

# Official Journal

## of the European Communities

ISSN 0378-6978

L 225

Volume 45

22 August 2002

English edition

## Legislation

### Contents

#### I Acts whose publication is obligatory

- Commission Regulation (EC) No 1493/2002 of 21 August 2002 establishing the standard import values for determining the entry price of certain fruit and vegetables ..... 1
- ★ **Commission Regulation (EC) No 1494/2002 of 21 August 2002 amending Annexes III, VII and XI to Regulation (EC) No 999/2001 of the European Parliament and the Council as regards monitoring of bovine spongiform encephalopathy, eradication of transmissible spongiform encephalopathy, removal of specified risk materials and rules for importation of live animals and products of animal origin <sup>(1)</sup> ..... 3**
- ★ **Commission Regulation (EC) No 1495/2002 of 21 August 2002 supplementing the Annex to Regulation (EC) No 2400/96 on the entry of certain names in the 'Register of protected designations of origin and protected geographical indications' provided for in Council Regulation (EEC) No 2081/92 on the protection of geographical indications and designations of origin for agricultural products and foodstuffs (*Piment d'Espelette* or *Piment d'Espelette* — *Ezpeletako Biperra*, *Oberpfälzer Karpfen*, *Carne da Charneca* and *Carne Cachena da Peneda*) ..... 11**
- ★ **Commission Regulation (EC) No 1496/2002 of 21 August 2002 amending Annex I (the rules of jurisdiction referred to in Article 3(2) and Article 4(2)) and Annex II (the list of competent courts and authorities) to Council Regulation (EC) No 44/2001 on jurisdiction and the recognition and enforcement of judgements in civil and commercial matters ..... 13**
- ★ **Commission Regulation (EC) No 1497/2002 of 21 August 2002 correcting the English language version of Regulation (EC) No 1332/2002 opening the procedure for the allocation of export licences for cheeses to be exported in 2003 to the United States of America under certain quotas resulting from the GATT Agreements ..... 14**
- ★ **Commission Regulation (EC) No 1498/2002 of 21 August 2002 establishing administrative procedures for the 2003 quantitative quotas for certain products originating in the People's Republic of China ..... 15**

|                                                                                                                                                                                                                                                                                                                                                                                                                |    |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----|
| ★ <b>Commission Directive 2002/71/EC of 19 August 2002 amending the Annexes to Council Directives 76/895/EEC, 86/362/EEC, 86/363/EEC and 90/642/EEC as regards the fixing of maximum levels for pesticide residues (formothion, dimethoate and oxydemeton-methyl) in and on cereals, foodstuffs of animal origin and certain products of plant origin, including fruit and vegetables <sup>(1)</sup></b> ..... | 21 |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----|

---

II *Acts whose publication is not obligatory*

**Commission**

2002/663/EC:

|                                                                                                                                                                                                                                                                                                                      |    |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----|
| ★ <b>Commission Recommendation of 19 August 2002 concerning a coordinated Community monitoring programme for 2003 to ensure compliance with maximum levels of pesticide residues in and on cereals and certain other products of plant origin <sup>(1)</sup> (notified under document number C(2002) 3084)</b> ..... | 29 |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----|

2002/664/EC:

|                                                                                                                                                             |    |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------|----|
| ★ <b>Commission Recommendation of 19 August 2002 concerning medals and tokens similar to euro coins (notified under document number C(2002) 3107)</b> ..... | 34 |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------|----|

## I

(Acts whose publication is obligatory)

**COMMISSION REGULATION (EC) No 1493/2002**  
**of 21 August 2002**  
**establishing the standard import values for determining the entry price of certain fruit and vegetables**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

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

Whereas:

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

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

HAS ADOPTED THIS REGULATION:

*Article 1*

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

*Article 2*

This Regulation shall enter into force on 22 August 2002.

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

Done at Brussels, 21 August 2002.

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

---

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

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

## ANNEX

**to the Commission Regulation of 21 August 2002 establishing the standard import values for determining the entry price of certain fruit and vegetables**

(EUR/100 kg)

| CN code                            | Third country code <sup>(1)</sup> | Standard import value |
|------------------------------------|-----------------------------------|-----------------------|
| 0702 00 00                         | 052                               | 54,6                  |
|                                    | 060                               | 44,6                  |
|                                    | 999                               | 49,6                  |
| 0707 00 05                         | 052                               | 80,4                  |
|                                    | 999                               | 80,4                  |
| 0709 90 70                         | 052                               | 82,7                  |
|                                    | 999                               | 82,7                  |
| 0805 50 10                         | 388                               | 61,6                  |
|                                    | 524                               | 66,8                  |
|                                    | 528                               | 53,4                  |
|                                    | 999                               | 60,6                  |
| 0806 10 10                         | 052                               | 81,3                  |
|                                    | 220                               | 270,7                 |
|                                    | 400                               | 218,6                 |
|                                    | 999                               | 190,2                 |
| 0808 10 20, 0808 10 50, 0808 10 90 | 388                               | 82,2                  |
|                                    | 400                               | 101,7                 |
|                                    | 508                               | 52,6                  |
|                                    | 512                               | 100,1                 |
|                                    | 528                               | 51,4                  |
|                                    | 720                               | 132,3                 |
|                                    | 800                               | 168,2                 |
|                                    | 804                               | 93,3                  |
| 0808 20 50                         | 999                               | 97,7                  |
|                                    | 052                               | 114,9                 |
|                                    | 388                               | 76,3                  |
|                                    | 512                               | 81,5                  |
|                                    | 528                               | 93,1                  |
| 0809 30 10, 0809 30 90             | 999                               | 91,4                  |
|                                    | 052                               | 104,9                 |
|                                    | 999                               | 104,9                 |
| 0809 40 05                         | 052                               | 70,3                  |
|                                    | 060                               | 68,4                  |
|                                    | 064                               | 60,4                  |
|                                    | 066                               | 66,6                  |

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

## COMMISSION REGULATION (EC) No 1494/2002

of 21 August 2002

**amending Annexes III, VII and XI to Regulation (EC) No 999/2001 of the European Parliament and the Council as regards monitoring of bovine spongiform encephalopathy, eradication of transmissible spongiform encephalopathy, removal of specified risk materials and rules for importation of live animals and products of animal origin**

(Text with EEA relevance)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Regulation (EC) No 999/2001 of the European Parliament and of the Council of 22 May 2001 laying down rules for the prevention, control and eradication of certain transmissible spongiform encephalopathies <sup>(1)</sup>, as last amended by Commission Regulation (EC) No 270/2002 <sup>(2)</sup>, and in particular Article 23 thereof,

Whereas:

- (1) Rules for monitoring of bovine spongiform encephalopathy (BSE) in bovine animals, for destruction of bovine embryos and ova of BSE cases, for trade in bovine embryos and ova, and for removal of specified BSE risk material are laid down in Regulation (EC) No 999/2001.
- (2) When the BSE monitoring programme in bovine animals was amended by Commission Regulation (EC) No 1248/2001 <sup>(3)</sup>, provision was made for a review of the monitoring programme in the light of the results obtained during the first six months.
- (3) During the second half of 2001, more than five million bovine animals were tested for BSE, 457 of which were positive. Most positive cases were found in dead-on-farm animals, emergency slaughtered animals and animals the slaughter of which was deferred due to a suspected disease or disorder of their general conditions.
- (4) To ensure the uniform application of the monitoring programme, it is necessary to clarify under Annex III, Chapter A.I.2, the definition of animals the slaughter of which was deferred due to a suspected disease or disorder of their general conditions.
- (5) All dead-on-farm animals over 24 months of age have been tested for BSE during a one-year statistical survey set out as a transitional measure in Regulation (EC) No 999/2001. To ensure the effective detection of BSE cases, all dead-on-farm animals above 24 months of age should continue to be tested on a permanent basis. To avoid disproportionate costs, a derogation should be provided for animals dying in remote areas where no collection of dead animals has been organised.

(6) It is important to follow the evolution of the BSE epidemic in animals born after the introduction of the reinforced feed ban in the United Kingdom. To this end the testing of animals slaughtered and destroyed under the Over Thirty Months Scheme should be expanded to cover all animals born after the feed ban. However, the detection of positive cases in animals below 42 months of age is highly unlikely and it would, therefore, be disproportionate to require the testing of healthy animals below that age intended for destruction under the exceptional scheme provided for by Commission Regulation (EC) No 716/96 of 19 April 1996 adopting exceptional support measures for the beef market in the United Kingdom <sup>(4)</sup> as last amended by Regulation (EC) No 1176/2000 <sup>(5)</sup>.

(7) It is necessary to clarify the rules on health marking of carcasses selected for testing for transmissible spongiform encephalopathy.

(8) To avoid disproportionate costs in the monitoring programme for small ruminants, a derogation should be provided for animals dying in remote areas where no collection of dead animals has been organised.

(9) The provisions regarding voluntary monitoring programmes in animal species other than bovine, ovine and caprine animals should be clarified.

(10) In its opinion of 16 May 2002 on the safety of bovine embryos, the Scientific Steering Committee (SSC) concluded that there is no need for measures other than those prescribed by the International Embryo Transfer Society protocols. In its general session of May 2002, the world animal health organisation Office international des Epizooties (OIE) decided on similar scientific grounds to delete all trade conditions related to bovine embryos and ova. The provisions on the destruction of bovine embryos and ova from BSE cases and the BSE-related trade conditions for bovine embryos and ova should therefore be repealed.

(11) It is necessary to clarify the rules on the removal and control of specified risk material.

<sup>(1)</sup> OJ L 147, 31.5.2001, p. 1.

<sup>(2)</sup> OJ L 45, 15.2.2002, p. 4.

<sup>(3)</sup> OJ L 173, 27.6.2001, p. 12.

<sup>(4)</sup> OJ L 99, 20.4.1996, p. 14.

<sup>(5)</sup> OJ L 131, 1.6.2000, p. 37.

- (12) In its opinion of 27 June 2002 on the Geographical BSE Risk of certain third countries, the SSC concluded that, in addition to previously evaluated countries, the occurrence of BSE in native cattle is highly unlikely in Iceland and in Vanuatu. Therefore Iceland and Vanuatu should be exempt from the trade conditions related to live bovine animals and products of bovine, ovine and caprine origin.
- (13) Regulation (EC) No 999/2001 should therefore be amended accordingly.
- (14) The measures provided for in this Regulation are in accordance with the opinion of the Standing Committee on the Food Chain and Animal Health,

HAS ADOPTED THIS REGULATION:

*Article 1*

Annexes III, VII and XI to Regulation (EC) No 999/2001 are amended in accordance with the Annex to this Regulation.

*Article 2*

This Regulation shall enter into force on the third 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, 21 August 2002.

*For the Commission*

David BYRNE

*Member of the Commission*

---

## ANNEX

1. Annex III is replaced by the following:

## 'ANNEX III

**MONITORING SYSTEM**

## CHAPTER A

**I. Monitoring in bovine animals****1. General**

Monitoring in bovine animals shall be carried out in accordance with the laboratory methods laid down in Annex X, Chapter C, point 3.1(b).

