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⁽¹⁾ Text with EEA relevance

I

(Acts whose publication is obligatory)

COMMISSION REGULATION (EC) No 212/2002
of 4 February 2002
establishing the standard import values for determining the entry price of certain fruit and vegetables

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Commission Regulation (EC) No 3223/94 of 21 December 1994 on detailed rules for the application of the import arrangements for fruit and vegetables ⁽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 5 February 2002.

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

Done at Brussels, 4 February 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 4 February 2002 establishing the standard import values for determining the entry price of certain fruit and vegetables

(EUR/100 kg)

CN code	Third country code ⁽¹⁾	Standard import value
0702 00 00	052	85,2
	204	78,7
	212	92,1
	999	85,3
0707 00 05	052	162,8
	220	230,6
	628	196,8
	999	196,7
0709 90 70	052	197,6
	204	151,0
	999	174,3
0805 10 10, 0805 10 30, 0805 10 50	052	57,5
	204	50,8
	212	40,3
	220	45,7
	508	22,3
	624	80,8
	999	49,6
0805 20 10	204	85,8
	999	85,8
0805 20 30, 0805 20 50, 0805 20 70, 0805 20 90	052	70,2
	204	120,2
	464	128,3
	600	80,8
	624	79,6
	999	95,8
	052	58,2
0805 50 10	600	44,8
	999	51,5
	052	69,0
0808 10 20, 0808 10 50, 0808 10 90	060	33,1
	400	116,2
	404	94,7
	720	122,5
	999	87,1
	388	113,1
	400	116,2
0808 20 50	528	125,7
	999	118,3

⁽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 213/2002**of 4 February 2002****fixing, for January 2002, the specific exchange rate for the amount of the reimbursement of storage costs in the sugar sector**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 2799/98 of 15 December 1998 establishing agrimonetary arrangements for the euro ⁽¹⁾,

Having regard to Commission Regulation (EEC) No 1713/93 of 30 June 1993 establishing special detailed rules for applying the agricultural conversion rate in the sugar sector ⁽²⁾, as last amended by Regulation (EC) No 1509/2001 ⁽³⁾, and in particular Article 1(3) thereof,

Whereas:

- (1) Article 1 of Commission Regulation (EC) No 1878/2001 of 26 September 2001 laying down transitional measures in connection with the compensation system for storage costs for sugar ⁽⁴⁾, lays down that Article 8 of Council Regulation (EC) No 2038/1999 of 13 September 1999 on the common organisation of the markets in the sugar sector ⁽⁵⁾, as amended by Commission Regulation (EC) No 1527/2000 ⁽⁶⁾, will continue to apply to sugars carried forward from the 2000/01 marketing year to the 2001/02 marketing year.
- (2) Article 1(2) of Regulation (EEC) No 1713/93 provides that the amount of the reimbursement of storage costs referred to in Article 8 of Regulation (EC) No 2038/1999 is to be converted into national currency using a specific agricultural conversion rate equal to the average, calculated *pro rata temporis*, of the agricultural conversion

rates applicable during the month of storage. That specific rate must be fixed each month for the previous month. However, in the case of the reimbursable amounts applying from 1 January 1999, as a result of the introduction of the agrimonetary arrangements for the euro from that date, the fixing of the conversion rate should be limited to the specific exchange rates prevailing between the euro and the national currencies of the Member States that have not adopted the single currency.

- (3) Application of these provisions will lead to the fixing, for January 2002, of the specific exchange rate for the amount of the reimbursement of storage costs in the various national currencies as indicated in the Annex to this Regulation,

HAS ADOPTED THIS REGULATION:

Article 1

The specific exchange rate to be used for converting the amount of the reimbursement of the storage costs referred to in Article 8 of Regulation (EC) No 2038/1999 into national currency for January 2002 shall be as indicated in the Annex hereto.

Article 2

This Regulation shall enter into force on 5 February 2002.

It shall apply with effect from 1 January 2002.

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

Done at Brussels, 4 February 2002.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ L 349, 24.12.1998, p. 1.

⁽²⁾ OJ L 159, 1.7.1993, p. 94.

⁽³⁾ OJ L 200, 25.7.2001, p. 19.

⁽⁴⁾ OJ L 258, 27.9.2001, p. 9.

⁽⁵⁾ OJ L 252, 25.9.1999, p. 1.

⁽⁶⁾ OJ L 175, 14.7.2000, p. 59.

ANNEX

to the Commission Regulation of 4 February 2002 fixing, for January 2002, the specific exchange rate for the amount of the reimbursement of storage costs in the sugar sector

Specific exchange rate		
EUR 1 =	7,43341	Danish kroner
	9,23203	Swedish kroner
	0,616244	Pound sterling

COMMISSION REGULATION (EC) No 214/2002**of 4 February 2002****fixing Community producer and import prices for carnations and roses with a view to the application of the arrangements governing imports of certain floricultural products originating in Cyprus, Israel, Jordan, Morocco and the West Bank and the Gaza Strip**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 4088/87 of 21 December 1987 fixing conditions for the application of preferential customs duties on imports of certain flowers originating in Cyprus, Israel, Jordan, Morocco and the West Bank and the Gaza Strip ⁽¹⁾, as last amended by Regulation (EC) No 1300/97 ⁽²⁾, and in particular Article 5(2)(a) thereof,

Whereas:

Pursuant to Article 2(2) and Article 3 of abovementioned Regulation (EEC) No 4088/87, Community import and producer prices are fixed each fortnight for uniflorous (bloom) carnations, multiflorous (spray) carnations, large-flowered roses and small-flowered roses and apply for two-weekly periods. Pursuant to Article 1b of Commission Regulation (EEC) No 700/88 of 17 March 1988 laying down detailed rules for the application of the arrangements for the import into the Community of certain floricultural products originating in Cyprus, Israel, Jordan, Morocco and the West Bank and the

Gaza Strip ⁽³⁾, as last amended by Regulation (EC) No 2062/97 ⁽⁴⁾, those prices are determined for fortnightly periods on the basis of weighted prices provided by the Member States. Those prices should be fixed immediately so the customs duties applicable can be determined. To that end, provision should be made for this Regulation to enter into force immediately,

HAS ADOPTED THIS REGULATION:

Article 1

The Community producer and import prices for uniflorous (bloom) carnations, multiflorous (spray) carnations, large-flowered roses and small-flowered roses as referred to in Article 1b of Regulation (EEC) No 700/88 for a fortnightly period shall be as set out in the Annex.

Article 2

This Regulation shall enter into force on 5 February 2002.

It shall apply from 6 to 19 February 2002.

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

Done at Brussels, 4 February 2002.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ L 382, 31.12.1987, p. 22.

⁽²⁾ OJ L 177, 5.7.1997, p. 1.

⁽³⁾ OJ L 72, 18.3.1988, p. 16.

⁽⁴⁾ OJ L 289, 22.10.1997, p. 1.

ANNEX

to the Commission Regulation of 4 February 2002 fixing Community producer and import prices for carnations and roses with a view to the application of the arrangements governing imports of certain floricultural products originating in Cyprus, Israel, Jordan, Morocco and the West Bank and the Gaza Strip

(EUR/100 pieces)

Period: from 6 to 19 February 2002

Community producer price	Uniflorous (bloom) carnations	Multiflorous (spray) carnations	Large-flowered roses	Small-flowered roses
	16,16	13,02	60,15	22,69
Community import prices	Uniflorous (bloom) carnations	Multiflorous (spray) carnations	Large-flowered roses	Small-flowered roses
Israel	13,93	16,39	22,29	19,40
Morocco	18,58	16,52	—	—
Cyprus	—	—	—	—
Jordan	—	—	—	—
West Bank and Gaza Strip	16,75	27,00	—	—

COMMISSION DIRECTIVE 2002/5/EC**of 30 January 2002****amending Annex II to Council Directive 90/642/EEC as regards the fixing of maximum levels for pesticide residues in and on certain products of plant origin, including fruit and vegetables**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Directive 90/642/EEC of 27 November 1990 on the fixing of maximum levels for pesticide residues in and on products of plant origin, including fruit and vegetables ⁽¹⁾, as last amended by Commission Directive 2001/57/EC ⁽²⁾, and in particular Article 7 thereof,

