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I

(Acts whose publication is obligatory)

COUNCIL REGULATION (EC) No 160/2002

of 28 January 2002

amending Council Regulation (EC) No 2398/97 imposing a definitive anti-dumping duty on imports of cotton-type bed linen originating in Egypt, India and Pakistan, and terminating the proceeding with regard to imports originating in Pakistan

THE COUNCIL OF THE EUROPEAN UNION,

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

Having regard to Council Regulation (EC) No 1515/2001 of 23 July 2001 on the measures that may be taken by the Community following a report adopted by the WTO Dispute Settlement Body concerning anti-dumping and anti-subsidy matters ⁽¹⁾,

Having regard to Council Regulation (EC) No 384/96 of 22 December 1995 on protection against dumped imports from countries not members of the European Community ⁽²⁾ (the basic Regulation),

Having regard to the proposal made by the Commission after consultation of the Advisory Committee,

Whereas:

A. EXISTING MEASURES

- (1) The Council, by Regulation (EC) No 2398/97 ⁽³⁾, imposed a definitive anti-dumping duty on imports of cotton-type bed linen originating in Egypt, India and Pakistan (the definitive Regulation). The definitive Regulation was preceded by Commission Regulation (EC) No 1069/97 of 12 June 1997 imposing a provisional anti-dumping duty on imports of cotton-type bed linen originating in Egypt, India and Pakistan ⁽⁴⁾ (the provisional Regulation).

B. REPORTS ADOPTED BY THE DISPUTE SETTLEMENT BODY OF THE WTO

- (2) On 12 March 2001, the Dispute Settlement Body of the World Trade Organisation (WTO) adopted an Appellate Body report and a panel report as modified by the

Appellate Body report on the case 'European Communities — anti-dumping duties on imports of cotton-type bed linen from India' (the reports).

C. PRODUCT UNDER CONSIDERATION AND LIKE PRODUCT

- (3) The product under consideration is certain bed linen of cotton fibres, pure or mixed with man-made fibres or flax (flax not being the dominant fibre), bleached, dyed or printed originating in India, Pakistan and Egypt, falling within CN codes ex 6302 21 00 (TARIC codes 6302 21 00*81, 6302 21 00*89), ex 6302 22 90 (TARIC code 6302 22 90*19), ex 6302 31 10 (TARIC code 6302 31 10*90, ex 6302 31 90 (TARIC code 6302 31 90*90, ex 6302 32 90 (TARIC code 6302 32 90*19). The Reports do not affect the findings set out in the definitive Regulation concerning the product under consideration and the like product.

D. RECONSIDERATION OF FINDINGS

1. Preliminary remark

- (4) Following the adoption of the aforementioned reports, the Council, by Regulation (EC) No 1644/2001, considered it appropriate to amend and suspend the definitive anti-dumping duty on imports of bed linen originating in India.
- (5) It is now considered appropriate to take into account certain legal interpretations contained in the reports with regard to the measures concerning imports of bed linen originating in Egypt and Pakistan, and to determine whether these existing measures remain appropriate, in accordance with Article 2 of Council Regulation (EC) No 1515/2001.

⁽¹⁾ OJ L 201, 26.7.2001, p. 10.

⁽²⁾ OJ L 56, 6.3.1996, p. 1. Regulation as last amended by Regulation (EC) No 2238/2000 (OJ L 257, 11.10.2000, p. 2).

⁽³⁾ OJ L 332, 4.12.1997 p. 1. Regulation as last amended by Council Regulation (EC) No 1644/2001 (OJ L 219, 14.8.2001, p. 1).

⁽⁴⁾ OJ L 156, 13.6.1997, p. 11.

2. Dumping

2.1. Introduction

- (6) First, it was considered appropriate to reconsider the existing findings taking into account the legal interpretation made in the reports concerning the practice of 'zeroing' negative values when establishing the weighted average margin of dumping for Egypt and Pakistan and the determination of the amount of profit for the purpose of constructing normal values for certain Egyptian and Pakistani exporting producers. All other calculation methods applied are those used in the original investigation. For further details, reference is made to the abovementioned provisional Regulation and definitive Regulation.
- (7) It is recalled that, in the original investigation, the investigation of dumping covered the period from 1 July 1995 to 30 June 1996 ('IP').

2.2. Sampling

- (8) It is recalled that, in view of the large number of exporters in the countries concerned, it was decided during the original investigation to apply sampling in accordance with Article 17 of the basic Regulation.

2.3. Pakistan

- (9) Since only one out of the five companies in the main sample for Pakistan had representative global domestic sales and the profitable domestic types represented less than 80 % but more than 10 % of total domestic sales, the amounts for selling, general and administrative (SG & A) expenses and profits used to construct normal value were those actually made in the ordinary course of trade by this company, in accordance with the first sentence of Article 2(6) of the basic Regulation.
- (10) For the other four companies, in order to take into account the legal interpretations made in the reports and in accordance with Article 2(6)(a) of the basic Regulation, the amounts for SG & A and profits used to construct normal value were the weighted average of the actual amounts incurred and realised by the company with representative global domestic sales mentioned above and a company in the reserve sample which had also representative global domestic sales. It should be noted that sales not made in the ordinary course of trade have not been eliminated when determining the profit margin attributable to the other four companies.