**2. Monitoring in animals slaughtered for human consumption****2.1. All bovine animals over 24 months of age:**

- subject to "special emergency slaughtering" as defined in Article 2(n) of Council Directive 64/433/EEC <sup>(1)</sup>, or
- slaughtered in accordance with Annex I, Chapter VI, point 28(c), to Directive 64/433/EEC, except animals without clinical signs of disease slaughtered in the context of a disease eradication campaign, shall be tested for BSE.

**2.2. All bovine animals over 30 months of age:**

- subject to normal slaughter for human consumption, or
- slaughtered in the context of a disease eradication campaign in accordance with Annex I, Chapter VI, point 28(c), to Directive 64/433/EEC, but showing no clinical signs of disease, shall be tested for BSE.

**2.3. By way of derogation from point 2.2, and with regard to bovine animals born, reared and slaughtered on its territory, Sweden may decide to examine only a random sample. The sample shall comprise at least 10 000 animals per year.****3. Monitoring in animals not slaughtered for human consumption****3.1. All bovine animals over 24 months of age which have died or been killed but which were not:**

- killed for destruction pursuant to Commission Regulation (EC) No 716/96 <sup>(2)</sup>,
- killed in the framework of an epidemic, such as foot-and-mouth disease,
- slaughtered for human consumption, shall be tested for BSE.

**3.2. Member States may decide to derogate from the provisions of point 3.1 in remote areas with a low animal density, where no collection of dead animals is organised. Member States making use of this derogation shall inform the Commission thereof, and submit a list of the derogated areas. The derogation shall not cover more than 10 % of the bovine population in the Member State.****4. Monitoring in animals purchased for destruction pursuant to Regulation (EC) No 716/96**

- 4.1. All animals subject to casualty slaughter or found sick at ante-mortem inspection shall be tested for BSE.**
- 4.2. All animals over 42 months of age born after 1 August 1996 shall be tested for BSE.**
- 4.3. A random sample comprising at least 10 000 animals annually of animals not covered by points 4.1 or 4.2 shall be tested for BSE.**

<sup>(1)</sup> OJ L 21, 29.7.1964, p. 2012/64.

<sup>(2)</sup> OJ L 99, 20.4.1996, p. 14.

### 5. Monitoring in other animals

In addition to the testing referred to in points 2 to 4, Member States may on a voluntary basis decide to test other bovine animals on their territory, in particular where those animals originate from countries with indigenous BSE, have consumed potentially contaminated feedingstuffs or were born or derived from BSE infected dams.

### 6. Measures following testing

- 6.1. Where an animal slaughtered for human consumption has been selected for testing for BSE, the health marking provided for in Chapter XI of Annex I to Directive 64/433/EEC shall not be carried out on the carcass of that animal until a negative result to the rapid test has been obtained.
- 6.2. Member States may derogate from the provisions of point 6.1 where an official system is in place in the slaughterhouse ensuring that no parts of examined animals bearing the health mark leave the slaughterhouse until a negative result to the rapid test has been obtained.
- 6.3. All parts of the body of an animal tested for BSE including the hide shall be retained under official control until a negative result to the rapid test has been obtained, unless they are destroyed in accordance with Annex V, point 3 or 4.
- 6.4. All parts of the body of an animal found positive to the rapid test including the hide shall be destroyed in accordance with Annex V, point 3 or 4, apart from material to be retained in conjunction with the records provided for in Chapter B, section III.
- 6.5. Where an animal slaughtered for human consumption is found positive to the rapid test, at least the carcass immediately preceding the test-positive carcass and two carcasses immediately following the test-positive carcass on the same slaughter line shall be destroyed in accordance with point 6.4, in addition to the test-positive carcass.
- 6.6. Member States may derogate from the provisions of point 6.5 where a system is in place in the slaughterhouse preventing contamination between carcasses.

## II. Monitoring in ovine and caprine animals

### 1. General

Monitoring in ovine and caprine animals shall be carried out in accordance with the laboratory methods laid down in Annex X, Chapter C, point 3.2(b).

### 2. Monitoring in animals slaughtered for human consumption

Animals over 18 months of age or which have more than two permanent incisors erupted through the gum and which are slaughtered for human consumption shall be tested in accordance with the sample size indicated in the table. The sampling shall be representative for each region and season. The sample selection shall be designed with a view to avoid the over-representation of any group as regards the origin, species, age, breed, production type or any other characteristic. The age of the animals shall be estimated based on dentition, obvious signs of maturity or other reliable information. Multiple sampling in the same flock shall be avoided, where possible.

| Member State | Minimum annual sample size<br>Slaughtered animals (*) |
|--------------|-------------------------------------------------------|
| Belgium      | 3 750                                                 |
| Denmark      | 3 000                                                 |
| Germany      | 60 000                                                |
| Greece       | 60 000                                                |
| Spain        | 60 000                                                |
| France       | 60 000                                                |
| Ireland      | 60 000                                                |
| Italy        | 60 000                                                |
| Luxembourg   | 250                                                   |

| Member State   | Minimum annual sample size<br>Slaughtered animals (*) |
|----------------|-------------------------------------------------------|
| Netherlands    | 39 000                                                |
| Austria        | 8 200                                                 |
| Portugal       | 22 500                                                |
| Finland        | 1 900                                                 |
| Sweden         | 5 250                                                 |
| United Kingdom | 60 000                                                |

(\*) The sample size has been calculated to detect a prevalence of 0,005 % with a 95 % confidence in slaughtered animals in Member States which slaughter a large number of adult sheep. In those Member States which slaughter a smaller number of adult sheep, the sample size is calculated as 25 % of the estimated or recorded number of cull ewes slaughtered in 2000.

### 3. Monitoring in animals not slaughtered for human consumption

Animals over 18 months of age or which have more than two permanent incisors erupted through the gum which have died or been killed, but which were not:

- killed in the framework of an epidemic, such as foot-and-mouth disease,
- slaughtered for human consumption,

shall be tested in accordance with the sample size indicated in the table. The sampling shall be representative for each region and season. The sample selection shall be designed with a view to avoid the over-representation of any group as regards the origin, species, age, breed, production type or any other characteristic. The age of the animal shall be estimated based on dentition, obvious signs of maturity or other reliable information. Multiple sampling in the same flock shall be avoided, where possible.

Member States may decide to exclude remote areas with a low animal density, where no collection of dead animals is organised, from the sampling. Member States making use of this derogation shall inform the Commission thereof, and submit a list of the derogated areas. The derogation shall not cover more than 10 % of the ovine and caprine population in the Member State.

| Member State | Minimum annual sample size<br>Dead animals (*) |
|--------------|------------------------------------------------|
| Belgium      | 450                                            |
| Denmark      | 400                                            |
| Germany      | 6 000                                          |
| Greece       | 6 000                                          |
| Spain        | 6 000                                          |
| France       | 6 000                                          |
| Ireland      | 6 000                                          |
| Italy        | 6 000                                          |
| Luxembourg   | 30                                             |
| Netherlands  | 5 000                                          |

| Member State   | Minimum annual sample size<br>Dead animals (*) |
|----------------|------------------------------------------------|
| Austria        | 1 100                                          |
| Portugal       | 6 000                                          |
| Finland        | 250                                            |
| Sweden         | 800                                            |
| United Kingdom | 6 000                                          |

(\*) The sample size has been calculated to detect a prevalence of 0,05 % with a 95 % confidence in dead animals in Member States with a large sheep population. In those Member States with a smaller sheep population, the sample size is calculated as 50 % of the estimated number of dead animals (estimated mortality 1 %).

#### 4. *Monitoring in other animals*

In addition to the monitoring programmes set out in points 2 and 3, Member States may on a voluntary basis carry out monitoring in other animals, in particular:

- animals used for dairy production,
- animals originating from countries with indigenous TSEs,
- animals which have consumed potentially contaminated feedingstuffs,
- animals born or derived from TSE infected dams,
- animals from flocks infected with TSE

#### 5. *Measures following testing of ovine and caprine animals*

- 5.1. Where an animal slaughtered for human consumption has been selected for testing for TSE, the health marking provided for in Chapter XI of Annex I to Directive 64/433/EEC shall not be carried out on the carcass of that animal until a negative result to the rapid test has been obtained.
- 5.2. Member States may derogate from the provisions of point 5.1 where an official system is in place in the slaughterhouse ensuring that no parts of examined animals bearing the health mark leave the slaughterhouse until a negative result to the rapid test has been obtained.
- 5.3. All parts of the body of a tested animal including the hide shall be retained under official control until a negative result to the rapid test has been obtained, unless they are destroyed in accordance with Annex V, point 3 or 4.
- 5.4. All parts of the body of an animal found positive to the rapid test including the hide shall be destroyed in accordance with Annex V, point 3 or 4, apart from material to be retained in conjunction with the records provided for in Chapter B, Section III.

#### 6. *Genotyping*

- 6.1. The prion protein genotype shall be determined for each positive TSE case in sheep. TSE cases found in resistant genotypes (sheep of genotypes which encode alanin on both alleles at codon 136, arginin on both alleles at codon 154 and arginin on both alleles at codon 171) shall immediately be reported to the Commission. Where possible, such cases shall be submitted for strain-typing. Where strain-typing of such cases is not possible, the herd of origin and all other herds where the animal has been shall be subjected to enhanced monitoring with a view to find other TSE cases for strain-typing.
- 6.2. In addition to the animals genotyped under the provisions of point 6.1, the prion protein genotype of a random sub-sample of the ovine animals tested under the provisions of Chapter A, Section II, point 2 shall be determined. This sub-sample shall represent at least one per cent of the total sample for each Member State, and shall not be less than 100 animals per Member State. By derogation, Member States may choose to genotype an equivalent number of live animals of a similar age.

### III. **Monitoring in other animal species**

Member States may on a voluntary basis carry out monitoring for TSE in animal species other than bovine, ovine and caprine animals.

## CHAPTER B

**I. Information to be presented by Member States in their report**

1. The number of suspected cases per animal species placed under movement restrictions in accordance with Article 12(1).
2. The number of suspected cases per animal species subject to laboratory examination in accordance with Article 12(2) and the outcome of the examination.
3. The number of flocks where suspected cases in ovine and caprine animals have been reported and investigated pursuant to Article 12(1) and (2).
4. The estimated size of each subpopulation referred to in Chapter A, Section I, points 3 and 4.
5. The number of bovine animals tested within each subpopulation referred to in Chapter A, Section I, point 2 to 5, the method for sample selection and the outcome of the tests.
6. The estimated size of those subpopulations referred to in Chapter A, Section II, points 2 and 3 which have been selected for sampling.
7. The number of ovine and caprine animals and flocks tested within each subpopulation referred to in Chapter A, Section II, points 2 to 4, the method for sample selection and the outcome of the tests.
8. Number, age distribution and geographical distribution of positive cases of BSE and scrapie. The country of origin, if not the same as the reporting country, of positive cases of BSE and scrapie. Number and geographical distribution of scrapie positive flocks. The year and, where possible, month of birth should be given for each BSE case.
9. Positive TSE cases confirmed in animals other than bovine, ovine and caprine animals.
10. The genotype and where possible breed of each animal sampled within each subpopulation referred to in Chapter A, part II, points 6.1 and 6.2.