Whereas:

- (1) For cereals and products of plant origin including fruit and vegetables, residue levels reflect the use of minimum quantities of pesticides necessary to achieve effective protection of plants, applied in such a manner that the amount of residue is both as low as practicable and toxicologically acceptable, having regard in particular to the protection of the environment and to the protection of the consumers notably in terms of the estimated dietary intake by consumers. Community maximum residue levels (MRLs) represent the upper limit to the amounts of such residues that might be found in commodities when good agricultural practices have been respected by producers.
- (2) MRLs for pesticides should be kept under review and may be changed to take account of new information and data. Maximum residue levels are fixed at the lower limit of analytical determination where authorised uses of plant protection products do not result in detectable levels of pesticide residue in or on the food product, or where there are no authorised uses, or where uses which have been authorised by Member States have not been supported by the necessary data, or where uses in third countries resulting in residues in or on food products which may enter into circulation in the Community market have not been supported by the necessary data.
- (3) Following publication of Commission Directive 2000/42/EC ⁽³⁾, the Commission received requests, supported by further data, to review the MRLs for lambda-cyhalothrin and amitraz on certain food commodities fixed by Directive 2000/42/EC. The applications and data were reviewed, and for some combinations, the data was suffi-

cient to justify the fixing of an MRL above the lower limit of analytical determination. For other combinations the information available remains inadequate and it is appropriate to fix MRLs at the lower limit of analytical determination. For yet other combinations the information now available is sufficient to demonstrate that the setting of an MRL above the lower limit of analytical determination may give rise to an unacceptable acute or chronic exposure of the consumer to the residues. In such cases, the MRLs should remain fixed at the lower limit of analytical determination.

- (4) Information on new or changed uses of cypermethrin on asparagus, ethephon on pineapple, fenbutatinoxide on peppers, metalaxyl on spring onions, acephate on peaches and chlorothalonil on celeriac has been notified to the Commission and evaluated. In the light of that information it is appropriate to modify the existing MRLs specified in the Annex to the Directive.
- (5) The lifetime exposure of consumers to each of the pesticides in this Directive via food products has been assessed and evaluated in accordance with the procedures and practices used within the European Union taking account of guidelines published by the World Health Organisation ⁽⁴⁾ and it is calculated that the MRLs fixed in this Directive will not lead to the acceptable daily intakes being exceeded.
- (6) Where relevant, the acute exposure of consumers to these pesticides via each of the food products that may contain residues of these pesticides has been assessed and evaluated in accordance with the procedures and practices used within the European Union, taking account of guidelines published by the World Health Organisation. It is calculated that the maximum residue levels fixed in the present Directive do not cause acute toxic effects.
- (7) Through the World Trade Organisation, the Community's trading partners were consulted about the levels fixed in this Directive and their comments on these levels were taken into account.

⁽¹⁾ OJ L 350, 14.12.1990, p. 71.

⁽²⁾ OJ L 208, 1.8.2001, p. 36.

⁽³⁾ OJ L 158, 30.6.2000, p. 51.

⁽⁴⁾ Guidelines for predicting dietary intake of pesticide residues (revised), prepared by the GEMS/Food Programme in collaboration with the Codex Committee on Pesticide Residues, published by the World Health Organisation 1997 (WHO/FSF/FOS/97.7).

- (8) The opinions of the Scientific Committee for Plants have been taken into account, in particular its advice and recommendations concerning the protection of consumers of food products treated with pesticides. The methodology described by the World Health Organisation, referred to above, as applied by rapporteur Member States, and monitored and evaluated by the Commission through the Standing Committee on Plant Health, is consistent with the guidance given by the Scientific Committee for Plants.
- (9) Directive 90/642/EEC should therefore be amended accordingly and should enter into force immediately.
- (10) The measures provided for in this Directive are in accordance with the opinion of the Standing Committee on Plant Health,

HAS ADOPTED THIS DIRECTIVE:

Article 1

The maximum residue levels listed in the Annex to this Directive are to replace those listed in Annex II to Directive 90/642/EEC for the pesticides in question.

Article 2

The maximum residue levels listed in Annex II to Directive 90/642/EEC are in respect of the pesticide commodity combinations referred to in this provision, to be replaced by the following: cypermethrin on asparagus: 0,1 mg/kg, ethephon on pineapples: 2 mg/kg, fenbutatinoxide on peppers: 1 mg/kg, metalaxyl on spring onions: 0,2 mg/kg, metalaxyl on 'scarole

(broad-leaf endive)' and herbs: 1 mg/kg, chlorothalonil on 'celeriac': 1 mg/kg, acephate on 'Peaches': 0,2 mg/kg ⁽¹⁾.

Article 3

1. Member States shall bring into force the laws, regulations and administrative provisions necessary to comply with this Directive by 31 August 2002 at the latest. They shall forthwith inform the Commission thereof.

They shall apply these measures as of 1 September 2002.

2. When Member States adopt those 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 4

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

Article 5

This Directive is addressed to the Member States.

Done at Brussels, 30 January 2002.

For the Commission

David BYRNE

Member of the Commission

⁽¹⁾ Pending trials for the second season, results to be submitted before 1 September 2002.

ANNEX

Groups and examples of individual products to which the MRLs apply	Pesticide residues and maximum residue levels (mg/kg)	
	Lambda-cyhalothrin	Amitraz (sum of amitraz plus all its metabolites containing the 2,4 dimethyl aniline moiety expressed as amitraz)
1. Fruits, fresh, dried or uncooked, preserved by freezing, not containing added sugar; nuts		
(i) CITRUS FRUIT		0,05 (*)
Grapefruit	0,1	
Lemons		
Limes		
Mandarins (including clementines and other hybrids)		
Oranges	0,1	
Pomelos	0,1	
Others	0,02 (*)	
(ii) TREE NUTS (shelled or unshelled)	0,05 (*)	0,05 (*)
Almonds		
Brazil nuts		
Cashew nuts		
Chestnuts		
Coconuts		
Hazelnuts		
Macadamia		
Pecans		
Pine nuts		
Pistachios		
Walnuts		
Others		
(iii) POME FRUIT	0,1	0,5
Apples		
Pears		
Quinces		
Others		
(iv) STONE FRUIT		0,05 (*)
Apricots	0,2	
Cherries		
Peaches (including nectarines and similar hybrids)	0,2	
Plums		
Others	0,1	
(v) BERRIES AND SMALL FRUIT		0,05 (*)
(a) Table and wine grapes	0,2	
Table grapes		
Wine grapes		
(b) Strawberries (other than wild)	0,5	
(c) Cane fruit (other than wild)	0,02 (*)	
Blackberries		
Dewberries		
Loganberries		
Raspberries		
Others		

Groups and examples of individual products to which the MRLs apply	Pesticide residues and maximum residue levels (mg/kg)	
	Lambda-cyhalothrin	Amitraz (sum of amitraz plus all its metabolites containing the 2,4 dimethyl aniline moiety expressed as amitraz)
(d) Other small fruit and berries (other than wild)		
Bilberries		
Cranberries		
Currants (red, black and white)	0,1	
Gooseberries	0,1	
Others	0,02 (*)	
(e) Wild berries and wild fruit	0,2	
(vi) MISCELLANEOUS	0,02 (*)	0,05 (*)
Avocados		
Bananas		
Dates		
Figs		
Kiwi		
Kumquats		
Litchis		
Mangoes		
Olives		
Passion fruit		
Pineapples		
Pomegranate		
Others		
2. Vegetables, fresh or uncooked, frozen or dry		
(i) ROOT AND TUBER VEGETABLES		0,05 (*)
Beetroot		
Carrots		
Celeriac	0,1	
Horseradish		
Jerusalem artichokes		
Parsnips		
Parsley root		
Radishes	0,1	
Salsify		
Sweet potatoes		
Swedes		
Turnips		
Yam		
Others	0,02 (*)	
(ii) BULB VEGETABLES	0,02 (*)	0,05 (*)
Garlic		
Onions		
Shallots		
Spring onions		
Others		
(iii) FRUITING VEGETABLES		
(a) Solanacea		
Tomatoes	0,1	0,5
Peppers	0,1	
Aubergines	0,5	0,5
Others	0,02 (*)	0,05 (*)