- (11) No changes have been necessary as far as the original findings regarding the export price and adjustments pursuant to Article 2(10) of the basic Regulation are concerned.
- (12) The constructed normal value by type was compared with the export price by type. Taking account of the legal interpretations made in the reports, no 'zeroing' was applied in the revised calculation of the overall dumping margin for each sampled company.
- (13) The revised calculation shows that no dumping exists for exports of the product concerned made by any sampled companies in Pakistan during the IP. Consequently, the proceeding should be terminated for imports of the product concerned originating in Pakistan. It should be noted that there would also be no dumping if sales not made in the ordinary course of trade had been excluded in the determination of constructed normal value on the basis of the method set out in Article 2(6)(a) of the basic Regulation.

2.4. Egypt

- (14) With regard to Egypt, no changes have been necessary as far as the original findings regarding the export price and adjustments pursuant to Article 2(10) of the basic Regulation are concerned. The normal value, which was based on constructed values for three sampled companies without representative domestic sales in the ordinary course of trade, was reconsidered in the light of the interpretations made in the reports concerning the profit margin used in determining such constructed normal values. This is because the amount of profit used in the original investigation was based on the data of one company. However, there are no data available from the original investigation which would allow the determination of the amount for profit on the basis of any methodology provided for under Article 2(6) of the basic Regulation. In these circumstances, a detailed reconsideration of the dumping margin for Egypt is not possible.
- (15) Notwithstanding the above, the fact that the rather low level of profit used in determining the constructed normal values in the original investigation resulted in relatively high dumping margins reveals that dumping is still likely to exist for Egypt during the IP. However, the level of any dumping margins would be substantially reduced if no 'zeroing' was applied when calculating the dumping margin for each sampled company.

E. TERMINATION AND SUSPENSION OF DUTIES

- (16) With respect to imports originating in Pakistan, the proceeding should be terminated in view of the finding in recital 13.

- (17) Although a detailed reconsideration of the situation of dumping of imports originating in Egypt during the IP was not possible, it is very likely that dumping still exists, although at substantially reduced levels. A definitive finding on the situation of dumping of imports originating in Egypt would have necessitated more detailed consideration being given to the application of the various methods of calculating SG & A and profits as provided for under Article 2(6) of the basic Regulation. This would have required additional information which, at the time of the original investigation, was not collected since it was not considered relevant.
- (18) Anti-dumping measures were originally imposed on India, Egypt and Pakistan. It has been found that no dumping exists for imports from Pakistan and it is considered that the level of dumping by imports originating in both India and Egypt has decreased. In addition, the anti-dumping duty on imports originating in India was suspended on 14 August 2001 by Regulation (EC) No 1644/2001. The measures are set to expire with regard to India on 14 February 2002, unless a review has been initiated before that date.
- (19) During the IP, Egypt had the smallest share of imports of bed linen originating in the three countries concerned. Indeed, imports originating in Egypt only represented about 14 % of total imports from the three countries and about one third of total bed linen imports from India.
- (20) It is not clear whether a review will ultimately be initiated with regard to imports of bed linen originating in India. Thus, the future status of measures on dumped imports of bed linen from India is uncertain. If no such review is initiated it may be necessary to examine whether the imports from Egypt, when taken in isolation, had caused material injury to the Community industry.
- (21) On the other hand, if a review is initiated with regard to imports from India, the situation of bed linen imports from Egypt, including the conditions for cumulation, could be examined in parallel.
- (22) For the reasons above and on grounds of procedural efficiency, it is appropriate to suspend the measures on imports of bed linen originating in Egypt, while providing all interested parties concerned with an opportunity to submit information/observations, and, if appropriate, to request a review.
- (23) The Pakistani and Egyptian authorities, the Pakistani and Egyptian exporting producers and their associations, all interested parties in the Community, in particular the Community industry, importers, users, traders and, where relevant, their associations, received disclosure of

the proposed course of action and were given an opportunity to comment and to be heard. The oral and written comments submitted by these parties were considered but have not altered the conclusions reached in this Regulation.

- (24) Any requests for a review and any observation/submission of information concerning the measures concerning imports of bed linen from Egypt must be made in writing and be submitted to the following address:

European Commission
Directorate-General for Trade
Directorate B and C
TERV 0/13
Rue de la Loi/Wetstraat 200
B-1049 Brussels
Fax (32-2) 295 65 05
Telex COMEUR B 21877.

- (25) On the grounds of procedural efficiency, if no notice is published before 28 February 2002 in the *Official Journal of the European Communities*, indicating that an interested party has requested a review, the anti-dumping measures should automatically expire with regard to imports originating in Egypt. If such a notice is published before the aforementioned date, the suspension should continue until 15 April 2002, upon which date the measures should expire unless a review investigation is initiated before that date. If such a review is initiated, the measures should remain suspended during the review investigation,

HAS ADOPTED THIS REGULATION:

Article 1

1. The application of anti-dumping duties as specified in Article 1 of Regulation (EC) No 2398/97 is hereby suspended with regard to imports of cotton-type bed linen originating in Egypt.

2. The anti-dumping duty specified in Article 1 of Regulation (EC) No 2398/97 with respect to Egypt shall expire on 28 February 2002 unless a notice has been published in the *Official Journal of the European Communities* before that date, indicating that a request for a review has been received by the Commission. If such a request is published, the anti-dumping duty specified in Article 1 of Regulation (EC) No 2398/97 with respect to Egypt shall remain suspended but shall expire on 15 April 2002 unless a review has been initiated before that date. During such a review, if any, the application of the anti-dumping duty with respect to imports originating in Egypt shall remain suspended pursuant to paragraph 1.

