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Legislation

Contents

I Acts whose publication is obligatory

- Commission Regulation (EC) No 762/2002 of 3 May 2002 establishing the standard import values for determining the entry price of certain fruit and vegetables 1
- ★ **Commission Regulation (EC) No 763/2002 of 3 May 2002 concerning the classification of certain goods in the Combined Nomenclature** 3
- Commission Regulation (EC) No 764/2002 of 3 May 2002 correcting Regulation (EC) No 678/2002 fixing export refunds on fruit and vegetables 5
- ★ **Commission Regulation (EC) No 765/2002 of 3 May 2002 on the collection of samples and the adoption of certain detailed rules in connection with physical checks on boneless beef cuts qualifying for export refunds** 6
- ★ **Commission Directive 2002/37/EC of 3 May 2002 amending Council Directive 91/414/EEC to include ethofumesate as an active substance ⁽¹⁾** 10

II Acts whose publication is not obligatory

Commission

2002/341/EC:

- ★ **Commission Decision of 3 May 2002 amending Decision 2001/296/EC as regards the list of approved laboratories for checking the effectiveness of vaccination against rabies in certain domestic carnivores ⁽¹⁾ (notified under document number C(2002) 1584)** 13

2002/342/EC:

- ★ **Decision No 1/2001 of 23 March 2002 of the Joint Committee established under the Agreement on mutual recognition between the European Community and Canada on the amending of the Sectoral Annexes on telecommunications terminal equipment, information technology equipment and radio transmitters, on electromagnetic compatibility, on electrical safety and on recreational craft** 15

1

⁽¹⁾ Text with EEA relevance

EN

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

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

I

(Acts whose publication is obligatory)

COMMISSION REGULATION (EC) No 762/2002
of 3 May 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 4 May 2002.

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

Done at Brussels, 3 May 2002.

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

⁽¹⁾ OJ L 337, 24.12.1994, p. 66.

⁽²⁾ OJ L 198, 15.7.1998, p. 4.

ANNEX

to the Commission Regulation of 3 May 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	153,7
	096	87,3
	204	79,4
	212	101,5
	999	105,5
0707 00 05	052	109,7
	220	166,9
	628	155,5
	999	144,0
0709 10 00	624	101,0
	999	101,0
0709 90 70	052	96,4
	999	96,4
0805 10 10, 0805 10 30, 0805 10 50	052	76,6
	204	42,3
	212	56,9
	220	82,5
	600	53,9
	624	78,0
	999	65,0
0805 50 10	052	48,9
	388	58,7
	528	76,9
	999	61,5
0808 10 20, 0808 10 50, 0808 10 90	060	22,2
	388	90,7
	400	123,0
	404	114,5
	508	80,5
	512	86,4
	524	91,1
	528	82,9
	720	134,4
	804	112,5
	999	93,8

⁽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 763/2002
of 3 May 2002
concerning the classification of certain goods in the Combined Nomenclature

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 2658/87 of 23 July 1987 on the tariff and statistical nomenclature and on the Common Customs Tariff ⁽¹⁾, as last amended by Commission Regulation (EC) No 578/2002 ⁽²⁾, and in particular Article 9 thereof,

Whereas:

- (1) In order to ensure uniform application of the combined nomenclature annexed to the said Regulation, it is necessary to adopt measures concerning the classification of the goods referred to in the Annex to this Regulation.
- (2) Regulation (EEC) No 2658/87 has laid down the general rules for the interpretation of the Combined Nomenclature. Those rules also apply to any other nomenclature which is wholly or partly based on it or which adds any additional subdivision to it and which is established by specific Community provisions, with a view to the application of tariff and other measures relating to trade in goods.
- (3) Pursuant to the said general rules, the goods described in column 1 of the table annexed to the present Regulation must be classified under the CN codes indicated in column 2, by virtue of the reasons set out in column 3.
- (4) It is appropriate that binding tariff information issued by the customs authorities of Member States in respect of the classification of goods in the Combined Nomenclature and which does not conform to the provisions of

this Regulation, can continue to be invoked, under the provisions in Article 12(6) of Council Regulation (EEC) No 2913/92 of 12 October 1992 establishing the Community Customs Code ⁽³⁾, as last amended by Regulation (EC) No 2700/2000 of the European Parliament and of the Council ⁽⁴⁾, for a period of three months by the holder.

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

HAS ADOPTED THIS REGULATION:

Article 1

The goods described in column 1 of the annexed table are classified within the Combined Nomenclature under the CN codes indicated in column 2 of the said table.

Article 2

Binding tariff information issued by the customs authorities of Member States which does not conform to the provisions of this Regulation can continue to be invoked under the provisions of Article 12(6) of Regulation (EEC) No 2913/92 for a period of three months.

Article 3

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

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

Done at Brussels, 3 May 2002.

For the Commission

Frederik BOLKESTEIN

Member of the Commission

⁽¹⁾ OJ L 256, 7.9.1987, p. 1.
⁽²⁾ OJ L 97, 13.4.2002, p. 1.