Groups and examples of individual products to which the MRLs apply	Pesticide residues and maximum residue levels (mg/kg)	
	Lambda-cyhalothrin	Amitraz (sum of amitraz plus all its metabolites containing the 2,4 dimethyl aniline moiety expressed as amitraz)
(b) Cucurbits — edible peel	0,1	0,05 (*)
Cucumbers		
Gherkins		
Courgettes		
Others		
(c) Cucurbits — inedible peel	0,05	0,05 (*)
Melons		
Squashes		
Watermelons		
Others		
(d) Sweetcorn	0,02 (*)	0,05 (*)
(iv) BRASSICA VEGETABLES		0,05 (*)
(a) Flowering brassica	0,1	
Broccoli (including calabrese)		
Cauliflower		
Others		
(b) Head brassica		
Brussels sprouts	0,05	
Head cabbage	0,2	
Others	0,02 (*)	
(c) Leafy brassica	0,02 (*)	
Chinese cabbage		
Kale		
Others		
(d) Kohlrabi	0,02 (*)	
(v) LEAF VEGETABLES AND FRESH HERBS		0,05 (*)
(a) Lettuce and similar	1	
Cress		
Lamb's lettuce		
Lettuce		
Scarole (broad-leaf endive)		
Others		
(b) Spinach and similar		
Spinach	0,5	
Beet leaves (chard)		
Others	0,02 (*)	
(c) Water cress	0,02 (*)	
(d) Witloof	0,02 (*)	
(e) Herbs	1	
Chervil		
Chives		
Parsley		
Celery leaves		
Others		
(vi) LEGUME VEGETABLES (fresh)		0,05 (*)
Beans (with pods)	0,2	
Beans (without pods)	0,02 (*)	
Peas (with pods)	0,2	

Groups and examples of individual products to which the MRLs apply	Pesticide residues and maximum residue levels (mg/kg)	
	Lambda-cyhalothrin	Amitraz (sum of amitraz plus all its metabolites containing the 2,4 dimethyl aniline moiety expressed as amitraz)
Peas (without pods)	0,2	
Others	0,02 (*)	
(vii) STEM VEGETABLES (fresh)		0,05 (*)
Asparagus		
Cardoons		
Celery	0,3	
Fennel		
Globe artichokes		
Leek		
Rhubarb		
Others	0,02 (*)	
(viii) FUNGI		0,05 (*)
(a) Cultivated mushrooms	0,02 (*)	
(b) Wild mushrooms	0,5	
3. Pulses	0,02 (*)	0,05 (*)
Beans		
Lentils		
Peas		
Others		
4. Oils seeds	0,02 (*)	
Linseed		
Peanuts		
Poppy seed		
Sesame seed		
Sunflower seed		
Rapeseed		
Soya bean		
Mustard seed		
Cotton seed		1
Others		0,05 (*)
5. Potatoes	0,02 (*)	0,05 (*)
Early potatoes		
Ware potatoes		
6. Tea (dried leaves and stalks, fermented or otherwise, of <i>Camellia sinensis</i>)	1	0,1 (*)
7. Hops (dried), including hop pellets and unconcentrated powder	10	20

(*) Indicates lower limit of analytical determination.

Note: For the convenience of the reader, MRLs are indicated in bold type character when they reflect changes relative to MRLs in Annexes of Directives earlier than Directive 2000/42/EC, when indicated in normal type characters, they are reiterations of existing MRLs.

II

(Acts whose publication is not obligatory)

COUNCIL

COUNCIL RECOMMENDATION

of 15 November 2001

on the prudent use of antimicrobial agents in human medicine

(Text with EEA relevance)

(2002/77/EC)

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community, and in particular Article 152(4) thereof,

Having regard to the proposal from the Commission,

Whereas:

highlights that antimicrobial resistance increases morbidity and mortality due to communicable diseases and leads not only to a diminution of quality of life but also to additional health and medical care costs, and that action needs to be taken at Community level.

(1) Antimicrobial agents are substances produced either synthetically or naturally by bacteria, fungi or plants, used to kill or inhibit the growth of micro-organisms including bacteria, viruses and fungi, and of parasites, in particular protozoa.

(2) The use of antimicrobial agents has greatly contributed to improvements in health. Such 'antimicrobial agents' have been introduced for decades to treat and prevent infectious diseases and infections. However, their use has been accompanied by an increasing prevalence of micro-organisms that have acquired resistance to one or more of these, so-called 'antimicrobial resistance'. Antimicrobial resistance poses a threat to public health, may prolong the suffering of patients, increase healthcare costs and has economic implications for society. Therefore concerted action is necessary at Community level to contain this problem by encouraging the prudent use of antimicrobial agents in human medicine and better hygiene and infection control.

(3) The Council of the European Union on 8 June 1999 adopted a Resolution on antibiotic resistance entitled A strategy against the microbial threat ⁽¹⁾. The Resolution

(4) The own-initiative opinion of the Economic and Social Committee on the Resistance to antibiotics as a threat to public health ⁽²⁾ identified possible initiatives and action that should be taken at Member State and Community level to address the problem of antimicrobial resistance.

(5) There is an association between the growing use of antimicrobial agents and an increase in the prevalence of micro-organisms resistant to those agents, but this relationship is clearly not a simple one. There are many possible factors influencing this relationship, including those related to the organism, to the host and to the mode of use of each drug. However, it is clear that antimicrobial resistance may not necessarily be overcome by the lengthy process of continuously developing new antimicrobial compounds.

(6) To develop strategies for prevention of infections and containment of resistant pathogens, accurate surveillance systems generating valid, reliable and comparable data on incidence, prevalence and modes of spread of resistant micro-organisms as well as on prescription and use of antimicrobial agents must be established throughout the Community. They should form an essential component for an overall surveillance strategy to address the problem of antimicrobial resistance and in particular, to assess the potential link between the use of antimicrobial agents and the development of resistance among these pathogens.

⁽¹⁾ OJ C 195, 13.7.1999, p. 1.

⁽²⁾ OJ C 407, 28.12.1998, p. 7.

- (7) An important step to avoid, or even reverse, further increases in resistant micro-organisms would be to reduce unnecessary and inappropriate use of antimicrobial agents. General principles and methods for the prudent use of these agents in humans must be identified, defined and implemented.
- (8) The European Antimicrobial Resistance Surveillance System (EARSS) and the European Surveillance of Antibiotic Consumption (ESAC) are Community funded monitoring programmes which aim at collecting standardised, harmonised and comparable data on antibiotic resistance and use.
- (9) Improved strategies for hygiene, infection control and infection prevention in hospitals and the community will help to limit the spread of resistant micro-organisms and will be an important step to reduce the quantities of antimicrobial agents used.
- (10) To bring about the necessary changes in prescribers' and patients' behaviour, health professionals and the general public need to be informed on the problem of antimicrobial resistance and associated factors by improved product information, by awareness-raising by adequate information and training during professional education and in-post training, as well as by information measures to the general public and specifically to the patients.
- (11) Support of research will be essential for tackling the problem of the modes of spread of antimicrobial resistance. Research could include *inter alia* the evaluation and cost effectiveness of intervention strategies to optimise antibiotic prescribing in hospitals and the community.
- (12) There is also a relationship between the occurrence of antimicrobial resistance in certain human pathogens and their occurrence in animals and the environment. Coordination between human, veterinary and environment sectors should be ensured and the magnitude of the relationship between the occurrence of antimicrobial resistant pathogens in humans, animals and the environment should be further clarified and therefore this Recommendation does not preclude further initiatives in other areas.
- (13) Measures taken by the Member States in this area, and the way they have taken into account this Recommendation, should be the object of reports at national and Community level.
- (14) In accordance with the principle of subsidiarity set out in Article 5 of the Treaty, any new measure taken in an area which does not fall within the exclusive competence of the Community, such as protection of the public

against the increase of infectious agents resistant to antimicrobial agents, may be taken up by the Community only if, by reason of the scale or effects of the proposed action, the objectives proposed can be better achieved by the Community than by Member States. Antimicrobial resistance, as is the case with communicable diseases, cannot be confined to a geographical region or Member State. Therefore, coordinated action at Community level is required,

HEREBY RECOMMENDS MEMBER STATES:

- I. to ensure that specific strategies exist and are implemented targeted towards the prudent use of antimicrobial agents in the aim of containing the increase of pathogens resistant to these agents. These strategies should be based on the best available scientific evidence and should comprise measures in relation to surveillance, education, information, prevention and control, and research.