3. Any request for a review by interested parties must be in writing and must reach the Commission at the following address no later than 14 February 2002:

European Commission
Directorate-General for Trade
Directorate B and C
TERV 0/13
Rue de la Loi/Wetstraat 200
B-1049 Brussels
Fax (32-2) 295 65 05
Telex COMEUR B 21877.

Article 2

The anti-dumping proceeding concerning imports of cotton-type bed linen originating in Pakistan is hereby terminated.

Article 3

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

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

Done at Brussels, 28 January 2002.

For the Council

The President

J. PIQUÉ I CAMPS

COMMISSION REGULATION (EC) No 161/2002
of 29 January 2002
establishing the standard import values for determining the entry price of certain fruit and vegetables

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

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

Whereas:

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

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

HAS ADOPTED THIS REGULATION:

Article 1

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

Article 2

This Regulation shall enter into force on 30 January 2002.

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

Done at Brussels, 29 January 2002.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ L 337, 24.12.1994, p. 66.

⁽²⁾ OJ L 198, 15.7.1998, p. 4.

ANNEX

to the Commission Regulation of 29 January 2002 establishing the standard import values for determining the entry price of certain fruit and vegetables

(EUR/100 kg)

CN code	Third country code ⁽¹⁾	Standard import value
0702 00 00	052	82,4
	204	68,6
	212	100,4
	999	83,8
0707 00 05	052	142,4
	628	205,3
	999	173,9
0709 90 70	052	150,5
	204	133,2
	999	141,8
0805 10 10, 0805 10 30, 0805 10 50	052	57,4
	204	56,5
	212	41,6
	220	46,0
	388	23,9
	508	21,1
	624	41,6
	999	41,2
0805 20 10	204	92,3
	999	92,3
0805 20 30, 0805 20 50, 0805 20 70, 0805 20 90	052	70,6
	204	86,2
	464	120,2
	600	97,2
	624	74,8
	999	89,8
	052	42,8
	600	48,1
0805 50 10	999	45,5
	039	106,7
	052	69,0
0808 10 20, 0808 10 50, 0808 10 90	060	38,2
	400	115,6
	404	85,6
	720	122,0
	999	89,5
	388	156,7
	400	113,0
	720	99,9
0808 20 50	999	123,2

⁽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 162/2002**of 29 January 2002****determining the aid referred to in Council Regulation (EC) No 1255/1999 for the private storage of butter and cream and derogating from Article 29 of Regulation (EC) No 2771/1999 laying down detailed rules for the application of Council Regulation (EC) No 1255/1999 as regards intervention on the market in butter and cream**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 1255/1999 of 17 May 1999 on the common organisation of the market in milk and milk products ⁽¹⁾, as last amended by Regulation (EC) No 1670/2000 ⁽²⁾, and in particular Article 10 thereof,

Whereas:

- (1) Article 34(2) of Commission Regulation (EC) No 2771/1999 of 16 December 1999 laying down detailed rules for the application of Council Regulation (EC) No 1255/1999 as regards intervention on the market in butter and cream ⁽³⁾, as last amended by Regulation (EC) No 1614/2001 ⁽⁴⁾, stipulates that, without prejudice to Article 38 of that Regulation, the amount of the aid referred to in Article 6(3) of Regulation (EC) No 1255/1999 for private storage is to be fixed each year. To this end, account should be taken of the fixed, daily and financial costs of storage, and of the movements in the European Central Bank's interest rate in the case of the financial costs.
- (2) Article 29(1) of Regulation (EC) No 2771/1999 stipulates the period in which entry into store must take place. The current situation on the butter market justifies bringing the entry date of 15 March for butter and cream storage operations in 2002 forward to 1 March, as an exceptional measure.

- (3) The Management Committee for Milk and Milk Products has not delivered an opinion within the time limit set by its Chairman,

HAS ADOPTED THIS REGULATION:

Article 1

The aid referred to in Article 6(3) of Regulation (EC) No 1255/1999 shall be calculated per tonne of butter or butter equivalent for contracts concluded in 2002 on the following basis:

- (a) EUR 24 for the fixed costs;
- (b) EUR 0,35 for the costs of cold storage for each day of contractual storage, and
- (c) an amount per day of contractual storage, calculated on the basis of 91 % of the intervention price for butter in force on the day the contractual storage begins and on the basis of an annual interest rate of 3 %.

Article 2

Article 29(1) of Regulation (EC) No 2771/1999 notwithstanding, entry into store in 2002 may take place from 1 March.

Article 3

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, 29 January 2002.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ L 160, 26.6.1999, p. 48.

⁽²⁾ OJ L 193, 29.7.2000, p. 10.

⁽³⁾ OJ L 333, 24.12.1999, p. 11.

⁽⁴⁾ OJ L 214, 8.8.2001, p. 20.

