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I

(Acts whose publication is obligatory)

COMMISSION REGULATION (EC) No 66/2002
of 15 January 2002
establishing the standard import values for determining the entry price of certain fruit and vegetables

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

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

Whereas:

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

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

HAS ADOPTED THIS REGULATION:

Article 1

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

Article 2

This Regulation shall enter into force on 16 January 2002.

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

Done at Brussels, 15 January 2002.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ L 337, 24.12.1994, p. 66.

⁽²⁾ OJ L 198, 15.7.1998, p. 4.

ANNEX

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

(EUR/100 kg)

CN code	Third country code ⁽¹⁾	Standard import value
0702 00 00	052	68,3
	204	112,8
	212	110,5
	624	74,0
	999	91,4
0707 00 05	052	74,2
	220	249,0
	628	242,2
0709 90 70	999	188,5
	052	187,9
	204	316,8
	220	212,2
0805 10 10, 0805 10 30, 0805 10 50	999	239,0
	052	49,3
	204	55,2
	212	42,4
	220	53,4
	508	23,3
	999	44,7
0805 20 10	052	58,3
	204	99,7
	999	79,0
0805 20 30, 0805 20 50, 0805 20 70, 0805 20 90	052	66,4
	204	85,3
	464	72,0
	624	77,0
	999	75,2
0805 50 10	052	46,8
	600	49,1
	999	48,0
0808 10 20, 0808 10 50, 0808 10 90	060	41,6
	400	112,8
	404	105,3
	720	110,5
	728	105,7
	999	95,2
0808 20 50	400	99,0
	512	62,9
	720	88,1
	999	83,3

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

COMMISSION REGULATION (EC) No 67/2002
of 15 January 2002
fixing the import duties in the cereals sector

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

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

Having regard to Commission Regulation (EC) No 1249/96 of 28 June 1996 laying down detailed rules for the application of Council Regulation (EEC) No 1766/92 as regards import duties in the cereals sector ⁽³⁾, as last amended by Regulation (EC) No 2104/2001 ⁽⁴⁾, and in particular Article 2(1) thereof,

Whereas:

- (1) Article 10 of Regulation (EEC) No 1766/92 provides that the rates of duty in the Common Customs Tariff are to be charged on import of the products referred to in Article 1 of that Regulation. However, in the case of the products referred to in paragraph 2 of that Article, the import duty is to be equal to the intervention price valid for such products on importation and increased by 55 %, minus the cif import price applicable to the consignment in question. However, that duty may not exceed the rate of duty in the Common Customs Tariff.
- (2) Pursuant to Article 10(3) of Regulation (EEC) No 1766/92, the cif import prices are calculated on the basis of the representative prices for the product in question on the world market.

- (3) Regulation (EC) No 1249/96 lays down detailed rules for the application of Council Regulation (EEC) No 1766/92 as regards import duties in the cereals sector.
- (4) The import duties are applicable until new duties are fixed and enter into force. They also remain in force in cases where no quotation is available for the reference exchange referred to in Annex II to Regulation (EC) No 1249/96 during the two weeks preceding the next periodical fixing.
- (5) In order to allow the import duty system to function normally, the representative market rates recorded during a reference period should be used for calculating the duties.
- (6) Application of Regulation (EC) No 1249/96 results in import duties being fixed as set out in the Annex to this Regulation,

HAS ADOPTED THIS REGULATION:

Article 1

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

Article 2

This Regulation shall enter into force on 16 January 2002.

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

Done at Brussels, 15 January 2002.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ L 181, 1.7.1992, p. 21.

⁽²⁾ OJ L 193, 29.7.2000, p. 1.

⁽³⁾ OJ L 161, 29.6.1996, p. 125.

⁽⁴⁾ OJ L 283, 27.10.2001, p. 8.

ANNEX I

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

CN code	Description	Import duty ⁽²⁾ (EUR/tonne)
1001 10 00	Durum wheat high quality	0,00
	medium quality ⁽¹⁾	0,00
1001 90 91	Common wheat seed	0,00
1001 90 99	Common high quality wheat other than for sowing ⁽³⁾	0,00
	medium quality	0,00
	low quality	0,00
1002 00 00	Rye	0,00
1003 00 10	Barley, seed	0,00
1003 00 90	Barley, other ⁽⁴⁾	0,00
1005 10 90	Maize seed other than hybrid	35,35
1005 90 00	Maize other than seed ⁽⁵⁾	35,35
1007 00 90	Grain sorghum other than hybrids for sowing	0,00

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

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

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

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

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

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

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

ANNEX II

Factors for calculating duties

(period from 31 December 2001 to 14 January 2002)

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

Exchange quotations	Minneapolis	Kansas City	Chicago	Chicago	Minneapolis	Minneapolis	Minneapolis
Product (% proteins at 12 % humidity)	HRS2. 14 %	HRW2. 11,5 %	SRW2	YC3	HAD2	Medium quality (*)	US barley 2
Quotation (EUR/t)	125,61	119,08	124,18	92,73	220,65 (**)	210,65 (**)	147,94 (***)
Gulf premium (EUR/t)	41,00	25,21	19,03	13,46	—	—	—
Great Lakes premium (EUR/t)	41,00	—	—	—	—	—	—

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

(**) Fob Gulf.