⁽³⁾ OJ L 302, 19.10.1992, p. 1.
⁽⁴⁾ OJ L 311, 12.12.2000, p. 17.

ANNEX

Description of goods	CN Code	Reasons
(1)	(2)	(3)
Drip irrigation tube, manufactured from a thin flexible plastic strip folded lengthways. The two edges are overlapped and joined together to form a flat perforated tube. The product is presented in rolls of various lengths	3917 32 99	Classification is determined by the provisions of General Rules 1 and 6 for the interpretation of the Combined Nomenclature, by Note 8 to Chapter 39 and by the wording of CN codes 3917, 3917 32 and 3917 32 99. The classification is based on the form and the constituent material of the product. The product is a tube made of plastics. By virtue of Note 8 to Chapter 39, it is classifiable under heading 3917. It cannot be considered as an irrigation system of heading 8424 or a part thereof.

COMMISSION REGULATION (EC) No 764/2002
of 3 May 2002
correcting Regulation (EC) No 678/2002 fixing export refunds on fruit and vegetables

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 2200/96 of 28 October 1996 on the common organisation of the market in fruit and vegetables ⁽¹⁾, as last amended by Regulation (EC) No 545/2002 ⁽²⁾, and in particular Article 35(11) thereof,

Whereas:

- (1) Commission Regulation (EC) No 1961/2001 ⁽³⁾ lays down detailed rules on export refunds on fruit and vegetables.
- (2) Commission Regulation (EC) No 678/2002 ⁽⁴⁾ fixes export refunds on fruit and vegetables.
- (3) An error has been discovered in the Annex to the latter Regulation. The Regulation in question should therefore be corrected.

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

HAS ADOPTED THIS REGULATION:

Article 1

The Annex to Regulation (EC) No 678/2002 is corrected as follows:

1. in the column 'Product code', the code '0805 30 10 9100' is replaced by the code '0805 50 10 9100';
2. in the column 'Destination', in the line corresponding to product codes '0808 10 20 9100, 0808 10 50 9100 and 0808 10 90 9100', the destination codes 'F04 and F09' are replaced by the code 'F09'.

Article 2

This Regulation shall enter into force on 8 May 2002.

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

Done at Brussels, 3 May 2002.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ L 297, 21.11.1996, p. 1.

⁽²⁾ OJ L 84, 28.3.2002, p. 1.

⁽³⁾ OJ L 268, 9.10.2001, p. 8.

⁽⁴⁾ OJ L 104, 20.4.2002, p. 3.

COMMISSION REGULATION (EC) No 765/2002

of 3 May 2002

on the collection of samples and the adoption of certain detailed rules in connection with physical checks on boneless beef cuts qualifying for export refunds

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 1254/1999 of 17 May 1999 on the common organisation of the market in beef and veal ⁽¹⁾, as last amended by Commission Regulation (EC) No 2345/2001 ⁽²⁾, and in particular Article 33(12) thereof,

Having regard to Council Regulation (EEC) No 386/90 of 12 February 1990 on the monitoring carried out at the time of export of agricultural products receiving refunds or other amounts ⁽³⁾, as amended by Regulation (EC) No 163/94 ⁽⁴⁾, and in particular Article 6 thereof,

Whereas:

(1) In accordance with Article 33 of Regulation (EC) No 1254/1999, the difference between the prices for the products listed in Article 1 of that Regulation on the world market and within the Community can be covered by an export refund. For agricultural products, the arrangements governing the system are set out in Commission Regulation (EC) No 800/1999 of 15 April 1999 laying down common detailed rules for the application of the system of export refunds on agricultural products ⁽⁵⁾, as last amended by Regulation (EC) No 2299/2001 ⁽⁶⁾.

(2) Sector 5 of Annex I to Commission Regulation (EEC) No 3846/87 of 17 December 1987 establishing an agricultural product nomenclature for export refunds ⁽⁷⁾, as last amended by Regulation (EC) No 488/2002 ⁽⁸⁾, provides, *inter alia*, that refunds are to be granted on certain boneless cuts on condition they have a minimum lean bovine meat content and, in the case of cuts of adult male bovine animals, are individually wrapped.

(3) Commission Regulation (EC) No 2221/95 ⁽⁹⁾, as last amended by Regulation (EC) No 2655/1999 ⁽¹⁰⁾, lays down detailed rules as regards physical checks carried out at the time of export of agricultural products quali-

fying for refunds. Special conditions regarding beef are laid down in Commission Regulation (EC) No 2457/97 of 10 December 1997 on the collection of samples in connection with physical checks of boneless beef cuts qualifying for export refunds ⁽¹¹⁾.