II

(Acts whose publication is not obligatory)

COMMISSION

COMMISSION RECOMMENDATION

of 25 January 2002

concerning a coordinated programme for the official control of foodstuffs for 2002

(notified under document number C(2002) 290)

(Text with EEA relevance)

(2002/66/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

HEREBY RECOMMENDS:

Having regard to the Treaty establishing the European Community,

Having regard to Council Directive 89/397/EEC of 14 June 1989 on the official control of foodstuffs ⁽¹⁾, and in particular Article 14(3) thereof,

After consultation of the Standing Committee for Foodstuffs,

Whereas:

- (1) It is necessary, with a view to the sound operation of the internal market, to arrange for coordinated food inspection programmes at Community level designed to improve the harmonised implementation of the official controls by the Member States.
- (2) Such programmes place emphasis on compliance with Community legislation, the protection of public health, consumer interests and fair trade practices.
- (3) Article 3 of Council Directive 93/99/EEC of 29 October 1993 on the subject of additional measures concerning the official control of foodstuffs ⁽²⁾ requires the laboratories referred to in Article 7 of Directive 89/397/EEC to comply with the criteria in European Standard EN 45000 series, now replaced by EN ISO 17025:2000.
- (4) The results from simultaneous implementation of national programmes and coordinated programmes may provide information and experience on which to base future control activities,

1. During 2002 Member States should carry out inspections and controls including, where indicated, taking samples and analysing such samples in laboratories, with the aim of:

- monitoring compliance with the Community rules on labelling of certain foodstuffs that may contain ingredients, which may themselves contain, consist of or may be produced from genetically modified organisms (GMOs),
- assessing the bacteriological safety of pre-cut fresh fruits and vegetables and of sprouted seeds,
- assessing the bacteriological safety of fruit and vegetable juices.

2. Although sampling and/or inspection rates have not been set in this recommendation, Member States should ensure that they are sufficient to provide an overview of the subject under consideration in each Member State.

3. Member States should provide information as requested following the format of the record sheets provided in the Annex to this Recommendation to help enhance the comparability of results. This information should be sent to the Commission by 1 May 2003 accompanied by an explanatory report.

4. Foodstuffs submitted for analysis under this programme should be submitted to laboratories complying with the provisions of Article 3 of Directive 93/99/EEC. However, if such laboratories do not exist in Member States for certain analysis included in this Recommendation, Member States may also nominate other laboratories providing the capacity to carry out these analyses.

⁽¹⁾ OJ L 186, 30.6.1989, p. 23.

⁽²⁾ OJ L 290, 24.11.1993, p. 14.

5. Labelling of genetically modified foodstuffs

5.1. Scope of the programme

Genetically modified foodstuffs and in particular the proper labelling of such products, are very much the subject of consumer concerns. The coordinated control of the labelling of food that may contain ingredients, which may themselves contain, consist of or may be produced from GMOs, will contribute to build up consumer confidence.

Regulation (EC) No 258/97 of the European Parliament and of the Council of 27 January 1997 on novel foods and novel food ingredients ⁽¹⁾ provides for the mandatory labelling of foods and food ingredients which contain or consist of a GMO without prejudice to the other labelling requirements of Community law.

Council Regulation (EC) No 1139/98 of 26 May 1998, concerning the compulsory indication of the labelling of certain foodstuffs produced from genetically modified organisms of particulars other than those provided for in Directive 79/112/EEC ⁽²⁾, lays down the compulsory labelling of foods and food ingredients produced from genetically modified soya (*Glycine max* L.) covered by Commission Decision 96/281/EC ⁽³⁾ and genetically modified maize (*Zea mays* L.) covered by Commission Decision 97/98/EC ⁽⁴⁾. These products were approved before the entry into force of Regulation (EC) No 258/97, according to Council Directive 90/220/EEC of 23 April 1990 on the deliberate release into the environment of genetically modified organisms ⁽⁵⁾. The labelling provisions are based on the presence of DNA or protein resulting from genetic modification.

Article 2(2) of Council Regulation (EC) No 1139/98, as amended by Commission Regulation (EC) No 49/2000 ⁽⁶⁾, introduces a 1 % *de minimis* threshold for the adventitious presence of DNA or protein resulting from the genetic modification of soya and maize in conventional foodstuffs. This provision is in force since 10 April 2000. The threshold is applied on each ingredient individually considered and not on the final product. It applies, as a combined maximum for genetically modified material from abovementioned products together with any material placed on the market pursuant to Regulation (EC) No 258/97.

In order to be able to benefit from this exemption to the mandatory labelling requirement for genetically modified foods, operators have to supply documentary evidence to satisfy the competent authorities that they have tried to avoid the use of GMOs or products thereof and that any genetically modified material (DNA or protein) in their products is due to accidental

contamination (during cultivation, harvest, transport or processing).

The aim of this element of the programme is to check the compliance with Community law ⁽⁷⁾ regarding the labelling of foods and food ingredients, which may contain or consist of or may be produced from genetically modified soya and maize.

5.2. Sampling and method of analysis

Controls may have to be applied to both final products and raw materials through inspections at the appropriate stages of placing on the market of ingredients or products. Compliance with the 1 % threshold for labelling, in case of adventitious presence of modified DNA or protein resulting from the genetic modification, shall be established by checking documents provided by the operators and taking samples for analysis. Laboratories should use PCR or ELISA based methods for qualitative and quantitative analysis in foodstuffs of DNA or protein resulting from genetic modification. Specific recommendations concerning methods of analysis are included in Annex I.

The results of the controls should be recorded on the record sheet model provided in Annex II to this recommendation.

6. Bacteriological safety of pre-cut fresh fruits and vegetables and of sprouted seeds

6.1. Scope of the programme

There is no Community legislation fixing specific microbiological criteria for fresh fruits and vegetables. Experience shows that there is potential for a wide range of these products to become contaminated with micro-organisms, including human pathogens. Most of the reported outbreaks have been associated with bacterial contamination, particularly members of *Enterobacteriaceae* (*Salmonella* spp., *Escherichia coli* O157:H7).