**II. Information to be presented by the Commission in its summary**

The summary shall be presented in a tabled format covering at least the information referred to in Part I for each Member State.

**III. Records**

1. The competent authority shall keep, for seven years, records of:
  - the number and types of animals placed under movement restrictions as referred to in Article 12(1),
  - the number and outcome of clinical and epidemiological investigations as referred to in Article 12(1),
  - the number and outcome of laboratory examinations as referred to in Article 12(2),
  - the number, identity and origin of animals sampled in the framework of the monitoring programmes as referred to in Chapter A and, where possible, age, breed and anamnestic information,
  - the prion protein genotype of positive TSE cases in sheep.
2. The investigating laboratory shall keep, for seven years, all records of testing, in particular laboratory work-books and, where appropriate, paraffin blocks and photographs of Western blots.
2. Annex VII is amended as follows:
  - (a) in point 1(a), the second indent is replaced by the following:
 

‘— where the disease was confirmed in a female animal, its progeny born within two years prior to, or after, clinical onset of the disease;’
  - (b) in point 1(a), the words ‘embryos and ova’ are deleted in the fifth indent;
  - (c) in point 2(a), the words ‘and the destruction of embryos and ova’ are deleted.
3. Annex XI is amended as follows:
  - (a) in part A, point 1(a)(i) is replaced by the following:
 

‘(i) the skull including the brain and eyes, the tonsils, the vertebral column excluding the vertebrae of the tail, the transverse processes of the lumbar and thoracic vertebrae and the wings of the sacrum, but including dorsal root ganglia, and spinal cord of bovine animals aged over 12 months, and the intestines from the duodenum to the rectum and the mesentery of bovine animals of all ages;’

- (b) in part A, point 5(a) is replaced by the following:  
'(a) slaughterhouses, or, as appropriate, other places of slaughter;'
- (c) in part A, the list of countries referred to in point 10(b) is replaced by the following:  
'Argentina  
Australia  
Botswana  
Brazil  
Chile  
Costa Rica  
El Salvador  
Iceland  
Namibia  
New-Zealand  
Nicaragua  
Panama  
Paraguay  
Singapore  
Swaziland  
Uruguay  
Vanuatu.'
- (d) In part A, point 12(a) is replaced by the following:  
'(a) when removal of the vertebral column is not required, carcasses or parts of carcasses, as defined by Directive 64/433/EEC, of bovine animals containing vertebral column, shall be identified by a blue stripe on the label referred to in Regulation (EC) No 1760/2000, except at the delivery stage to the final consumer;'
- (e) Part B is deleted.
- (f) In part D, point 3 is replaced by the following:  
'3. Point 2 shall not apply to imports of bovine animals born and continuously reared in the following countries:  
Argentina  
Australia  
Botswana  
Brazil  
Chile  
Costa Rica  
El Salvador  
Iceland  
Namibia  
New-Zealand  
Nicaragua  
Panama  
Paraguay  
Singapore  
Swaziland  
Uruguay  
Vanuatu.'
- (g) In part D, point 4 is deleted.
-

## COMMISSION REGULATION (EC) No 1495/2002

of 21 August 2002

**supplementing the Annex to Regulation (EC) No 2400/96 on the entry of certain names in the 'Register of protected designations of origin and protected geographical indications' provided for in Council Regulation (EEC) No 2081/92 on the protection of geographical indications and designations of origin for agricultural products and foodstuffs (*Piment d'Espelette* or *Piment d'Espelette — Ezpeletako Biperra*, *Oberpfälzer Karpfen*, *Carne da Charneca* and *Carne Cachena da Peneda*)**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 2081/92 of 14 July 1992 on the protection of geographical indications and designations of origin for agricultural products and foodstuffs <sup>(1)</sup>, as last amended by Commission Regulation (EC) No 2796/2000 <sup>(2)</sup>, and in particular Article 6(3) and (4) thereof,

Whereas:

- (1) In accordance with Article 5 of Regulation (EEC) No 2081/92, Portugal has sent the Commission two applications for registration of the names 'Carne da Charneca' and 'Carne Cachena da Peneda' as a designation of origin, France has sent the Commission an application for registration of the name 'Piment d'Espelette' or 'Piment d'Espelette — Ezpeletako Biperra' as a designation of origin and Germany has sent the Commission an application for registration of the name 'Oberpfälzer Karpfen' as a geographical indication.
- (2) In accordance with Article 6(1) of that Regulation, the applications have been found to meet all the requirements laid down therein and in particular to contain all the information required in accordance with Article 4 thereof.
- (3) No statements of objection have been received by the Commission under Article 7 of that Regulation in respect of the names given in the Annex to this Regulation following their publication in the *Official Journal of the European Communities* <sup>(3)</sup>.

- (4) The names should therefore be entered in the 'Register of protected designations of origin and protected geographical indications' and hence be protected throughout the Community as protected designations of origin or protected geographical indications.

- (5) The Annex to this Regulation supplements the Annex to Commission Regulation (EC) No 2400/96 <sup>(4)</sup>, as last amended by Regulation (EC) No 1241/2002 <sup>(5)</sup>,

HAS ADOPTED THIS REGULATION:

## Article 1

The names in the Annex hereto are added to the Annex to Regulation (EC) No 2400/96 and entered as protected designations of origin (PDO) or protected geographical indications (PGI) in the 'Register of protected designations of origin and protected geographical indications' provided for in Article 6(3) of Regulation (EEC) No 2081/92.

## Article 2

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

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

Done at Brussels, 21 August 2002.

For the Commission

Franz FISCHLER

Member of the Commission

<sup>(1)</sup> OJ L 208, 24.7.1992, p. 1.

<sup>(2)</sup> OJ L 324, 21.12.2000, p. 26.

<sup>(3)</sup> OJ C 354, 13.12.2001, p. 14 (*Carne da Charneca*).

OJ C 354, 13.12.2001, p. 16 (*Carne Cachena da Peneda*).

OJ C 354, 13.12.2001, p. 9 (*Piment d'Espelette* or *Piment d'Espelette — Ezpeletako Biperra*).

OJ C 354, 13.12.2001, p. 12 (*Oberpfälzer Karpfen*).

<sup>(4)</sup> OJ L 327, 18.12.1996, p. 11.

<sup>(5)</sup> OJ L 181, 11.7.2002, p. 4.

## ANNEX

## PRODUCTS LISTED IN ANNEX I TO THE EC TREATY, INTENDED FOR HUMAN CONSUMPTION

**Fresh meat**

## PORTUGAL

Carne da Charneca (PDO)

Carne Cachena da Peneda (PDO)

**Vegetable**

## FRANCE

Piment d'Espelette or Piment d'Espelette — Ezpeletako Biperra (PDO)

**Fish**

## GERMANY

Oberpfälzer Karpfen (PGI).

---

**COMMISSION REGULATION (EC) No 1496/2002****of 21 August 2002****amending Annex I (the rules of jurisdiction referred to in Article 3(2) and Article 4(2)) and Annex II (the list of competent courts and authorities) to Council Regulation (EC) No 44/2001 on jurisdiction and the recognition and enforcement of judgements in civil and commercial matters**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 44/2001 of 22 December 2000 on jurisdiction and the recognition and enforcement of judgements in civil and commercial matters <sup>(1)</sup>, and in particular Articles 3(2), 4(2), 44 and 74 thereof,

Whereas:

- (1) According to Article 3(1) of the Regulation (EC) No 44/2001, persons domiciled in a Member State may only be sued in the courts of another Member State by virtue of the rules set out in sections 2 to 7 of Chapter II on jurisdiction; according to Article 3(2), in particular the rules of jurisdiction set out in Annex I shall not be applicable as against them.
- (2) Therefore, if a rule referred to in Annex I is abolished in a Member State, the content of the list should be modified accordingly.
- (3) An application for a declaration of enforceability of a judgment given in a Member State and enforceable in that State, in another Member State, should be submitted to the competent authorities listed in Annex II to Regulation (EC) No 44/2001.
- (4) Articles 38 et seq. and 57(4) of Regulation (EC) No 44/2001 allow that an application for a declaration of enforceability of an authentic instrument may be submitted to notaries as competent authorities.
- (5) Article 74 of Regulation (EC) No 44/2001 provides that Member States should notify the Commission of texts amending the list of competent authorities set out in Annexes I to IV.
- (6) The Netherlands has notified the Commission of an amendment to the rules of jurisdiction set in Annex I

and to the list of competent courts and authorities set out in Annex II and Germany has notified the Commission of an amendment to the list of competent courts and authorities set out in Annex II; therefore, Regulation (EC) No 44/2001 should be amended accordingly,

HAS ADOPTED THIS REGULATION:

*Article 1*

In Annex I to Regulation (EC) No 44/2001, the eighth indent concerning the Netherlands, shall be deleted.

*Article 2*

In Annex II to Regulation (EC) No 44/2001, 'in Germany the presiding Judge of a chamber of the "Landgericht" shall be replaced by the following:

'in Germany:

- (a) the presiding Judge of a chamber of the "Landgericht";
- (b) a notary ("...") in a procedure of declaration of enforceability of an authentic instrument.'

*Article 3*

In Annex II to Regulation (EC) No 44/2001, 'in the Netherlands, the presiding Judge of the "arrondissementsrechtbank" shall be replaced by the following:

'in the Netherlands, the "voorzieningenrechter van de rechtbank".'

*Article 4*This Regulation shall enter into force on the seventh day following its publication in the *Official Journal of the European Communities*.

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

Done at Brussels, 21 August 2002.

For the Commission

António VITORINO

Member of the Commission

<sup>(1)</sup> OJ L 12, 16.1.2001, p. 1.

**COMMISSION REGULATION (EC) No 1497/2002****of 21 August 2002****correcting the English language version of Regulation (EC) No 1332/2002 opening the procedure for the allocation of export licences for cheeses to be exported in 2003 to the United States of America under certain quotas resulting from the GATT Agreements**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 1255/1999 of 17 May 1999 on the common organisation of the market in milk and milk products <sup>(1)</sup>, as last amended by Commission Regulation (EC) No 509/2002 <sup>(2)</sup>, and in particular Article 30 thereof,

Whereas:

Article 20 of Commission Regulation (EC) No 174/1999 of 26 January 1999 laying down special detailed rules for the application of Council Regulation (EEC) No 804/68 as regards export licences and export refunds in the case of milk and milk products <sup>(3)</sup>, as last amended by Regulation (EC) No 1368/2002 <sup>(4)</sup>, provides that export licences for cheese exported to the United States of America as part of the quotas under the Agreements concluded during multilateral trade negotiations, may be allocated according to a special procedure by which preferred importers in the United States of America may be designated. Article 2 of Commission Regulation (EC) No 1332/2002 <sup>(5)</sup> fixes the period wherein the applications for provisional licences shall be lodged with the competent authorities.