These specific strategies should pursue the following objectives:

1. establish or strengthen surveillance systems on antimicrobial resistance and the use of antimicrobial agents in order to:
 - (a) gather reliable, comparable data on the susceptibility of pathogens to antimicrobial agents and the infections caused by them. These data should allow time trend analysis and early warnings and monitoring of the spread of resistance at national, regional, and community level;
 - (b) collect data on prescription and use of antimicrobial agents at the appropriate levels to allow monitoring of overall use involving, among others, prescribers, pharmacists and other parties collecting such data.

These surveillance systems should be sustainable with clear regulation of data access and ownership. They should comply with the data protection regulations and guarantee the confidentiality and security of data. These systems should build upon existing national and international surveillance systems, using, wherever possible, internationally recognised classification systems and comparable methods;

2. implement control and preventive measures to support the prudent use of antimicrobial agents and contribute to limiting the spread of communicable diseases by:
 - (a) restricting systemic antibacterial agents to prescription-only use;

- (b) setting guidelines for the use of other antimicrobial agents not subject to requirements for prescription-only use;
 - (c) developing evidence-based principles and guidelines on good practice for the management of communicable diseases, to maintain the effectiveness of antimicrobial agents. These practices should include:
 - assessing the value of clinical and microbiological criteria for diagnosis of infections, including the use of rapid diagnostic tests,
 - optimising choice of drug, dosage and duration for the treatment and prevention of infections,
 - promoting optimal prescription practices for antibacterial agents subject to prescription-only use,
 - assessment of the need for changes in the guidelines for other antimicrobial agents not subject to prescription-only use;
 - (d) establishing and implementing control systems on good practice of marketing of antimicrobial agents to ensure compliance with the evidence-based principles and guidelines on the prudent use of antimicrobial agents for the management of communicable diseases;
 - (e) implementing hygiene and infection control standards in institutions (hospitals, child care facilities, nursing homes etc.) and in the community, and assessing their impact in the prevention of communicable diseases and the need for antimicrobial agents;
 - (f) encouraging national immunisation programmes to progressively eliminate vaccine preventable diseases;
3. promote education and training of health professionals on the problem of antimicrobial resistance by:
- (a) including teaching principles and guidelines on the appropriate use of antimicrobial agents into undergraduate and postgraduate training and in regular continuous training for physicians, infectious diseases clinicians, dentists, pharmacists and nurses and others in the medical professions;
 - (b) enhancing training on hygiene and infection control standards, thereby limiting the spread of micro-organisms and thus eventually reducing the need for antimicrobial agents;
 - (c) training on immunisation programmes and their role in preventing infections, thereby reducing outbreaks of diseases and thus the demand for antimicrobial agents;
4. inform the general public of the importance of prudent use of antimicrobial agents by:
- (a) raising awareness of the problem of antimicrobial resistance and encouraging realistic public expectations for prescribing of antimicrobial agents;
 - (b) launching information initiatives involving the patients on the importance of interventions to reduce the unnecessary use of antimicrobial agents, and on the principles and guidelines on good practice to motivate patients' adherence;
 - (c) highlighting the value of basic hygiene and the impact of vaccination programmes on reducing the need for antimicrobial agents;
- II. to have in place rapidly and if possible within one year of the adoption of this Recommendation an appropriate inter-sectoral mechanism for the coordinated implementation of the above strategies as well as for the purposes of information exchange and coordination with the Commission and the other Member States;
- III. to cooperate with the Commission and the other Member States on:
- 1. the development of indicators to monitor prescribing practices of antimicrobial agents using the evidence-based principles and guidelines on good practice for the management of communicable diseases;
 - 2. the evaluation of these indicators once developed with regard to potential improvements of prescribing practices and feedback to prescribers;
 - 3. the further development of European surveillance and exchange of information at Community level through the Network on epidemiological surveillance and control of communicable diseases;
 - 4. the information and communication on national research initiatives relating to the containment of antimicrobial resistance, with emphasis on:
 - (a) the mechanisms of emergence and spread of antimicrobial resistance among humans and from animals to man;
 - (b) the relationship between antimicrobial resistance, resistance mechanisms, clonality, and use of antimicrobial agents;
 - (c) the results of intervention strategies in hospitals and the community to improve the prudent use of antimicrobial agents;
 - (d) the accuracy of diagnostic tools and the development of rapid and reliable diagnostic and susceptibility testing;

- (e) the development of new modalities for prevention and treatment of infections;
 - (f) the development of alternatives to antimicrobial agents to contain the spread of infections; and
 - (g) the development of new surveillance methods to contain antimicrobial resistance
- with a view to enhancing their coordination;
5. initiating activities aimed at evaluating and, as necessary, updating the product information (SPC) for antibacterial medicinal products particularly related to indications, dose and dose regimen and prevalence of resistance;
- IV. to report to the Commission on the implementation of this Recommendation within two years of the adoption of this Recommendation and subsequently on request by the Commission with a view to contributing to the follow-up of this Recommendation at Community level and acting as appropriate in the context of the programmes of action in the field of public health,

HEREBY INVITES THE COMMISSION:

1. to facilitate mutual information, consultation, cooperation, and action through the procedures and mechanisms available in the Community Network for the epidemiological surveillance and control of communicable diseases (Decision No 2119/98/EC) in the field covered by this Recommendation;
2. to establish texts on principles and guidelines of best practice on the prudent use of antimicrobial agents in human medicine having regard to national policies and to the Community requirements for market authorisation and on the quality and content of the Summary of Product Charac-

teristics (SPC), which lays the basis for all promotional activities of an antimicrobial agent, having regard, where relevant, to the activities of the European Agency for the Evaluation of Medicinal Products (EMEA);

3. to propose, where appropriate, common methodology, case definitions and nature and type of data to be collected for the surveillance on the susceptibility of pathogens resistant to antimicrobial agents and the use of these agents;
4. to develop a strategy for access to surveillance information and volume of antimicrobial use;
5. to keep matters covered by this Recommendation under review, with a view to its revision and updating, and submit regular reports to the Council on the basis of Member States' reports accompanied, as appropriate, by proposals in order to promote the prudent use of antimicrobial agents in human medicine;
6. to strengthen participation of applicant countries within the framework of the Network on epidemiological surveillance and control of communicable diseases in the Community, to ensure that the problems of antimicrobial resistance are properly taken into account by these States;
7. to cooperate with the World Health Organisation (WHO) and other relevant international organisations within the fields covered by this Recommendation.

Done at Brussels, 15 November 2001.

For the Council
The President
M. AELVOET

COUNCIL DECISION

of 17 December 2001

concerning the conclusion of a Framework Agreement between the European Community and the Republic of Cyprus on the general principles for the participation of the Republic of Cyprus in Community programmes

(2002/78/EC)

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community, and in particular Articles 13, 61, 95, 129, 137, 149(4), 150(4), 151(5), 152(4), 153(4), 156, 157, 166, 175(1) and 308, in conjunction with the second sentence of the first subparagraph of Article 300(2), the second subparagraph of Article 300(3), and Article 300(4) thereof,

Having regard to the proposal from the Commission ⁽¹⁾,

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

Whereas:

- (1) The European Council in Luxembourg in December 1997 considered that the accession of the Republic of Cyprus to the European Union should benefit both communities in that country and contribute to civil peace and reconciliation.
- (2) That European Council made participation in the Community programmes a way of stepping-up the enhanced pre-accession strategy for candidate countries, such participation being determined case-by-case. That Council also established a specific pre-accession strategy for Cyprus which included participation in Community programmes and agencies. Following the European Council meetings in Helsinki in December 1999 and, in particular, in Nice in December 2000, the case-by-case approach in this field could be shifted to a more far-reaching one embracing most of the Community programmes.
- (3) In accordance with the negotiating directives adopted by the Council on 5 June 2001, the Commission has negotiated on behalf of the Community a Framework Agreement with the Republic of Cyprus on the general principles for its participation in Community programmes.
- (4) With regard to some of the programmes covered by the Agreement, the Treaty provides for no powers other than those under Article 308.
- (5) The specific terms and conditions regarding the participation of the Republic of Cyprus in the Community programmes, in particular the financial contribution payable, should be determined by the Commission on behalf of the Community. For that purpose the Commis-

sion should be assisted by a special committee appointed by the Council.