(4) Provision should be made for checks on the provenance/origin of boneless cuts of adult male bovine animals and the methodology to be applied for those checks, with a view to standardisation, and to setting appropriate penalties in the event of failure to comply with the condition regarding provenance/origin. Regulation (EC) No 2457/97 should, in addition, be updated in order to take account of changes to the nomenclature applicable to export refunds on agricultural products provided for in Regulation (EEC) No 3846/87, as amended by Regulation (EC) No 2556/2001 ⁽¹²⁾.

(5) In the interests of clarity, Regulation (EC) No 2457/97 should therefore be repealed and replaced.

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

HAS ADOPTED THIS REGULATION:

Article 1

1. This Regulation shall apply in the event of physical checks on the nature and characteristics of products within the meaning of Article 2(a) of Regulation (EEC) No 386/90 regarding:

(a) compliance with the obligation on the individual wrapping of boneless cuts covered by the following product codes:

- 0201 30 00 9100,
- 0201 30 00 9120;

(b) the origin of boneless cuts of adult male bovine animals covered by the following product codes:

- 0201 30 00 9100,
- 0201 30 00 9120;

⁽¹⁾ OJ L 160, 26.6.1999, p. 1.

⁽²⁾ OJ L 315, 1.12.2001, p. 29.

⁽³⁾ OJ L 42, 16.2.1990, p. 6.

⁽⁴⁾ OJ L 24, 29.1.1994, p. 2.

⁽⁵⁾ OJ L 102, 17.4.1999, p. 11.

⁽⁶⁾ OJ L 308, 27.11.2001, p. 19.

⁽⁷⁾ OJ L 366, 24.12.1987, p. 1.

⁽⁸⁾ OJ L 76, 19.3.2002, p. 11.

⁽⁹⁾ OJ L 224, 21.9.1995, p. 13.

⁽¹⁰⁾ OJ L 325, 17.12.1999, p. 12.

⁽¹¹⁾ OJ L 340, 11.12.1997, p. 29.

⁽¹²⁾ OJ L 348, 31.12.2001, p. 1.

- (c) the minimum average lean meat content of boneless cuts covered by the following product codes:
- 0201 30 00 9100,
 - 0201 30 00 9120,
 - 0201 30 00 9060,
 - 0202 30 90 9200.

2. The description of the products referred to in paragraph 1 shall be that contained in the nomenclature of agricultural products for export refunds set out in Sector 5 of Annex I to Regulation (EEC) No 3846/87.

Article 2

1. For the purposes of physical checks, samples shall consist of two full cartons collected from two different parts of the consignment. The first carton shall be intended for the authorities responsible for the checks while the second shall be kept in reserve under the supervision of the customs authorities.

2. The quantity of products covered by one of the following declarations shall be deemed to comprise a consignment:

- (a) a declaration as referred to in Article 5(1) of Regulation (EC) No 800/1999;
- (b) a declaration as referred to in Article 26(1) of Regulation (EC) No 800/1999, in the situation referred to in that paragraph, as regards storage only.

Article 3

For the purposes of checks on compliance with the obligation referred to in Article 1(1)(a), the customs authorities shall check that each cut in the first carton of the sample referred to in Article 2 is individually wrapped and that each package does not contain more than one cut. If this is not the case, the same checks shall be conducted on the second carton.

Where, taking the two cartons together, at most one cut turns out not to have been wrapped individually or one package to contain more than one cut and all the other conditions regarding the refund are met, the consignment shall be deemed not to be irregular. If these conditions are not observed, an irregularity shall be deemed to have occurred.

Where an irregularity is established, the refund payable in respect of the consignment shall be calculated on the basis of the corrected weight. The corrected weight shall be obtained by reducing the declared net weight by a percentage corre-

sponding to the weight of cuts failing to comply in relation to the total net weight of the sample.

Article 4

For the purposes of checks on the condition regarding origin referred to in Article 1(1)(b), the sample for analysis shall consist of one or two cuts collected at random from the first carton of the sample referred to in Article 2. Where analysis shows that meat other than beef from adult male bovine animals is present, no refund shall be granted.

The checks shall be carried out in accordance with the methodology described in the Annex hereto.

Without prejudice to further checks decided on where an irregularity is suspected, the checks shall be carried out at random covering all export operations on not less than one third of operations selected for the physical check.

Article 5

For the purpose of checks on compliance with the condition referred to in Article 1(1)(c), the whole contents of the first carton of the sample referred to in Article 2 shall be minced to form a homogeneous mixture. Where the lean meat content of the sample is below the minimum laid down, the contents of the second carton shall be examined in the same way. Where the average for the two cartons is below the average lean meat content laid down, no refund shall be granted.

Article 6

In accordance with Article 68 and without prejudice to Article 78 of Council Regulation (EEC) No 2913/92 ⁽¹⁾, samples shall be collected and checked as provided for in this Regulation at the time declarations, as referred to in Article 2(2), that have been accepted are verified.

Article 7

Regulation (EC) No 2457/97 is hereby repealed.

Article 8

This Regulation shall enter into force on 1 July 2002.

It shall apply to operations covered by a declaration as referred to in Article 2(2) covered with effect from 1 July 2002.