As the period mentioned in the English language version differs from the texts in the other official Community languages, the necessary correction should therefore be made to that language version,

HAS ADOPTED THIS REGULATION:

*Article 1*

In Article 2 of Regulation (EC) No 1332/2002, paragraph 1 is replaced by the following:

‘1. Applications for provisional licences shall be lodged with the competent authorities from 2 to 11 September 2002 at the latest. They shall not be admissible unless they contain all the details referred to in Article 20(2) of Regulation (EC) No 174/1999 and the documents mentioned therein.’

*Article 2*

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

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

Done at Brussels, 21 August 2002.

*For the Commission*

Franz FISCHLER

*Member of the Commission*

<sup>(1)</sup> OJ L 160, 26.6.1999, p. 48.

<sup>(2)</sup> OJ L 79, 22.3.2002, p. 15.

<sup>(3)</sup> OJ L 195, 24.7.2002, p. 10.

<sup>(4)</sup> OJ L 198, 27.7.2002, p. 33.

<sup>(5)</sup> OJ L 195, 24.7.2002, p. 10.

**COMMISSION REGULATION (EC) No 1498/2002****of 21 August 2002****establishing administrative procedures for the 2003 quantitative quotas for certain products originating in the People's Republic of China**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 520/94 of 7 March 1994 establishing a Community procedure for administering quantitative quotas <sup>(1)</sup>, as last amended by Regulation (EC) No 138/96 <sup>(2)</sup>, and in particular Article 2(3) and (4), Article 6(3) and Articles 13, 23 and 24 thereof,

Whereas:

- (1) Council Regulation (EC) No 519/94 of 7 March 1994 on common rules for imports from certain third countries and repealing Regulations (EEC) No 1765/82, (EEC) No 1766/82 and (EEC) No 3420/83 <sup>(3)</sup>, as last amended by Regulation (EC) No 1138/98 <sup>(4)</sup>, introduced annual quantitative quotas for certain products originating in the People's Republic of China listed in Annex I to that Regulation.
- (2) The Commission has adopted a proposal for a Council Regulation on a transitional product-specific safeguard mechanism for imports originating in the People's Republic of China and amending Council Regulation (EC) No 519/94 on common rules for imports from certain third countries (com (2002) 342 final). This proposal for a Council Regulation, which, *inter alia*, provides for an increase in the quotas for 2002 and 2003 reflecting the phasing out table provided for in China's Protocol of Accession to the WTO, has not yet been adopted by the Council. Therefore, the quota allocation in this Commission Regulation has still been based on Annex II to Regulation (EC) No 519/94. Following the adoption of the abovementioned Council Regulation the Commission envisages to increase the quota share accordingly.
- (3) The provisions of Regulation (EC) No 520/94 are applicable to those quotas.
- (4) The Commission accordingly adopted Regulation (EC) No 738/94 <sup>(5)</sup>, as last amended by Regulation (EC) No 983/96 <sup>(6)</sup>, laying down general rules for the implementation of Regulation (EC) No 520/94. These provisions apply to the administration of the above quotas subject to the provisions of this Regulation.

- (5) Certain characteristics of China's economy, the seasonal nature of some of the products and the time needed for transport mean that orders for products subject to quota are generally placed before the beginning of the quota year. It is therefore important to ensure that administrative constraints do not impede the realisation of the planned imports. In order not to affect the continuity of trade flows, the arrangements for allocating and administering the 2003 quotas should accordingly be adopted before the start of the quota year.
- (6) After examination of the different administrative methods provided for by Regulation (EC) No 520/94, the method based on traditional trade flows should be adopted. Under this method the quotas are divided into two portions, one of which is reserved for traditional importers and the other for other applicants.
- (7) This has proved to be the best way of ensuring the continuity of business for the Community importers concerned and avoiding any disturbance of trade flows.
- (8) The reference period used for allocating the portion of the quota set aside for traditional importers in the previous Regulation on the administration of these quotas cannot be updated. The years 2000 and 2001 were characterised by certain distortions, in particular a more than twofold increase of applications from one Member State, which resulted in substantially reduced individual quota allocations to all non-traditional importers in all Member States. The years 1998 or 1999 are the most recent years representative of the normal trend of trade flows in the products in question. Traditional importers must, therefore, prove that they have imported products originating in China and covered by the quotas in question in the years 1998 or 1999.
- (9) It has been found in the past that the method provided for in Article 10 of Regulation (EC) No 520/94, which is based on the order in which applications are received, may not be an appropriate way of allocating that portion of the quota reserved for non-traditional importers. Consequently, in accordance with Article 2(4) of Regulation (EC) No 520/94, it is appropriate to provide for allocation in proportion to the quantities requested, on the basis of a simultaneous examination of import licence applications actually lodged, in accordance with Article 13 of Regulation (EC) No 520/94.

<sup>(1)</sup> OJ L 66, 10.3.1994, p. 1.

<sup>(2)</sup> OJ L 21, 27.1.1996, p. 1.

<sup>(3)</sup> OJ L 67, 10.3.1994, p. 89.

<sup>(4)</sup> OJ L 159, 3.6.1998, p. 1.

<sup>(5)</sup> OJ L 87, 31.3.1994, p. 47.

<sup>(6)</sup> OJ L 131, 1.6.1996, p. 47.

- (10) As explained in recital 8 in Commission Regulation (EC) No 1394/2001 <sup>(1)</sup>, the Commission considers it necessary that operators applying as non-traditional importers and falling under the definition of related persons within the meaning of Article 143 of Commission Regulation (EEC) No 2454/93 <sup>(2)</sup> may only submit a single licence application for each line of the quota set aside for non-traditional importers. In order to exclude speculative applications, the amount that any non-traditional importer may request should be restricted to a set volume.
- (11) In order to take account of the fact that the number of traditional importers has increased in relation to non-traditional importers, it is appropriate to increase the quota share reserved to traditional importers from 70 % to 75 % and to decrease the share of non-traditional importers from 30 % to 25 %.
- (12) It also appears appropriate to transfer quantities not taken up by non-traditional importers to traditional importers, in order to ensure that these quantities can still be allocated in the year in which they were attributed.
- (13) For the purposes of quota allocation, a time limit must be set for the submission of licence applications by traditional and other importers.
- (14) The Member States must inform the Commission of the import licence applications received, in accordance with the procedure laid down in Article 8 of Regulation (EC) No 520/94. The information about traditional importers' previous imports must be expressed in the same units as the quota in question.
- (15) In view of the special nature of transactions concerning products subject to quota, and in particular the time needed for transport, the import licences should expire on 31 December 2003.
- (16) These measures are in accordance with the opinion of the Committee for the administration of quotas set up under Article 22 of Regulation (EC) No 520/94,

HAS ADOPTED THIS REGULATION:

#### Article 1

This Regulation lays down for 2003 specific provisions for the administration of the quantitative quotas referred to in Annex II to Regulation (EC) No 519/94.

Regulation (EC) No 738/94 laying down general rules for the implementation of Regulation (EC) No 520/94 shall apply, subject to the specific provisions of this Regulation.

<sup>(1)</sup> OJ L 187, 10.7.2001, p. 31.

<sup>(2)</sup> OJ L 253, 11.10.1993, p. 1.

#### Article 2

1. The quantitative quotas referred to in Article 1 shall be allocated using the method based on traditional trade flows, referred to in Article 2(2)(a) of Regulation (EC) No 520/94.
2. The portions of each quantitative quota set aside for traditional importers and other importers are set out in Annex I to this Regulation.
3. (a) The portion set aside for non-traditional importers shall be apportioned using the method based on allocation in proportion to quantities requested; the volume requested by each applicant may not exceed that shown in Annex I.
- (b) Operators that are deemed to be related persons as defined by Article 143 of Regulation (EEC) No 2454/93 laying down provisions for the implementation of Council Regulation (EEC) No 2913/92 establishing the Customs Code may only submit single license application for the portion of the quota set aside for non-traditional importers regarding the goods described in the application. In addition to the statement required by Article 3(2)(g) of Commission Regulation (EC) No 738/94, as amended by Article 1 of Commission Regulation (EC) No 983/96, the license application for the non-traditional quota shall state that the applicant is not related to any other operator applying for the non-traditional quota line in question.
- (c) Those proportions of the quantities reserved for non-traditional importers and not allocated will be added to the quantities reserved for traditional importers.

#### Article 3

Applications for import licences shall be lodged with the competent authorities listed in Annex III to this Regulation from the day following the day of publication of this Regulation in the *Official Journal of the European Communities* until 15.00, Brussels time, on 21 October 2002.

#### Article 4

1. For the purposes of allocating the portion of each quota set aside for traditional importers, 'traditional' importers shall mean operators who can show that they have imported goods in the calendar years 1998 or 1999.
2. The supporting documents referred to in Article 7 of Regulation (EC) No 520/94 shall relate to the release for free circulation during either calendar year 1998 or 1999, as indicated by the importer, of products originating in the People's Republic of China which are covered by the quota in respect of which the application is made.

3. Instead of the documents referred to in the first indent of Article 7 of Regulation (EC) No 520/94 applicants may enclose with their licence applications documents drawn up and certified by the competent national authorities on the basis of available customs information as evidence of the imports of the product in question during the calendar years 1998 or 1999 carried out by themselves or, where applicable, by the operator whose activities they have taken over.

#### *Article 5*

Member States shall inform the Commission no later than at 4 November 2002 10 a.m., Brussels time, of the number and aggregate quantity of import licence applications and, in the case of applications from traditional importers, of the volume of previous imports carried out by traditional importers during the reference period referred to in Article 4(1) of this Regulation.

#### *Article 6*

The Commission shall adopt the quantitative criteria to be used by the competent national authorities for the purpose of meeting importers' applications no later than 25 November 2002.

#### *Article 7*

Import licences shall be valid for one year, starting on 1 January 2003.

#### *Article 8*

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

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

Done at Brussels, 21 August 2002.

*For the Commission*

Pascal LAMY

*Member of the Commission*

---

## ANNEX I

## Allocation of the quotas

| Product description                                                                                                                      | HS/CN code                                             | Portion reserved for traditional importers | Portion reserved for other importers |
|------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------|--------------------------------------------|--------------------------------------|
| Footwear falling within HS/CN codes                                                                                                      | ex 6402 99 <sup>(1)</sup>                              | 29 363 611 pairs<br>(75 %)                 | 9 787 870 pairs<br>(25 %)            |
|                                                                                                                                          | 6403 51<br>6403 59                                     | 2 096 250 pairs<br>(75 %)                  | 698 750 pairs<br>(25 %)              |
|                                                                                                                                          | ex 6403 91 <sup>(1)</sup><br>ex 6403 99 <sup>(1)</sup> | 9 090 000 pairs<br>(75 %)                  | 3 030 000 pairs<br>(25 %)            |
|                                                                                                                                          | ex 6404 11 <sup>(2)</sup>                              | 13 671 585 pairs<br>(75 %)                 | 4 557 195 pairs<br>(25 %)            |
|                                                                                                                                          | 6404 19 10                                             | 23 923 287 pairs<br>(75 %)                 | 7 974 429 pairs<br>(25 %)            |
| Tableware, kitchenware of porcelain or china falling within HS/CN code                                                                   | 6911 10                                                | 36 068 tonnes<br>(75 %)                    | 12 022 tonnes<br>(25 %)              |
| Ceramic tableware, kitchenware, other household articles and toilet articles, other than of porcelain or china falling within HS/CN code | 6912 00                                                | 27 287 tonnes<br>(75 %)                    | 9 096 tonnes<br>(25 %)               |

<sup>(1)</sup> Excluding footwear involving special technology: shoes which have a cif price per pair of not less than EUR 9 for use in sporting activities, with a single- or multi-layer moulded sole, not injected, manufactured from synthetic materials specially designed to absorb the impact of vertical or lateral movements and with technical features such as hermetic pads containing gas or fluid, mechanical components which absorb or neutralise impact or materials such as low-density polymers.