(***) Fob USA.

2. Freight/cost: Gulf of Mexico–Rotterdam: 19,81 EUR/t; Great Lakes–Rotterdam: 30,51 EUR/t.

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

COMMISSION REGULATION (EC) No 68/2002**of 15 January 2002****laying down to what extent applications for issue of export licences submitted during January 2002 for beef products which may benefit from special import treatment in a third country may be accepted**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

HAS ADOPTED THIS REGULATION:

Having regard to the Treaty establishing the European Community,

*Article 1*Having regard to Commission Regulation (EC) No 1445/95 of 26 June 1995 on rules of application for import and export licences in the beef sector and repealing Regulation (EEC) No 2377/80 ⁽¹⁾, as last amended by Regulation (EC) No 2492/2001 ⁽²⁾, and in particular Article 12(8) thereof,

No applications for export licences were lodged for the beef referred to in Regulation (EEC) No 2973/79 for the first quarter of 2002.

Whereas:

Article 2(1) Regulation (EC) No 1445/95 lays down, in Article 12, detailed rules for export licence applications for the products referred to in Article 1 of Commission Regulation (EEC) No 2973/79 ⁽³⁾, as last amended by Regulation (EEC) No 3434/87 ⁽⁴⁾.

Applications for licences in respect of the meat referred to in Article 1 may be lodged in accordance with Article 12 of Regulation (EC) No 1445/95 during the first 10 days of the second quarter of 2002 the total quantity available being 2 500 t.

(2) Regulation (EEC) No 2973/79 fixed the quantities of meat which might be exported on special terms for the first quarter of 2002. No applications were submitted for export licences for beef,

Article 3

This Regulation shall enter into force on 21 January 2002.

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

Done at Brussels, 15 January 2002.

For the Commission

Franz FISCHLER

Member of the Commission⁽¹⁾ OJ L 143, 27.6.1995, p. 35.⁽²⁾ OJ L 337, 20.12.2001, p. 18.⁽³⁾ OJ L 336, 29.12.1979, p. 44.⁽⁴⁾ OJ L 327, 18.11.1987, p. 7.

COMMISSION REGULATION (EC) No 69/2002**of 15 January 2002****on import licences in respect of beef and veal products originating in Botswana, Kenya, Madagascar, Swaziland, Zimbabwe and Namibia**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 1706/98 of 20 July 1998 on the arrangements applicable to agricultural products and goods resulting from the processing of agricultural products originating in the African, Caribbean and Pacific States (ACP States) and repealing Regulation (EEC) No 715/90 ⁽¹⁾, and in particular Article 30 thereof,

Having regard to Commission Regulation (EC) No 1918/98 of 9 September 1998 laying down detailed rules for the application in the beef and veal sector of Council Regulation (EC) No 1706/98 on the arrangements applicable to agricultural products and certain goods resulting from the processing of agricultural products originating in the African, Caribbean and Pacific States and repealing Regulation (EC) No 589/96 ⁽²⁾, and in particular Article 4 thereof,

Whereas:

- (1) Article 1 of Regulation (EC) No 1918/98 provides for the possibility of issuing import licences for beef and veal products. However, imports must take place within the limits of the quantities specified for each of these exporting non-member countries.
- (2) The applications for import licences submitted between 1 and 10 January 2002, expressed in terms of boned meat, in accordance with Regulation (EC) No 1918/98, do not exceed, in respect of products originating from Botswana, Kenya, Madagascar, Swaziland, Zimbabwe and Namibia, the quantities available from those States. It is therefore possible to issue import licences in respect of the quantities applied for.
- (3) The quantities in respect of which licences may be applied for from 1 February 2002 should be fixed within the scope of the total quantity of 52 100 tonnes.
- (4) This Regulation is without prejudice to Council Directive 72/462/EEC of 12 December 1972 on health and veterinary inspection problems upon importation of bovine,

ovine and caprine animals and swine, fresh meat or meat products from third countries ⁽³⁾, as last amended by Regulation (EC) No 1452/2001 ⁽⁴⁾,

HAS ADOPTED THIS REGULATION:

Article 1

The following Member States shall issue on 21 January 2002 import licences for beef and veal products, expressed as boned meat, originating in certain African, Caribbean and Pacific States, in respect of the following quantities and countries of origin:

Germany:

- 300 tonnes originating in Botswana,
- 200 tonnes originating in Namibia.

United Kingdom:

- 1 200 tonnes originating in Botswana,
- 600 tonnes originating in Namibia,
- 30 tonnes originating in Swaziland.

