leave in accordance with the requirements of the competent authority to ensure no risk of possible spread of disease.

5. Where a Member State benefits from additional guarantees under Community legislation it may request appropriate additional requirements and certification for the susceptible species to be added to the approved body, institute or centre.

6. The procedures for partly or completely suspending, withdrawing or restoring approval are the following:

   (a) where the competent authority finds that the requirements of point 2 have not been fulfilled or there has been a change of usage which is no longer covered by Article 2 of this Directive the approval shall be suspended or withdrawn;

   (b) where notification is given of the suspicion of one of the diseases listed in Annex A or B, the competent authority shall suspend approval of the body, institute or centre, until the suspicion has been officially ruled out. Depending on the disease involved and the risk of disease transmission, the suspension may relate to the establishment as a whole or only to certain categories of animals susceptible to the disease in question. The competent authority shall ensure that the measures necessary to confirm or rule out the suspicion and to avoid any spread of disease are taken, in accordance with Community legislation governing measures to be taken against the disease in question and on trade in animals;

   (c) where the suspected disease is confirmed, the body, institute or centre shall again be approved only when, after eradication of the disease and source of infection in the premises, including suitable cleaning and disinfection, the conditions laid down in point 1 of this Annex, with the exception of point 1(c), are again fulfilled;

   (d) the competent authority shall inform the Commission of the suspension, withdrawal or restoration of approval of a body, institute or centre.'

3) Annex E to Directive 92/65/EEC is replaced by the following:

'ANNEX E

Part 1

<table>
<tr><td colspan="5">HEALTH CERTIFICATE FOR TRADE IN ANIMALS FROM HOLDINGS N ACCORDANCE WITH DIRECTIVE 92/65/EEC (1)</td></tr>
<tr><td colspan="2">1. Member State of origin and competent authority</td><td colspan="2">2.1. Health certificate No

2.2. CITES certificate No (where applicable)</td><td>☐ ORIGINAL (2)
☐ COPY (3)</td></tr>
<tr><td colspan="5">A. ORIGIN OF THE ANIMALS</td></tr>
<tr><td colspan="2">3. Name and address of the holding of origin</td><td colspan="3">4. Name and address of the consignor</td></tr>
<tr><td colspan="2">5. Place of loading</td><td colspan="3">6. Means of transport</td></tr>
<tr><td colspan="5">B. DESTINATION OF THE ANIMALS</td></tr>
<tr><td colspan="2">7. Member State of destination</td><td colspan="3">8. Name and address of the holding of destination</td></tr>
<tr><td colspan="5">9. Name and address of the consignee</td></tr>
<tr><td colspan="5">C. IDENTITY OF THE ANIMALS</td></tr>
<tr><td></td><td>10. Animal species</td><td>11. Sex</td><td>12. Age</td><td>13. Individual identification/ batch identification (4)</td></tr>
<tr><td>10.1.</td><td></td><td></td><td></td><td></td></tr>
<tr><td>10.2.</td><td></td><td></td><td></td><td></td></tr>
<tr><td>10.3.</td><td></td><td></td><td></td><td></td></tr>
<tr><td>10.4.</td><td></td><td></td><td></td><td></td></tr>
<tr><td>10.5. (5)</td><td></td><td></td><td></td><td></td></tr>
</table>

D. HEALTH INFORMATION		
14. I, the undersigned official veterinarian ([6])/veterinarian responsible for the establishment of origin and approved by the competent authority ([6]) certify that: 14.1. at the time of inspection the above animals were fit to be transported on the intended journey in accordance with the provisions of Directive 91/628/EEC; 14.2. the conditions of Article 4 of Directive 92/65/EEC are fulfilled; 14.3. (attestation) ([7]) .... 14.4. The additional guarantees regarding diseases listed in Annex B ([8]) of Directive 92/65/EEC are as follows ([9]): .... 14.5. (continue as required) .... *(to be completed with the appropriate health information as laid down in the Directive as implemented in Member States)*		
E. VALIDITY		
15. The period of validity of this certificate is 10 days.		
16. Date and place	17. Name and qualification of the official/approved veterinarian	18. Signature of the official/approved veterinarian and stamp ([10])

([1]) Document in the sense of Articles 6, 7, 9 and 10 which must be issued in the 24 hours before dispatch of the consignment.
([2]) The original must accompany the consignment to the final destination.
([3]) The original or copy must be kept by the consignee for at least three 3 years.
([4]) Individual identification must be used wherever possible but in the case of small animals batch identification may be used.
([5]) Continue as necessary.
([6]) Delete if not applicable.
([7]) Complete in accordance with Articles 6, 7, 9 or 10.
([8]) As requested by a Member State benefiting from additional guarantees under Community legislation.
([9]) Delete as necessary.
([10]) The signature and stamp must be in a colour different to that of the printing.

Part 2

<table>
<tr><td colspan="4">HEALTH CERTIFICATE FOR TRADE IN COLONIES OF BEES (HIVES OR QUEENS (WITH ATTENDANTS)) IN ACCORDANCE WITH DIRECTIVE 92/65/EEC (1)</td></tr>
<tr><td colspan="2">1. Member State of origin and competent authority.</td><td>2.1. Health certificate No

2.2. CITES certificate No (where applicable)</td><td>☐ ORIGINAL (2)
☐ COPY (3)</td></tr>
<tr><td colspan="4">A. ORIGIN OF THE COLONIES OF BEES (HIVES OR QUEENS (WITH ATTENDANTS))</td></tr>
<tr><td colspan="2">3. Name and address of the holding of origin</td><td colspan="2">4. Name and address of the consignor</td></tr>
<tr><td colspan="2">5. Place of loading</td><td colspan="2">6. Means of transport</td></tr>
<tr><td colspan="4">B. DESTINATION OF THE COLONIES [HIVES OR QUEENS (WITH ATTENDANTS))</td></tr>
<tr><td colspan="2">7. Member State of destination</td><td colspan="2">8. Name and address of the holding of destination</td></tr>
<tr><td colspan="4">9. Name and address of the consignee</td></tr>
<tr><td colspan="4">C. IDENTITY OF THE COLONIES (HIVES OR QUEENS (WITH ATTENDANTS))</td></tr>
<tr><td></td><td>Number of colonies (hives/ queens (with attendants))</td><td>11. Species</td><td>12. Batch identification</td></tr>
<tr><td>10.1.</td><td></td><td></td><td></td></tr>
<tr><td>10.2.</td><td></td><td></td><td></td></tr>
<tr><td>10.3.</td><td></td><td></td><td></td></tr>
<tr><td>10.4.</td><td></td><td></td><td></td></tr>
<tr><td>10.5. (4)</td><td></td><td></td><td></td></tr>
</table>

D. HEALTH INFORMATION		
13. I, the undersigned certify that:		
13.1. the bees come from an area which is not subject of the prohibition order associated with an occurrence of American foulbrood. (The period of prohibition has been continued for at least 30 days following the last recorded case and the date of which all hives within a radius of three kilometres has been checked by the competent authority and all infected hives burned or treated and inspected to the satisfaction of the said competent authority);		
13.2. the additional guarantees regarding diseases listed in Annex B ([5]) of Directive 92/65/EEC are as follows ([6])		
.....		
.....		
E. VALIDITY		
14. The period of validity of this certificate is 10 days.		
15. Date and place	16. Name and qualification of the undersigned (approved veterinarian/approved official)	17. Signature of the approved veterinarian/approved official and stamp ([7])

([1]) Document in the sense of Article 8.
([2]) The original must accompany the consignment to the final destination.
([3]) The original or copy must be kept by the holding for at least 3 years.
([4]) Continue as necessary.
([5]) As requested by a Member State benefiting from additional guarantees under Community legislation.
([6]) Delete as necessary.
([7]) The signature and stamp must be in a colour different to that of the printing.

Part 3

HEALTH CERTIFICATE FOR TRADE IN ANIMALS, SEMEN, EMBRYOS AND OVA FROM BODIES, INSTITUTES OR CENTRES APPROVED IN ACCORDANCE WITH ANNEX C OF COUNCIL DIRECTIVE 92/65/EEC (1)			
1. Member State of origin and competent authority.	2.1. Health certificate No 2.2. CITES certificate No (where applicable)	☐ ORIGINAL (2) ☐ COPY (3)	
A. ORIGIN OF THE ANIMALS			
3. Name and address of the approved body, institute or centre of origin	4. Name and address of the consignor		
5. Place of loading	6. Means of transport		
B. DESTINATION OF THE ANIMALS			
7. Member State of destination	8. Name and address of the approved body, institute or centre of destination		
9. Name and address of the consignee			
C. INDIVIDUAL IDENTITY OF THE ANIMALS, SEMEN, EMBRYOS AND OVA			

	10. Animal species or type of product of animal origin	11. Sex (4)	12. Age (4)	13. Individual identification/ batch identification (5)
10.1.				
10.2.				
10.3.				
10.4.				
10.5. (6)				

D. HEALTH INFORMATION
14. I, the undersigned veterinarian responsible for the establishment of origin and approved by the competent authority certify that:
14.1. the body, institute or centre of origin is approved according to Annex C of Directive 92/65/EEC for the purpose of trading the animals, semen, embryos or ova described above;
14.2. The animals/donor animals described in this certificate have been examined today and found to be healthy and free of clinical signs of infectious disease including those described in Annex A of Directive 92/65/EEC and are not subject to any official restrictions and have remained on this body, institute or centre either since birth or for months or years;
14.3. At the time of inspection the above animals were fit to be transported on the intended journey in accordance with the provisions of Council Directive 91/628/EEC and to IATA requirements and/or CITES guidelines for transport where applicable;
14.4. The additional guarantees regarding diseases listed in Annex B ([7]) of Directive 92/65/EEC are as follows ([8]): ....

E. VALIDITY
15. The period of validity of this certificate is 10 days

16. Date and place	17. Name and qualification of the approved veterinarian	18. Signature of the approved veterinarian and stamp ([9])

([1]) Document in the sense of Articles 5 and 13(1).
([2]) The original must accompany the consignment to the final destination.
([3]) The copy must be kept by the approved body, institute or centre for at least three years.
([4]) Only to be completed in the case of live animals.
([5]) Individual identification must be used wherever possible but in the case of small animals (e.g. rodents) batch identification may be used.
([6]) Continue as necessary.
([7]) As requested by a Member State benefiting from additional guarantees under Community legislation.
([8]) Delete as necessary.
([9]) The signature and stamp must be in a colour different to that of the printing'.

COMMISSION REGULATION (EC) No 1283/2002

of 15 July 2002

fixing the minimum price to be paid to producers for dried plums and the production aid for prunes for the 2002/03 marketing year

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 2201/96 of 28 October 1996 on the common organisation of the markets in processed fruit and vegetable products [1], as last amended by Commission Regulation (EC) No 453/2002 [2], and in particular Articles 6b(3) and 6c(7) thereof,

Whereas:

(1) Article 2 of Commission Regulation (EC) No 449/2001 of 2 March 2001 laying down detailed rules for applying Council Regulation (EC) No 2201/96 as regards the aid scheme for products processed from fruit and vegetables [3], amended by Regulation (EC) No 1343/2001 [4], lays down the dates of the marketing years.

(2) The criteria for fixing the minimum price and the production aid are laid down in Articles 6b and 6c respectively of Regulation (EC) No 2201/96.

(3) The products for which the minimum price and the aid are to be fixed are listed in Article 3 of Commission Regulation (EC) No 464/1999 of 3 March 1999 laying down detailed rules for the application of Council Regulation (EC) No 2201/96 as regards aid arrangements for prunes [5] and the characteristics that these products must possess are laid down in Article 2 of that Regulation. The minimum price and the production aid should therefore be fixed for the 2002/03 marketing year.