- (6) The Republic of Cyprus may apply for financial assistance for participation in Community programmes under Council Regulation (EC) No 555/2000 of 13 March 2000 on the implementation of operations in the framework of the pre-accession strategy for the Republic of Cyprus and the Republic of Malta ⁽³⁾.
- (7) Denmark, 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 EC Treaty, is not participating in the part of this Council decision adopted with reference to Title IV of the EC Treaty, and Denmark is not bound by this part of this Council decision nor subject to its application.
- (8) The United Kingdom and Ireland intend to participate in the adoption of the Council Regulation establishing a general framework for Community activities to facilitate the implementation of a European judicial area in civil matters and when it is adopted, the United Kingdom and Ireland will be bound by it and subject to its application. In respect of any future Community instrument adopted under Title IV of the EC Treaty, implementing or establishing any future Community programme, the United Kingdom and Ireland will only be bound by the part relating to Title IV of the EC Treaty of this Council Decision and subject to its application, if the United Kingdom and Ireland are bound by that instrument in accordance with the Protocol on the position of the United Kingdom and Ireland annexed to the Treaty on European Union and to the EC Treaty.
- (9) The Agreement should be reviewed by the Commission at regular intervals.
- (10) The Agreement should be approved,

HAS DECIDED AS FOLLOWS:

Article 1

The Framework Agreement between the European Community and the Republic of Cyprus on the general principles for the participation of the Republic of Cyprus in Community programmes is hereby approved on behalf of the Community.

The text of the Agreement is attached to this Decision.

⁽¹⁾ OJ C 304 E, 30.10.2001, p. 335.

⁽²⁾ Opinion delivered on 11 December 2001 (not yet published in the Official Journal).

⁽³⁾ OJ L 68, 16.3.2000, p. 3.

Article 2

1. The Commission is authorised to determine, on behalf of the Community, the specific terms and conditions, regarding the participation of the Republic of Cyprus, in each individual programme, in particular the financial contribution payable. The Commission shall be assisted in this task by a special committee appointed by the Council.

2. Where the Republic of Cyprus requests external assistance, the procedures provided for in Regulation (EC) No 555/2000 and in similar Regulations providing for Community external assistance to the Republic Cyprus that may be adopted in the future shall apply.

Article 3

No later than three years after the date of entry into force of the Agreement, and every three years thereafter, the Commission shall review the implementation of the Agreement and

report thereon to the Council. The report shall be accompanied where necessary by appropriate proposals.

Article 4

The President of the Council is authorised to designate the person(s) empowered to sign the Agreement in order to bind the Community.

Article 5

The President of the Council shall, on behalf of the Community, give the notifications provided for in Article 9 of the Agreement ⁽¹⁾.

Done at Brussels, 17 December 2001.

For the Council

The President

A. NEYTS-UYTTEBROECK

⁽¹⁾ The date of entry into force of the Agreement will be published in the *Official Journal of the European Communities* by the General Secretariat of the Council.

FRAMEWORK AGREEMENT**between the European Community and the Republic of Cyprus on the general principles for the participation of the Republic of Cyprus in Community programmes**

THE EUROPEAN COMMUNITY, hereinafter referred to as 'the Community',

of the one part, and

THE REPUBLIC OF CYPRUS, hereinafter referred to as 'Cyprus',

of the other part,

Whereas:

- (1) The European Council in Luxembourg in December 1997 made participation in the Community programmes a way of stepping up the enhanced pre-accession strategy for candidate countries, such participation being determined case-by-case. That European Council also established a specific pre-accession strategy for Cyprus, which included participation in certain Community programmes and agencies. Following the European Council meetings in Helsinki in December 1999 and, in particular, in Nice in December 2000, the case-by-case approach in this field could be shifted to a more far-reaching one embracing most of the Community programmes.
- (2) Cyprus has expressed the wish to participate in a number of Community programmes.
- (3) The specific terms and conditions, in particular the financial contribution, regarding the participation of Cyprus in each particular programme should be determined by agreement between the Commission of the European Communities, acting on behalf of the Community, and the competent authorities of Cyprus,

HAVE AGREED AS FOLLOWS:

Article 1

Cyprus shall be allowed to participate in all Community programmes opened to participation of candidate countries of central and eastern Europe, in accordance with the provisions adopting these programmes.

Article 2

Cyprus shall contribute financially to the general budget of the European Union corresponding to the specific programmes in which Cyprus participates.

Article 3

Cyprus's representatives shall be allowed to take part, as observers and for the points which concern Cyprus, in the management committees responsible for monitoring the programmes to which Cyprus contributes financially.

Article 4

Projects and initiatives submitted by participants from Cyprus shall, as far as possible, be subject to the same conditions, rules and procedures pertaining to the programmes concerned as are applied to Member States.

Article 5

The specific terms and conditions regarding the participation of Cyprus in each particular programme, in particular the financial contribution payable, shall be determined by agreement between the Commission, acting on behalf of the Community, and the competent authorities of Cyprus.

If Cyprus applies for Community external assistance pursuant to Council Regulation (EC) No 555/2000 of 13 March 2000 on the implementation of operations in the framework of the pre-accession strategy for the Republic of Cyprus and the Republic of Malta ⁽¹⁾, or pursuant to any similar Regulation

providing for Community external assistance to Cyprus that may be adopted in future, the conditions governing the use by Cyprus of the Community assistance shall be determined in a Financing Memorandum.

Article 6

The Agreement shall apply for an indeterminate period.

It may be denounced by either Party by giving six months' notice in writing.

Article 7

No later than three years after the date of entry into force of this Agreement, and every three years thereafter, both Contracting Parties may review the implementation of the Agreement on the basis of actual participation of Cyprus in one or more Community programmes.

Article 8

This Agreement shall apply, on the one hand, to the territories in which the Treaty establishing the European Community is applied and under the conditions laid down in that Treaty and, on the other hand, to the territory of Cyprus.

Article 9

This Agreement shall enter into force on the day on which the Contracting Parties have notified each other of the completion of their respective procedures.

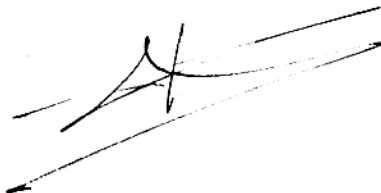
Article 10

The Agreement is drawn up in duplicate in the Danish, Dutch, English, Finnish, French, German, Greek, Italian, Portuguese, Spanish and Swedish languages, each of these texts being equally authentic.

⁽¹⁾ OJ L 68, 16.3.2000, p. 3.

Hecho en Bruselas, el veintiuno de diciembre del dos mil uno.
Udfærdiget i Bruxelles den enogtyvende december to tusind og en.
Geschehen zu Brüssel am einundzwanzigsten Dezember zweitausendundeins.
Έγινε στις Βρυξέλλες, στις είκοσι μία Δεκεμβρίου δύο χιλιάδες ένα.
Done at Brussels on the twenty-first day of December in the year two thousand and one.
Fait à Bruxelles, le vingt-et-un décembre deux mille un.
Fatto a Bruxelles, addì ventuno dicembre duemilauno.
Gedaan te Brussel, de eenentwintigste december tweeduizendeneen.
Feito em Bruxelas, em vinte e um de Dezembro de dois mil e um.
Tehty Brysselissä kahdentenakymmenentenäensimmäisenä päivänä joulukuuta vuonna kaksituhattayksi.
Som skedde i Bryssel den tjugoförsta december tjugohundraett.