Article 2

Licence applications may be submitted, pursuant to Article 3(2) of Regulation (EC) No 1918/98, during the first 10 days of February 2002 for the following quantities of boned beef and veal:

Botswana:	17 416 tonnes,
Kenya:	142 tonnes,
Madagascar:	7 579 tonnes,
Swaziland:	3 333 tonnes,
Zimbabwe:	9 100 tonnes,
Namibia:	12 200 tonnes.

Article 3

This Regulation shall enter into force on 21 January 2002.

⁽¹⁾ OJ L 215, 1.8.1998, p. 12.

⁽²⁾ OJ L 250, 10.9.1998, p. 16.

⁽³⁾ OJ L 302, 31.12.1972, p. 28.

⁽⁴⁾ OJ L 198, 21.7.2001, p. 11.

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

Done at Brussels, 15 January 2002.

For the Commission
Franz FISCHLER
Member of the Commission

DIRECTIVE 2001/96/EC OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL
of 4 December 2001
establishing harmonised requirements and procedures for the safe loading and unloading of bulk
carriers
(Text with EEA relevance)

THE EUROPEAN PARLIAMENT AND THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community, and in particular Article 80(2) thereof,

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

Having regard to the opinion of the Economic and Social Committee ⁽²⁾,

Having consulted the Committee of the Regions,

Acting in accordance with the procedure laid down in Article 251 of the Treaty ⁽³⁾,

Whereas:

- (1) In view of the high number of shipping accidents involving bulk carriers with an associated loss of human lives, further measures should be taken to enhance safety in maritime transport within the framework of the common transport policy.
- (2) Assessments of the causes of bulk carrier casualties indicate that loading and unloading of solid bulk cargoes, if not properly conducted, can contribute to the loss of bulk carriers, either by over-stressing the ship's structure or by mechanically damaging its structural members in the cargo holds. The protection of the safety of bulk carriers can be enhanced through the adoption of measures aimed at reducing the risk of structural damage and losses due to improper loading and unloading operations.
- (3) At international level, the International Maritime Organisation (the 'IMO'), through a number of Assembly Resolutions, has adopted recommendations on the safety of bulk carriers addressing ship/port interface issues in general and loading and unloading operations in particular.
- (4) By Assembly Resolution A.862(20), the IMO adopted a Code of Practice for the Safe Loading and Unloading of Bulk Carriers ('the BLU Code'), and urged contracting

governments to implement this Code at the earliest possible opportunity and to inform IMO of any non-compliance. In the Resolution, the IMO further urged contracting governments in whose territories solid bulk cargo loading and unloading terminals are situated to introduce laws so that a number of key principles necessary for the implementation of this Code could be enforced.

- (5) The impact of loading and unloading operations on bulk carrier safety, in view of the global character of trade in dry cargo in bulk, has transboundary implications. The development of action to prevent the foundering of bulk carriers due to improper loading and unloading practices is therefore best done at Community level by establishing harmonised requirements and procedures to implement the IMO recommendations laid down in the Assembly Resolution A.862(20) and the BLU Code.
- (6) In view of the subsidiarity principle set out in Article 5 of the Treaty, a Directive is the appropriate legal instrument as it provides a framework for the Member States' uniform and compulsory application of the requirements and procedures for the safe loading and unloading of bulk carriers, while leaving each Member State the right to decide which implementation tools best fit its internal system. In accordance with the principle of proportionality, this Directive does not go beyond what is necessary for the objectives pursued.
- (7) The safety of bulk carriers and their crews can be enhanced by reducing the risks of improper loading and unloading at dry bulk cargo terminals. This can be implemented by establishing harmonised procedures for cooperation and communication between ship and terminal and by laying down suitability requirements for ships and terminals.
- (8) In the interests of enhancing bulk carrier safety and avoiding distortion of competition, the harmonised procedures and suitability criteria should apply to all bulk carriers, irrespective of the flag they fly, and to all terminals in the Community at which, under normal circumstances, such carriers call for the purpose of loading or unloading solid bulk cargoes.

⁽¹⁾ OJ C 311 E, 31.10.2000, p. 240 and OJ C 180 E, 26.6.2001, p. 273.

⁽²⁾ OJ C 14, 16.1.2001, p. 37.

⁽³⁾ Opinion of the European Parliament of 13 February 2001 (OJ C 276, 1.10.2001, p. 38), Council Common Position of 27 June 2001 (not yet published in the Official Journal) and Decision of the European Parliament of 25 October 2001 (not yet published in the Official Journal).