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

Done at Brussels, 3 May 2002.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ L 302, 19.10.1992, p. 1.

ANNEX

ANALYSIS OF THE ORIGIN OF CERTAIN BONELESS BEEF CUTS OF ADULT MALE BOVINE ANIMALS

Methodology to be applied for beef sexing

The methodology to be applied is based on polymerase chain reaction (PCR) and comprises sampling, extraction of DNA, PCR and gel electrophoresis.

1. Sampling and sub-sampling

The sub-sample shall be dissected from a core part (inside) of the provided meat piece, by using a sterile (*) knife (scalpel or similar). This sample shall then be ground by using a micro grinder or cut into smaller pieces to assure for a reasonable extraction efficiency.

Samples have to be prepared in a different working place than the one used to perform PCR. The handling of material has to be performed in an environment which can be cleaned easily, preferably on a clean bench, to ensure that no cross contamination with other samples occurs.

Sterile (*) blades, scalpels or similar tools are to be used for preparation of the meat sample.

2. Extraction and purification of DNA

DNA extraction and purification has to be accomplished by either using conventional procedures ⁽¹⁾, ready-to-use kits (based on the principle: solubilisation of the meat sample in lysis buffer which contain surfactants, detergents and proteinase K, application of the solubilised sample to a DNA-binding resin, removal of non-DNA compounds by repeated washing steps, and finally elution of purified DNA in water or low-salt buffer), or extracting the DNA in sodium hydroxide solution ⁽²⁾.

The control of the successful extraction by gel electrophoresis is recommended, but not mandatory.

Validation aspect: for each batch of samples to be extracted, one extraction control (i.e. no meat) shall be performed in parallel to prove the integrity of the applied procedure.

3. Polymerase chain reaction (PCR)

Principle: the principle of PCR is a three-step procedure (denaturation, annealing of primers, extension) which has to be repeated for some 25 to 40 times (number of 'cycles' in the method). The reagents (reaction buffer, MgCl₂, deoxynucleotides, primers, heat-stable DNA-polymerase, sterile water) are mixed together according to the developed method, leading the 'mastermix'. Dedicated pipettes shall be used for the preparation of the mastermix. This mastermix is then added to the DNA template (extracted DNA). The reaction is performed in a thermo-cycler. After completion, the PCR products are analysed by gel electrophoresis or stored at 4 °C or at -20 °C.

The recommended ⁽³⁾ method to be applied, referring to the template, has to either amplify a sequence within the amelogenin locus (homologous gene) or within the ZFX/Y region (allele-specific PCR).

Specific primers for these two types of methods are:

Amelogenin forward: 5'-CAGCCAAACCTCCCTCTGC-3'

Amelogenin reverse: 5'-CCCGCTTGGTCTTGTCTGTTGC-3'

(Ennis, S., and Gallagher, T.F. (1994) *Anim. Genet.* 25: 425-427)

Amelogenin forward: 5'-AAATTCTCTCACAGTCCAAG-3'

Amelogenin reverse: 5'-CAACAGGTAATTTTCCTTTAG-3'

(Chen, C.M., Hu, C.L., Wang, C.H., Hung, C.M., Wu, H.K., Choo, K.B., and Cheng, W.T.K. (1999) *Mol. Reprod. Dev.* 54, 209-214)

ZFX (allele-specific), forward: 5'-GACAGCTGAACAAGTGTACTG-3'

ZFX (allele-specific), reverse: 5'-AATGTACACTTGAATCGCATC-3'

ZFY (allele-specific), forward: 5'-GAAGGCCTTCGAATGTGATAAC-3'

ZFY (allele-specific), reverse: 5'-CTGACAAAAGGTGGCGATTTC-3'

(Kirkpatrick, B.W., and Monson, R.L. (1993) *J. Reprod. Fertil.* 98: 335-340)

ZFX forward: 5'-AGCTGAACAAGGGTACTG-3'

ZFY forward: 5'-CAAGCTTACCAGCAAGTCA-3'

ZFX/Y reverse: 5'-CCAGTATGGATTTCGCATGT-3'

(Zinovieva, N., Palma, G., Müller, M., and Brem, G. (1995) *Theriogenology* 43: 265)

(*) Not contaminated with DNA.

⁽¹⁾ As described in: Sambrook, J., Fritsch, E.F., and Maniatis, T. (eds) in: *Molecular Cloning*, Cold Spring Harbour Laboratory Press (1989).

⁽²⁾ As described in: Elphinstone, J.G., Hennessey, J., Wilson, J.K., and Stead, D.E. (1996) *Bulletin OEPP/EPPO* 26, 663-678.

⁽³⁾ PCR methods other than the one recommended are subject to approval by an officially designated reference laboratory.

PCR mastermixes have to be prepared on a clean bench, which is decontaminated after work using detergents and UV light.