There are certain factors which contribute to the microbiological contamination with pathogens, particularly when fruits and vegetables are eaten raw. These pathogens can derive from agricultural practices or from other processes along the production chain. Another aspect contributing to the microbial risk for consumers is the increasing consumption of new products (e.g. sprouted seeds) or fruits and edible plants imported as a part of the globalisation of the trade in these commodities. Additionally, the application of technologies such as cutting, slicing, skinning and shredding, remove the natural protective barriers of the intact plant and open the possibility for providing a suitable medium for the growth of contaminants.

⁽¹⁾ OJ L 43, 14.2.1997, p. 1.

⁽²⁾ OJ L 159, 3.6.1998, p. 4.

⁽³⁾ OJ L 107, 30.4.1996, p. 10.

⁽⁴⁾ OJ L 31, 1.2.1997, p. 69.

⁽⁵⁾ OJ L 117, 8.5.1990, p. 15.

⁽⁶⁾ OJ L 6, 11.1.2000, p. 13.

⁽⁷⁾ This recommendation is without prejudice to the Commission proposals of 'food-feed/traceability' and their consequences for labelling and testing.

Good agricultural practices and good manufacturing practices can help control microbial hazards associated with all stages of the production of fresh fruits and vegetables from primary production to packing and trade. The effective implementation of the HACCP (Hazard analysis and critical control points) principles, where applicable, according to Council Directive 93/43/EEC on the hygiene of foodstuffs⁽¹⁾, is another important element to ensure safety of fruits and vegetables.

The aim of this element of the programme is to assess the microbiological safety of pre-cut fresh fruits and vegetables and of sprouted seeds to monitor possible risks for human health. In view of this it is recommended to verify the application of the HACCP principles by food operators and test for some pathogens such as *Salmonella* spp, toxigenic *E. coli* (in particular *E. coli* O157:H7) and *Listeria monocytogenes*.

6.2. Sampling and method of analysis

The verifications should concern ready to eat fresh fruits and vegetables that have been peeled, cut or otherwise physically altered from their original form intended to be consumed raw, and sprouted seeds.

The competent authorities of the Member States should carry out controls at the level of establishments of production and/or at retail level in order to verify the application of the HACCP principles including, where indicated, taking samples of products for analysis. These samples shall be of one hundred grams minimum each and the product shall be kept in its original packaging. Samples should be placed in refrigerated containers and sent immediately to the laboratory for analysis.

The overall level of sampling is left to the judgement of the competent authorities of Member States.

Laboratories are allowed to use a method of their choice provided that its level of performance matches the aims to be achieved. However, the most recent version of standard ISO 6579 is recommended for the detection of *Salmonella*, the most recent version of standard EN/ISO 16654 is recommended for the detection of toxigenic *E. coli* and the most recent versions of standards EN/ISO 11290-1 and EN/ISO 11290-2 are recommended for detection and enumeration of *Listeria monocytogenes*. Additional equivalent methods recognised by competent authorities may also be used.

The results of the controls should be recorded on the record sheet model provided in Annex III to this recommendation.

7. Bacteriological safety of fruit and vegetable juices

7.1. Scope of the programme

As for fresh fruits and vegetables, there are no specific microbiological standards for juices in Community legislation. Council Directive 93/43/EEC on the

hygiene of foodstuffs requires juice to be manufactured in a hygienic way and requests food operators to apply the HACCP principles for ensuring the safety and wholesomeness of their products. Food operators are also encouraged to develop and implement on a voluntary basis a code of practice outlining ways to minimise the contamination of fruit while it is being grown, harvested, stored and processed to make juice and to minimise the contamination of fruit juice concentrate while it is being stored, transported or restored into juice for consumption.

The experience in this sector shows that all juices (fruit and vegetable) have the potential to be contaminated with microbiological hazards, in particular juice that has not undergone any form of heat treatment. While it is recognised that there is a low probability for juice being contaminated with dangerous pathogens, the consequences, if it is, can be severe for at-risk groups. Most of the reported outbreaks have been associated with pathogens such as *Salmonella* spp., *Escherichia coli* O157: H7.

The aim of this element of the programme is to assess the bacteriological safety of fruit and vegetable juices and to monitor possible risks for human health. In view of this it is recommended to verify the application of the HACCP principles by food operators and to test for some pathogens such as *Salmonella* spp., toxigenic *E. coli* (in particular *E. coli* O157:H7) and *Listeria monocytogenes*.

7.2. Sampling and method of analysis

The verifications should concern fruit and vegetable juices, in particular apple and citrus juices, that have not been pasteurised.

The competent authorities of the Member States should carry out controls at the level of establishments of production and/or at retail level in order to verify the application of the HACCP principles including, where indicated, taking samples of products for analysis. For the sampling and methods of analysis it is recommended to apply the same criteria as indicated in point 6.2 for fresh fruits and vegetables.

The results of the following controls should be recorded on the record sheet model provided in Annex IV to this recommendation.

Done at Brussels, 25 January 2002.

For the Commission

David BYRNE

Member of the Commission

⁽¹⁾ OJ L 175, 19.7.1993, p. 1.