- (9) Bulk carriers calling at terminals for the loading or unloading of solid bulk cargoes should be suitable for that purpose. Equally, terminals should also be suitable for receiving and loading or unloading visiting bulk carriers. For these purposes suitability criteria have been established in the BLU Code.
- (10) Terminals should, in the interests of enhancing cooperation and communication with the ship's master on matters relating to the loading and unloading of solid bulk cargoes, appoint a terminal representative responsible for such operations in the terminal and make information books with the terminal's and port's requirements available to the masters. There are, for this purpose, provisions in the BLU Code.
- (11) The development, implementation and maintenance of a quality management system by the terminals would ensure that the cooperation and communication procedures and the actual loading and unloading by the terminal are planned and executed in accordance with a harmonised framework that is internationally recognised and auditable. In view of its international recognition, the quality management system should be compatible with the ISO 9000 series of standards adopted by the International Standardisation Organisation. To allow new terminals sufficient time to achieve the relevant certification, it is important to ensure that a temporary authorisation to operate is available to them for a limited period of time.
- (12) For the purpose of ensuring that loading and unloading operations are carefully prepared, agreed and conducted in order to avoid endangering the safety of the ship or crew, the responsibilities of the master and the terminal representative should be laid down. To this end, relevant provisions can be found in the 1974 International Convention for the Safety of Life at Sea (1974 SOLAS Convention), IMO Assembly Resolution A.862(20) and the BLU Code. For the same purpose, procedures for the preparation, agreement and conduct of loading or unloading operations can be based on the provisions of those international instruments.
- (13) In the general interests of the Community, in deflecting sub-standard shipping from its ports, the terminal representative should notify apparent deficiencies on board a bulk carrier which could prejudice the safety of loading or unloading operations.
- (14) It is necessary that the competent authorities of the Member States prevent or halt loading or unloading operations whenever they have clear indications that ship or crew safety is endangered by these operations.
- The authorities should also intervene in the interests of safety in the event of disagreement between the master and the terminal representative as to the application of these procedures. The safety-related action of the competent authorities should not be dependent on commercial interests related to terminals.
- (15) It is necessary to lay down procedures for the purpose of reporting damage to ships incurred during loading or unloading operations to the appropriate bodies, such as the relevant classification societies, and of repairing such damage if necessary. Where such damage could impair the safety or seaworthiness of the ship, the decision as to the necessity and urgency of repairs should be taken by the port State control authorities in consultation with the administration of the flag State. In view of the technical expertise necessary to take such a decision, the authorities should have the right to call upon a recognised organisation to inspect the damage and to advise them on any need for repairs.
- (16) Enforcement of this Directive should be enhanced by efficient monitoring and verification procedures in the Member States. Reporting the results of this monitoring effort will provide valuable information on the effectiveness of the harmonised requirements and procedures laid down in this Directive.
- (17) In IMO Assembly Resolution A.797(19) of 23 November 1995 on the safety of ships carrying solid bulk cargoes it is requested that port State authorities submit confirmation that loading and unloading terminals for solid bulk cargoes comply with the IMO Codes and recommendations on ship/shore cooperation. Notification of the adoption of this Directive to the IMO will provide an appropriate response to this request and a clear signal to the international maritime community that the Community is committed to supporting the efforts undertaken at international level to enhance the safe loading and unloading of bulk carriers.
- (18) The measures necessary for the implementation of this Directive should be adopted in accordance with Council Decision 1999/468/EC of 28 June 1999 laying down the procedures for the exercise of implementing powers conferred on the Commission ⁽¹⁾.
- (19) It should be possible to amend certain provisions of this Directive in accordance with that procedure, so as to bring them into line with international and Community instruments adopted, amended or entering into force after the entry into force of this Directive and for the implementation of the procedures laid down in this Directive, without broadening its scope.

⁽¹⁾ OJ L 184, 17.7.1999, p. 23.

(20) Council Directive 89/391/EEC of 12 June 1989 on the introduction of measures to encourage improvements in the safety and health of workers at work⁽¹⁾ and its relevant individual Directives are applicable to the work relating to the loading and unloading of bulk carriers,

HAVE ADOPTED THIS DIRECTIVE:

Article 1

Purpose

The purpose of this Directive is to enhance the safety of bulk carriers calling at terminals in the Member States in order to load or unload solid bulk cargoes, by reducing the risks of excessive stresses and physical damage to the ship's structure during loading or unloading, through the establishment of:

1. harmonised suitability requirements for those ships and terminals; and
2. harmonised procedures for cooperation and communication between those ships and terminals.

Article 2

Scope

This Directive shall apply to:

1. all bulk carriers, irrespective of their flag, calling at a terminal for the loading or unloading of solid bulk cargoes; and
2. all terminals in the Member States visited by bulk carriers falling under the scope of this Directive.

Without prejudice to the provisions of Regulation VI/7 of the 1974 SOLAS Convention, this Directive shall not apply to facilities that only in exceptional circumstances are used for loading and unloading dry cargo in bulk into or from bulk carriers, and shall not apply in cases where the loading or unloading is carried out solely with the equipment of the bulk carrier concerned.

Article 3

Definitions

For the purposes of this Directive:

1. 'international conventions' shall mean the conventions in force on 4 December 2001, as defined in Article 2(1) of Council Directive 95/21/EC⁽²⁾;

⁽¹⁾ OJ L 183, 29.6.1989, p. 1.