- *Method development*: possible alterations to published methods might be required, such as the exact mastermix composition (e.g. $MgCl_2$ concentration, primer concentration), the amount of template DNA used, and an adapted temperature program (temperatures, holding times). The appearance of non-specific amplification products shall lead to optimisation (e.g. annealing temperature, $MgCl_2$ concentration, primer concentrations etc.) to guarantee the accuracy of the results.
- *Validation aspects*: the method to be applied in routine analysis has to be properly validated. The analysis of the following controls has to be included in a set of samples: extraction control (no meat), negative PCR control, and reference samples (male and female beef but also one sample of meat other than beef). Moreover, revalidation shall be applied if key components in the procedure are changed, such as DNA polymerase (different supplier or product) or primers (new lot).
- *Good laboratory practice* is deemed indispensable such as proper cleaning and decontamination of the working place and instruments used, aliquoting of primers, dedicated use of pipettes etc.

4. Analysis of amplicons by gel electrophoresis

The PCR fragments (amplicons) obtained are to be analysed by gel electrophoresis. Either agarose gels stained with ethidium bromide or polyacrylamide gels which are silver stained after completion of the electrophoretic separation are applicable. An appropriate molecular weight marker on the gel to determine the approximate size of the obtained amplicons has to be used.

5. Documentation

The obtained results have to be properly documented (gel image, description of results, noting of any non-expected result).

COMMISSION DIRECTIVE 2002/37/EC
of 3 May 2002
amending Council Directive 91/414/EEC to include ethofumesate as an active substance
(Text with EEA relevance)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Directive 91/414/EEC of 15 July 1991 concerning the placing of plant protection products on the market ⁽¹⁾, as last amended by Commission Directive 2002/18/EC ⁽²⁾, and in particular Article 6(1) thereof,

Whereas:

(1) Commission Regulation (EEC) No 3600/92 of 11 December 1992 laying down the detailed rules for the implementation of the first stage of the programme of work referred to in Article 8(2) of Council Directive 91/414/EEC concerning the placing of plant protection products on the market ⁽³⁾, as last amended by Regulation (EC) No 2266/2000 ⁽⁴⁾, provides for the adoption of a list of active substances of plant protection products to be assessed, with a view to their possible inclusion in Annex I to Directive 91/414/EEC. That list is contained in Commission Regulation (EC) No 933/94 of 27 April 1994 laying down the active substances of plant protection products and designating the rapporteur Member States for the implementation of Commission Regulation (EEC) No 3600/92 ⁽⁵⁾, as last amended by Regulation (EC) No 2230/95 ⁽⁶⁾, and includes ethofumesate.

(2) For ethofumesate the effects on human health and the environment have been assessed in accordance with the provisions laid down in Regulation (EEC) No 3600/92 for a range of uses proposed by the notifiers. By Regulation (EC) No 933/94, as amended by Regulation (EC) No 491/95 ⁽⁷⁾, Sweden was designated as rapporteur Member State. Sweden submitted the relevant assessment reports and recommendations to the Commission on 2 October 1998 in accordance with Article 7(1)(c) of Regulation (EEC) No 3600/92.

(3) This assessment report has been reviewed by the Member States and the Commission within the Standing Committee on the Food Chain and Animal Health. The review was finalised on 26 February 2002 in the format of the Commission review report for ethofumesate.

(4) The review did not reveal any open questions or concerns, which would have required a consultation of the Scientific Committee on Plants.

(5) It has appeared from the various examinations made that plant protection products containing ethofumesate may be expected to satisfy, in general, the requirements laid down in Article 5(1)(a) and (b) of Directive 91/414/EEC, in particular with regard to the uses which were examined and detailed in the Commission review report. It is therefore appropriate to include ethofumesate in Annex I to that Directive, in order to ensure that in all Member States authorisations of plant protection products containing ethofumesate can be granted in accordance with the provisions of Directive 91/414/EEC.

(6) The Commission review report is required for the proper implementation by the Member States, of several sections of the uniform principles laid down in Directive 91/414/EEC. It is, therefore, appropriate to provide that the finalised review report, except for confidential information, is kept available or made available by the Member States for consultation by any interested parties. If the review report has to be updated to take account of technical and scientific developments, the conditions for the inclusion of the substance concerned in Annex I to Directive 91/414/EEC should also be amended in accordance with that Directive.

(7) A reasonable period should be allowed to elapse before an active substance is included in Annex I in order to permit Member States and the interested parties to take the requisite preparatory steps.

(8) After inclusion, Member States should be allowed a reasonable period within which to implement the provisions of Directive 91/414/EEC as regards plant protection products containing ethofumesate, and in particular, to review existing authorisations in accordance with the provisions of Directive 91/414/EEC to ensure that the conditions regarding ethofumesate set out in Annex I to Directive 91/414/EEC are satisfied. A longer period should be provided within which a complete dossier for each such plant protection product, satisfying the requirements of Annexes II and III to Directive 91/414/EEC should be submitted and that product re-evaluated in accordance with the uniform principles laid down in Directive 91/414/EEC.