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

HAS ADOPTED THIS REGULATION:

Article 1

For the 2002/03 marketing year:

(a) the minimum price referred to in Article 3 of Regulation (EC) No 2201/96 for dried plums of the 'prunes d'Ente' variety shall be EUR 1 935,23 per tonne net ex-producer's premises;

(b) the production aid referred to in Article 4 of that Regulation for prunes shall be EUR 671,73 per tonne net.

Article 2

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

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

Done at Brussels, 15 July 2002.

For the Commission

Franz FISCHLER

Member of the Commission

[1] OJ L 297, 21.11.1996, p. 29.
[2] OJ L 72, 14.3.2002, p. 9.
[3] OJ L 64, 6.3.2001, p. 16.
[4] OJ L 181, 4.7.2001, p. 16.
[5] OJ L 56, 4.3.1999, p. 8.

COMMISSION REGULATION (EC) No 1284/2002
of 15 July 2002
laying down the marketing standard for hazelnuts in shell

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 2200/96 of 28 October 1996 on the common organisation of the market in fruit and vegetables [1], as last amended by Regulation (EC) No 545/2002 [2], and in particular Article 2(2) thereof,

Whereas:

(1) Hazelnuts are among the products listed in Annex I to Regulation (EC) No 2200/96 for which standards must be adopted. To that end and in the interests of preserving transparency on the world market, account should be taken of the standard for hazelnuts in shell recommended by the Working Party on Standardisation of Perishable Produce and Quality Development of the United Nations Economic Commission for Europe (UN/ECE).

(2) Applying these standards should result in the removal from the market of products of unsatisfactory quality, bringing production into line with consumer requirements and facilitating trade relationships based on fair competition, thereby helping to improve the profitability of production. Therefore, it shall apply at all marketing stages.

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

HAS ADOPTED THIS REGULATION:

Article 1

The marketing standard for hazelnuts in shell falling within CN code 0802 21 00 and CN code ex 0813 50 shall be as set out in the Annex.

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

Article 2

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

It shall apply from 1 January 2003.

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

Done at Brussels, 15 July 2002.

For the Commission
Franz FISCHLER
Member of the Commission

[1] OJ L 297, 21.11.1996, p. 1.
[2] OJ L 84, 28.3.2002, p. 1.

ANNEX

STANDARD FOR HAZELNUTS IN SHELL

I. DEFINITION OF PRODUCE

This standard applies to hazelnuts in shell from varieties (cultivars) grown from *Corylus avellana* L. and *Corylus maxima Mill.* and their hybrids without involucre or husk, to be supplied to the consumer, hazelnuts for industrial processing being excluded.

II. PROVISIONS CONCERNING QUALITY

The purpose of the standard is to define the quality requirements for hazelnuts in shell after preparation and packaging.

A. **Minimum requirements** [1]

(i) In all classes, subject to the special provisions for each class and the tolerances allowed, the hazelnuts in shell must be:

(a) characteristics of the shell
- well-formed; shell is not noticeably misshapen,
- intact; a slight superficial damage is not considered as a defect,
- sound; free from defects likely to affect the natural keeping quality of the fruit,
- free from damage caused by pests,
- clean; practically free of any visible foreign matter,
- dry; free of abnormal external moisture,
- free of adhering husk (not more than 5 % of individual shell surface in aggregate may have adhering husk).

(b) characteristics of the kernel
- intact; slight superficial damage is not considered as a defect,
- sound; produce affected by rotting or deterioration such as to make it unfit for consumption is excluded,
- sufficiently developed; shrunken or shrivelled fruit is to be excluded,
- clean; practically free of any visible foreign matter,
- free from living or dead insects whatever their stage of development,
- free from damage caused by pests,
- free from mould filaments visible to the naked eye,
- free from rancidity,
- free of abnormal external moisture,
- free from foreign smell and/or taste,
- free from blemishes (including the presence of black colour) or deterioration rendering them unfit for consumption [2].

Hazelnuts in shell must be harvested when fully ripe.

Hazelnuts must not be empty.

The condition of the hazelnuts must be such as to enable them:
- to withstand transport and handling,
- to arrive in a satisfactory condition at the place of destination.

(ii) Moisture content

Hazelnuts in shell must have a moisture content not exceeding 12 % for the whole hazelnut and 7 % for the kernel [3].

[1] The definition of defects is given in Appendix II to this document.
[2] The presence of hazelnuts with a brown or dark brown heart, usually accompanied by slight separation of the cotyledons, which does not alter the odour or taste of the hazelnuts, is not considered a defect.
[3] The moisture content is determined by one of the methods given in Appendix I to this Annex.

B. **Classification**

Hazelnuts in shell are classified in three classes defined below:

(i) 'Extra' Class

The hazelnuts in shell in this class must be of superior quality. They must be characteristic of the variety and/or commercial type [1].

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

(ii) Class I

Hazelnuts in shell in this class must be of good quality. They must be characteristic of the variety and/or commercial type [1].

Slight defects may be allowed provided these do not affect the general appearance of the produce, its quality, keeping quality and presentation in the package.

(iii) Class II

This class includes hazelnuts in shell which do not qualify for inclusion in the higher classes, but satisfy the minimum requirements specified above.

Defects may be allowed provided the hazelnuts in shell retain their essential characteristics as regards the quality, keeping quality and presentation.

III. PROVISIONS CONCERNING SIZING

Size or screening is determined by the maximum diameter of the equatorial section. It is expressed either by an interval determined by a maximum and a minimum size (sizing), or by mentioning the minimum size followed by the words 'and over', or the maximum size followed by the words 'and less' (screening). Sizing is compulsory for produce in Classes 'Extra' and 'I' but optional for produce in Class 'II'.

The following classification is laid down:

Sizing [a]	Screening [a]
22 and above	22 mm and above (or and less)
20 to 22 mm	20 mm and above (or and less)
18 to 20 mm	18 mm and above (or and less)
16 to 18 mm	16 mm and above (or and less)
14 to 16 mm	14 mm and above (or and less)
12 to 14 mm	

[a] In addition to this size table, provided that the size or screen in millimetres is also expressed in the marking, any size including larger sizes may be used with option size names.

Only hazelnuts in shell with a diameter equal to or above 16 mm may be included in Class 'Extra', and in Class 'I' only those with a diameter equal to or above 14 mm. For produce presented to the final consumer under the classification 'screened', the size 'and less' is not allowed.

IV. PROVISIONS CONCERNING TOLERANCES

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

[1] Commercial type: hazelnuts in each package are of the similar general type and appearance and/or belong to a mix of varieties officially defined by the producing country.

A. **Quality tolerances**

Permitted defects	Tolerances allowed (percentage of defective fruit calculated by number or weight of defective fruit)		
	'Extra' Class	Class I	Class II
a) Total tolerance allowed for defects of shell (calculated on the total in shell weight basis)	3	5	7
b) Total tolerance allowed for defects of the kernel (calculated on the kernel weight basis)	5	8 [a]	12 [a]
of which mouldy, rotten, rancid [b] or damaged by insects [c] (calculated on the kernel weight basis)	3	5	6
c) Foreign matter (calculated on the total in shell weight basis)	0,25	0,25	0,25
d) Empty nuts (calculated on the count basis)	4	6	8

[a] In calculating these percentages, a slight deformation of the kernel is not considered to be a defect.
[b] An oily appearance of the flesh does not necessarily indicate a rancid condition.
[c] Living insects or animal pests are inadmissible in any class.

For Extra Class and Class I, there may be a maximum of 12 % by number or weight of hazelnuts in shell belonging to different varieties or commercial types. These allowances are also applicable to Class II in case the variety or commercial type is indicated.

B. **Mineral impurities**

Ashes insoluble in acid must not exceed 1 g/kg.

C. **Size tolerances**

For all classes, a maximum of 10 % by number or weight of hazelnuts in shell not conforming to the size indicated is tolerated provided:

— the nuts correspond to the sizes immediately below or above when the size is designated by an interval determined by the minimum diameter and the maximum diameter (sizing),

— the nuts correspond to the size immediately below when the size is designated by an indication of the minimum diameter followed by 'and above' or 'and +' or '+' (screening),

— the nuts correspond to the size immediately above when the size is designated by an indication of the maximum diameter followed by 'and less' or 'and -' (screening).

V. PROVISIONS CONCERNING PRESENTATION

A. **Uniformity**

The contents of each package must be uniform and contain only hazelnuts in shell of the same origin, quality, variety or commercial type and size (if sized).

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

B. **Packaging**

Hazelnuts in shell must be packed in such a way as to protect the produce properly.

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

Packages must be free of all foreign matter.

C. **Presentation**

Hazelnuts kernels must be presented in bags or solid containers.

VI. PROVISIONS CONCERNING MARKING

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

A. **Identification**

Packer and/or dispatcher: name and address or officially issued or accepted code mark. However, where a code mark is used, the term 'packer and/or dispatcher' (or an equivalent abbreviation) has to be indicated close to the code mark.

B. **Nature of produce**

— 'hazelnuts in shell' if the contents are not visible from the outside,
— name of the variety or commercial type for classes 'Extra' and I (optional for Class II).

C. **Origin of produce**

Country of origin and, optionally, area where grown, or national, regional or local designation.

D. **Commercial specifications**

— class,
— size expressed by:
  — the minimum and maximum diameters (sizing), or
  — the minimum diameter followed by 'and above' or 'and +' or '+' or the maximum diameter followed by 'and less' or 'and –' (screening),
— size name (optional),
— 'Best before' followed by the date (optional),
— net weight,
— crop year (optional).

E. **Official control mark** (optional)

Appendix I

DETERMINATION OF MOISTURE CONTENT

METHOD I — LABORATORY METHOD

1. **Principle**

Determination of the moisture content of unshelled hazelnuts by loss of mass after drying at a temperature of 103 °C (+ 2 °C) in a temperature-controlled oven at ambient pressure for six hours.

2. **Apparatus**

2.1. Ceramic mortar with appropriate pestle or food chopper.

2.2. Analytical balance sensitive to 1 mg.

2.3. Cylindrical, flat-bottomed glass or metal containers, 12 cm in diameter and 5 cm in depth, provided with well-fitting lids.

2.4. Electrically heated temperature-controlled oven with good natural ventilation, regulated so that the temperature is maintained at 103 °C (± 2 °C).

2.5. Dessicator containing an effective dessicant (e.g. calcium chloride) and provided with a metal plate which allows the containers to cool rapidly.

3. **Preparation of the sample**

Shell the sample if required and crush it in the mortar, or chop them finely, to obtain fragments of 2-4 mm across.

4. **Test portion and determination**

4.1. Dry the containers and their lids in the oven for at least two hours and transfer to the dessicator. Allow the containers and lids to cool to room temperature.

4.2. Carry out the determination on four test portions of approximately 50 g each.

4.3. Weigh the empty container and lid to the nearest 0,001g (M_0).

4.4. Weigh approximately 50 g of the test material into the container to the nearest 0,001g. Spread the material all over the base of the container, seal the container quickly with the lid and weigh the whole (M_1). Perform these operations as quickly as possible.

4.5. Place the open containers, with their lids beside them, in the oven. Close the oven and allow to dry for six hours. Open the oven, quickly cover the containers with their individual lids, and place them in the dessicator to cool. After cooling to ambient temperature, weigh the covered dish to the nearest 0,001g (M_2).