⁽²⁾ Council Directive 95/21/EC of 19 June 1995 concerning the enforcement, in respect of shipping using Community ports and sailing in the waters under the jurisdiction of the Member States, of international standards for ship safety, pollution prevention and shipboard living and working conditions (port State control) (OJ L 157, 7.7.1995, p. 1). Directive as last amended by Commission Directive 1999/97/EC (OJ L 331, 23.12.1999, p. 67).

2. '1974 SOLAS Convention' shall mean the International Convention for the Safety of Life at Sea, together with the Protocols and amendments thereto, in force on 4 December 2001;

3. 'BLU Code' shall mean the Code of Practice for the Safe Loading and Unloading of Bulk Carriers, as contained in the Annex to IMO Assembly Resolution A.862(20) of 27 November 1997, as it stands on 4 December 2001;

4. 'bulk carrier' shall bear the meaning given to it in Regulation IX/1.6 of the 1974 SOLAS Convention and interpreted by Resolution 6 of the 1997 SOLAS Conference, namely:

- a ship constructed with single deck, top-side tanks and hopper-side tanks in cargo spaces and intended primarily to carry dry cargo in bulk, or
- an ore carrier, meaning a sea-going single deck ship having two longitudinal bulkheads and a double bottom throughout the cargo region and intended for the carriage of ore cargoes in the centre holds only, or
- a combination carrier as defined in Regulation II-2/3.27 of the 1974 SOLAS Convention;

5. 'dry cargo in bulk' or 'solid bulk cargo' shall mean solid bulk cargo as defined in Regulation XII/1.4 of the 1974 SOLAS Convention, excluding grain;

6. 'grain' shall bear the meaning given to it in Regulation VI/8.2 of the 1974 SOLAS Convention;

7. 'terminal' shall mean any fixed, floating or mobile facility equipped and used for the loading or unloading of dry cargo in bulk into or from bulk carriers;

8. 'terminal operator' shall mean the owner of a terminal, or any organisation or person to whom the owner has transferred the responsibility for loading or unloading operations conducted at the terminal for a particular bulk carrier;

9. 'terminal representative' shall mean any person appointed by the terminal operator, who has the overall responsibility for, and authority to, control the preparation, the conduct and the completion of loading or unloading operations conducted by the terminal for a particular bulk carrier;

10. 'master' shall mean the person who has command over a bulk carrier or a ship's officer designated by the master for the loading or unloading operations;

11. 'recognised organisation' shall mean an organisation recognised in accordance with Article 4 of Council Directive 94/57/EC⁽³⁾;

⁽³⁾ Council Directive 94/57/EC of 22 November 1994 on common rules and standards for ship inspection and survey organisations and for the relevant activities of maritime administrations (OJ L 319, 12.12.1994, p. 20). Directive as amended by Commission Directive 97/58/EC (OJ L 274, 7.10.1997, p. 8).

12. 'administration of the flag State' shall mean the competent authorities of the State whose flag the bulk carrier is entitled to fly;
13. 'port State control authority' shall mean the competent authority of a Member State empowered to apply the control provisions of Directive 95/21/EC;
14. 'competent authority' shall mean a national, regional or local public authority in the Member State empowered by national legislation to implement and enforce the requirements of this Directive;
15. 'cargo information' shall mean the cargo information required by Regulation VI/2 of the 1974 SOLAS Convention;
16. 'loading or unloading plan' shall mean a plan as referred to in Regulation VI/7.3 of the 1974 SOLAS Convention and having the format as contained in Appendix 2 of the BLU Code;
17. 'ship/shore safety checklist' shall mean the checklist as referred to in section 4 of the BLU Code and having the format as contained in Appendix 3 of the BLU Code;
18. 'solid bulk cargo density declaration' shall mean the information on the density of the cargo to be provided in compliance with Regulation XII/10 of the 1974 SOLAS Convention.

Article 4

Requirements in relation to the operational suitability of bulk carriers

Member States shall make the necessary arrangements to ensure that terminal operators are satisfied with the operational suitability of bulk carriers for loading or unloading of solid bulk cargoes, by checking compliance with the provisions of Annex I.

Article 5

Requirements in relation to the suitability of terminals

Member States shall satisfy themselves that terminal operators ensure that, as concerns terminals for which they assume responsibilities under this Directive:

1. the terminals comply with the provisions of Annex II;
2. terminal representative(s) is (are) appointed;
3. information books are prepared containing the requirements of the terminal and competent authorities and information on the port and terminal as listed in Appendix 1, paragraph 1.2, of the BLU Code, and that these books are made available to the masters of bulk carriers calling at the terminal for loading or unloading solid bulk cargoes; and

4. a quality management system is developed, implemented and maintained. Such quality management system shall be certified in accordance with the ISO 9001:2000 standards or an equivalent standard fulfilling at least all aspects of ISO 9001:2000, and it shall be audited in accordance with the guidelines of the ISO 10011:1991 or equivalent standard fulfilling all aspects of ISO 10011:1991. Directive 98/34/EC⁽¹⁾ shall be complied with in relation to the said equivalent standards.