⁽¹⁾ OJ L 230, 19.8.1991, p. 1.

⁽²⁾ OJ L 55, 26.2.2002, p. 29.

⁽³⁾ OJ L 366, 15.12.1992, p. 10.

⁽⁴⁾ OJ L 259, 13.10.2000, p. 27.

⁽⁵⁾ OJ L 107, 28.4.1994, p. 8.

⁽⁶⁾ OJ L 225, 22.9.1995, p. 1.

⁽⁷⁾ OJ L 49, 4.3.1995, p. 50.

- (9) It is therefore necessary to amend Directive 91/414/EEC accordingly.
- (10) The measures provided for in this Directive are in accordance with the opinion of the Standing Committee on the Food Chain and Animal Health,

HAS ADOPTED THIS DIRECTIVE:

Article 1

Annex I to Directive 91/414/EEC is amended as set out in the Annex to this Directive.

Article 2

Member States shall keep available the review report for ethofumesate, except for confidential information within the meaning of Article 14 of Directive 91/414/EEC, for consultation by any interested parties or shall make it available to them on specific request.

Article 3

Member States shall adopt and publish by 31 August 2003 at the latest the laws, regulations and administrative provisions necessary to comply with this Directive. They shall forthwith inform the Commission thereof.

They shall apply those provisions from 1 September 2003.

When Member States adopt those provisions, they shall contain a reference to this Directive or shall 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

1. Member States shall review the authorisation for each plant protection product containing ethofumesate to ensure that the conditions relating to ethofumesate set out in Annex I to Directive 91/414/EEC are complied with. Where necessary, they shall amend or withdraw the authorisation in accordance with Directive 91/414/EEC before 1 September 2003.

2. Member States shall, for each authorised plant protection product containing ethofumesate as either the only active substance or as one of several active substances all of which were listed in Annex I to Directive 91/414/EEC by 1 March 2003, re-evaluate the product in accordance with the uniform principles provided for in Annex VI to Directive 91/414/EEC, on the basis of a dossier satisfying the requirements of Annex III thereto. On the basis of that evaluation, they shall determine whether the product satisfies the conditions set out in Article 4(1)(b), (c), (d) and (e) of Directive 91/414/EEC. Where necessary and by 28 February 2007 at the latest, they shall amend or withdraw the authorisation for each such plant protection product.

Article 5

This Directive shall enter into force on 1 March 2003.

Article 6

This Directive is addressed to the Member States.

Done at Brussels, 3 May 2002.

For the Commission

David BYRNE

Member of the Commission

ANNEX

In Annex I the following row is added at the end of the table:

No	Common name, Identification numbers	IUPAC Name	Purity ⁽¹⁾	Entry into force	Expiration of inclusion	Specific provisions
'29	Ethofumesate CAS No 26225-79-6 CICAP No 223	(±)-2-ethoxy-2,3-dihydro-3,3-dimethylbenzo- furan-5-ylmethanesulfonate	960 g/kg	1 March 2003	28 February 2013	Only uses as herbicide may be authorised For the implementation of the uniform principles of Annex VI, the conclusions of the review report on ethofumesate, and in particular Appendices I and II thereof, as finalised in the Standing Committee on the Food Chain and Animal Health on 26 February 2002 shall be taken into account. In this overall assessment Member States may pay particular attention to the protection of the groundwater, when the active substance is applied in regions with vulnerable soil and/or climatic conditions and must apply risk mitigation measures, where appropriate.

⁽¹⁾ Further details on identity and specification of active substance are provided in the review report.'

II

(Acts whose publication is not obligatory)

COMMISSION

COMMISSION DECISION

of 3 May 2002

amending Decision 2001/296/EC as regards the list of approved laboratories for checking the effectiveness of vaccination against rabies in certain domestic carnivores

(notified under document number C(2002) 1584)

(Text with EEA relevance)

(2002/341/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Decision 2000/258/EC of 20 March 2000 designating a specific institute responsible for establishing the criteria necessary for standardising the serological tests to monitor the effectiveness of rabies vaccines ⁽¹⁾, and in particular Article 3 thereof,

Whereas:

- (1) Council Directive 92/65/EEC of 13 July 1992 laying down animal health requirements governing trade in and imports into the Community of animals, semen, ova and embryos not subject to animal health requirements laid down in specific Community rules referred to in Annex A(I) to Directive 90/425/EEC ⁽²⁾, as last amended by Commission Decision 2001/298/EC ⁽³⁾, provides for an alternative system to quarantine for the entry of certain domestic carnivores into the territory of certain Member States free from rabies. That system requires checks performed by officially approved laboratories on the effectiveness of the vaccination by titration of antibodies.
- (2) Pursuant to Decision 2000/258/EC the AFSSA Laboratory, Nancy, France, was designated as the institute responsible for the proficiency tests necessary to the approval of the laboratories willing to perform these checks.
- (3) Commission Decision 2001/296/EC of 29 March 2001 authorising laboratories to check the effectiveness of vaccination against rabies in certain domestic carni-

vores ⁽⁴⁾, as amended by Decision 2001/808/EC ⁽⁵⁾, established a list of approved laboratories in the Member States.