4.6. The moisture content of the sample, as percentage by mass, is given by the expression:

$$\text{Moisture content} = \frac{M_1 - M_2}{M_1 - M_0} \times 100$$

4.7. Report the average value obtained from the four determinations.

METHOD II — RAPID METHOD

1. **Principle**

Determination of the moisture content using a measuring instrument based on the principle of electrical conductivity. The measuring instrument must be calibrated against the laboratory method.

2. **Apparatus**

2.1. Ceramic mortar with appropriate pestle, or food chopper.

2.2. Measuring instrument based on the principle of electrical conductivity.

3. **Determination**

3.1. Fill the glass with the substance to be examined (previously ground in the mortar) and tighten the press until a constant pressure is obtained.

3.2. Read the values off the scale.

3.3. After each determination, clean the glass thoroughly with a spatula, stiff bristled brush, paper napkin or compressed air pump.

Appendix II

DEFINITIONS OF TERMS AND DEFECTS FOR HAZELNUTS IN SHELL

— *Cracks and splitting:*
Any crack which is open and conspicuous, and larger than one-fourth the circumference of the shell.

— *Defects of the shell:*
Any defect affecting the shell but not the kernel.

— *Dry:*
Means that the shell is free from surface moisture, and that the shells and kernels combined do not contain more than 12 % moisture.

— *Empty:*
Means a hazelnut containing no kernel.

— *Foreign matter:*
Any matter not normally associated with the product.

— *Insect damage:*
Visible damage caused by insects and animal parasites or the presence of dead insects or insect debris.

— *Intact:*
Means that the shell is not broken, split or mechanically damaged; a slight crack is not considered a defect provided that the kernel is still protected.

— *Mould:*
Mould filaments visible to the naked eye either on the outside or on the inside of the kernel.

— *Rancidity:*
Oxidation of lipids or free fatty acids producing a disagreeable flavour. An oily appearance of the flesh does not necessarily indicate a rancid condition.

— *Rotten/Decay:*
Significant decomposition caused by the action of micro-organisms.

— *Shrivelled:*
The wrinkling of more than 50 % of the skin surface of the compact fruit, usually occurring in seasons when there are high crop yields, or when there is stress from drought or poor nutrition, or as an inherited trait.

— *Shrunken:*
A condition yielding undeveloped firm fruit obtained after fertilization during rapid kernel growth in extremely high temperatures.

— *Well formed:*
Means that the shell is not noticeably misshapen and that its shape concords with the characteristic variety or commercial type.

COMMISSION REGULATION (EC) No 1285/2002

of 15 July 2002

supplementing the Annex to Regulation (EC) No 2301/97 on the entry of certain names in the Register of certificates of specific character provided for in Council Regulation (EEC) 2082/92 on certificates of specific character for agricultural products and foodstuffs (Kalakukko)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 2082/92 of 14 July 1992 on certificates of specific character for agricultural products and foodstuffs [1], and in particular Article 9(1) thereof,

Whereas:

(1) In accordance with Article 7 of Regulation (EEC) No 2082/92, Finland has forwarded an application to the Commission for the name 'Kalakukko' to be entered in the Register of certificates of specific character.

(2) The description 'traditional speciality guaranteed' can only be used with names entered in that Register.

(3) No objection under Article 8 of that Regulation was sent to the Commission following the publication in the *Official Journal of the European Communities* [2] of the name set out in the Annex hereto.

(4) As a consequence, the name set out in the Annex should be entered in the Register of certificates of specific character and thereby protected as a traditional speciality guaranteed within the Community pursuant to Article 13(2) of Regulation No (EEC) 2082/92.

(5) The Annex hereto supplements the Annex to Commission Regulation (EC) No 2301/97 [3], as last amended by Regulation (EC) No 688/2002 [4],

HAS ADOPTED THIS REGULATION:

Article 1

The name in the Annex hereto is added to the Annex to Regulation (EC) No 2301/97 and entered in the Register of certificates of specific character in accordance with Article 9(1) of Regulation (EEC) No 2082/92.

It shall be protected in accordance with Article 13(2) of that Regulation.

Article 2

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

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

Done at Brussels, 15 July 2002.

For the Commission

Franz FISCHLER

Member of the Commission

[1] OJ L 208, 24.7.1992, p. 9.
[2] OJ C 235, 21.8.2001, p. 12.
[3] OJ L 319, 21.11.1997, p. 8.
[4] OJ L 106, 23.4.2002, p. 7.

ANNEX

Bread, pastry, cakes, confectionery, biscuits and other baker's wares

— Kalakukko

COMMISSION REGULATION (EC) No 1286/2002

of 15 July 2002

amending Regulation (EC) No 2125/95 as regards the list of competent Chinese authorities for issuing certificates of origin and duplicates for preserved mushrooms

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 2201/96 of 28 October 1996 on the common organisation of the markets in processed fruit and vegetable products [1], as last amended by Commission Regulation (EC) No 453/2002 [2], and in particular Article 15(1) thereof,

Whereas:

(1) The Chinese authorities have sent the Commission a complete update of the list of competent Chinese authorities for issuing the certificates of origin and duplicates required for the release for free circulation of preserved mushrooms originating in third countries as referred to in Article 10(1) of Commission Regulation (EC) No 2125/95 of 6 September 1995 opening and providing for the administration of tariff quotas for preserved mushrooms of the genus *Agraricus* spp. [3], as last amended by Regulation (EC) No 453/2002. Annex II to Regulation (EC) No 2125/95 should therefore be amended.

(2) The measures provided for in this Regulation are in accordance with the opinion of the Management Committee for Products Processed from Fruit and Vegetables,

HAS ADOPTED THIS REGULATION:

Article 1

Annex II to Regulation (EC) No 2125/95 is replaced by the Annex hereto.

Article 2

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

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

Done at Brussels, 15 July 2002.

For the Commission

Franz FISCHLER

Member of the Commission

[1] OJ L 297, 21.11.1996, p. 29.
[2] OJ L 72, 14.3.2002, p. 9.
[3] OJ L 212, 7.9.1995, p. 16.

ANNEX

'ANNEX II

List of competent Chinese authorities for issuing the certificates of origin and duplicates referred to in Article 10(1).

— The Department of Foreign Trade of the Ministry of Foreign Trade and Economic Cooperation,

— The Department of Foreign Trade and Economic Cooperation of Guangdong Province,

— Shanxi Province Foreign Trade and Economic Cooperation Bureau,

— Sichuan Provincial Department of Foreign Trade and Economic Cooperation,

— Bureau of Foreign Trade and Economic Cooperation of Anhui Province,

— Ningbo Municipal Bureau of Foreign Trade and Economic Cooperation,

— Foreign Trade Department, Chongqing Foreign Trade and Economic Relations Commission,

— Guangxi Foreign Trade and Economic Cooperation Department, People's Republic of China,

— Shanghai Foreign Economic Relations and Trade Commission,

— Department of Foreign Trade and Economic Cooperation, Jiangsu Provincial Government, People's Republic of China,

— Ningxia Foreign Trade and Economic Cooperation Department,

— Department of Foreign Trade and Economic Cooperation of Shandong Province,

— Bureau of Foreign Trade and Economic Cooperation, Qingdao Municipal People's Government,

— Hubei Provincial Department of Foreign Trade and Economic Cooperation, Foreign Trade Administration Office,

— Fujian Provincial Department of Foreign Trade and Economic Cooperation,

— Yunnan Provincial Foreign Trade and Economic Cooperation Bureau,

— Foreign Trade and Economic Cooperation of Zhejiang Provincial People's Government,

— China Council for the Promotion of International Trade (Henan),

— Xiamen Municipal Trade Development Committee.'

COMMISSION REGULATION (EC) No 1287/2002

of 15 July 2002

amending Annex 3 to Regulation (EC) No 560/2002 imposing provisional safeguard measures against imports of certain steel products

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 3285/94 of 22 December 1994 on common rules for imports and repealing Regulation (EC) No 518/94 [1], as last amended by Regulation (EC) No 2474/2000 [2],

Having regard to Council Regulation (EC) No 519/94 of 7 March 1994 on common rules for imports from certain third countries and repealing Regulations (EEC) No 1765/82, (EEC) No 1766/82 and (EEC) No 3420/83 [3], as last amended by Regulation (EC) No 1138/98 [4],

After consultations with the Advisory Committee established pursuant to Article 4 of Regulation (EC) No 3285/94 and Regulation (EC) No 519/94 respectively,

Whereas:

(1) Commission Regulation (EC) No 560/2002 [5], as amended by Regulation (EC) No 950/2002 [6], establishes tariff quotas in relation to certain steel products, in excess of which additional duties require to be paid. The Commission recalls that the amount of each tariff quota is specified in Annex 3 to that Regulation, and that that amount should have been calculated in a manner conforming to recitals 66 and 73 of that Regulation.

(2) It has come to the attention of the Commission that there has been a material error in the calculation of the amount of the tariff quota in relation to product numbers 5 (cold rolled sheets), 6 (electrical sheets other than GOES) and 10 (quarto plates). In each case, the amount of the tariff quota should have been greater than the amount which was specified.

(3) The amount of the tariff quota for product 5 should be 1 114 158 tonnes instead of 935 630 tonnes; that for product 6 should be 74 678 tonnes instead of 41 444 tonnes; and that for product 10 should be 706 964 tonnes instead of 700 446 tonnes. In consequence, it is necessary to amend Annex 3 to that Regulation,

HAS ADOPTED THIS REGULATION:

Article 1

The fourth column of Annex 3 to Regulation (EC) No 560/2002, which specifies the amount (in tonnes) of each tariff quota, is amended as follows:

— in relation to product 5, by substituting the number '1 114 158' for '935 630',

— in relation to product 6, by substituting the number '74 678' for '41 444',

— in relation to product 10, by substituting the number '706 964' for '700 446'.

Article 2

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

It shall apply from 29 March 2002.

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

Done at Brussels, 15 July 2002.

For the Commission

Pascal LAMY

Member of the Commission

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[1] OJ L 349, 31.12.1994, p. 53.
[2] OJ L 286, 11.11.2000, p. 1.
[3] OJ L 67, 10.3.1994, p. 89.
[4] OJ L 159, 3.6.1998, p. 1.
[5] OJ L 85, 28.3.2002, p. 1.
[6] OJ L 145, 4.6.2002, p. 12.

COMMISSION REGULATION (EC) No 1288/2002
of 15 July 2002
fixing the import duties in the cereals sector

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

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

Having regard to Commission Regulation (EC) No 1249/96 of 28 June 1996 laying down detailed rules for the application of Council Regulation (EEC) No 1766/92 as regards import duties in the cereals sector ([3]), as last amended by Regulation (EC) No 597/2002 ([4]), and in particular Article 2(1) thereof,

Whereas:

(1) Article 10 of Regulation (EEC) No 1766/92 provides that the rates of duty in the Common Customs Tariff are to be charged on import of the products referred to in Article 1 of that Regulation. However, in the case of the products referred to in paragraph 2 of that Article, the import duty is to be equal to the intervention price valid for such products on importation and increased by 55 %, minus the cif import price applicable to the consignment in question. However, that duty may not exceed the rate of duty in the Common Customs Tariff.

(2) Pursuant to Article 10(3) of Regulation (EEC) No 1766/92, the cif import prices are calculated on the basis of the representative prices for the product in question on the world market.

(3) Regulation (EC) No 1249/96 lays down detailed rules for the application of Council Regulation (EEC) No 1766/92 as regards import duties in the cereals sector.