Por la Comunidad Europea
For Det Europæiske Fællesskab
Für die Europäische Gemeinschaft
Για την Ευρωπαϊκή Κοινότητα
For the European Community
Pour la Communauté européenne
Per la Comunità europea
Voor de Europese Gemeenschap
Pela Comunidade Europeia
Euroopan yhteisön puolesta
På Europeiska gemenskapens vägnar

A handwritten signature in black ink, consisting of a stylized 'A' followed by a horizontal line and a diagonal stroke.

For the Republic of Cyprus

A handwritten signature in black ink, appearing to be 'J. B. J.' followed by a question mark.

COMMISSION

COMMISSION DECISION

of 4 February 2002

imposing special conditions on the import of peanuts and certain products derived from peanuts originating in or consigned from China

(notified under document number C(2002) 385)

(Text with EEA relevance)

(2002/79/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Directive 93/43/EEC of 14 June 1993 on the hygiene of foodstuffs ⁽¹⁾ and in particular Article 10(1) thereof,

Whereas:

- (1) Peanuts originating in or consigned from China have been found to be, in many cases, contaminated with excessive levels of aflatoxin B1 and total aflatoxin.
- (2) The Scientific Committee for Food has noted that aflatoxin B1, even at extremely low levels, causes cancer of the liver and in addition is genotoxic.
- (3) Commission Regulation (EC) No 194/97 of 31 January 1997 setting maximum levels for certain contaminants in foodstuffs ⁽²⁾, as last amended by Regulation (EC) No 1566/1999 ⁽³⁾, sets maximum levels for certain contaminants and in particular aflatoxins in foodstuffs. These limits have been considerably exceeded in samples of peanuts originating in or consigned from China.
- (4) This constitutes a serious threat to public health within the Community and it is therefore imperative to adopt protective measures at Community level.
- (5) A mission was carried out by the European Commission's Food and Veterinary Office (FVO) in China from 8 to 21 May 2001 to assess the control systems in place to prevent aflatoxin contamination in peanuts intended for export to the European Community. The mission revealed, *inter alia*, that the control over aflatoxins in peanuts is minimal in production or general processing. Deficiencies in laboratory performance were also observed. It is therefore appropriate to subject peanuts

or products derived from peanuts originating in or consigned from China to special conditions to provide a high level of protection to public health.

- (6) It is necessary that peanuts and products derived from peanuts have been produced, sorted, handled, processed, packaged and transported following good hygiene practices. It is necessary to establish the levels of aflatoxin B1 and total aflatoxin in samples taken from the consignment immediately prior to leaving China.
- (7) The Chinese authorities should provide documentary evidence to accompany each consignment of peanuts originating in or consigned from China, relating to the conditions of production, sorting, handling, processing, packaging and transport, as well as the results of laboratory analysis of the consignment for levels of aflatoxin B1 and total aflatoxin.
- (8) From the findings of the abovementioned mission, it can be concluded that the Chinese authorities cannot ensure currently dependable analytical results or guarantee lot integrity in respect of certification. Therefore, the reliability of any certificate issued for peanuts originating from China raises serious doubts with regard to its reliability.
- (9) It is therefore necessary in order to safeguard public health that all lots of peanuts originating in or consigned from China, imported in the European Community, are subjected to sampling and analysis for their aflatoxin level by the competent authority of the importing Member State prior to release onto the market. Given that this measure has a serious impact on the control resources of the Member States, the results of this measure will be evaluated after a short period of time and the measures amended if appropriate.
- (10) The Standing Committee for Foodstuffs has been consulted on 2 April 2001 and on 19 July 2001,

⁽¹⁾ OJ L 175, 19.7.1993, p. 1.

⁽²⁾ OJ L 31, 1.2.1997, p. 48.

⁽³⁾ OJ L 184, 17.7.1999, p. 17.

HAS ADOPTED THIS DECISION:

Article 1

1. Member States may not import products falling in any of the following categories originating in or consigned from China, which are intended for human consumption or to be used as an ingredient in foodstuffs, unless the consignment is accompanied by the results of official sampling and analysis, and by the health certificate in Annex I completed, signed and verified by a representative of the State Administration for Entry-Exit inspection and Quarantine of the People's Republic of China:

- peanuts falling within CN code 1202 10 90 or 1202 20 00,
- peanuts falling within CN code 2008 11 94 (in immediate packs of a net content exceeding 1 kg) or 2008 11 98 (in immediate packs of a net content not exceeding 1 kg),
- roasted peanuts falling within CN codes 2008 11 92 (in immediate packs of a net content exceeding 1 kg) or 2008 11 96 (in immediate packs of a net content not exceeding 1 kg).

2. Consignments may only be imported into the Community through one of the points of entry listed in Annex II.

3. Each consignment shall be identified with a code, which corresponds to the code on the health certificate and on the accompanying report containing the result of the official sampling and analysis referred to in paragraph 1.

4. The Competent Authorities in each Member State shall ensure that imported peanuts originating in or consigned from China are subject to documentary checks to ensure that the

requirement for the health certificate and sampling results referred to in paragraph 1 are complied with.

5. Member States shall undertake sampling and analysis of each consignment of peanuts originating in or consigned from China for aflatoxin B1 and total aflatoxin before release onto the market from the port of entry into the Community, and shall inform the Commission of the results.

Article 2

This Decision shall be reviewed before 1 May 2002 at the latest, in order to assess whether the special conditions referred to in Article 1 provide a sufficient level of protection of public health within the Community. The review shall also assess whether there is a continuing need for the sampling and analysis of each consignment by the competent authority of the importing Member State.

Article 3

Member States shall take the measures necessary to comply with this Decision. They shall inform the Commission thereof.

Article 4

This Decision is addressed to the Member States.

Done at Brussels, 4 February 2002.

For the Commission

David BYRNE

Member of the Commission

ANNEX I

Health Certificate for the importation into the European Community of peanuts and certain products derived from peanuts originating in or consigned from China**Consignment code** **Certificate No**

According to the provisions of Commission Decision 2002/79/EC imposing special conditions on the import of peanuts falling within CN codes 1202 10 90 (in shell) or 1202 20 00 and products derived from peanuts falling within CN codes 2008 11 92 or 2008 11 94 (in immediate packs of a net content exceeding 1 kg) and 2008 11 96 or 2008 11 98 (not exceeding 1 kg), originating in, or consigned from the People's Republic of China,

the

(State Administration for Entry-Exit inspection and Quarantine of the People's Republic of China)

CERTIFIES:

that the peanuts of this consignment, code number (insert consignment code number)

composed of:

(Description of consignment, product, number and type of packages, gross or net weight)

embarked at

(Embarkation place)

by

(Identification of transporter)

going to

(Place and country of destination)

which comes from the establishment

.....

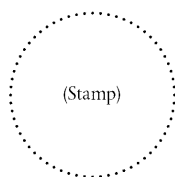
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(Name and address of establishment)

have been produced, sorted, handled, processed, packaged and transported in line with good hygiene practices.

From this consignment, (number of samples) samples of peanuts were taken on (date), subjected to laboratory analysis on (date) in the (name of laboratory), to determine the level of aflatoxin B1 and level of total aflatoxin contamination, and the details of sampling, methods of analysis used and all results are attached.