ANNEX I

RECOMMENDATIONS CONCERNING ANALYSIS OF FOODSTUFFS FOR COMPLIANCE WITH LABELLING OF GMO

This annex is to provide a list of methods that have been submitted to ring trial evaluation and that could be used for the scope of this programme. These studies have been performed according to harmonised international protocols (e.g. IUPAC, AOAC, ISO), and cover a wide range of laboratories, usually no fewer than eight. An essential criterion for consideration is the performance of the method and the quality of the data presented in the final report. The testing method should produce acceptably accurate, precise, and reproducible results for the given analyte. At least seven methods meet these criteria and could be considered as possible references for regulatory compliance.

These methods are listed below, grouped per type of method and type of organism (soybean, maize). The categories are:

- Qualitative PCR methods for screening of foodstuffs containing soybean
- Qualitative PCR methods for screening of foodstuffs containing maize
- Qualitative PCR methods for screening of foodstuffs containing maize and soybean
- Real-time PCR method for the quantification of GM-soybean
- Real-time PCR method for the quantification of GM-maize
- Immunoassay for detection and semi-quantification of GM-soybean

The methods listed are at present being used world-wide in a large number of proficiency tests and either have been annexed to the CEN standards on GMO testing that are under development (elaborated by CEN/TC275/WG11) or will be submitted before long. Therefore, they can be considered as consistent with the highest international performance criteria.

Recommended validated methods

Table 1: Qualitative PCR methods for screening of foodstuffs containing soybean

Matrix	Authorised GMO that can be detected in the assay	GMO concentrations analysed	Target	Coordinator (Reference)
Soy flour Soybeans	GTS 40-3-2 (Roundup Ready soybean)	0 %, 0,1 %, 0,5 %, 2 %	35S promoter nos terminator	JRC, (Lipp <i>et al.</i> , 1999) (1) BgVV (2)
Soy meal	GTS 40-3-2 (Roundup Ready soybean)	0 %, 0,1 %, 0,5 %, 2 %	Herbicide tolerance gene epsps	DMIF-GEN, 1999 (3)
Processed foods: Acidified soybeans	GTS 40-3-2 (Roundup Ready soybean)	0 %, 2 %, 100 %	35S promoter nos terminator	JRC, (Lipp <i>et al.</i> , 2001) (4)

Table 2: Qualitative PCR methods for screening of foodstuffs containing maize

Matrix	Authorised GMO that can be detected in the assay	GMO concentrations analysed	Target	Coordinator (Reference)
Maize flour	Bt-176	0 %, 0,1 %, 0,5 %, 2 %	35S promoter	JRC, (Lipp <i>et al.</i> , 1999) (1)
Maize flour	Bt-176 (construct-specific)	0 %, 0,1 %, 0,5 %, 2 %	Overlap between insect resistance gene cryIAb and CDPK promoter	DMIF-GEN, 1999 (3)
Maize flour	Bt-176 (construct-specific)	0 %, 100 %	Overlap between insect resistance gene cryIAb and CDPK promoter	BgVV (2)

Matrix	Authorised GMO that can be detected in the assay	GMO concentrations analysed	Target	Coordinator (Reference)
Maize flour	Bt-11 (construct-specific)	0 %, 100 %	Junction region of adh 1S-Intron2 (IVS2) and pat gene	BgVV (2)
Maize flour	T25 (construct-specific)	0,1 %, 1 %, 100 %	CaMV 35S terminator and the pat gene	BgVV (2)
Maize flour	MON810 (event-specific)	0,1 %, 1 %, 100 %	Edge fragment covering genomic maize DNA to CaMV promoter	BgVV (2)
Processed foods: polenta	Bt-176	0 %, 2 %, 100 %	35S-promoter	JRC, (Lipp <i>et al.</i> , 2001) (4) BgVV (2)

Table 3: Qualitative PCR methods for screening of foodstuffs containing maize and soybean

Matrix	Authorised GMO that can be detected in the assay	GMO concentrations analysed	Target	Coordinator (Reference)
Processed foods: Baby food; Biscuits	Bt-176 GTS 40-3-2 (Roundup Ready soybean)	0 %, 2 %, 100 %	35S promotor nos terminator (for soybean only)	JRC, (Lipp <i>et al.</i> , 2001) (4)

Table 4: Real-time PCR method for the quantification of GM-soybean

Matrix	Authorised GMO that can be detected in the assay	GMO concentrations analysed	Target	Coordinator (Reference)
Soybean meals and textured vegetable protein	GTS 40-3-2 (Roundup Ready soybean)	0,1 %, 0,5 %, 1 %, 2 %, 5 %	Herbicide tolerance gene (Roundup Ready)	BgVV (EU Tender Report, 2000) (5)

Table 5: Real-time PCR method for the quantification of GM-maize

Matrix	Authorised GMO that can be detected in the assay	GMO concentrations analysed	Target	Coordinator (Reference)
Maize flour	Bt-176 (construct-specific)	0,1 %, 0,5 %, 1 %, 2 %	Overlap between insect resistance gene cryIAb and CDPK promoter	BgVV, (Broll <i>et al.</i> , in preparation) (6)

Table 6: Immunoassay for detection and semi-quantification of GM-soybean

Matrix	Authorised GMO that can be detected in the assay	GMO concentrations analysed	Antibody	Target GMO	Coordinator (Reference) Date
Dried soybean powder	GTS 40-3-2 (Roundup Ready soybean)	0 %, 0,5 %, 1 %, 2 %	Ab against CP4EPSPS	Herbicide tolerance protein (Roundup Ready)	JRC, (Lipp <i>et al.</i> , 2000) (6)