(4) The import duties are applicable until new duties are fixed and enter into force. They also remain in force in cases where no quotation is available for the reference exchange referred to in Annex II to Regulation (EC) No 1249/96 during the two weeks preceding the next periodical fixing.

(5) In order to allow the import duty system to function normally, the representative market rates recorded during a reference period should be used for calculating the duties.

(6) Application of Regulation (EC) No 1249/96 results in import duties being fixed as set out in the Annex to this Regulation,

HAS ADOPTED THIS REGULATION:

Article 1

The import duties in the cereals sector referred to in Article 10(2) of Regulation (EEC) No 1766/92 shall be those fixed in Annex I to this Regulation on the basis of the information given in Annex II.

Article 2

This Regulation shall enter into force on 16 July 2002.

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

Done at Brussels, 15 July 2002.

For the Commission
J. M. SILVA RODRÍGUEZ
Agriculture Director-General

([1]) OJ L 181, 1.7.1992, p. 21.
([2]) OJ L 193, 29.7.2000, p. 1.
([3]) OJ L 161, 29.6.1996, p. 125.
([4]) OJ L 91, 6.4.2002, p. 9.

ANNEX I

Import duties for the products covered by Article 10(2) of Regulation (EEC) No 1766/92

CN code	Description	Import duty [2] (EUR/tonne)
1001 10 00	Durum wheat high quality	0,00
	medium quality [1]	0,00
1001 90 91	Common wheat seed	0,00
1001 90 99	Common high quality wheat other than for sowing [3]	0,00
	medium quality	0,00
	low quality	16,10
1002 00 00	Rye	29,04
1003 00 10	Barley, seed	29,04
1003 00 90	Barley, other [4]	29,04
1005 10 90	Maize seed other than hybrid	52,90
1005 90 00	Maize other than seed [5]	52,90
1007 00 90	Grain sorghum other than hybrids for sowing	39,13

[1] In the case of durum wheat not meeting the minimum quality requirements for durum wheat of medium quality, referred to in Annex I to Regulation (EC) No 1249/96, the duty applicable is that fixed for low-quality common wheat.

[2] For goods arriving in the Community via the Atlantic Ocean or via the Suez Canal (Article 2(4) of Regulation (EC) No 1249/96), the importer may benefit from a reduction in the duty of:

— EUR 3 per tonne, where the port of unloading is on the Mediterranean Sea, or

— EUR 2 per tonne, where the port of unloading is in Ireland, the United Kingdom, Denmark, Sweden, Finland or the Atlantic coasts of the Iberian peninsula.

[3] The importer may benefit from a flat-rate reduction of EUR 14 per tonne, where the conditions laid down in Article 2(5) of Regulation (EC) No 1249/96 are met.

[4] The importer may benefit from a flat-rate reduction of EUR 8 per tonne, where the conditions laid down in Article 2(5) of Regulation (EC) No 1249/96 are met.

[5] The importer may benefit from a flat-rate reduction of EUR 24 per tonne, where the conditions laid down in Article 2(5) of Regulation (EC) No 1249/96 are met.

ANNEX II

Factors for calculating duties

(period from 28 June to 12 July 2002)

1. Averages over the two-week period preceding the day of fixing:

Exchange quotations	Minneapolis	Kansas City	Chicago	Chicago	Minneapolis	Minneapolis	Minneapolis
Product (% proteins at 12 % humidity)	HRS2. 14 %	HRW2. 11,5 %	SRW2	YC3	HAD2	Medium quality (*)	US barley 2
Quotation (EUR/t)	128,14	126,02	118,30	90,68	178,43 (**)	168,43 (**)	102,63 (**)
Gulf premium (EUR/t)	—	22,89	10,97	11,88	—	—	—
Great Lakes premium (EUR/t)	22,33	—	—	—	—	—	—

(*) A discount of 10 EUR/t (Article 4(1) of Regulation (EC) No 1249/96).
(**) Fob Duluth.

2. Freight/cost: Gulf of Mexico–Rotterdam: 11,67 EUR/t; Great Lakes–Rotterdam: 25,36 EUR/t.

3. Subsidy within the meaning of the third paragraph of Article 4(2) of Regulation (EC) No 1249/96: 0,00 EUR/t (HRW2)
0,00 EUR/t (SRW2).

COMMISSION REGULATION (EC) No 1289/2002
of 15 July 2002
determining the world market price for unginned cotton

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Protocol 4 on cotton, annexed to the Act of Accession of Greece, as last amended by Council Regulation (EC) No 1050/2001 [1],

Having regard to Council Regulation (EC) No 1051/2001 of 22 May 2001 on production aid for cotton [2], and in particular Article 4 thereof,

Whereas:

(1) In accordance with Article 4 of Regulation (EC) No 1051/2001, a world market price for unginned cotton is to be determined periodically from the price for ginned cotton recorded on the world market and by reference to the historical relationship between the price recorded for ginned cotton and that calculated for unginned cotton. That historical relationship has been established in Article 2(2) of Commission Regulation (EC) No 1591/2001 of 2 August 2001 [3]. Where the world market price cannot be determined in this way, it is to be based on the most recent price determined.

(2) In accordance with Article 5 of Regulation (EC) No 1051/2001, the world market price for unginned cotton is to be determined in respect of a product of specific characteristics and by reference to the most favourable offers and quotations on the world market among those considered representative of the real market trend. To that end, an average is to be calculated of offers and quotations recorded on one or more European exchanges for a product delivered cif to a port in the Community and coming from the various supplier countries considered the most representative in terms of international trade. However, there is provision for adjusting the criteria for determining the world market price for ginned cotton to reflect differences justified by the quality of the product delivered and the offers and quotations concerned. Those adjustments are specified in Article 3(2) of Regulation (EC) No 1591/2001.

(3) The application of the above criteria gives the world market price for unginned cotton determined hereinafter,

HAS ADOPTED THIS REGULATION:

Article 1

The world price for unginned cotton as referred to in Article 4 of Regulation (EC) No 1051/2001 is hereby determined as equalling EUR 22,632/kg.

Article 2

This Regulation shall enter into force on 16 July 2002.

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

Done at Brussels, 15 July 2002.

For the Commission
J. M. SILVA RODRÍGUEZ
Agriculture Director-General

[1] OJ L 148, 1.6.2001, p. 1.
[2] OJ L 148, 1.6.2001, p. 3.
[3] OJ L 210, 3.8.2001, p. 10.

COMMISSION DIRECTIVE 2002/63/EC

of 11 July 2002

establishing Community methods of sampling for the official control of pesticide residues in and on products of plant and animal origin and repealing Directive 79/700/EEC

(Text with EEA relevance)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Directive 76/895/EEC of 23 November 1976 relating to the fixing of maximum levels for pesticide residues in and on fruit and vegetables ([1]), as last amended by Commission Directive 2002/57/EC ([2]), and in particular Article 6 thereof,

Having regard to Council Directive 86/362/EEC of 24 July 1986 on the fixing of maximum levels for pesticide residues in and on cereals ([3]), as last amended by Commission Directive 2002/42/EC ([4]), and in particular Article 8 thereof,

Having regard to Council Directive 86/363/EEC of 24 July 1986 on the fixing of maximum levels for pesticide residues in and on products of animal origin ([5]), as last amended by Directive 2002/42/EC, and in particular Article 8 thereof,

Having regard to Council Directive 90/642/EEC of 27 November 1990 on the fixing of maximum levels for pesticide residues in and on certain products of plant origin, including fruit and vegetables ([6]), as last amended by Directive 2002/42/EC, and in particular Article 6 thereof,

Whereas:

(1) Directives 76/895/EEC, 86/362/EEC, 86/363/EEC and 90/642/EEC provide for official checks and controls to ensure compliance with maximum levels for pesticide residues in and on products of plant and animal origin. They also provide that Community methods of sampling may be established by the Commission.

(2) Methods of sampling for pesticides residues in fruit and vegetables were laid down by Commission Directive 79/700/EEC of 24 July 1979 establishing Community methods of sampling for the official control of pesticide residues in and on fruit and vegetables ([7]).

(3) It is appropriate to update these methods to reflect technical progress and to establish methods of sampling for pesticides residues in products of animal origin as well as in other products of plant origin.

(4) Methods of sampling for the determination of pesticides residues for compliance with maximum residue levels (MRLs) were developed and agreed by the Codex Alimentarius Commission ([8]). The Community supported and endorsed the recommended methods. It is appropriate to replace the existing sampling provisions with those developed and agreed by the Codex Alimentarius Commission.

(5) Directive 79/700/EEC should therefore be repealed and replaced by this Directive.

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

HAS ADOPTED THIS DIRECTIVE:

Article 1

The provisions laid down in this Directive apply to the sampling of products of plant and animal origin in order to determine the level of pesticide residues for the purposes of Directives 76/895/EEC, 86/362/EEC, 86/363/EEC and 90/642/EEC and do not affect the sampling strategy, sampling levels and frequency as specified in Annexes III and IV to Council Directive 96/23/EC ([9]) on measures to monitor certain substances and residues thereof in live animals and animal products.

Article 2

Member States shall require that sampling for the checks provided for in Article 6 of Directive 76/895/EEC, in Article 8 of Directive 86/362/EEC, in Article 8 of Directive 86/363/EEC and in Article 6 of Directive 90/642/EEC be carried out in accordance with the methods described in the Annex to this Directive.

([1]) OJ L 340, 9.12.1976, p. 26.
([2]) OJ L 244, 29.9.2000, p. 76.
([3]) OJ L 221, 7.8.1986, p. 37.
([4]) OJ L 134, 22.5.2002, p. 36.
([5]) OJ L 221, 7.8.1986, p. 43.
([6]) OJ L 350, 14.12.1990, p. 71.
([7]) OJ L 207, 15.8.1979, p. 26.
([8]) Document CAC/GL 33-1999 of the Codex Alimentarius Commission. FAO Rome. ftp://ftp.fao.org/codex/standard/volume2a/en/GL_033e.pdf
([9]) OJ L 125, 23.5.1996, p. 10.

Article 3

Directive 79/700/EEC is repealed.

References to the repealed Directive shall be construed as references to this Directive.

Article 4

1. Member States shall bring into force the laws, regulations and administrative provisions necessary to comply with this Directive by 1 January 2003. They shall forthwith inform the Commission thereof.

2. When Member States adopt these provisions, they shall contain a reference to this Directive or be accompanied by such a reference on the occasion of their official publication. Member States shall determine how such reference is to be made.

Article 5

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

Done at Brussels, 11 July 2002.

For the Commission

David BYRNE

Member of the Commission

ANNEX

METHODS OF SAMPLING PRODUCTS OF PLANT AND ANIMAL ORIGIN FOR THE DETERMINATION OF PESTICIDE RESIDUES FOR CHECKING COMPLIANCE WITH MRLS

1. OBJECTIVE

Samples intended for the official control of the levels of pesticide residues in and on fruit and vegetables and in products of animal origin shall be taken according to the methods described below.

The objective of these sampling procedures is to enable a representative sample to be obtained from a lot for analysis to determine compliance with maximum residue levels (MRLs) for pesticides established in the Annexes to Council Directives 76/895/EEC, 86/362/EEC, 86/363/EEC and 90/642/EEC and, in the absence of Community MRLs, with other MRLs such as those established by the Codex Alimentarius Commission. The methods and procedures laid down incorporate those recommended by the Codex Alimentarius Commission.

2. PRINCIPLES

Community MRLs are based on good agricultural practice data and raw commodities as well as foods derived from them that comply with the MRLs are intended to be toxicologically acceptable.