<sup>(2)</sup> Excluding:

- a) footwear which is designed for a sporting activity and has, or has provision for the attachment of, spikes, sprigs, stops, clips, bars or the like, with a non-injected sole;
- b) footwear involving special technology: shoes which have a cif price per pair of not less than EUR 9 for use in sporting activities, with a single- or multi-layer moulded sole, not injected, manufactured from synthetic materials specially designed to absorb the impact of vertical or lateral movements and with technical features such as hermetic pads containing gas or fluid, mechanical components which absorb or neutralise impact or materials such as low-density polymers.

## ANNEX II

**Maximum quantity which may be requested by each importer other than traditional**

| Product description                                                                                                                      | HS/CN code                                             | Predetermined maximum quantity |
|------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------|--------------------------------|
| Footwear falling within HS/CN codes                                                                                                      | ex 6402 99 <sup>(1)</sup>                              | 5 000 pairs                    |
|                                                                                                                                          | 6403 51<br>6403 59                                     | 5 000 pairs                    |
|                                                                                                                                          | ex 6403 91 <sup>(1)</sup><br>ex 6403 99 <sup>(1)</sup> | 5 000 pairs                    |
|                                                                                                                                          | ex 6404 11 <sup>(2)</sup>                              | 5 000 pairs                    |
|                                                                                                                                          | 6404 19 10                                             | 5 000 pairs                    |
| Tableware, kitchenware of porcelain or china falling within HS/CN code                                                                   | 6911 10                                                | 5 tonnes                       |
| Ceramic tableware, kitchenware, other household articles and toilet articles, other than of porcelain or china falling within HS/CN code | 6912 00                                                | 5 tonnes                       |

<sup>(1)</sup> Excluding footwear involving special technology: shoes which have a cif price per pair of not less than EUR 9 for use in sporting activities, with a single- or multi-layer moulded sole, not injected, manufactured from synthetic materials specially designed to absorb the impact of vertical or lateral movements and with technical features such as hermetic pads containing gas or fluid, mechanical components which absorb or neutralise impact or materials such as low-density polymers.

<sup>(2)</sup> Excluding:

- a) footwear which is designed for a sporting activity and has, or has provision for the attachment of, spikes, sprigs, stops, clips, bars or the like, with a non-injected sole;
- b) footwear involving special technology: shoes which have a cif price per pair of not less than EUR 9 for use in sporting activities, with a single- or multi-layer moulded sole, not injected, manufactured from synthetic materials specially designed to absorb the impact of vertical or lateral movements and with technical features such as hermetic pads containing gas or fluid, mechanical components which absorb or neutralise impact or materials such as low-density polymers.

## ANNEX III

## LIST OF THE COMPETENT NATIONAL AUTHORITIES

## 1. BELGIQUE/BELGIË

**Ministère des affaires économiques**

Administration des relations économiques  
4<sup>e</sup> division: Mise en œuvre des politiques commerciales  
Services des licences

**Ministerie van Economische Zaken**

Bestuur van de Economische Betrekkingen  
4<sup>e</sup> afdeling: Toepassing van de Handelspolitiek  
Dienst Vergunningen  
Generaal Lemanstraat 60/rue Général-Leman 60,  
B-1040 Bruxelles/Brussel  
Tél./Tel.: (32-2) 206 58 16  
Télécopieur/Fax: (32-2) 230 83 22/231 14 84

## 2. DANMARK

**Erhvervs- og Boligstyrelsen**

Vejlsøvej 29  
DK-8600 Silkeborg  
Tlf. (45) 35 46 64 30  
Fax (45) 35 46 64 01

## 3. DEUTSCHLAND

**Bundesamt für Wirtschaft und Ausfuhrkontrolle (BAFA)**

Frankfurter Straße 29-35  
D-65760 Eschborn  
Tel. (49) 619 69 08-0  
Fax (49) 619 69 42 26/(49) 6196 908-800

## 4. GREECE

**Ministry of National Economy****General Secretariat of International Economic Relations  
Directorate for Foreign Trade Issues**

1, Kornarou Street  
GR-Athens 105-63  
Tel.: (30-10) 328-60 31/328 60 32  
Fax: (30-10) 328 60 94/328 60 59

## 5. ESPAÑA

**Ministerio de Economía y Hacienda**

Dirección General de Comercio Exterior  
Paseo de la Castellana, 162  
E-28046 Madrid  
Tel. (34) 913 49 38 94/913 49 37 78  
Fax (34) 913 49 38 32/913 49 37 40

## 6. FRANCE

**Service des titres du commerce extérieur**

8, rue de la Tour-des-Dames  
F-75436 Paris Cedex 09  
Tél: (33-1) 55 07 46 69/95  
Télécopieur: (33-1) 55 07 46 59

## 7. IRELAND

**Department of Enterprise, Trade and Employment**

Licensing Unit, Block C  
Earlsfort Centre  
Hatch Street  
Dublin 2  
Ireland  
Tel. (353-1) 631 25 41  
Fax (353-1) 631 25 62

## 8. ITALIA

**Ministero del Commercio con l'estero**

Direzione generale per la politica commerciale e la gestione del regime degli scambi — Divisione VII  
Viale America, 341  
I-00144 Roma  
Tel. (39 06) 59931 — 59932419 — 59932400  
Fax (39 06) 5925556

## 9. LUXEMBOURG

**Ministère des affaires étrangères**

Office des licences  
Boîte postale 113  
L-2011 Luxembourg  
Tel. (352) 22 61 62  
Fax (352) 46 61 38

## 10. NEDERLAND

**Belastingdienst/Douane**

Engelse Kamp 2  
Postbus 30003  
9700 RD Groningen  
Nederland  
Tel. (31-50) 523 91 11  
Fax (31-50) 526 06 98/523 92 37

## 11. ÖSTERREICH

**Bundesministerium für Wirtschaft und Arbeit**

Landstrasser Hauptstraße 55/57  
A-1031 Wien  
Tel. (43) 171 10 00 83 45  
Fax (43) 171 10 00 83 86

## 12. PORTUGAL

**Ministério das Finanças**

Direcção Geral das Alfândegas e dos Impostos Especiais sobre o Consumo  
Rua Terreiro do Trigo, Edifício da Alfândega de Lisboa  
P-1140-060 Lisboa  
Fax (351) 218 814 261

## 13. SUOMI

**Tullihallitus**

Erottajankatu 2  
FIN-00101 Helsinki  
P. (358-9) 6141  
F. (358-20) 492 28 52

## 14. SVERIGE

**Kommerskollegium**

Box 6803  
S-113 86 Stockholm  
Tfn (46-8) 690 48 00  
Fax (46-8) 30 67 59

## 15. UNITED KINGDOM

**Department of Trade and Industry**

Import Licensing Branch  
Queensway House  
West Precinct  
Billingham TS23 2NF  
United Kingdom  
Tel. (44-1642) 36 43 33/36 43 34  
Fax (44-1642) 53 35 57

**COMMISSION DIRECTIVE 2002/71/EC****of 19 August 2002****amending the Annexes to Council Directives 76/895/EEC, 86/362/EEC, 86/363/EEC and 90/642/EEC as regards the fixing of maximum levels for pesticide residues (formothion, dimethoate and oxydemeton-methyl) in and on cereals, foodstuffs of animal origin and certain products of plant origin, including fruit and vegetables****(Text with EEA relevance)**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Directive 76/895/EEC of 23 November 1976 relating to the fixing of maximum levels for pesticide residues in and on fruit and vegetables <sup>(1)</sup>, as last amended by Commission Directive 2002/66/EC <sup>(2)</sup>, and in particular Article 5 thereof,

Having regard to Council Directive 86/362/EEC of 24 July 1986 on the fixing of maximum levels for pesticide residues in and on cereals <sup>(3)</sup>, as last amended by Directive 2002/66/EC, and in particular Article 10 thereof,

Having regard to Council Directive 86/363/EEC of 24 July 1986 on the fixing of maximum levels for pesticide residues in and on foodstuffs of animal origin <sup>(4)</sup>, as last amended by Directive 2002/66/EC, and in particular Article 10 thereof,

Having regard to Council Directive 90/642/EEC of 27 November 1990 on the fixing of maximum levels for pesticide residues in and on products of plant origin, including fruit and vegetables <sup>(5)</sup>, as last amended by Directive 2002/66/EC, and in particular Article 7 thereof,

Whereas:

(1) In the case of 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 is practicable and toxicologically acceptable, having regard, in particular to the protection of the environment and the estimated dietary intake of consumers. In the case of foodstuffs of animal origin, residue levels reflect the consumption by animals of cereals and products of plant origin treated with pesticides, and where relevant, the direct consequences of the use of veterinary medicines. Community maximum residue levels (MRLs) represent the upper limit of the amount of such residues that might be expected to be found in commodities when good agricultural practices have been respected.

(2) MRLs for pesticides should be kept under review and may be changed to take account of new information and data. MRLs 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) In the case of dimethoate and oxydemeton-methyl some Member States informed the Commission of their desire to revise national MRLs in accordance with Article 8 of Directive 90/642/EEC, in the light of concerns about consumer intake. Proposals for the review of Community MRLs were submitted to the Commission. The Commission concluded that it is prudent to modify some of the MRLs in view of the possible risks to consumers. It is important that additional risk management measures should be taken by the Member States to adequately protect the consumer. For dimethoate and oxydemeton-methyl Member States shall have to review existing authorisations in accordance with Article 4 of Directive 91/414/EEC <sup>(6)</sup>, as last amended by Commission Directive 2002/64/EC <sup>(7)</sup> in order that authorised uses do not lead to MRLs being exceeded.

(4) The lifetime exposure of consumers to these pesticides in this Directive via food products has been reassessed and evaluated in accordance with Community procedures and practices, taking account of guidelines published by the World Health Organisation <sup>(8)</sup>. It is calculated that the MRLs fixed in this Directive will not lead to the acceptable daily intakes being exceeded. The ADI for oxydemeton-methyl is 0,0003 mg/kg bw (JMPR 1989), the ARfD is 0,005 mg/kg bw, the ADI for dimethoate is 0,002 mg/kg bw (JMPR 1996), the ARfD is 0,03 mg/kg bw.

<sup>(1)</sup> OJ L 340, 9.12.1976, p. 26.

<sup>(2)</sup> OJ L 192, 20.7.2002, p. 47.

<sup>(3)</sup> OJ L 221, 7.8.1986, p. 37.

<sup>(4)</sup> OJ L 221, 7.8.1986, p. 43.