Done at, on



*Representative of the State Administration
for Entry-Exit inspection and Quarantine
of the People's Republic of China*

.....
(Signature)

ANNEX II

List of points of entry through which peanuts and products derived from peanuts originating in or consigned from China may be imported into the European Community

Member State	Point of entry
Belgique-België	Anvers-Antwerpen
Danmark	All harbours, airports and border stations
Deutschland	HZA Lörrach-ZA Weil am Rhein-Autobahn, HZA Stuttgart-ZA Flughafen, HZA München-Flughafen, HZA Hof-ZA Schirnding, HZA Weiden-ZA Furth im Wald-Schafberg, HZA Weiden-ZA Waidhaus-Autobahn, Bezirksamt Reinickendorf von Berlin, Abteilung Finanzen, Wirtschaft und Kultur, Veterinär- und Lebensmittelaufsichtsamt, Grenzkontrollstelle, HZA Frankfurt (Oder)-ZA Autobahn, HZA Cottbus-ZA Forst-Autobahn, HZA Bremen-ZA Neustädter Hafen, HZA Bremerhafen-ZA Container Terminal, HZA Bremerhaven-ZA Rotersand, HZA Hamburg-Freihafen-Abfertigungsstelle, HZA Hamburg-Freihafen-ZA Ericus-Abfertigungsstelle Südbahnhof, HZA Hamburg-Freihafen-ZA Köhlflleetdamm, HZA Hamburg-St/Annen-ZA Altona, HZA Hamburg-Waltershof-Abfertigungsstelle, HZA Hamburg-Waltershof-ZA Flughafen, HZA Frankfurt-am-Main-Flughafen, HZA Braunschweig-Abfertigungsstelle, HZA Hannover-Abfertigungsstelle, HZA Lüneburg-ZA Stade, Stadtverwaltung Dresden, Lebensmittelüberwachungs- und Veterinäramt, Grenzkontrollstelle Dresden-Friedrichstadt (für Bahntransport), Landratsamt Weisseritzkreis, Lebensmittelüberwachungs- und Veterinäramt, Grenzkontrollstelle (für Straßentransport), Landratsamt Niederschlesischer Oberlausitzkreis, Lebensmittelüberwachungs- und Veterinäramt, Grenzkontrollstelle Ludwigsdorf (für Straßentransport), HZA Itzehoe-ZA Pinneberg, HZA Trier-ZA Idar-Oberstein, HZA Oldenburg-ZA Wilhelmshaven
Ελλάς	Athina, Pireas, Elefsis, Aerodromio ton Athinon, Thessaloniki, Volos, Patra, Iraklion tis Kritis, Aerodromio tis Kritis, Euzoni, Idomeni, Ormenio, Kipi, Kakavia, Niki, Promahonas, Pithio, Igoumenitsa, Kristalopigi
España	Algeciras (puerto), Alicante (aeropuerto, puerto), Almería (aeropuerto y puerto), Barcelona (aeropuerto, puerto), Bilbao (aeropuerto, puerto), Cádiz (puerto), Cartagena (puerto), Gijón (puerto), Huelva (puerto), A Coruña-Santiago de Compostela (aeropuerto, puerto), Las Palmas de Gran Canaria (aeropuerto, puerto), Madrid-Barajas (aeropuerto), Málaga (aeropuerto, puerto), Palma de Mallorca (aeropuerto), Pasajes-Irún (aeropuerto, puerto), Santa Cruz de Tenerife (aeropuerto, puerto), Santander (aeropuerto), Sevilla (aeropuerto, puerto), Tarragona (puerto), Valencia (aeropuerto, puerto), Vigo-Villagarcía (aeropuerto), Marín (puerto), Vitoria (aeropuerto), Zaragoza (aeropuerto)
France	Marseille (Bouches-du-Rhône) Le Havre (Seine-Maritime)
Ireland	All harbours, airports and border stations
Italia	Ufficio Sanità Marittima ed Aerea di Ancona Ufficio Sanità Marittima ed Aerea di Bari Ufficio Sanità Marittima ed Aerea di Genova Ufficio Sanità Marittima di Livorno Ufficio Sanità Marittima ed Aerea di Napoli Ufficio Sanità Marittima di Ravenna Ufficio Sanità Marittima di Salerno Ufficio Sanità Marittima ed Aerea di Trieste Dogana di Ferneti-Interporto Monrupino (Trieste)
Luxembourg	Centre douanier, Croix de Gasperich, Luxembourg
Nederland	Rotterdam
Österreich	HZA Graz, Nickelsdorf, Spielfeld, HZA Wien
Portugal	Lisboa

Member State	Point of entry
Suomi—Finland	Helsinki
Sverige	Göteborg
United Kingdom	Belfast, Channel Tunnel Terminal, Dover, Felixstowe, Gatwick Airport, Goole Grange-mouth, Harwich, Heathrow Airport, Heysham, Hull, Immingham, Ipswich, King's Lynn, Leith, Liverpool, London (including Tilbury, Thamesport and Sheerness), Manchester Airport, Manchester Container Port, Manchester (including Ellesmere Port), Medway, Middlesbrough, Newhaven, Poole, Shoreham, Southampton, Stansted Airport.

COMMISSION DECISION
of 4 February 2002
imposing special conditions on the import of figs, hazelnuts and pistachios and certain products
derived thereof originating in or consigned from Turkey

(notified under document number C(2002) 386)

(Text with EEA relevance)

(2002/80/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Directive 93/43/EEC of 14 June 1993 on the hygiene of foodstuffs ⁽¹⁾, and in particular Article 10(1) thereof,

Whereas:

- (1) Dried figs and pistachios and to a lesser extent hazelnuts originating in or consigned from Turkey have been found to be, in many cases, contaminated with excessive levels of aflatoxin B1 and total aflatoxin.
- (2) The Scientific Committee for Food has noted that aflatoxin B1, even at extremely low levels, causes cancer of the liver and in addition is genotoxic.
- (3) Commission Regulation (EC) No 194/97 of 31 January 1997 setting maximum levels for certain contaminants in foodstuffs ⁽²⁾, as last amended by Regulation (EC) No 1566/1999 ⁽³⁾, sets maximum levels for certain contaminants and in particular aflatoxins in foodstuffs. These limits have been considerably exceeded in particular in samples of dried figs originating in or consigned from Turkey.
- (4) This constitutes a serious threat to public health within the Community and it is therefore imperative to adopt protective measures at Community level.
- (5) A mission has been carried out by the European Commission's Food and Veterinary office (FVO) in Turkey from 4 to 8 September 2000 to assess the control systems in place to prevent aflatoxin contamination in hazelnuts, pistachios and dried figs intended for export to the European Community. The mission revealed, *inter alia*, that the control procedures in place for hazelnut, pistachio and dried fig consignments intended for export into the European Community do not ensure that the consignments comply with the maximum levels established in EC legislation. Insufficient training of responsible officials, insufficient sampling and testing procedures and insufficient evidence that the export certificates correlate to the concerned consignment have been observed. For these commodities originating in or consigned from Turkey, non-compliance

with the maximum levels for aflatoxins are continuously observed and reported through the Rapid Alert System for Food. It is therefore appropriate to subject hazelnuts, pistachios and dried figs and products derived thereof originating in or consigned from Turkey to special conditions to provide a high level of protection to public health.

- (6) It is necessary that dried figs, hazelnuts and pistachios and products derived thereof have been produced, sorted, handled, processed, packaged and transported following good hygiene practices. It is necessary to establish the levels of aflatoxin B1 and total aflatoxin in samples taken from the consignment immediately prior to leaving Turkey.
- (7) The Turkish authorities should provide documentary evidence to accompany each consignment of dried figs, hazelnuts and pistachios originating in or consigned from Turkey, relating to the conditions of production, sorting, handling, processing, packaging and transport, as well as the results of laboratory analysis of the consignment for levels of aflatoxin B1 and total aflatoxin.
- (8) It is necessary in order to safeguard public health that consignments of dried figs, hazelnuts and pistachios originating in or consigned from Turkey, imported into the European Community, are subjected to random sampling and analysis for their aflatoxin level by the competent authority of the importing Member State.
- (9) The Standing Committee for Foodstuffs has been consulted on 2 April 2001,

HAS ADOPTED THIS DECISION:

Article 1

1. Member States may not import products falling in any of the following categories, originating in or consigned from Turkey, which are intended for human consumption or to be used as an ingredient in foodstuffs, unless the consignment is accompanied by the results of official sampling and analysis, and by the health certificate in Annex I completed, signed and verified by a representative of the General Directorate of Protection and Control of the Ministry of Agriculture and Rural Affairs of the Republic of Turkey:

⁽¹⁾ OJ L 175, 19.7.1993, p. 1.

⁽²⁾ OJ L 31, 1.2.1997, p. 48.

⁽³⁾ OJ L 184, 17.7.1999, p. 17.