A MRL for a plant, egg or dairy product takes into account the maximum level expected to occur in a composite sample, which has been derived from multiple units of the treated product and which is intended to represent the average residue level in a lot. A MRL for meat and poultry takes into account the maximum level expected to occur in the tissues of individual treated animals or birds.

In consequence, MRLs for meat and poultry apply to a bulk sample derived from a single primary sample, whereas MRLs for plant products, eggs and dairy products apply to a composite bulk sample derived from one to ten primary samples.

3. DEFINITION OF TERMS

Analytical portion

A representative quantity of material removed from the analytical sample, of proper size for measurement of the residue concentration.

Note: A sampling device may be used to withdraw the analytical portion.

Analytical sample

The material prepared for analysis from the laboratory sample, by separation of the portion of the product to be analysed [1] [2] and then by mixing, grinding, fine chopping, etc., for the removal of analytical portions with minimal sampling error.

Note: Preparation of the analytical sample must reflect the procedure used in setting MRLs and thus the portion of the product to be analysed may include parts that are not normally consumed.

Bulk sample/aggregate sample

For products other than meat and poultry, the combined and well-mixed aggregate of the primary samples taken from a lot. For meat and poultry, the primary sample is considered to be equivalent to the bulk sample.

Notes: a) The primary samples must contribute sufficient material to enable all laboratory samples to be withdrawn from the bulk sample.

b) Where separate laboratory samples are prepared during collection of the primary sample(s), the bulk sample is the conceptual sum of the laboratory samples, at the time of taking the samples from the lot.

Laboratory sample

The sample sent to, or received by, the laboratory. A representative quantity of material removed from the bulk sample.

Notes: a) The laboratory sample may be the whole or a part of the bulk sample.

b) Units should not be cut or broken to produce the laboratory sample(s), except where subdivision of units is specified in Table 3.

c) Replicate laboratory samples may be prepared.

[1] EC classification of foods: Annex I to Directive 86/362/EEC and Annex I to Directive 86/363/EEC, both as amended by Directive 93/57/EC (OJ L 211, 23.8.1993, p. 1) and Annex I to Directive 90/642/EEC, as amended by Directive 95/38/EC (OJ L 197, 22.8.1995, p. 14).

[2] Part of products to which maximum limits apply: Annex I to Directive 90/642/EEC, as amended by Directive 93/58/EEC (OJ L 211, 23.8.1993, p. 6).

Lot

A quantity of a food material delivered at one time and known, or presumed, by the sampling officer to have uniform characteristics such as origin, producer, variety, packer, type of packing, markings, consignor, etc. A suspect lot is one which, for any reason, is suspected to contain an excessive residue. A non-suspect lot is one for which there is no reason to suspect that it may contain an excessive residue.

Notes: a) Where a consignment is comprised of lots which can be identified as originating from different growers, etc., each lot should be considered separately.

b) A consignment may consist of one or more lots.

c) Where the size or boundary of each lot in a large consignment is not readily established, each one of a series of wagons, lorries, ships bays, etc., may be considered to be a separate lot.

d) A lot may be mixed by grading or manufacturing processes, for example.

Primary sample/incremental sample

One or more units taken from one position in a lot.

Notes: a) The position from which a primary sample is taken in the lot should preferably be chosen randomly but, where this is physically impractical, it should be from a random position in the accessible parts of the lot.

b) The number of units required for a primary sample should be determined by the minimum size and number of laboratory samples required.

c) For plant, egg and dairy products, where more than one primary sample is taken from a lot, each should contribute an approximately similar proportion to the bulk sample.

d) Units may be allocated randomly to replicate laboratory samples at the time of collecting the primary sample(s), in cases where the units are of medium or large size and mixing the bulk sample would not make the laboratory sample(s) more representative, or where the units (e.g. eggs, soft fruit) could be damaged by mixing.

e) Where primary samples are taken at intervals during loading or unloading of a lot, the sampling 'position' is a point in time.

f) Units should not be cut or broken to produce the primary sample(s), except where subdivision of units is specified in Table 3.

Sample

One or more units selected from a population of units, or a portion of material selected from a larger quantity of material. For the purposes of these recommendations, a representative sample is intended to be representative of the lot, the bulk sample, the animal, etc., in respect of its pesticide residue content and not necessarily in respect of other attributes.

Sampling

The procedure used to draw and constitute a sample.

Sampling device

(i) A tool such as a scoop, dipper, borer, knife or spear, used to remove a unit from bulk material, from packages (such as drums, large cheeses) or from units of meat or poultry which are too large to be taken as primary samples.

(ii) A tool such as a riffle box, used to prepare a laboratory sample from a bulk sample, or to prepare an analytical portion from an analytical sample.

Notes: a) Specific sampling devices are described by ISO ([3]) ([4]) ([5]) and IDF ([6]) standards.

b) For materials such as loose leaves, the hand of the sampling officer may be considered to be a sampling device.

([3]) International Organisation for Standardisation, 1979. International standard ISO 950: Cereals - sampling (as grain).
([4]) International Organisation for Standardisation, 1979. International standard ISO 951: Pulses in bags - sampling.
([5]) International Organisation for Standardisation, 1980. International standard ISO 1839: Sampling - tea.
([6]) International Dairy Federation, 1995. International IDF standard 50C: Milk and milk products - methods of sampling.

Sampling officer

A person trained in sampling procedures and, where required, authorised by the appropriate authorities to take samples.

Note: The sampling officer is responsible for all procedures leading to and including preparation, packing and shipping of the laboratory sample(s). The officer must understand that consistent adherence to the specified sampling procedures is necessary, must provide complete documentation for samples, and should collaborate closely with the laboratory.

Sample size

The number of units, or quantity of material, constituting the sample.

Unit

The smallest discrete portion in a lot, which should be withdrawn to form the whole or part of a primary sample.

Notes: Units should be identified as follows.

a) Fresh fruit and vegetables. Each whole fruit, vegetable or natural bunch of them (e.g. grapes) should form a unit, except where these are small. Units of packaged small products may be identified as in (d). Where a sampling device may be used without damaging the material, units may be created by this means. Individual eggs, fresh fruit or vegetables must not be cut or broken to produce units.

b) Large animals or parts or organs of them. A portion, or the whole, of a specified part or organ should form a unit. Parts or organs may be cut to form units.

c) Small animals or parts or organs of them. Each whole animal or complete animal part or organ present may form a unit. Where packaged, units may be identified as in (d), below. Where a sampling device may be used without affecting residues, units may be created by this means.

d) Packaged materials. The smallest discrete packages should be taken as units. Where the smallest packages are very large, they should be sampled as bulk, as in (e). Where the smallest packages are very small, a pack of packages may form the unit.

e) Bulk materials and large packages (such as drums, cheeses, etc) which are individually too large to be taken as primary samples. The units are created with a sampling device.

4. SAMPLING PROCEDURES ([7])

4.1. **Precautions to be taken**

Contamination and deterioration of samples must be prevented at all stages, because they may affect the analytical results. Each lot to be checked for compliance must be sampled separately.

4.2. **Collection of primary samples**

The minimum number of primary samples to be taken from a lot is determined from Table 1, or Table 2 in the case of a suspect lot of meat or poultry. Each primary sample should be taken from a randomly chosen position in the lot, as far as practicable. The primary samples must consist of sufficient material to provide the laboratory sample(s) required from the lot.

Note: Sampling devices required for grain ([8]), pulses ([9]) and tea ([10]) are described in ISO recommendations and those required for dairy products ([11]) are described by the IDF.

Table 1

Minimum number of primary samples to be taken from a lot

	Minimum number of primary samples to be taken from the lot
a) Meat and poultry	
A non-suspect lot	1
A suspect lot	Determined according to Table 2

([7]) ISO recommendations for sampling of grain (see footnote 3), or other commodities shipped in bulk may be adopted, if required.
([8]) International Organisation for Standardisation, 1979. International standard ISO 950: Cereals - sampling (as grain).
([9]) International Organisation for Standardisation, 1979. International standard ISO 951: Pulses in bags - sampling.
([10]) International Organisation for Standardisation, 1980. International Standard ISO 1839: Sampling - tea.
([11]) International Dairy Federation, 1995. International IDF standard 50C: Milk and milk products - methods of sampling.

	Minimum number of primary samples to be taken from the lot
b) Other products	
i) Products, packaged or in bulk, which can be assumed to be well mixed or homogeneous	1 (A lot may be mixed by grading or manufacturing processes, for example)
ii) Products, packaged or in bulk, which may not be well mixed or homogeneous	For products comprised of large units, being primary food commodities of plant origin only, the minimum number of primary samples should comply with the minimum number of units required for the laboratory sample (see Table 4)
either:	
Weight of lot, kg	
< 50	3
50-500	5
> 500	10
or:	
Number of cans, cartons or other containers in the lot	
1-25	1
26-100	5
> 100	10

Table 2

Number of randomly selected primary samples required for a given probability of finding at least one non-compliant sample in a lot of meat or poultry, for a given incidence of non-compliant residues in the lot

Incidence of non-compliant residues in the lot	Minimum number of samples (n_o) required to detect a non-compliant residue with a probability of:		
%	90 %	95 %	99 %
90	1	—	2
80	—	2	3
70	2	3	4
60	3	4	5
50	4	5	7

Incidence of non-compliant residues in the lot	Minimum number of samples (n_o) required to detect a non-compliant residue with a probability of:		
40	5	6	9
35	6	7	11
30	7	9	13
25	9	11	17
20	11	14	21
15	15	19	29
10	22	29	44
5	45	59	90
1	231	299	459
0,5	460	598	919
0,1	2 301	2 995	4 603

Notes: a) The table assumes random sampling.

b) Where the number of primary samples indicated in Table 2 is more than about 10 % of units in the total lot, the number of primary samples taken may be fewer and should be calculated as follows:

$$n = n_o/((1 + (n_o - 1))/N)$$

where

n = minimum number of primary samples to be taken

n_o = number of primary samples given in Table 2

N = number of units, capable of yielding a primary sample, in the lot.

c) Where a single primary sample is taken, the probability of detecting a non-compliance is similar to the incidence of non-compliant residues.

d) For exact or alternative probabilities, or for a different incidence of non-compliance, the number of samples to be taken may be calculated from:

$$1 - p = (1 - i)^n$$

where p is the probability and i is the incidence of non-compliant residues in the lot (both expressed as fractions, not percentages), and n is the number of samples.

4.3. **Preparation of the bulk sample**

The procedures for meat and poultry are described in Table 3. Each primary sample is considered to be a separate bulk sample.

The procedures for plant products, eggs or dairy products are described in Tables 4 and 5. The primary samples should be combined and mixed well, if practicable, to form the bulk sample.

Where mixing to form the bulk sample is inappropriate or impractical, the following alternative procedure may be followed. Where units may be damaged (and thus residues may be affected) by the processes of mixing or subdivision of the bulk sample, or where large units cannot be mixed to produce a more uniform residue distribution, the units should be allocated randomly to replicate laboratory samples at the time of taking the primary samples. In this case, the result to be used should be the mean of valid results obtained from the laboratory samples analysed.