<sup>(5)</sup> OJ L 350, 14.12.1990, p. 71.

<sup>(6)</sup> OJ L 230, 19.8.1991, p. 1.

<sup>(7)</sup> OJ L 189, 18.7.2002, p. 27.

<sup>(8)</sup> 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).

- (5) 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 Community procedures and practices, taking account of guidelines published by the World Health Organisation. It is concluded that the presence of pesticide residues at or below the MRLs proposed in this Directive will not cause acute toxic effects.
- (9) Annexes to Directives 76/895/EEC, 86/362/EEC, 86/363/EEC and 90/642/EEC should therefore be amended.
- (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,

- (6) For formothion no uses are reported worldwide. In the absence of sufficient data on residues and toxicology it is appropriate to set Maximum Residue Levels for formothion for all products at the Lower Limit of Analytical Determination.

HAS ADOPTED THIS DIRECTIVE:

#### Article 1

- (7) Through the World Trade Organisation, the Community's trading partners were consulted about the levels for formothion, dimethoate and oxydemeton-methyl proposed in this Directive and their comments on these levels were taken into account.

In Annex II to Directive 76/895/EEC the entries relating to 'dimethoate', 'omethoate', 'formothion', 'oxydemeton-methyl', 'demeton-S-methyl', and 'demeton-S-methylsulfone' are deleted.

#### Article 2

- (8) The opinions of the Scientific Committee for Plants have been taken into account, in particular its advice and recommendations concerning the methodology to be

In part A of Annex II to Directive 86/362/EEC the following rows are added:

| Pesticide residue                                                                                        | Maximum level in mg/kg                                  |
|----------------------------------------------------------------------------------------------------------|---------------------------------------------------------|
| 'Oxydemeton-methyl (sum of oxydemeton-methyl and demeton-S-methylsulfone expressed as oxydemeton-methyl) | 0,1 Barley and oats<br>0,02 (*) Other cereals           |
| Dimethoate (sum of dimethoate and omethoate expressed as dimethoate)                                     | 0,3 Wheat, rye and triticale,<br>0,02 (*) Other cereals |
| Formothion                                                                                               | 0,02 (*) Cereals                                        |

(\*) Indicates lower limit of analytical determination.'

#### Article 3

In part B of Annex II to Directive 86/363/EEC the following rows are added:

| Pesticide residue                                                                                     | Maximum level (mg/kg)                                                                                                                                                                                 |                                                                                               |                                                                                                            |
|-------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------|
|                                                                                                       | Of meat, including fat, preparations of meat, offals and animal fats as listed in Annex I within CN code Nos 0201, 0202, 0203, 0204, 0205 00 00, 0206, 0207, ex 0208, 0209 00, 0210, 1601 00 and 1602 | For milk and milk products listed in Annex 1 within CN codes Nos 0401, 0402, 0405 00 and 0406 | Of shelled fresh eggs, for bird's eggs and egg yolks listed in Annex 1 within CN code Nos 0407 00 and 0408 |
| 'Oxydemetonmethyl (sum of oxydemetonmethyl and demeton-S-methylsulfone expressed as oxydemetonmethyl) | 0,02 (*)                                                                                                                                                                                              | 0,02 (*)                                                                                      | 0,02 (*)                                                                                                   |

(\*) Indicates lower limit of analytical determination.'

#### Article 4

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

*Article 5*

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

They shall apply those provisions with effect from 1 January 2003.

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 6*

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

*Article 7*

This Directive is addressed to the Member States.

Done at Brussels, 19 August 2002.

*For the Commission*

David BYRNE

*Member of the Commission*

---

## ANNEX

| Groups and examples of individual products to which the MRLs would apply                           | Pesticide residue and maximum residue level (mg/kg) |                                                                                                         |                                                                      |
|----------------------------------------------------------------------------------------------------|-----------------------------------------------------|---------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------|
|                                                                                                    | Formothion                                          | Oxydemeton-methyl (sum of oxydemeton-methyl and demeton-S-methylsulfone expressed as oxydemeton-methyl) | Dimethoate (sum of dimethoate and omethoate expressed as dimethoate) |
| <b>1. Fruit, fresh, dried or uncooked, preserved by freezing, not containing added sugar; nuts</b> |                                                     | 0,02 (*)                                                                                                |                                                                      |
| (i) CITRUS FRUIT                                                                                   | 0,02 (*)                                            |                                                                                                         | 0,02 (*)                                                             |
| Grapefruit                                                                                         |                                                     |                                                                                                         |                                                                      |
| Lemons                                                                                             |                                                     |                                                                                                         |                                                                      |
| Limes                                                                                              |                                                     |                                                                                                         |                                                                      |
| Mandarins (including clementines and other hybrids)                                                |                                                     |                                                                                                         |                                                                      |
| Oranges                                                                                            |                                                     |                                                                                                         |                                                                      |
| Pomelos                                                                                            |                                                     |                                                                                                         |                                                                      |
| Others                                                                                             |                                                     |                                                                                                         |                                                                      |
| (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                                                                                   | 0,02 (*)                                            |                                                                                                         | 0,02 (*)                                                             |
| Apples                                                                                             |                                                     |                                                                                                         |                                                                      |
| Pears                                                                                              |                                                     |                                                                                                         |                                                                      |
| Quinces                                                                                            |                                                     |                                                                                                         |                                                                      |
| Others                                                                                             |                                                     |                                                                                                         |                                                                      |
| (iv) STONE FRUIT                                                                                   | 0,02 (*)                                            |                                                                                                         |                                                                      |
| Apricots                                                                                           |                                                     |                                                                                                         |                                                                      |
| Cherries                                                                                           |                                                     |                                                                                                         | 1                                                                    |
| Peaches (including nectarines and similar hybrids)                                                 |                                                     |                                                                                                         |                                                                      |
| Plums                                                                                              |                                                     |                                                                                                         |                                                                      |
| Others                                                                                             |                                                     |                                                                                                         | 0,02 (*)                                                             |
| (v) BERRIES AND SMALL FRUIT                                                                        | 0,02 (*)                                            |                                                                                                         | 0,02 (*)                                                             |
| (a) Table and wine grapes                                                                          |                                                     |                                                                                                         |                                                                      |
| Table grapes                                                                                       |                                                     |                                                                                                         |                                                                      |
| Wine grapes                                                                                        |                                                     |                                                                                                         |                                                                      |
| (b) Strawberries (other than wild)                                                                 |                                                     |                                                                                                         |                                                                      |

| Groups and examples of individual products to which the MRLs would apply                                                                                                                                           | Pesticide residue and maximum residue level (mg/kg) |                                                                                                            |                                                                         |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------|------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------|
|                                                                                                                                                                                                                    | Formothion                                          | Oxydemeton-methyl<br>(sum of oxydemeton-methyl and demeton-S-methylsulfone expressed as oxydemeton-methyl) | Dimethoate<br>(sum of dimethoate and omethoate expressed as dimethoate) |
| (c) Cane fruit (other than wild)<br>Blackberries<br>Dewberries<br>Loganberries<br>Raspberries<br>Others                                                                                                            |                                                     |                                                                                                            |                                                                         |
| (d) Other small fruit and berries (other than wild)<br>Bilberries<br>Cranberries<br>Currants (red-, black- and white-)<br>Gooseberries<br>Others                                                                   |                                                     |                                                                                                            |                                                                         |
| (e) Wild berries and wild fruit                                                                                                                                                                                    |                                                     |                                                                                                            |                                                                         |
| (vi) MISCELLANEOUS<br>Avocados<br>Bananas<br>Dates<br>Figs<br>Kiwi<br>Kumquats<br>Litchis<br>Mangoes<br>Olives<br>Passion fruit<br>Pineapples<br>Pomegranate<br>Others                                             | 0,02 (*)                                            |                                                                                                            | 2<br><br><br><br><br><br><br>0,02 (*)                                   |
| <b>2. Vegetables, fresh or uncooked, frozen or dry</b>                                                                                                                                                             | 0,02 (*)                                            |                                                                                                            |                                                                         |
| (i) ROOT AND TUBER VEGETABLES<br>Beetroot<br>Carrots<br>Celeriac<br>Horseradish<br>Jerusalem artichokes<br>Parsnips<br>Parsley root<br>Radishes<br>Salsify<br>Sweet potatoes<br>Swedes<br>Turnips<br>Yam<br>Others |                                                     | 0,02 (*)                                                                                                   | 0,02 (*)                                                                |

| Groups and examples of individual products to which the MRLs would apply | Pesticide residue and maximum residue level (mg/kg) |                                                                                                         |                                                                      |
|--------------------------------------------------------------------------|-----------------------------------------------------|---------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------|
|                                                                          | Formothion                                          | Oxydemeton-methyl (sum of oxydemeton-methyl and demeton-S-methylsulfone expressed as oxydemeton-methyl) | Dimethoate (sum of dimethoate and omethoate expressed as dimethoate) |
| (ii) BULB VEGETABLES                                                     |                                                     | 0,02 (*)                                                                                                |                                                                      |
| Garlic                                                                   |                                                     |                                                                                                         |                                                                      |
| Onions                                                                   |                                                     |                                                                                                         |                                                                      |
| Shallots                                                                 |                                                     |                                                                                                         |                                                                      |
| Spring onions                                                            |                                                     |                                                                                                         | 2                                                                    |
| Others                                                                   |                                                     |                                                                                                         | 0,02 (*)                                                             |
| (iii) FRUITING VEGETABLES                                                |                                                     | 0,02 (*)                                                                                                | 0,02 (*)                                                             |
| (a) Solanacea                                                            |                                                     |                                                                                                         |                                                                      |
| Tomatoes                                                                 |                                                     |                                                                                                         |                                                                      |
| Peppers                                                                  |                                                     |                                                                                                         |                                                                      |
| Aubergines                                                               |                                                     |                                                                                                         |                                                                      |
| Others                                                                   |                                                     |                                                                                                         |                                                                      |
| (b) Cucurbits — edible peel                                              |                                                     |                                                                                                         |                                                                      |
| Cucumbers                                                                |                                                     |                                                                                                         |                                                                      |
| Gherkins                                                                 |                                                     |                                                                                                         |                                                                      |
| Courgettes                                                               |                                                     |                                                                                                         |                                                                      |
| Others                                                                   |                                                     |                                                                                                         |                                                                      |
| (c) Cucurbits — inedible peel                                            |                                                     |                                                                                                         |                                                                      |
| Melons                                                                   |                                                     |                                                                                                         |                                                                      |
| Squashes                                                                 |                                                     |                                                                                                         |                                                                      |
| Watermelons                                                              |                                                     |                                                                                                         |                                                                      |
| Others                                                                   |                                                     |                                                                                                         |                                                                      |
| (d) Sweet corn                                                           |                                                     |                                                                                                         |                                                                      |
| (iv) BRASSICA VEGETABLES                                                 |                                                     |                                                                                                         |                                                                      |
| (a) Flowering brassica                                                   |                                                     | 0,02 (*)                                                                                                |                                                                      |
| Broccoli (including Calabrese)                                           |                                                     |                                                                                                         |                                                                      |
| Cauliflower                                                              |                                                     |                                                                                                         | 0,2                                                                  |
| Others                                                                   |                                                     |                                                                                                         | 0,02 (*)                                                             |
| (b) Head brassica                                                        |                                                     |                                                                                                         |                                                                      |
| Brussels sprouts                                                         |                                                     | 0,05                                                                                                    | 0,3                                                                  |
| Head cabbage                                                             |                                                     | 0,05                                                                                                    | 1                                                                    |
| Others                                                                   |                                                     | 0,02 (*)                                                                                                | 0,02 (*)                                                             |
| (c) Leafy brassica                                                       |                                                     | 0,02 (*)                                                                                                | 0,02 (*)                                                             |
| Chinese cabbage                                                          |                                                     |                                                                                                         |                                                                      |
| Kale                                                                     |                                                     |                                                                                                         |                                                                      |
| Others                                                                   |                                                     |                                                                                                         |                                                                      |
| (d) Kohlrabi                                                             |                                                     | 0,05                                                                                                    | 0,02 (*)                                                             |
| (v) LEAF VEGETABLES AND FRESH HERBS                                      |                                                     |                                                                                                         |                                                                      |
| (a) Lettuce and similar                                                  |                                                     | 0,05                                                                                                    |                                                                      |
| Cress                                                                    |                                                     |                                                                                                         |                                                                      |
| Lamb's lettuce                                                           |                                                     |                                                                                                         |                                                                      |
| Lettuce                                                                  |                                                     |                                                                                                         | 0,5                                                                  |
| Scarole (broad-leaf endive)                                              |                                                     |                                                                                                         |                                                                      |
| Others                                                                   |                                                     |                                                                                                         | 0,02 (*)                                                             |