- (4) Following the request of Germany, France and Italy, and on the basis of the favourable result of the proficiency test performed by the AFSSA Laboratory, Nancy, it is appropriate to add new laboratories to the list for those three Member States.
- (5) The measures provided for in this Decision are in accordance with the opinion of the Standing Committee on the Food Chain and Animal Health,

HAS ADOPTED THIS DECISION:

Article 1

The Annex to Decision 2001/296/EC is amended as set out in the Annex to this Decision.

Article 2

This Decision is addressed to the Member States.

Done at Brussels, 3 May 2002.

For the Commission

David BYRNE

Member of the Commission

⁽¹⁾ OJ L 79, 30.3.2000, p. 40.

⁽²⁾ OJ L 268, 14.9.1992, p. 54.

⁽³⁾ OJ L 102, 12.4.2001, p. 63.

⁽⁴⁾ OJ L 102, 12.4.2001, p. 58.

⁽⁵⁾ OJ L 305, 22.11.2001, p. 30.

ANNEX

The Annex to Decision 2001/296/EC is amended as follows:

1. In the list concerning Germany the following points are added:
 - '4. Landesveterinär und Lebensmitteluntersuchungsamt Sachsen-Anhalt
Außenstelle Stendal
Haferbreiter Weg 132-135
D-39576 Stendal.
 5. Staatliches Veterinäruntersuchungsamt
Zur Taubeneiche 10-12
D-59821 Arnsberg.
 6. Institut für epidemiologische Diagnostik
Bundesforschungsanstalt für Viruskrankheiten der Tiere
Seestraße 155
D-16868 Wusterhausen.'
 2. In the list concerning France the following point is added:
 - '4. Laboratoire départemental d'analyses du Pas-de-Calais
Parc des Bonnettes
2, rue du Genévrier
F-62022 Arras Cedex.'
 3. In the list concerning Italy the following point is added:
 - '3. Istituto Zooprofilattico Sperimentale del Lazio e della Toscana
Via Appia Nuova 1411
I-00178 Roma Capannelle.'
-

DECISION No 1/2001**of 23 March 2002**

of the Joint Committee established under the Agreement on mutual recognition between the European Community and Canada on the amending of the Sectoral Annexes on telecommunications terminal equipment, information technology equipment and radio transmitters, on electromagnetic compatibility, on electrical safety and on recreational craft

(2002/342/EC)

THE JOINT COMMITTEE,

Having regard to the Agreement on mutual recognition between the European Community and Canada, (hereinafter 'the Agreement'), and in particular Articles IV, IX, XI and the Sectoral Annexes on telecommunications terminal equipment, information technology equipment and radio transmitters, on electromagnetic compatibility, on electrical safety and on recreational craft thereof,

Whereas:

- (1) According to Article XI(3) of the Agreement the Joint Committee established under the Agreement may consider any matter related to the operation of the Agreement, and in particular according to paragraph (a) thereof the Joint Committee shall be responsible for amending the Sectoral Annexes.
- (2) The Sectoral Annex on telecommunications terminal equipment, information technology equipment and radio transmitters needs to be amended to bring within its scope new European Community legislation in the form of Directive 1999/5/EC of the European Parliament and of the Council ⁽¹⁾ on radio and telecommunications terminal equipment.
- (3) According to the agreements reached at the Third and Fourth Joint Committee meetings held on 14 April 2000 and 24 January 2001 respectively, the transitional periods of the Sectoral Annexes on telecommunications terminal equipment, information technology equipment and radio transmitters, on electromagnetic compatibility, on electrical safety and on recreational craft need to be extended to allow transitional and confidence building measures to be completed,

HAS ADOPTED THIS DECISION:

Article 1

The Sectoral Annex on telecommunications terminal equipment, information technology equipment and radio transmitters shall be amended as specified in Annex I to this Decision, in order to take account of new European Community legislation.

Article 2

The Sectoral Annexes on telecommunications terminal equipment, information technology equipment and radio transmitters, on electromagnetic compatibility, on electrical safety and on recreational craft shall be amended as specified in Annex II to this Decision, in order to extend their transitional periods.

Article 3

This Decision is established in duplicate and signed by the Co-Chairs of the Joint Committee. This Decision is effective from the date of the latter of the signatures.

Done at Ottawa, 27 March 2002.

Done at Brussels, 8 January 2002.

On behalf of the Government of Canada

Jennifer DAUBENY

On behalf of the European Community

Pascal LAMY

⁽¹⁾ OJ L 91, 7.4.1999, p. 10.