Table 3

Meat and poultry: description of primary samples and minimum size of laboratory samples

	Commodity classification (1)	Examples	Nature of primary sample to be taken	Minimum size of each laboratory sample
Primary food commodities of animal origin				
1.	Mammalian meats *Note:* for enforcement of MRLs for fat-soluble pesticides samples must be taken according to part 2 below.			
1.1.	Large mammals, whole or half carcase, usually ≤ 10 kg	Cattle, sheep, pigs	Whole or part of diaphragm, supplemented by cervical muscle, if necessary	0,5 kg
1.2.	Small mammals, whole carcase	Rabbits	Whole carcase or hind quarters	0,5 kg after removal of skin and bone
1.3.	Mammal meat parts, loose fresh/chilled/frozen, packaged or otherwise	Quarters, chops, steaks, shoulders	Whole unit(s), or a portion of a large unit	0,5 kg after removal of bone
1.4.	Mammal meat parts, bulk frozen	Quarters, chops	*Either* a frozen cross-section of a container *or* the whole (or portions) of individual meat parts	0,5 kg after removal of bone
2.	Mammalian fats, including carcase fat *Note:* samples of fat taken as described in parts 2.1, 2.2 and 2.3 may be used to determine compliance of the fat, or the whole product, with the corresponding MRLs.			
2.1.	Large mammals, at slaughter, whole or half carcase, usually ≥ 10 kg	Cattle, sheep, pigs	Kidney, abdominal or subcutaneous fat cut from one animal	0,5 kg
2.2.	Small mammals at slaughter, whole or half carcase, < 10 kg		Abdominal or subcutaneous fat from one or more animals	0,5 kg
2.3.	Mammal meat parts	Legs, chops, steaks	*Either* visible fat, trimmed from unit(s) *or* whole unit(s) or portions of whole unit(s), where fat is not trimmable	0,5 kg 2 kg
2.4.	Mammal bulk fat tissue		Units taken with a sampling device from at least three positions	0,5 kg
3.	Mammalian offal			
3.1.	Mammal liver fresh, chilled, frozen		Whole liver(s), or part of liver	0,4 kg

	Commodity classification (1)	Examples	Nature of primary sample to be taken	Minimum size of each laboratory sample
3.2.	Mammal kidney fresh, chilled, frozen		One or both kidneys, from one or two animals	0,2 kg
3.3.	Mammal heart fresh, chilled, frozen		Whole heart(s), or ventricle portion only, if large	0,4 kg
3.4.	Other mammal offal fresh, chilled, frozen		Part or whole unit from one or more animals, or a cross-section taken from bulk frozen product	0,5 kg
4.	Poultry meats *Note:* for enforcement of MRLs for fat-soluble pesticides samples must be taken according to part 5 below			
4.1.	Bird, large-sized carcase > 2 kg	Turkey, goose, cocks, capons and ducks	Thighs, legs and other dark meat	0,5 kg after removal of skin and bone
4.2.	Bird, medium-sized carcase 500 g — 2 kg	Hens, guinea fowl, young chicken	Thighs, legs or other dark meat from at least three birds	0,5 kg after removal of skin and bone
4.3.	Bird, small-sized carcase < 500 g carcase	Quail, pigeon	Carcasses from at least six birds	0,2 kg of muscle tissue
4.4.	Bird parts fresh, chilled, frozen retail or wholesale packaged	Legs, quarters, breasts and wings	Packaged units, or individual units	0,5 kg after removal of skin and bone
5.	Poultry fats, including carcase fat *Note:* samples of fat taken as described in parts 5.1 and 5.2 may be used to determine compliance of the fat, or the whole product, with the corresponding MRLs			
5.1.	Birds, at slaughter, whole or part carcase	Chickens, turkeys	Units of abdominal fat from at least 3 birds	0,5 kg
5.2.	Bird meat parts	Legs, breast muscle	*Either* visible fat, trimmed from unit(s) *or* whole unit(s) or portions of whole unit(s), where fat is not trimmable	0,5 kg 2 kg
5.3.	Bird fat tissue in bulk		Units taken with a sampling device from at least three positions	0,5 kg

	Commodity classification (1)	Examples	Nature of primary sample to be taken	Minimum size of each laboratory sample
6.	Poultry offal			
6.1.	Edible bird offal, except goose and duck fat liver and similar high-value products		Units from at least six birds, or a cross-section from a container	0,2 kg
6.2.	Goose and duck fat liver and similar high-value products		Unit from one bird or container	0,05 kg

Processed foods of animal origin

7.	Secondary food commodities of animal origin, dried meats Derived edible products of animal origin, processed animal fats, including rendered or extracted fats Manufactured food (single ingredient) of animal origin, with or without packing medium or minor ingredients such as flavouring agents, spices and condiments, and which is normally pre-packed and ready for consumption, with or without cooking Manufactured food (multi-ingredient) of animal origin, a multi-ingredient food consisting of ingredients of both animal and plant origin will be included here if the ingredient(s) of animal origin is (are) predominant			
7.1.	Mammal or bird, comminuted, cooked, canned, dried, rendered, or otherwise processed products, including multi-ingredient products	Ham, sausage, minced beef, chicken paste	Packaged units, or a representative cross-section from a container, or units (including juices, if any) taken with a sampling device	0,5 kg or 2 kg if fat content < 5 %

(1) EC classification of foods: Annex I to Directive 86/362/EEC and Annex I to Directive 86/363/EEC, both as amended by Directive 93/57/EC (OJ L 211, 23.8.1993 p. 1) and Annex I to Directive 90/642/EEC, as amended by Directive 95/38/EC (OJ L 197, 22.8.1995, p. 14).

Table 4

Plant products: description of primary samples and minimum size of laboratory samples

	Commodity classification (1)	Examples	Nature of primary sample to be taken	Minimum size of each laboratory sample
Primary food commodities of plant origin				
	All fresh fruits			
1.	All fresh vegetables including potatoes and sugar beets and excluding herbs			
1.1.	Small sized fresh products units generally < 25 g	Berries, peas, olives	Whole units, or packages, or units taken with a sampling device	1 kg
1.2.	Medium sized fresh products, units generally 25 to 250 g	Apples, oranges	Whole units	1 kg (at least 10 units)
1.3.	Large sized fresh products, units generally > 250 g	Cabbages, cucumbers, grapes (bunches)	Whole unit(s)	2 kg (at least 5 units)

	Commodity classification (1)	Examples	Nature of primary sample to be taken	Minimum size of each laboratory sample
2.	Pulses	Beans, dried; peas, dried		1 kg
	Cereal grains	Rice, wheat		1 kg
	Tree nuts	Except coconuts		1 kg
		Coconuts		5 units
	Oilseeds	Peanuts		0,5 kg
	Seeds for beverages and sweets	Coffee beans		0,5 kg
3.	Herbs	Fresh parsley	Whole units	0,5 kg
		Others, fresh		0,2 kg
	(for dried herbs see part 4 of this table)			
	Spices	Dried	Whole units or taken with a sampling device	0,1 kg

Processed foods of plant origin

4.	Secondary food commodities of plant origin, dried fruits, vegetables, herbs, hops, milled cereal products Derived products of plant origin, teas, herb teas, vegetable oils, juices and miscellaneous products e.g. processed olives and citrus molasses Manufactured foods (single ingredient) of plant origin, with or without packing medium or minor ingredients, such as flavouring agents, spices and condiments, and which is normally pre-packed and ready for consumption with or without cooking Manufactured foods (multi-ingredient) of plant origin, including products with ingredients of animal origin where the ingredient(s) of plant origin predominate(s), breads and other cooked cereal products			
4.1.	Products of high unit value		Packages or units taken with a sampling device	0,1 kg (2)
4.2.	Solid products of low bulk	Hops, tea, herb tea	Packaged units or units taken with a sampling device	0,2 kg
4.3.	Other solid products	Bread, flour, dried fruit	Packages or other whole units, or units taken with a sampling device	0,5 kg
4.4.	Liquid products	Vegetable oils, juices	Packaged units or units taken with a sampling device	0,5 l or 0,5 kg

(1) EC classification of foods: Annex I to Directive 86/362/EEC and Annex I to Directive 86/363/EEC, both as amended by Directive 93/57/EC (OJ L 211, 23.8.1993, p. 1) and Annex I to Directive 90/642/EEC, as amended by Directive 95/38/EC (OJ L 197, 22.8.1995, p. 14).

(2) A smaller laboratory sample may be taken from a product of exceptionally high value but the reason for doing so should be noted in the sampling record.

Table 5

Egg and dairy products: description of primary samples and minimum size of laboratory samples

	Commodity classification (1)	Examples	Nature of primary sample to be taken	Minimum size of each laboratory sample
Primary food commodities of animal origin				
1.	Poultry eggs			
1.1.	Eggs, except quail and similar		Whole eggs	12 whole chichen eggs, 6 whole goose or duck eggs
1.2.	Eggs, quail and similar		Whole eggs	24 whole eggs
2.	Milks		Whole units, or units taken with a sampling device	0,5 l
Processed foods of animal origin				
3.	Secondary food commodities of animal origin, secondary milk products such as skimmed milks, evaporated milks and milk powders Derived edible products of animal origin, milkfats, derived milk products such as butters, butteroils, creams, cream powders, caseins, etc. Manufactured food (single ingredient) of animal origin, manufactured milk products such as yoghurt, cheeses Manufactured food (multi-ingredient) of animal origin, manufactured milk products (including products with ingredients of plant origin where the ingredient(s) of animal origin predominates(s)) such as processed cheese products, cheese preparations, flavoured yoghurt, sweetened condensed milk			
3.1.	Liquid milks, milk powders, evaporated milks and creams, dairy ice creams, creams, yoghurts		Packaged unit(s) or unit(s) taken with a sampling device	0,5 l (liquid) or 0,5 kg (solid)
	i) Evaporated milks and evaporated creams in bulk must be mixed thoroughly before sampling, scraping adhering material from the sides and bottom of containers and stirring well. About 2 to 3 l should be removed and again stirred well before removing the laboratory sample. ii) Milk powders in bulk should be sampled aseptically, passing a dry borer tube through the powder at an even rate. iii) Creams in bulk should be mixed thoroughly with a plunger before sampling but foaming, whipping and churning must be avoided.			
3.2.	Butter and butteroils	Butter, whey butter, low fat spreads containing butter fat, anhydrous butteroil, anhydrous milkfat	Whole or parts of packaged unit(s) or unit(s) taken with a sampling device	0,2 kg or 0,2 l

	Commodity classification (1)	Examples	Nature of primary sample to be taken	Minimum size of each laboratory sample
3.3.	Cheeses, including processed cheeses			
	Units 0,3 kg or greater		Whole unit(s) or unit(s) cut with a sampling device	0,5 kg
	Units < 0,3 kg			0,3 kg
	Note: Cheeses with a circular base should be sampled by making two cuts radiating from the centre. Cheeses with a rectangular base should be sampled by making two cuts parallel to the sides			
3.4.	Liquid, frozen or dried egg products		Unit(s) taken aseptically with a sampling device	0,5 kg

(1) EC classification of foods: Annex I to Directive 86/362/EEC and Annex I to Directive 86/363/EEC, both as amended by Directive 93/57/EC (OJ L 211, 23.8.1993, p. 1) and Annex I to Directive 90/642/EEC, as amended by Directive 95/38/EC (OJ L 197, 22.8.1995, p. 14).

4.4. **Preparation of the laboratory sample**

Where the bulk sample is larger than is required for a laboratory sample, it should be divided to provide a representative portion. A sampling device, quartering, or other appropriate size reduction process may be used but units of fresh plant products or whole eggs should not be cut or broken. Where required, replicate laboratory samples should be withdrawn at this stage or they may be prepared using the alternative procedure described above. The minimum sizes required for laboratory samples are given in Tables 3, 4 and 5.