A transitional period of three years from the entry into force of this Directive shall be granted to set up the quality management system and one additional year to obtain the certification of the system.

Article 6

Temporary authorisation

By way of derogation from the requirements of Article 5(4), a temporary authorisation to operate, valid for no more than 12 months, may be issued by the competent authority for newly established terminals. The terminal must however demonstrate its plan to implement a quality management system in accordance with the ISO 9001:2000 standard or equivalent standard, as set out in Article 5(4).

Article 7

Responsibilities of masters and terminal representatives

Member States shall make the necessary arrangements to ensure that the following principles concerning the responsibilities of masters and terminal representatives are respected and applied:

1. Responsibilities of the master:

- (a) the master shall be responsible at all times for the safe loading and unloading of the bulk carrier under his command;
- (b) the master shall, well in advance of the ship's estimated time of arrival at the terminal, provide the terminal with the information set out in Annex III;
- (c) before any solid bulk cargo is loaded, the master shall ensure that he has received the cargo information required by Regulation VI/2.2 of the 1974 SOLAS Convention, and, where required, a solid bulk cargo density declaration. This information shall be contained in a cargo declaration form as set out in Appendix 5 of the BLU Code;
- (d) prior to the start of and during loading or unloading the master shall discharge the duties listed in Annex IV.

⁽¹⁾ Directive 98/34/EC of the European Parliament and of the Council of 22 June 1998 laying down a procedure for the provision of information in the field of technical standards and regulations and of rules on Information Society services (OJ L 204, 21.7.1998, p. 37). Directive as amended by Directive 98/48/EC (OJ L 217, 5.8.1998, p. 18).

2. Responsibilities of the terminal representative:

- (a) upon receipt of the ship's initial notification of its estimated time of arrival, the terminal representative shall provide the master with the information mentioned in Annex V;
- (b) the terminal representative shall be satisfied that the master has been advised as early as possible of the information contained in the cargo declaration form;
- (c) the terminal representative shall without delay notify the master and the port State control authority of apparent deficiencies he has noted on board a bulk carrier which could endanger the safe loading or unloading of solid bulk cargoes;
- (d) prior to the start of and during loading or unloading, the terminal representative shall discharge the duties listed in Annex VI.

Article 8

Procedures between bulk carriers and terminals

Member States shall ensure that the following procedures are applied in respect of the loading or unloading of bulk carriers with solid bulk cargoes.

1. Before solid bulk cargoes are loaded or unloaded, the master shall agree with the terminal representative on the loading or unloading plan in accordance with the provisions of Regulation VI/7.3 of the 1974 SOLAS Convention. The loading or unloading plan shall be prepared in the form laid down in Appendix 2 of the BLU Code, it shall contain the IMO number of the bulk carrier concerned, and the master and the terminal representative shall confirm their agreement to the plan by signing it.

Any change to the plan, which according to either party may affect the safety of the vessel or crew, shall be prepared, accepted and agreed by both parties in the form of a revised plan.

The agreed loading or unloading plan and any subsequent agreed revisions shall be kept by the ship and the terminal for a period of six months for the purpose of any necessary verification by the competent authorities.

2. Before loading or unloading is commenced, the ship/shore safety checklist shall be completed and signed jointly by the master and the terminal representative in accordance with the guidelines of Appendix 4 of the BLU Code.
3. An effective communication between the ship and the terminal shall be established and maintained at all times, capable of responding to requests for information on the loading or unloading process and to ensure prompt compliance should the master or the terminal representative order the loading or unloading operations to be suspended.

4. The master and the terminal representative shall conduct the loading or unloading operations in accordance with the agreed plan. The terminal representative shall be responsible for the loading or unloading of the solid bulk cargo as regards the hold order, quantity and rate of loading or unloading stated on that plan. He shall not deviate from the agreed loading or unloading plan, otherwise than by prior consultation and written agreement with the master.
5. On completion of the loading or unloading, the master and the terminal representative shall agree in writing that the loading or unloading has been done in accordance with the loading or unloading plan, including any agreed changes. In the case of unloading, such agreement shall include a record that the cargo holds have been emptied and cleaned to the master's requirements and shall record any damage suffered by the ship and any repairs carried out.

Article 9

Role of the competent authorities

1. Without prejudice to the rights and obligations of the master provided under Regulation VI/7.7 of the 1974 SOLAS Convention, Member States shall ensure that their competent authorities prevent or halt the loading or unloading of solid bulk cargoes whenever they have clear indications that the safety of the ship or crew would be endangered thereby.

2. In cases where the competent authority is informed of disagreement between the master and the terminal representative as to the application of the procedures provided for in Article 8, the competent authority shall intervene where this is required in the interests of safety and/or the marine environment.