ANNEX I

Amendments to the Sectoral Annex on telecommunications terminal equipment, information technology equipment and radio transmitters to take account of new European Community legislation

1. In Article 4(1), the second indent is modified to read as follows:

'For electromagnetic compatibility (EMC) the recognition of each other's certificates of compliance, suppliers' declaration and technical construction file, as required. The detailed provisions are described in this Annex or the Sectoral Annex on EMC; where a manufacturer chooses not to use the procedure of Directive 1999/5/EC for assessing conformity with EMC requirements, the relevant provisions of the Sectoral Annexes on EMC shall apply.'

2. In Article 4(1), the third subparagraph is modified to read as follows:

'For electrical safety/low voltage the acceptance of testing, certification of compliance and supplier's declaration of conformity of the covered products to the electrical safety requirements of the other Party. The detailed provisions are described in this Annex or the Sectoral Annex on electrical safety; where a manufacturer chooses not to use the procedure of Directive 1999/5/EC for assessing conformity with electrical safety requirements, the relevant provisions of the Sectoral Annex on electrical safety shall apply.'

3. In Article 4(1), the following new subparagraphs are added:

— prescription of radio tests to be performed pursuant to Annexes III and IV to Directive 1999/5/EC,
— issuing of an opinion on a technical file pursuant to Annex V to Directive 1999/5/EC.'

4. In Attachment 1, the 'European Community' column, the whole text is replaced with the following:

'Directive 1999/5/EC of the European Parliament and of the Council of 9 March 1999 on radio equipment and telecommunications terminal equipment and the mutual recognition of their conformity

Council Directive 73/23/EEC as amended by Council Directive 93/68/EC

Council Directive 89/336/EEC as amended by Council Directives 92/31/EEC and 93/68/EC.'

5. In Attachment 2, the 'European Community' column, the whole text is replaced with the following:

'In specific but not exclusive terms, the following interfaces and services within the scope of Directive 1999/5/EC are included:

- all wired telecommunications terminal equipment,
- all radio equipment, with the exception of:
 - a medical device within the meaning of Article 1 of Council Directive 93/42/EEC of 14 June 1993,
 - an active implantable medical device within the meaning of Article 1 of Council Directive 90/385/EEC of 20 June 1990,
 - a component or separate technical unit of a vehicle within the meaning of Council Directive 72/245/EEC of 20 June 1972 or Council Directive 92/61/EEC of 30 June 1992,
 - radio equipment used by radio amateurs within Article 1, definition 53, of the ITU radio regulations, unless the equipment is available commercially,
 - kits of components to be assembled by radio amateurs and commercial equipment modified by and for the use of radio amateurs are not regarded as commercially available equipment,
 - equipment within the scope of Directive 96/98/EC (The Marine Directive),
 - cable and wiring,
 - receive only radio equipment intended to be used solely for the reception of sound and TV Broadcasting Services,
 - products, appliances and components within the meaning of Article 2 of Council Regulation (EEC) No 3922/91 of 16 December 1991 on the harmonisation of technical requirements and administrative procedures in the field of civil aviation,
 - air-traffic-management equipment and systems within the meaning of Article 1 of Council Directive 93/65/EEC of 19 July 1993 on the definition and use of compatible technical specifications for the procurement of air-traffic-management equipment and systems,
 - apparatus exclusively used for activities concerning public security, defence, State security (including the economic well-being of the State when the activities relate to State security matters) and the activities of the State in areas of criminal law.

Radio equipment is defined as a product, or relevant component thereof, capable of communication by means of the emission and/or reception of radio waves utilising the spectrum allocated to terrestrial/space radio communication; and radio waves means electromagnetic waves of frequencies from 9 kHz to 3 000 GHz, propagated in space without artificial guide.'

ANNEX II

Amendments to the Sectoral Annexes on telecommunications terminal equipment, information technology equipment and radio transmitters, electromagnetic compatibility, electrical safety and recreational craft to extend the transitional periods*Sectoral Annex on Telecommunications Terminal Equipment, Information Technology Equipment and Radio Transmitters*

Article 6(1) of the Sectoral Annex on telecommunications terminal equipment, information technology equipment and radio transmitters is deleted and replaced with the following:

'There will be a transitional period of 35 months before the provisions of this Annex, notably Section 4, become fully operational on 1 October 2001.'

Sectoral Annex on Electromagnetic Compatibility

Article 5(1) of the Sectoral Annex on electromagnetic compatibility is deleted and replaced with the following:

'The mutual recognition provisions of this Annex, notably Section 3, will take effect 35 months following the entry into force of this Annex, that is on 1 October 2001.'

Sectoral Annex on Electrical Safety

Article 4(1) of the Sectoral Annex on Electrical Safety is deleted and replaced by the following:

'The transitional arrangements shall operate for a term of 35 months from the time this MRA enters into force, that is up to 30 September 2001.'

Sectoral Annex on Recreational Craft

Section V, first sentence, of the Sectoral Annex on recreational craft is deleted and replaced with the following:

'There will be a transitional period of 35 months up to 30 September 2001 prior to the operation of this Annex.'