Recommendations

- It is recommended to follow precisely the protocols referred to above. Changes (for example in primer sequences) to the protocol may adversely affect the quality of results.
- It is recommended to use the appropriate protocols for the range of GMO percentages for which the method has been validated.
- It is recommended to use the appropriate protocols in conjunction with the matrices listed. It is further recommended to pick from the lists above the best method of choice if no validated method is available for a particular matrix to be analysed, or for a threshold which is being applied. For example the method provided by producers of analytical instruments that deliver probes to quantify cry1AB (present in Bt-11, MON-810, MON-809 and Bt-176), the 35S promoter (present in all five authorized maizes) and for the nos terminator (present in Bt-11, MON-809 and T25) have not yet been internationally validated but they can be considered as having a high degree of method performance.
- Following these recommendations it should be possible to utilise reliable methods that should allow the detection and/or quantification of Roundup Ready soybean GTS 40-3-2 as well as all five authorised GM maize varieties Bt-11, MON-810, MON-809, Bt-176 and T25 in the following food matrices:
 - Foodstuffs derived from soy:* soy bean, soy flower (all types), soy meal, tofu, soy bean bakery products
 - Foodstuffs derived from maize:* maize, maize flour (all types), maize snacks, maize chips, maize bakery products, polenta
 - Foodstuffs derived from soy and maize:* baby food, raw material for food supplements, biscuits.
- For further information, it is advised to consult the compendium of validated methods that do not meet the criteria as stipulated above but that nonetheless may provide good analytical guidance. This compendium, compiled by the European Commission Joint Research Centre can be downloaded from <http://biotech.jrc.it/documents>.

References

1. Lipp M, Brodmann P, Pietsch K, Pauwels J, Anklam E (1999) IUPAC Collaborative Trial Study of a Method To Detect Genetically Modified Soy Beans and Maize in Dried Powder. J AOAC Int 82:923-928.
2. Collection of official methods under article 35 of the German Federal Foods Act; Methods of sampling and analysis of foods, tobacco products, cosmetics and commodity goods/Federal Health Office, Loose leaf edition as of November 1999, Berlin, Köln, Beuth Verlag GmbH, No L 00.00-31.
3. DMIF-GEN Final Project (1999), DMIF-GEN-Project: Development of Methods to Identify Foods Produced by Means of Genetic Engineering. EU-Project SMT4-CT96-2072, Final Report 12/1999.
4. Lipp, M., Bluth, A., Eyquem, F., Kruse, L., Schimmel, H., Van den Eede, G., and Anklam, E. (2001) Validation of a method based on polymerase chain reaction for the detection of genetically modified organisms in various processed foodstuffs. Eur Food Res Technol 212:497-504.
5. EU Tender Report (2000). Development of qualitative as well as quantitative detection methods to identify a genetic modification in soybean and maize products. Report of the EU tender No. XXIV/98/A3/001.
6. Broll et al., in preparation.
7. Lipp M., Anklam E. and Stave J: 'Validation of an immunoassay for the detection and quantification of Roundup-Ready soy beans in food and food fractions', J. AOAC 83, 919 (2000).

LABELLING OF GENETICALLY MODIFIED FOODSTUFFS

Member State: _____

Product identification	Number of product inspections	Check of documents	Method code	Analysis			Measures taken (number)									
	— Lot (size and identification) — Sample (units)	(¹)		Samples > 1 %	Samples ≤ 1 %	(²)	None	Verbal warning	Written warning	Improved in house control required	Recall of product required	Administrative penalty	Court action	Other		

¹¹⁾ Documentary evidence for adventitious presence.

²⁾ Samples where no DNA and/or protein from GMO have been detected.

ANNEX III

BACTERIOLOGICAL SAFETY OF PRE-CUT FRESH FRUITS AND VEGETABLES AND OF SPROUTED SEEDS

Member State: _____

- ☐ Establishments of production
☐ Retail
- ☐ Pre-cut products
☐ Sprouted seeds

Bacterial pathogens	Product identification	Number of samples	Analysis results		Measures taken (Number)							Court action	Other
			Negative	Positive	None	Verbal warning	Written warning	Improved in house control required	Sales prohibition	Administrative penalty			
Salmonella spp.													
Toxigene E. coli													
Listeria monocytogenes (1)													

⁽¹⁾ Indicate the value obtained where enumeration was performed

HACCP	☐ Establishments of production	☐ Retail
What was the total number of food businesses visited during the operation of this programme?		
How many complied with Directive 93/43/EEC on the application of the principles of HACCP?		
In those complying with Directive 93/43/EEC were documents relating to the hazards analysis or the monitoring of Critical Control Points present?		
How many of the food businesses had an approved voluntary guide to good hygiene practices?		

ANNEX IV

BACTERIOLOGICAL SAFETY OF FRUIT AND VEGETABLES JUICES (Unpasteurised juices)

Member State: _____

- ☐ Establishments of production
☐ Retail

Bacterial pathogens	Product identification	Number of samples	Analysis results		Measures taken (number)							
			Negative	Positive	None	Verbal warning	Written warning	Improved in house control required	Sales prohibition	Administrative penalty	Court action	Other
<i>Salmonella</i> spp.												
<i>Toxigene E. coli</i>												
<i>Listeria monocytogenes</i> ⁽¹⁾												

⁽¹⁾ Indicate the value obtained where enumeration was performed.