- figs and dried figs falling within CN code 0804 20 10 or 0804 20 90,
- hazelnuts (*Corylus* sp) in shell or shelled falling within CN code 0802 21 00 or 0802 22 00,
- pistachios falling within CN code 0802 50 00,
- mixtures of nuts or dried fruits falling within CN code 0813 50 and containing figs, hazelnuts or pistachios,
- hazelnuts, figs and pistachios, prepared or preserved, including mixtures falling within CN code 2008 19.

2. Consignments may only be imported into the Community through one of the points of entry listed in Annex II.

3. Each consignment shall be identified with a code, which corresponds to the code on the health certificate and on the accompanying report containing the result of the official sampling and analysis referred to in paragraph 1.

4. The competent authorities in each Member State shall ensure that imported dried figs, hazelnuts and pistachios, as mentioned in paragraph 1, originating in or consigned from Turkey are subject to documentary checks to ensure that the requirement for the health certificate and sampling results referred to in paragraph 1 are complied with.

5. Member States shall undertake at random sampling and analysis of the consignments of dried figs, hazelnuts and pistachios originating in or consigned from Turkey for aflatoxin B1

and total aflatoxin and shall inform the Commission of the results.

Article 2

This Decision shall be reviewed before 1 July 2002, in order to assess whether the special conditions, referred to in Article 1, provide a sufficient level of protection of public health within the Community. The review shall also assess whether there is a continuing need for the special conditions.

Article 3

Member States shall take the measures necessary to comply with this Decision. They shall inform the Commission thereof.

Article 4

This Decision is addressed to the Member States.

Done at Brussels, 4 February 2002.

For the Commission

David BYRNE

Member of the Commission

ANNEX I

Health certificate for the importation into the European Community of figs, hazelnuts and pistachios and certain products derived thereof originating in or consigned from Turkey**Consignment code** **Certificat No**

According to the provisions of Commission Decision 2002/80/EC imposing special conditions on the import of figs (falling within CN code 0804 20 10 or 0804 20 90), hazelnuts (falling within CN code 0802 21 00 or 0802 22 00) and pistachios (falling within CN code 0802 50 00), mixtures thereof (falling within CN code 0813 50) and products derived thereof (falling within CN code 2008 19) originating in or consigned from the Republic of Turkey,

the
(General Directorate of Protection and Control of the Ministry of Agriculture and Rural Affairs)

CERTIFIES:

that the figs/hazelnuts/pistachios of this consignment, code number (insert consignment code number)
composed of:

.....
.....
(Description of consignment, product, number and type of packages, gross or net weight)

embarked at
(Embarkation place)

by
(Identification of transporter)

going to
(Place and country of destination)

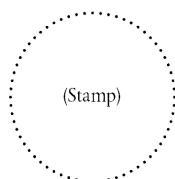
which comes from the establishment
.....
.....
(Name and address of establishment)

have been produced, sorted, handled, processed, packaged and transported in line with good hygiene practices.

From this consignment, (number of samples) samples of figs/hazelnuts/pistachios were taken
on (date), subjected to laboratory analysis on (date)
in the (name of laboratory), to determine the level of aflatoxin B1 and level
of total aflatoxin contamination, and the details of sampling, methods of analysis used and all results are attached.

Done at, on

*Representative of the General Directorate of Protection
and Control of the Ministry of Agriculture
and Rural Affairs*



.....
(Signature)

ANNEX II

List of points of entry through which figs, hazelnuts and pistachios and products derived thereof originating in or consigned from Turkey may be imported into the European Community

Member State	Point of entry
Belgique-België	Anvers-Antwerpen
Danmark	All harbours, airports and border stations
Deutschland	HZA Lörrach-ZA Weil am Rhein-Autobahn, HZA Stuttgart-ZA Flughafen, HZA München-Flughafen, HZA Hof-ZA Schirnding, HZA Weiden-ZA Furth im Wald-Schafberg, HZA Weiden-ZA Waidhaus-Autobahn, Bezirksamt Reinickendorf von Berlin, Abteilung Finanzen, Wirtschaft und Kultur, Veterinär- und Lebensmittelaufsichtsamt, Grenzkontrollstelle, HZA Frankfurt (Oder)-ZA Autobahn, HZA Cottbus-ZA Forst-Autobahn, HZA Bremen-ZA Neustädter Hafen, HZA Bremerhafen-ZA Container Terminal, HZA Bremerhaven-ZA Rotersand, HZA Hamburg-Freihafen-Abfertigungsstelle, HZA Hamburg-Freihafen-ZA Ericus-Abfertigungsstelle Südbahnhof, HZA Hamburg-Freihafen-ZA Köhlfließdamm, HZA Hamburg-St/Annen-ZA Altona, HZA Hamburg-Waltershof-Abfertigungsstelle, HZA Hamburg-Waltershof-ZA Flughafen, HZA Frankfurt-am-Main-Flughafen, HZA Braunschweig-Abfertigungsstelle, HZA Hannover-Abfertigungsstelle, HZA Lüneburg-ZA Stade, Stadtverwaltung Dresden, Lebensmittelüberwachungs- und Veterinäramt, Grenzkontrollstelle Dresden-Friedrichstadt (für Bahntransport), Landratsamt Weisseritzkreis, Lebensmittelüberwachungs- und Veterinäramt, Grenzkontrollstelle (für Straßentransport), Landratsamt Niederschlesischer Oberlausitzkreis, Lebensmittelüberwachungs- und Veterinäramt, Grenzkontrollstelle Ludwigsdorf (für Straßentransport), HZA Itzehoe-ZA Pinneberg, HZA Trier-ZA Idar-Oberstein, HZA Oldenburg-ZA Wilhelmshaven
Ελλάς	Athina, Pireas, Elefsis, Aerodromio ton Athinon, Thessaloniki, Volos, Patra, Iraklion tis Kritis, Aerodromio tis Kritis, Euzoni, Idomeni, Ormenio, Kipi, Kakavia, Niki, Promahonas, Pithio, Igoumenitsa, Kristalopigi
España	Algeciras (puerto), Alicante (aeropuerto, puerto), Almería (aeropuerto y puerto), Barcelona (aeropuerto, puerto), Bilbao (aeropuerto, puerto), Cádiz (puerto), Cartagena (puerto), Gijón (puerto), Huelva (puerto), A Coruña-Santiago de Compostela (aeropuerto, puerto), Las Palmas de Gran Canaria (aeropuerto, puerto), Madrid-Barajas (aeropuerto), Málaga (aeropuerto, puerto), Palma de Mallorca (aeropuerto), Pasajes-Irún (aeropuerto, puerto), Santa Cruz de Tenerife (aeropuerto, puerto), Santander (aeropuerto), Sevilla (aeropuerto, puerto), Tarragona (puerto), Valencia (aeropuerto, puerto), Vigo-Villagarcía (aeropuerto), Marín (puerto), Vitoria (aeropuerto), Zaragoza (aeropuerto)
France	Marseille (Bouches-du-Rhône) Le Havre (Seine-Maritime)
Ireland	All harbours, airports and border stations
Italia	Ufficio Sanità Marittima ed Aerea di Ancona Ufficio Sanità Marittima ed Aerea di Bari Ufficio Sanità Marittima ed Aerea di Genova Ufficio Sanità Marittima di Livorno Ufficio Sanità Marittima ed Aerea di Napoli Ufficio Sanità Marittima di Ravenna Ufficio Sanità Marittima di Salerno Ufficio Sanità Marittima ed Aerea di Trieste Dogana di Ferneti-Interporto Monrupino (Trieste)
Luxembourg	Centre douanier, Croix de Gasperich, Luxembourg
Nederland	Rotterdam
Österreich	HZA Graz, Nickelsdorf, Spielfeld, HZA Wien
Portugal	Lisboa

Member State	Point of entry
Suomi—Finland	Helsinki
Sverige	Göteborg
United Kingdom	Belfast, Channel Tunnel Terminal, Dover, Felixstowe, Gatwick Airport, Goole Grange-mouth, Harwich, Heathrow Airport, Heysham, Hull, Immingham, Ipswich, King's Lynn, Leith, Liverpool, London (including Tilbury, Thamesport and Sheerness), Manchester Airport, Manchester Container Port, Manchester (including Ellesmere Port), Medway, Middlesbrough, Newhaven, Poole, Shoreham, Southampton, Stansted Airport.