Article 10

Repair of damage incurred during loading or unloading

1. If damage to the ship's structure or equipment occurs during loading or unloading, it shall be reported by the terminal representative to the master and, if necessary, repaired.
2. If the damage could impair the structural capability or watertight integrity of the hull, or the ship's essential engineering systems, the administration of the flag State, or an organisation recognised by it and acting on its behalf, and the port State control authority shall be informed by the terminal representative and/or the master. The decision as to whether immediate repair is necessary or whether it can be deferred shall be taken by the port State control authority, due account being taken of the opinion, if any, of the administration of the flag State, or the organisation recognised by it and acting on its behalf, and of the opinion of the master. Where immediate repair is considered necessary, it shall be carried out to the satisfaction of the master and the competent authority before the ship leaves the port.

3. For the purpose of taking the decision referred to in paragraph 2, a port State control authority may rely upon a recognised organisation to undertake the inspection of the damage and to advise on the necessity of carrying-out repairs or their deferral.

4. This Article applies without prejudice to Directive 95/21/EC.

Article 11

Verification and reporting

1. Member States shall regularly verify that terminals comply with the requirements of Article 5(1), Article 7(2) and Article 8. The procedure of verification shall include the carrying-out of unannounced inspections during loading or unloading operations.

In addition, Member States shall verify that terminals comply with the requirements of Article 5(4), at the end of the period provided for therein, and for newly established terminals at the end of the period provided in Article 6.

2. Member States shall provide the Commission every three years with a report on the results of such verification. The report shall also provide an assessment of the effectiveness of the harmonised procedures for cooperation and communication between bulk carriers and terminals as provided for in this Directive. The report shall be transmitted at the latest by 30 April of the year following the period of three calendar years upon which it reports.

Article 12

Evaluation

The Commission shall submit an evaluation report on the operation of the system as provided for in this Directive to the European Parliament and the Council, on the basis of the reports of the Member States provided for in Article 11(2). This report shall also include an assessment of whether it is necessary to continue the reporting by the Member States referred to in Article 11(2).

Article 13

Notification to the IMO

The Presidency of the Council, acting on behalf of the Member States, and the Commission shall jointly inform the IMO of the adoption of this Directive, whereby reference shall be made to paragraph 1.7 of the Annex to IMO Resolution A.797(19).

Article 14

Regulatory Committee

1. The Commission shall be assisted by the committee set up pursuant to Article 12(1) of Council Directive 93/75/EEC⁽¹⁾, hereinafter referred to as 'the Committee'.

2. Where reference is made to this paragraph, Articles 5 and 7 of Decision 1999/468/EC shall apply, having regard to the provisions of Article 8 thereof.

The period laid down in Article 5(6) of Decision 1999/468/EC shall be set at three months.

3. The Committee shall adopt its rules of procedure.

Article 15

Amendment procedure

1. The definitions in points 1 to 6 and 15 to 18 of Article 3, the references to international conventions and codes and to IMO Resolutions and Circulars, the references to ISO standards, the references to Community instruments, and the Annexes, may be amended in accordance with the procedure referred to in Article 14(2), in order to bring them into line with international and Community instruments which have been adopted, amended or brought into force after the adoption of this Directive, provided that the scope of this Directive is not thereby broadened.

2. The procedure referred to in Article 14(2) shall apply when amending Article 8 and the Annexes for the implementation of the procedures laid down in this Directive, and when amending or repealing the reporting obligations referred to in Articles 11(2) and 12, provided that such provisions do not broaden the scope of this Directive.

Article 16

Penalties

The Member States shall lay down the rules on penalties applicable to infringements of the national provisions adopted pursuant to this Directive and shall take all measures necessary to ensure that they are implemented. The penalties provided for must be effective, proportionate and dissuasive.

⁽¹⁾ Council Directive 93/75/EEC of 13 September 1993 concerning minimum requirements for vessels bound for or leaving Community ports and carrying dangerous or polluting goods (OJ L 247, 5.10.1993, p. 19). Directive as last amended by Commission Directive 98/74/EC (OJ L 276, 13.10.1998, p. 7).

*Article 17***Implementation and application**

1. Member States shall adopt and publish, before 5 August 2003, the provisions necessary to comply with this Directive. They shall forthwith inform the Commission thereof.

They shall apply those provisions from 1 March 2004.

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.

2. Member States shall notify to the Commission the provisions of their national law which they adopt in the field governed by this Directive.

*Article 18***Entry into force**

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

*Article 19***Addressees**

This Directive is addressed to the Member States.

Done at Brussels, 4 December 2001.

For the European Parliament

The President

N. FONTAINE

For the Council

The President

D. REYNERS

ANNEX I

REQUIREMENTS IN RELATION TO THE OPERATIONAL SUITABILITY OF BULK CARRIERS FOR LOADING AND UNLOADING SOLID BULK CARGOES*(as referred to in Article 4)*

Bulk carriers calling in terminals in the Member States for the loading or unloading of solid bulk cargoes shall be checked for compliance with the following requirements.