| Groups and examples of individual products to which the MRLs would apply                                                                                   | Pesticide residue and maximum residue level (mg/kg) |                                                                                                         |                                                                      |
|------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------|---------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------|
|                                                                                                                                                            | Formothion                                          | Oxydemeton-methyl (sum of oxydemeton-methyl and demeton-S-methylsulfone expressed as oxydemeton-methyl) | Dimethoate (sum of dimethoate and omethoate expressed as dimethoate) |
| (b) Spinach and similar<br>Spinach<br>Beet leaves (chard)<br>Others                                                                                        |                                                     | 0,02 (*)                                                                                                | 0,02 (*)                                                             |
| (c) Water cress                                                                                                                                            |                                                     | 0,02 (*)                                                                                                | 0,02 (*)                                                             |
| (d) Witloof                                                                                                                                                |                                                     | 0,02 (*)                                                                                                | 0,02 (*)                                                             |
| (e) Herbs<br>Chervil<br>Chives<br>Parsley<br>Celery leaves<br>Others                                                                                       |                                                     | 0,02 (*)                                                                                                | 0,02 (*)                                                             |
| (vi) LEGUME VEGETABLES (fresh)<br>Beans (with pods)<br>Beans (without pods)<br>Peas (with pods)<br>Peas (without pods)<br>Others                           |                                                     | 0,02 (*)                                                                                                | 1<br>0,02 (*)                                                        |
| (vii) STEM VEGETABLES (fresh)<br>Asparagus<br>Cardoons<br>Celery<br>Fennel<br>Globe artichokes<br>Leek<br>Rhubarb<br>Others                                |                                                     | 0,02 (*)                                                                                                | 0,02 (*)                                                             |
| (viii) FUNGI<br>Cultivated mushrooms<br>Wild mushrooms                                                                                                     |                                                     | 0,02 (*)                                                                                                | 0,02 (*)                                                             |
| 3. <b>Pulses</b><br>Beans<br>Lentils<br>Peas<br>Others                                                                                                     | 0,02 (*)                                            | 0,02 (*)                                                                                                | 0,02 (*)                                                             |
| 4. <b>Oilseeds</b><br>Linseed<br>Peanuts<br>Poppy seed<br>Sesame seed<br>Sunflower seed<br>Rape seed<br>Soya bean<br>Mustard seed<br>Cotton seed<br>Others | 0,05 (*)                                            | 0,05 (*)                                                                                                | 0,05 (*)                                                             |

| Groups and examples of individual products to which the MRLs would apply                   | Pesticide residue and maximum residue level (mg/kg) |                                                                                                            |                                                                         |
|--------------------------------------------------------------------------------------------|-----------------------------------------------------|------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------|
|                                                                                            | Formothion                                          | Oxydemeton-methyl<br>(sum of oxydemeton-methyl and demeton-S-methylsulfone expressed as oxydemeton-methyl) | Dimethoate<br>(sum of dimethoate and omethoate expressed as dimethoate) |
| 5. <b>Potatoes</b><br>Early potatoes<br>Ware potatoes                                      | 0,02 (*)                                            | 0,02 (*)                                                                                                   | 0,02 (*)                                                                |
| 6. <b>Tea</b> (dried leaves and stalks, fermented or otherwise, <i>Camellia sinensis</i> ) | 0,05 (*)                                            | 0,05 (*)                                                                                                   | 0,05 (*)                                                                |
| 7. <b>Hops</b> (dried), including hop pellets and unconcentrated powder                    | 0,05 (*)                                            | 0,05 (*)                                                                                                   | 0,05 (*)                                                                |

(\*) Indicates lower limit of analytical determination.

## II

(Acts whose publication is not obligatory)

## COMMISSION

## COMMISSION RECOMMENDATION

of 19 August 2002

**concerning a coordinated Community monitoring programme for 2003 to ensure compliance with maximum levels of pesticide residues in and on cereals and certain other products of plant origin**

(notified under document number C(2002) 3084)

(Text with EEA relevance)

(2002/663/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Directive 86/362/EEC of 24 July 1986 on the fixing of maximum levels for pesticide residues in and on cereals <sup>(1)</sup>, as last amended by Commission Directive 2002/42/EC <sup>(2)</sup>, and in particular Article 7(2)(b) thereof,

Having regard to Council Directive 90/642/EEC of 27 November 1990 on the fixing of maximum levels for pesticide residues in and on certain products of plant origin, including fruit and vegetables <sup>(3)</sup>, as last amended by Directive 2002/42/EC, and in particular Article 4(2)(b) thereof,

Whereas:

- (1) Article 7(2)(b) of Directive 86/362/EEC and Article 4(2)(b) of Directive 90/642/EEC require the Commission to submit to the Standing Committee on Plant Health by 31 December each year a recommendation setting out a coordinated Community monitoring programme to ensure compliance for maximum levels of pesticide residues set out in the Annexes II to the said Directives. Article 1(1) of Commission Regulation (EC) No 645/2000 <sup>(4)</sup> provides that such recommendations may cover periods of between one and five years.
- (2) The Commission should progressively work towards a system which would permit the estimation of dietary exposure to actual pesticide, as provided for in the second paragraph of Article 7(3) of Directive 86/362/EEC and the second paragraph of Article 4(3) of Directive 90/642/EEC. To make realistic estimations possible,

data on the monitoring of pesticide residues should be available in a number of food products which constitute major components of the European diet. It is generally recognised that major components of the European diet are constituted by some 20 to 30 food products. In view of the resources available at national level for pesticide residue monitoring, Member States are only able to analyse samples of eight products each year within a coordinated monitoring programme. Pesticide uses show changes within the timescale of the three-year period. Each pesticide should thus generally be monitored in 20 to 30 food products over a series of three-year cycles.

- (3) Residues of the pesticides acephate, the benomyl group, chlorpyrifos, iprodione, methamidophos, diazinon, metalaxyl, methidathion, thiaabendazole, triazophos, chlorpyrifos-methyl, deltamethrin, endosulfan, imazalil, kresoxim-methyl, lambda-cyhalothrin, the maneb group, mecarbam, permethrin, pirimiphos-methyl, vinclozolin, azinphos-methyl, captan, chlorothalonil, dichlofluanid, dicofol, dimethoate, folpet, malathion, omethoate, oxydemeton-methyl, phorate, procymidone, propyzamide, azoxystrobin, aldicarb, bromopropylate, cypermethrin, methiocarb, methomyl, parathion and tolylfluanid should be monitored in 2003, as this will allow using these data for the estimation of actual dietary exposure to them, since these compounds have already been monitored since 2001.

- (4) A systematic statistical approach to numbers of samples to be taken in each coordinated monitoring exercise is necessary. Such an approach has been set out by the

<sup>(1)</sup> OJ L 221, 7.8.1986, p. 37.

<sup>(2)</sup> OJ L 134, 22.5.2002, p. 29.

<sup>(3)</sup> OJ L 350, 14.12.1990, p. 71.

<sup>(4)</sup> OJ L 78, 29.3.2000, p. 7.

Commission of the Codex Alimentarius<sup>(1)</sup>. Based on a binomial probability distribution it can be calculated that examination of 459 samples gives a 99 % confidence of detecting one sample containing pesticide residues above the limit of determination (LOD) where 1 % of products of plant origin contain residues above the LOD. At least 459 samples should therefore be taken across the Community. Collection of these samples should be apportioned between Member States on the basis of population and consumer numbers, with a minimum of 12 samples per product and per year.

- (5) Draft guidelines concerning Quality Control Procedures for Pesticide Residue Analysis have been published by the Commission<sup>(2)</sup>. It is agreed that these draft guidelines should be implemented as far as possible by the analytical laboratories of the Member States and should be reviewed continuously in the light of experience gained in the monitoring programmes.
- (6) Article 4(2)(a) of Directive 90/642/EEC and Article 7(2)(a) of Directive 86/362/EEC requires Member States to specify the criteria applied in drawing up their national inspection programmes when sending to the Commission information on their implementation during the following year. Such information should include the criteria applied in determining the numbers of samples to be taken and analyses to be carried out and the reporting levels applied and the criteria by which the reporting levels have been fixed. Details of accreditation under Council Directive 93/99/EEC of 29 October 1993 on the subject of additional measures concerning the official control of foodstuffs<sup>(3)</sup> of the laboratories carrying out analyses should be indicated.
- (7) Information on the results of monitoring programmes is particularly appropriate for treatment, storage and transmission by electronic/informatic methods. Formats have been developed for supply of data in diskette form from the Member States to the Commission. Member States should therefore be able to send their reports to the Commission in the standard format. The further development of such a standard format is most effectively undertaken by the development of guidelines by the Commission.
- (8) The measures provided for in this recommendation are in accordance with the opinion of the Standing Committee on the Food Chain and Animal Health,

HEREBY RECOMMENDS:

#### Article 1

Member States are invited to take and analyse samples for the product/pesticide residue combinations set out in Annex I, on the basis of the number of samples of each product allocated to them in Annex II, reflecting as appropriate, national, Community and third country share of the Member State's market.

In addition, Member States are invited to specifically monitor for the combination nitrofen/wheat with the same sampling frequency as outlined in Annex II.

For pesticides possibly posing an acute risk, such as OP-esters, endosulfan and N-methylcarbamates, 10 samples of the products grapes, pepper and cucumber should be subjected to individual analysis of the individual units in the laboratory sample in case such pesticides are detected.