4.5. **Sampling record**

The sampling officer must record the nature and origin of the lot; the owner, supplier or carrier of it; the date and place of sampling; and any other relevant information. Any departure from the recommended method of sampling must be recorded. A signed copy of the record must accompany each replicate laboratory sample and a copy should be retained by the sampling officer. A copy of the sampling record should be given to the owner of the lot, or a representative of the owner, whether or not they are to be provided with a laboratory sample. If sampling records are produced in computerised form, these should be distributed to the same recipients and a similar verifiable audit trail maintained.

4.6. **Packaging and transmission of the laboratory sample**

The laboratory sample must be placed in a clean, inert container which provides secure protection from contamination, damage and leakage. The container should be sealed, securely labelled and the sampling record must be attached. Where a bar code is utilised, it is recommended that alphanumeric information is also provided. The sample must be delivered to the laboratory as soon as practicable. Spoilage in transit must be avoided, e.g. fresh samples should be kept cool and frozen samples must remain frozen. Samples of meat and poultry should be frozen prior to despatch, unless transported to the laboratory before spoilage can occur.

4.7. **Preparation of the analytical sample**

The laboratory sample should be given a unique identifier which, together with the date of receipt and the sample size, should be added to the sample record. The part of the commodity to be analysed (1), (2), i.e. the analytical sample, should be separated as soon as practicable. Where the residue level must be calculated to include parts which are not analysed (12), the weights of the separated parts must be recorded.

4.8. **Preparation and storage of the analytical portion**

The analytical sample should be comminuted, if appropriate, and mixed well, to enable representative analytical portions to be withdrawn. The size of the analytical portion should be determined by the analytical method and the efficiency of mixing. The methods for comminution and mixing should be recorded and should not affect the residues present in the analytical sample. Where appropriate, the analytical sample should be processed under special conditions, e.g. at sub-zero temperature, to minimise adverse effects. Where processing could affect residues and

(1) EC classification of foods: Annex I to Directive 86/362/EEC and Annex I to Directive 86/363/EEC, both as amended by Directive 93/57/EC (OJ L 211, 23.8.1993, p. 1) and Annex I to Directive 90/642/EEC, as amended by Directive 95/38/EC (OJ L 197, 22.8.1995, p. 14).

(2) Part of products to which maximum limits apply: Annex I to Directive 90/642/EEC, as amended by Directive 93/58/EEC (OJ L 211, 23.8.1993, p. 6).

(12) For example, the stones of stone fruit are not analysed but the residue level is calculated assuming that they are included but contain no residue. See footnote 12.

where practical alternative procedures are not available, the analytical portion may consist of whole units, or segments removed from whole units. If the analytical portion thus consists of few units or segments, it is unlikely to be representative of the analytical sample and sufficient replicate portions must be analysed, to indicate the uncertainty of the mean value. If analytical portions are to be stored before analysis, the method and length of time of storage should be such that they do not affect the level of residues present. Additional portions must be withdrawn for replicate and confirmatory analyses, as required.

4.9. **Schematic representations**

Schematic representations of the sampling procedures described above are given in the document referred to in footnote 8 of page 30.

5. CRITERIA FOR DETERMINING COMPLIANCE

Analytical results must be derived from one or more laboratory samples taken from the lot and received in a fit state for analysis. The results must be supported by acceptable quality control data ([13]). Where a residue is found to exceed a MRL, its identity should be confirmed and its concentration must be verified by analysis of one or more additional analytical portions derived from the original laboratory sample(s).

The MRL applies to the bulk sample.

The lot complies with a MRL where the MRL is not exceeded by the analytical result(s).

Where results for the bulk sample exceed the MRL, a decision that the lot is non-compliant must take into account:

(i) the results obtained from one or more laboratory samples, as applicable, and

(ii) the accuracy and precision of analysis, as indicated by the supporting quality control data.

([13]) Quality control procedures for pesticide residue analysis. Document SANCO/3103/2000; amendments will be found on the Commission's Internet site.

II

(Acts whose publication is not obligatory)

COUNCIL

COUNCIL DECISION
of 12 July 2002
on the adaptation of parts III and VIII of the common consular instructions

(2002/585/EC)

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to Council Regulation (EC) No 789/2001 of 24 April 2001 reserving to the Council implementing powers with regard to certain detailed provisions and practical procedures for examining visa applications [1],

Having regard to the initiative of the Kingdom of Belgium and the Kingdom of Spain,

Whereas:

(1) It is necessary to ensure the maximum possible harmonisation of the processing of visa applications lodged through travel agencies with the diplomatic missions and consular posts of the Member States in order to reduce the risks of visa shopping and abuse of procedure.

(2) It is necessary to incorporate into the common consular instructions rules which supplement in greater detail the arrangements for and monitoring of cooperation with private administrative agencies, local travel agencies and package tour operators in the processing of visa applications with the diplomatic missions and consular posts of the Member States.

(3) The purpose of defining the conditions for cooperation with travel agencies is not to inhibit free competition between them but solely to establish the conditions on which diplomatic missions and consular posts may cooperate with travel agencies to process visa applications.

(4) In accordance with Articles 1 and 2 of the Protocol on the position of Denmark annexed to the Treaty on European Union and to the Treaty establishing the European Community, Denmark is not participating in the adoption of this Decision and is not bound by it or subject to its application. Since this Decision aims to build upon the Schengen *acquis* under the provisions of Title IV of the Treaty establishing the European Community, in accordance with Article 5 of the said Protocol Denmark will decide within a period of six months after the Council has adopted this Decision whether it will transpose it into its national law.

(5) As regards the Republic of Iceland and the Kingdom of Norway, this Decision constitutes a development of the provisions of the Schengen *acquis* falling within the area referred to in Article 1(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* [2].

(6) In accordance with Articles 1 and 2 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, those Member States are not participating in the adoption of this Decision and are therefore not bound by it or subject to its application,

HAS ADOPTED THIS DECISION:

Article 1

In point 4 of part III of the common consular instructions the following paragraph shall be added:

'Part VIII.5 contains more detailed rules on visa applications processed by private administrative agencies, travel agencies and tour operators and their retailers.'

[1] OJ L 116, 26.4.2001, p. 2.

[2] OJ L 176, 10.7.1999, p. 31.

Article 2

The following section shall be added to Part VIII of the Common Consular Instructions:

'5. **Visa applications processed by private administrative agencies, travel agencies and package tour operators**

The basic rule for visa applications is that there should be the possibility of a personal interview. However, this may be dispensed in so far as, where there is no reasonable doubt as to the good faith of the applicant, the purpose of the journey or the applicant's actual intention of returning to the country of origin, a reputable and solvent entity, organising trips for groups, supplies the diplomatic mission or consular post with the necessary documentation and vouches, with reasonable reliability, for the applicant's good faith, the purpose of the journey and the applicant's actual intention of returning (see point III.4).

It is both common and useful, particularly in countries with a large surface area, for private administrative agencies, travel agencies, and tour operators and their retailers to act as authorised intermediaries of the applicant. These commercial intermediaries are not uniform in nature as they do not enter into the same degree of commitment in relation to clients entrusting them with the processing of a visa; so that, the degree of solvency and reliability expected of them will, in principle, be directly proportional to their degree of involvement in the overall planning of the journey, accommodation, medical and travel insurance, and their responsibility for the client's return to the country of origin.

5.1. *Types of intermediary*

(a) The simplest type of intermediary are private administrative agencies, where the assistance given to the client involves only the supply of identity and other supporting documents on the client's behalf.

(b) A second type of commercial entity is that of transport agencies or local travel agencies, in some cases linked to air carriers, whether or not these are flag carriers, involved in scheduled or charter passenger transport. Their assistance to the client includes the supply of supporting documents as well as, where appropriate, ticket sales and hotel reservations.

(c) A third type of intermediary is constituted by tour organisers or operators, being natural or legal persons organising package tours on a non-occasional basis (preparation of travel documentation, transport, accommodation, other tourist services not ancillary to these elements, medical and travel insurance, internal transfers, etc.) which sell such package tours, or offer them for sale directly or via a retailer or travel agency contractually linked to the tour operator.

For the tour operator and the agency retailing the package trip, the visa applicant is no more than the consumer of the arranged trip, with the offer to process the visa application being part of the arrangement. This third, complex type of intermediary service comprises several phases and facets which can be subject to objective monitoring: business documentation, management, the actual completion and destination of the trip, accommodation and scheduled group entries and exits.

5.2. *Harmonisation of cooperation with private administrative agencies, travel agencies, tour operators and their retailers*

(a) All diplomatic missions and consular posts located in the same city should endeavour to achieve harmonised application at local level of the guidelines set out below based on the type of intermediary role performed by the agencies concerned. Although it is for each diplomatic mission or consular post to decide whether or not to work with agencies, they must retain the option of withdrawing accreditation at any time if experience and the

interests of a common visa policy so dictate. If a diplomatic mission or consular post decides to work with an agency, it must adhere to the working practices and procedures set out in this section.

— The consular posts of the Member States must be particularly vigilant and will cooperate closely in the evaluation and exceptional accreditation of private administrative agencies. The processing of their visa applications will be subject to meticulous examination, with checks being conducted in every case on the supporting documents of the visa holder and on those relating to the licence and entry in the commercial register of the private agency.

— For the evaluation of visa applications lodged by transport agencies or local travel agencies, particular attention must be paid to the circumstances of the applicant and the case-by-case verification of the supporting documents. The consular posts must cooperate closely, reinforcing their respective mechanisms for detecting irregularities in the agencies and in the carriers themselves, and, in support of those mechanisms, irregularities committed by agencies must be notified at the level of local and regional consular cooperation.

— The criteria governing the accreditation of travel agencies (tour operators and retailers) will, *inter alia*, take into account: the current licence, the commercial register, the company statutes, contracts with the banks which they use, up-to-date contracts with Community recipients of tourism services, which must include all the elements of the package trip (accommodation and tour package services), contracts with airlines, which must include outward and guaranteed, fixed return journeys, as well as the required medical and travel insurance. Visa applications lodged by these travel agencies must be carefully scrutinised.

(b) In the context of local consular cooperation, diplomatic missions and consular posts will also endeavour to harmonise working practices and procedures as well as the criteria for monitoring the proper functioning of private administrative agencies, travel agencies and tour organisers (tour operators and retailers). Such monitoring must at least comprise checks at any time on accreditation documentation, spot checks involving personal or telephone interviews with applicants, verification of trips and accommodation, and, wherever possible, verification of the documents relating to group return.

(c) There must be an intensive exchange of relevant information on the operation of private administrative agencies, travel agencies and tour organisers (tour operators and retailers): notification of irregularities detected, regular exchanges concerning refused visas, communication of detected forms of travel document fraud and failure to effect scheduled trips. Cooperation with private administrative agencies, travel agencies and tour organisers (tour operators and retailers) must be discussed at the regular meetings organised within the framework of common consular cooperation.

(d) At the level of local consular cooperation, lists must be exchanged of private administrative agencies, travel agencies and tour organisers (tour operators and retailers) to which accreditation has been given by each diplomatic mission or consular post or from which accreditation has been withdrawn, together with the reasons for any such withdrawal.

(e) Private administrative agencies, travel agencies and tour organisers (tour operators and retailers) must submit to the diplomatic missions and consular posts to which they are accredited the names of one or two staff authorised as intermediaries to lodge visa applications.'

Article 3

This Decision shall apply from the date of its publication in the *Official Journal of the European Communities*.

Article 4

This Decision is addressed to the Member States in accordance with the Treaty establishing the European Community.

Done at Brussels, 12 July 2002.