HACCP	☐ Establishments of production	☐ Retail
What was the total number of food businesses visited during the operation of this programme?		
How many complied with Directive 93/43/EEC on the application of the principles of HACCP?		
In those complying with Directive 93/43/EEC were documents relating to the hazards analysis or the monitoring of Critical Control Points present?		
How many of the food businesses had an approved voluntary guide to good hygiene practices?		

COMMISSION DECISION
of 28 January 2002
recognising the fully operational character of the German database for bovine animals

(notified under document number C(2002) 302)

(Only the German text is authentic)

(Text with EEA relevance)

(2002/67/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Regulation (EC) No 1760/2000 of the European Parliament and of the Council of 17 July 2000 establishing a system for the identification and registration of bovine animals and regarding labelling of beef and beef products and repealing Council Regulation (EC) No 820/97 ⁽¹⁾, and in particular Article 6(3) thereof,

Having regard to the request submitted by Germany,

Whereas:

- (1) On 8 September 1999 the German authorities submitted to the Commission a request asking for recognition of the fully operational character of their database that forms part of the German system for the identification and registration of bovine animals.
- (2) The German request was accompanied by appropriate information that was updated on 15 February 2001.
- (3) The German authorities have undertaken the commitment to improve the reliability of this database ensuring in particular that (i) further measures, including control measures, shall be taken to ensure observation of the delay of seven days at maximum for notification of movements, births and deaths, (ii) all kinds of movements are recorded in the database, and the data are monitored, (iii) the existing measures for promptly correction of any errors or deficiencies which could be detected automatically or following the appropriate

on-the-spot inspections, are reinforced, (iv) further measures shall be taken to ensure compliance on the national territory with Commission Regulation (EC) No 2630/97; the German authorities have undertaken the commitment to implement those improvement measures at the latest by 30 June 2001. The German authorities have confirmed the implementation of the abovementioned measures.

- (4) In view of the above, it is appropriate to recognise the fully operational character of the database for bovine animals,

HAS ADOPTED THIS DECISION:

Article 1

The German database for bovine animals is recognised as fully operational.

Article 2

This Decision is addressed to Germany.

Done at Brussels, 28 January 2002.

For the Commission

David BYRNE

Member of the Commission

⁽¹⁾ OJ L 204, 11.8.2000, p. 1.

CORRIGENDA**Corrigendum to Commission Regulation (EC) No 2569/2001 of 20 December 2001 fixing the standard values to be used in calculating the financial compensation and the advance pertaining thereto in respect of fishery products withdrawn from the market during the 2002 fishing year**

(Official Journal of the European Communities L 344 of 28 December 2001)

On page 42, in the second visa, the phrase 'as amended by Commission Regulation (EC) No 939/2001 (?)', shall be removed.

On page 42, in the second recital:

for: 'Commission Regulation (EEC) No 1501/83 of 9 June 1983'

read: 'Commission Regulation (EC) No 2493/2001 of 19 December 2001'.

On page 42, in the footnotes:

— footnote 2 shall be removed,

— footnote 3 shall be replaced by the following:

'(?) OJ L 337, 20.12.2001, p. 20.'

— footnote 4 shall become footnote 3.

Corrigendum to Commission Regulation (EC) No 2570/2001 of 20 December 2001 fixing the amount of private storage aid for certain fishery products in the 2002 fishing year

(Official Journal of the European Communities L 344 of 28 December 2001)

On page 44, in the second visa, the phrase 'as amended by Commission Regulation (EC) No 939/2001 (?)', shall be removed.

On page 44, in the footnotes, footnote 2 shall be removed, and footnote 3 shall become footnote 2.

Corrigendum to Commission Regulation (EC) No 2571/2001 of 20 December 2001 fixing the amount of the carry-over aid and the flat-rate aid for certain fishery products in the 2002 fishing year

(Official Journal of the European Communities L 344 of 28 December 2001)

On page 45, in the second visa, the phrase 'as amended by Commission Regulation (EC) No 939/2001 (?)', shall be removed.

On page 45, in the footnotes, footnote 2 shall be removed, and footnote 3 shall become footnote 2.

Corrigendum to Commission Regulation (EC) No 2572/2001 of 20 December 2001 fixing the withdrawal and selling prices for the fishery products listed in Annex I to Council Regulation (EC) No 104/2000 for the fishing year 2002

(Official Journal of the European Communities L 344 of 28 December 2001)

On page 47, in the second visa, the phrase 'as amended by Commission Regulation (EC) No 939/2001 (?)' shall be removed.

On page 47, in the footnotes, footnote 2 shall be removed, and footnote 3 shall become footnote 2.

Corrigendum to Commission Regulation (EC) No 2573/2001 of 20 December 2001 fixing the selling prices for the fishery products listed in Annex II to Council Regulation (EC) No 104/2000 for the fishing year 2002

(Official Journal of the European Communities L 344 of 28 December 2001)

On page 55, in the second visa, the phrase 'as amended by Commission Regulation (EC) No 939/2001 (?)' shall be removed.

On page 55, in the footnotes, footnote 2 shall be removed, and footnote 3 shall become footnote 2.

Corrigendum to Commission Regulation (EC) No 2574/2001 of 20 December 2001 fixing the reference prices for a number of fishery products in the fishing year 2002

(Official Journal of the European Communities L 344 of 28 December 2001)

On page 57, in the second visa, the phrase 'as amended by Commission Regulation (EC) No 939/2001 (?)' shall be removed.

On page 57, in the footnotes, footnote 2 shall be removed, and footnote 3 shall become footnote 2.