Two samples of an appropriate number of units should be taken, where possible the produce of a single producer; if in the first, laboratory sample a detectable level of the pesticide is found, the units of the second sample should be analysed individually.

#### Article 2

Member States are invited to report the results for the part of the specific exercise allocated for 2003 in Annex I by 31 August 2004, indicating the analytical methods used and reporting levels achieved, in accordance with the quality control procedures set out in the Quality Control Procedures for Pesticide Residue Analysis.

The report should be produced in a format — including the electronic format — conforming to the Working Document for guidance to the Member States with regard to implementation of Commission recommendations concerning coordinated Community monitoring programmes, set out in Annex III to Commission Recommendation 1999/333/EC<sup>(4)</sup>.

#### Article 3

Member States are invited to send to the Commission and to all other Member States, by 31 August 2004, all the information as required by Article 7(3) of Directive 86/362/EEC and Article 4(3) of Directive 90/642/EEC concerning the 2003 monitoring exercise to ensure, at least by check sampling, compliance with maximum pesticide residue levels including:

- (a) the results of their national programmes concerning pesticides listed in the Annexes II of Directives 86/362/EEC and 90/642/EEC, in relation to harmonised levels and, where these have not yet been fixed at Community level, in relation to the national levels in force;

<sup>(1)</sup> Codex Alimentarius, Pesticide Residues in Foodstuffs, Rome 1994, ISBN 92-5-203271-1; Vol.2, page 372.

<sup>(2)</sup> Document Number SANCO/3103/2000 ([http://europa.eu.int/comm/food/fs/ph\\_ps/pest/index\\_en.htm](http://europa.eu.int/comm/food/fs/ph_ps/pest/index_en.htm)).

<sup>(3)</sup> OJ L 290, 24.11.1993, p. 14.

<sup>(4)</sup> OJ L 128, 21.5.1999, p. 25.

- (b) information on their laboratories quality control procedures and, in particular, information concerning aspects of the guidelines concerning Quality Control Procedures for Pesticide Residue Analysis which they have not been able to apply or have had difficulty in applying;
- (c) information on accreditation in accordance with the provisions of Article 3 of Directive 93/99/EEC (including type of accreditation, accreditation body and copy of accreditation certificate) of the laboratories carrying out the analyses;
- (d) information about the proficiency tests and ring tests in which the laboratory has participated.

*Article 4*

Member States are invited to send to the Commission, by 30 September 2003, their intended national programme for monitoring maximum pesticide residue levels fixed by Directive 90/642/EEC and 86/362/EEC for the year 2004.

This Recommendation is addressed to the Member States.

Done at Brussels, 19 August 2002.

*For the Commission*

David BYRNE

*Member of the Commission*

## ANNEX I

**Pesticide/product combinations to be monitored in the specific exercise set out in Article 1 of the Recommendation**

| Pesticide residue to be analysed for | Years |          |          |
|--------------------------------------|-------|----------|----------|
|                                      | 2003  | 2004 (*) | 2005 (*) |
| Acephate                             | (b)   | (c)      | (a)      |
| Aldicarb                             | (b)   | (c)      | (a)      |
| Azinphos-methyl                      | (b)   | (c)      | (a)      |
| Azoxystrobin                         | (b)   | (c)      | (a)      |
| Benomyl group                        | (b)   | (c)      | (a)      |
| Bromopropylate                       | (b)   | (c)      | (a)      |
| Captan                               | (b)   | (c)      | (a)      |
| Chlorothalonil                       | (b)   | (c)      | (a)      |
| Chlorpyrifos                         | (b)   | (c)      | (a)      |
| Chlorpyrifos-methyl                  | (b)   | (c)      | (a)      |
| Cypermethrin                         | (b)   | (c)      | (a)      |
| Deltamethrin                         | (b)   | (c)      | (a)      |
| Diazinon                             | (b)   | (c)      | (a)      |
| Dichlofluanid                        | (b)   | (c)      | (a)      |
| Dicofol                              | (b)   | (c)      | (a)      |
| Dimethoate                           | (b)   | (c)      | (a)      |
| Endosulfan                           | (b)   | (c)      | (a)      |
| Folpet                               | (b)   | (c)      | (a)      |
| Imazalil                             | (b)   | (c)      | (a)      |
| Iprodione                            | (b)   | (c)      | (a)      |
| Kresoxim-methyl                      | (b)   | (c)      | (a)      |
| Lambda-cyhalothrin                   | (b)   | (c)      | (a)      |
| Malathion                            | (b)   | (c)      | (a)      |
| Maneb group                          | (b)   | (c)      | (a)      |
| Mecarbam                             | (b)   | (c)      | (a)      |
| Methamidophos                        | (b)   | (c)      | (a)      |
| Metalaxyl                            | (b)   | (c)      | (a)      |
| Methidathion                         | (b)   | (c)      | (a)      |

| Pesticide residue to be analysed for | Years |          |          |
|--------------------------------------|-------|----------|----------|
|                                      | 2003  | 2004 (*) | 2005 (*) |
| Methiocarb                           | (b)   | (c)      | (a)      |
| Methomyl                             | (b)   | (c)      | (a)      |
| Omethoate                            | (b)   | (c)      | (a)      |
| Oxydemeton-methyl                    | (b)   | (c)      | (a)      |
| Parathion                            | (b)   | (c)      | (a)      |
| Permethrin                           | (b)   | (c)      | (a)      |
| Phorate                              | (b)   | (c)      | (a)      |
| Pirimiphos-methyl                    | (b)   | (c)      | (a)      |
| Procymidone                          | (b)   | (c)      | (a)      |
| Propyzamide                          | (b)   | (c)      | (a)      |
| Thiabendazole                        | (b)   | (c)      | (a)      |
| Tolylfluanid                         | (b)   | (c)      | (a)      |
| Triazophos                           | (b)   | (c)      | (a)      |
| Vinclozolin                          | (b)   | (c)      | (a)      |

(a) pears, bananas, beans (fresh or frozen), potatoes, carrots, oranges/mandarines, peaches/nectarins, spinach (fresh or frozen).

(b) cauliflower, peppers, wheat, aubergines, rice, grapes, cucumber, peas (fresh/frozen, without pod).

(c) apples, tomatoes, lettuce, strawberries, leek, orange juice, head cabbage, rye/oats.

(\*) Indicative for 2004 and 2005, subject to programmes which will be recommended for these years.

## ANNEX II

### Number of samples of each product to be taken by each Member State, in the coordinated Community monitoring programme for 2003

| B  | DK | D  | EL | E  | F  | IRL | I  | L  | NL | A  | P  | FIN | S  | UK | Total |
|----|----|----|----|----|----|-----|----|----|----|----|----|-----|----|----|-------|
| 12 | 12 | 93 | 12 | 45 | 66 | 12  | 65 | 12 | 17 | 12 | 12 | 12  | 12 | 66 | 460   |

**COMMISSION RECOMMENDATION**  
**of 19 August 2002**  
**concerning medals and tokens similar to euro coins**

*(notified under document number C(2002) 3107)*

(2002/664/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community, and in particular Article 211 thereof,

- (1) The euro became the currency of the participating Member States as from 1 January 1999. The euro banknotes and coins, following their introduction on 1 January 2002, circulate throughout the whole euro area.
- (2) The scope of application of the Commission recommendation of 13 January 1999 concerning collector coins, medals and tokens <sup>(1)</sup> is limited to the transitional period from 1 January 1999 to 31 December 2001.
- (3) Euro circulating coins issued by participating Member States or by third countries which have concluded an agreement with the European Community on the introduction of the euro (hereinafter, 'participating third countries') have legal tender status in the participating Member States and in the participating third countries. Euro collector coins issued by participating Member States or by participating third countries have legal tender status in the issuing State.
- (4) Citizens could believe that circular metallic objects bearing the words 'euro' or 'euro cent' or showing a design which is similar to the design which appears on the common or on the national side of the euro coins, have legal tender status at least in the issuing Member State or in a participating third country.
- (5) It is necessary to avoid confusion for the citizens as regards the legal tender status of euro coins and ensure that a minimum level of protection of the euro against confusion exists in all Member States.
- (6) In order to reduce the risk of confusion, it is desirable to ban from the territory of the European Union all medals and tokens which bear the words 'euro' or 'euro cent', which show the euro symbol or a similar symbol; or which show a design similar to the one which appears on the common or on the national side of the euro coin.
- (7) In order to achieve this, official minting institutions and issuing private companies in the Member States should not produce for the purpose of sale or for commercial

purposes, medals and tokens of the kind referred in this recommendation. In order to avoid that medals and tokens of the kind referred circulating in third countries, will also circulate in the Community territory, the ban should also concern the sale, production, stock, import and distribution for the purpose of sale or for commercial purposes of the said medals and tokens.

- (8) In several Member States, legislation on medals and tokens exists which goes in the direction recommended herein.
- (9) It would be desirable that third countries, including the participating third countries support the efforts made by the European Union to protect its citizens against confusion and fraud, and for that purpose avoid issuing medals, tokens and coins of the kind referred,

HEREBY RECOMMENDS:

*Article 1*

**Definitions**

For the purpose of this Recommendation, the following definitions shall apply:

- (a) 'euro' is the lawful currency of the participating Member States as defined in Article 2 of Council Regulation (EC) No 974/98 on the introduction of the euro <sup>(2)</sup> and of those participating third countries which have concluded an agreement with the European Community on the introduction of the euro <sup>(3)</sup> (hereinafter, 'participating third countries');
- (b) 'euro symbol' is the symbol representing the euro (€) as described in the Annex to communication COM(97) 418 of 23 July 1997 on the use of the euro symbol;
- (c) 'medals and tokens' refer to those metallic objects which look like a coin but which are neither legal means of payment nor legal tender or are not issued under national or participating third countries or other foreign legislative provisions.

<sup>(1)</sup> OJ L 20, 27.1.1999, p. 61.

<sup>(2)</sup> OJ L 139, 11.5.1998, p. 1.

<sup>(3)</sup> Principality of Monaco, Republic of San Marino, Vatican City.

*Article 2***Recommended practice**

The sale and the production, stock, import and distribution for the purpose of sale or for commercial purposes, of medals and tokens whose size is close to the one of the euro coins, should not take place in the following cases:

- (a) when they bear the terms 'euro' or 'euro cent'; or
- (b) when they bear the euro symbol or a symbol close to the euro symbol combined with an indication of nominal value; or
- (c) when they show a design, which is similar to the design which appears on the common or on the national side of euro coins or which has already been officially laid down for the minting of such coins in the future.

*Article 3***Implementation by Member States**

Member States are recommended to take, as soon as possible, all measures deemed necessary including national legislation, to

ensure, as a minimum standard, the full implementation of the recommended practice. Member States are invited to communicate to the Commission the measures taken to comply with this recommendation. On the basis of the measures applied in the Member States, the Commission will consider the need for further action at Community level in the course of 2003.

*Article 4***Addressees**

This recommendation is addressed to the Member States and to all economic agents, who may produce, distribute, import or sell medals and tokens.

Done at Brussels, 19 August 2002.

*For the Commission*

Michaele SCHREYER

*Member of the Commission*

---