For the Council

The President

T. PEDERSEN

COUNCIL DECISION
of 12 July 2002
on the amendment of part VI of the common consular instructions

(2002/586/EC)

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to Council Regulation (EC) No 789/2001 of 24 April 2001 reserving to the Council implementing powers with regard to certain detailed provisions and practical procedures for examining visa applications [1],

Having regard to the initiative of the Kingdom of Spain,

Whereas:

(1) The establishment of a uniform visa format and, in particular, common rules on the technical methods and standards to be used for filling in the form are essential elements in the harmonisation of visa policy.

(2) Council Regulation (EC) No 1683/1995 of 29 May 1995 laying down a uniform format for visas [2], as amended by Council Regulation (EC) No 334/2002 [3], establishes further technical security specifications against forgery and falsification, including in particular the integration of a photograph produced according to high security standards; it is therefore necessary to adapt part VI of the common consular instructions to incorporate these new measures when filling in the new uniform visa sticker.

(3) Council Regulation (EC) No 333/2002 [4] lays down a uniform format for forms for affixing a visa, which must be produced in accordance with certain technical specifications, which must also include security features and requirements, in particular higher standards to prevent counterfeiting and falsification; the common consular instructions should accordingly be adapted to the procedures for applying this Regulation.

(4) In accordance with Articles 1 and 2 of the Protocol on the position of Denmark annexed to the Treaty on European Union and to the Treaty establishing the European Community, Denmark is not participating in the adoption of this Decision and is not bound by it or subject to its application. Since this Instrument aims to build upon the Schengen *acquis* under the provisions of Title IV of the Treaty establishing the European Community, Denmark shall, in accordance with Article 5 of the said Protocol, decide within a period of six months after the Council has adopted this Decision whether it will transpose it into its national law.

(5) As regards the Republic of Iceland and the Kingdom of Norway, this Decision constitutes a development of the provisions of the Schengen *acquis* falling within the area referred to in Article 1(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* [5].

(6) In accordance with Articles 1 and 2 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, those Member States are not participating in the adoption of this Decision and are therefore not bound by it nor subject to its application,

HAS ADOPTED THIS DECISION:

Article 1

Part VI of the common consular instructions shall be amended as follows:

1. In point 1.6, the second paragraph shall be replaced by the following:

'Where, because the holder's travel document is not recognised, the uniform format for forms is used for the visa, the issuing diplomatic mission or consular post may opt to use the same form to extend the validity of the visa to the holder's spouse and to accompanying minors dependent on the holder of the form who accompany the holder or to issue separate forms for the holder, his spouse and each person dependent on him, affixing the corresponding visa on each form separately.

The passport number is the series number which is pre-printed or perforated on all or almost all of the pages of the passport.

The number to be entered under this heading, in the case of a visa to be affixed to the uniform format form, is not the passport number but the same typographical number as appears on the form, made up of six digits, which may be accompanied by the letter or letters assigned to the Member State or group of Member States which issued the visa.'

[1] OJ L 116, 26.4.2001, p. 2.
[2] OJ L 164, 14.7.1995, p. 1.
[3] OJ L 53, 23.2.2002, p. 7.
[4] OJ L 53, 23.2.2002, p. 4.
[5] OJ L 176, 10.7.1999, p. 31.

2. After point 1.7 the following point shall be added:

'1.8. *"Name and forename" heading*

The first word in the "name" box followed by the first word in the "first name" box of the visa holder's passport or travel document shall be written in that order. The diplomatic mission or consular post shall verify that the name and first name which appear in the passport or travel document and which are to be entered under this heading and in the section to be electronically scanned are the same as those appearing in the visa application.'

3. Point 3 shall be replaced by the following:

'3. **Section for the photograph**

The visa-holder's photograph, in colour, shall be integrated in the space reserved for that purpose as shown in Annex 8. The following rules shall be observed with respect to the photograph to be integrated into the visa sticker.

The size of the head from chin to crown shall be between 70 % and 80 % of the vertical dimension of the surface of the photograph.

The minimum resolution requirements shall be:

— 300 pixels per inch (ppi), uncompressed, for scanning,

— 720 dots per inch (dpi) for colour printing of photos.

In the absence of a photograph, it shall be obligatory to enter the words "valid without photograph" in this section in two or three languages (the language of the Member State issuing the visa, English and French). These words shall in principle be entered using a printer and, exceptionally, a specific stamp, in which case the stamp shall also cover part of the rotogravure section whose left or right-hand side delimits the space for integrating the photograph.'

4. In point 5.4, the third paragraph shall be replaced by the following:

'If the travel document is not recognised as valid by one or more Member States, the visa shall have only limited territorial validity. The diplomatic mission or consular post of a Member State must use the uniform format form to affix a visa issued to holders of a travel document not recognised by the Member State that issues the form. Such a visa shall have only limited territorial validity.'

5. After point 5.4, the following point shall be added:

'5.5. *Stamp of the issuing diplomatic mission or consular post*

The stamp of the diplomatic mission or consular post issuing the visa shall be affixed in the "Comments" section, with special care to ensure that it does not prevent data from being read, and shall extend beyond the sticker on to the page of the passport or travel document. Only in cases where it is necessary to dispense with the completion of the section to be electronically scanned may the stamp be placed on this section to render it unusable. The size and content of the stamp and the ink to be used shall be determined by the national provisions of the Member State.

To prevent reuse of a visa sticker affixed to a uniform format form, the seal of the issuing consular office shall be stamped to the right, straddling the sticker and the form, in such a way as neither to impede reading of the headings and completion data nor to enter the electronic scanning area if completed.'

Article 2

This Decision shall apply from the date of its publication in the *Official Journal of the European Communities*.

Article 3

This Decision is addressed to the Member States in accordance with the Treaty establishing the European Community.

Done at Brussels, 12 July 2002.

For the Council

The President

T. PEDERSEN

COUNCIL DECISION
of 12 July 2002
on the revision of the Common Manual

(2002/587/EC)

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to Council Regulation (EC) No 790/2001 of 24 April 2001 reserving to the Council implementing powers with regard to certain detailed provisions and practical procedures for carrying out border checks and surveillance [1],

Having regard to the initiative of the Kingdom of Belgium and the Kingdom of Sweden,

Whereas:

(1) It is necessary to repeal certain outdated provisions of the Common Manual [2] and update certain other provisions in order to bring them into line with Community provisions on the right to move freely, enjoyed by citizens of the European Union, nationals of States parties to the Agreement on the European Economic Area and nationals of the Swiss Confederation.

(2) In accordance with Articles 1 and 2 of the Protocol on the position of Denmark annexed to the Treaty on European Union and to the Treaty establishing the European Community, Denmark is not participating in the adoption of this Decision and is not bound by it or subject to its application. Given that this Decision aims to build upon the Schengen *acquis* under the provisions of Title IV of Part Three of the Treaty establishing the European Community, in accordance with Article 5 of the said Protocol Denmark will decide within a period of six months after the Council has adopted this Decision whether it will transpose it into its national law.

(3) As regards the Republic of Iceland and the Kingdom of Norway, this Decision aims to build upon the provisions of the Schengen *acquis* falling within the area referred to in Article 1(A) 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* [3].

(4) In accordance with Articles 1 and 2 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 abovementioned Member States are not participating in the adoption of this Decision and are therefore not bound by it or subject to its application,

HAS ADOPTED THIS DECISION:

Article 1

Part II of the Common Manual shall be amended as follows:

1. Point 1.4.7 shall read as follows:

'1.4.7. Specific arrangements for persons entitled under Community law (citizens of the European Union, nationals of States parties to the Agreement on the European Economic Area and nationals of the Swiss Confederation, and members of their families) are described in points 6.1.1 to 6.1.4.

The provisions of points 1.4.2, 1.4.5 and 1.4.6 shall also apply to citizens of the European Union, nationals of States parties to the Agreement on the European Economic Area and nationals of the Swiss Confederation.

In addition to the provisions mentioned in the second subparagraph, the provisions of points 1.4.1a, 1.4.3, 1.4.4, 1.4.8 (subject to the provisions of point 6.1.4) and 1.4.9 shall also apply to members of the families of citizens of the European Union, nationals of States parties to the Agreement on the European Economic Area and nationals of the Swiss Confederation, who are not nationals of one of those States.'

2. Point 2.1.5, second indent, shall read as follows:

'— on documents enabling nationals of Andorra, Malta, Monaco, San Marino and Switzerland to cross the border;'.

3. Point 3.3.1 is repealed.

[1] OJ L 116, 26.4.2001, p. 5.
[2] Referred to in Annex A to Council Decision 1999/435/EC under SCH/COM-Ex(99) 13 (OJ L 176, 10.7.1999, p. 1).
[3] OJ L 176, 10.7.1999, p. 31.

4. As a result, the numbering in point 3.3 shall be amended as follows:

   The points currently numbered 3.3.2, 3.3.3, 3.3.4, 3.3.5, 3.3.6, 3.3.7 and 3.3.8 shall become points 3.3.1, 3.3.2, 3.3.3, 3.3.4, 3.3.5, 3.3.6, 3.3.7.

5. The second paragraph of the new point 3.3.1.3(c) shall read:

   'Checks on passengers…… shall be carried out in accordance with point 3.3.1.3(b)…'.

6. The new point 3.3.1 shall read as follows:

   '3.3.1. The place where persons and hand baggage are checked shall be determined in accordance with the following procedure:'.

7. Points 6.8.2 and 6.8.3 are repealed.

Article 2

This Decision shall apply from the date of its publication in the *Official Journal of the European Communities*.

Article 3

This Decision is addressed to the Member States in accordance with the Treaty establishing the European Community.

Done at Brussels, 12 July 2002.

For the Council

The President

T. PEDERSEN

COMMISSION

COMMISSION DECISION

of 11 July 2002

amending Decision 1999/466/EC establishing the officially brucellosis-free status of bovine herds of certain Member States or regions of Member States

(notified under document number C(2002) 2576)

(Text with EEA relevance)

(2002/588/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Directive 64/432/EEC of 26 June 1964 on animal health problems affecting intra-Community trade in bovine animals and swine [1], as last amended by Commission Regulation (EC) No 535/2002 [2], and in particular Annex A(II)(7) thereto,

Whereas:

(1) Portugal has submitted, to the Commission, documentation demonstrating compliance with all of the conditions provided for in Annex A(II)(7) to Directive 64/432/EEC, and in particular showing that, calculated at 31 December of each year, more than 99,8 % of the bovine herds on the islands of Pico, Graciosa, Flores and Corvo (Autonomous Region of Azores, Portugal) have been officially free from bovine brucellosis for at least the past five consecutive years and that each bovine animal is identified in accordance with Community legislation.

(2) Those islands should consequently be declared officially brucellosis-free in accordance with Directive 64/432/EEC.

(3) Commission Decision 1999/466/EC [3], as last amended by Decision 2000/694/EC [4], should therefore be amended accordingly.

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

HAS ADOPTED THIS DECISION:

Article 1

Annex II to Decision 1999/466/EC is replaced by the text in the Annex to this Decision.

Article 2

This Decision is addressed to the Member States.

Done at Brussels, 11 July 2002.

For the Commission

David BYRNE

Member of the Commission

[1] OJ 121, 29.7.1964, p. 1977/64.
[2] OJ L 80, 23.3.2002, p. 22.
[3] OJ L 181, 16.7.1999, p. 34.
[4] OJ L 286, 11.11.2000, p. 41.

ANNEX

'ANNEX II

REGIONS OF MEMBER STATES DECLARED OFFICIALLY FREE OF BOVINE BRUCELLOSIS

Great Britain (United Kingdom)

Province Bolzano (Italy)

Islands of Pico, Graciosa, Flores and Corvo (Autonomous Region of Azores, Portugal).'