1. They shall be provided with cargo holds and hatch openings of sufficient size and such a design to enable the solid bulk cargo to be loaded, stowed, trimmed and unloaded satisfactorily.
2. They shall be provided with the cargo hold hatch identification numbers as used in the loading or unloading plan. The location, size and colour of these numbers shall be clearly visible to and identifiable by the operator of the terminal loading or unloading equipment.
3. Their cargo hold hatches, hatch operating systems and safety devices shall be in good functional order and used only for their intended purpose.
4. List indicating lights, if fitted, shall be tested prior to loading or unloading and proved to be operational.
5. If required to have an approved loading instrument on board, this instrument shall be certified and operational to carry out stress calculations during loading or unloading.
6. Propulsion and auxiliary machinery shall be in good functional order.
7. Deck equipment related to mooring and berthing operations shall be operable and in good order and condition.

ANNEX II

REQUIREMENTS IN RELATION TO THE SUITABILITY OF TERMINALS FOR LOADING AND UNLOADING SOLID BULK CARGOES*(as referred to in Article 5(1))*

1. Terminals shall only accept bulk carriers for loading or unloading of solid bulk cargoes at their terminal that can safely berth alongside the loading or unloading installation, taking into consideration water depth at the berth, maximum size of the ship, mooring arrangements, fendering, safe access and possible obstructions to loading or unloading operations.
2. Terminal loading and unloading equipment shall be properly certified and maintained in good order, in compliance with the relevant regulations and standards, and only operated by duly qualified and, if appropriate, certified personnel.
3. Terminal personnel shall be trained in all aspects of safe loading and unloading of bulk carriers commensurate with their responsibilities. The training shall be designed to provide familiarity with the general hazards of loading and unloading of solid bulk cargoes and the adverse effect improper loading and unloading operations may have on the safety of the ship.
4. Terminal personnel involved in the loading and unloading operations shall be provided with and use personnel protective equipment and shall be duly rested to avoid accidents due to fatigue.

ANNEX III

INFORMATION TO BE PROVIDED BY THE MASTER TO THE TERMINAL*(as referred to in Article 7(1)(b))*

1. The ship's estimated time of arrival off the port as early as possible. This advice shall be updated as appropriate.
 2. At the time of the initial time of arrival advice:
 - (a) name, call sign, IMO number, flag, port of registry;
 - (b) loading or unloading plan, stating the quantity of cargo, stowage by hatches, loading or unloading order and the quantity to be loaded in each pour or unloaded in each stage of the discharge;
 - (c) arrival and proposed departure draughts;
 - (d) time required for ballasting or de-ballasting;
 - (e) ship's length overall, beam, and length of the cargo area from the forward coaming of the forward-most hatch to the after coaming of the aft-most hatch into which cargo is to be loaded or from which cargo is to be unloaded;
 - (f) distance from the waterline to the first hatch to be loaded or unloaded and the distance from the ship's side to the hatch opening;
 - (g) location of the ship's accommodation ladder;
 - (h) air draught;
 - (i) details and capacities of ship's cargo-handling gear, if any;
 - (j) number and type of mooring lines;
 - (k) specific requests, such as for trimming or continuous measurement of the water content of the cargo;
 - (l) details of any necessary repairs which may delay berthing, the commencement of loading or unloading, or may delay the ship sailing on completion of loading or unloading;
 - (m) any other information related to the ship requested by the terminal.
-

ANNEX IV

DUTIES OF THE MASTER PRIOR TO AND DURING LOADING OR UNLOADING OPERATIONS*(as referred to in Article 7(1)(d))*

Prior to and during loading or unloading operations the master shall ensure that:

1. the loading or unloading of cargo and the discharge or intake of ballast water is under the control of the ship's officer in charge;
 2. the disposition of cargo and ballast water is monitored throughout the loading or unloading process to ensure that the ship's structure is not overstressed;
 3. the ship shall be kept upright or, if a list is required for operational reasons, it shall be kept as small as possible;
 4. the ship remains securely moored, taking due account of local weather conditions and forecasts;
 5. sufficient officers and crew are retained on board to attend to the adjustment of the mooring lines or for any normal or emergency situation, having regard to the need of the crew to have sufficient rest periods to avoid fatigue;
 6. the terminal representative is made aware of the cargo trimming requirements, which shall be in accordance with the procedures of the IMO Code of Safe Practice for Solid Bulk Cargoes;
 7. the terminal representative is made aware of the requirements for harmonisation between de-ballasting or ballasting and cargo loading or unloading rates for his ship and of any deviation from the de-ballasting or ballasting plan or any other matter which may affect cargo loading or unloading;
 8. the ballast water is discharged at rates which conform to the agreed loading plan and does not result in flooding of the quay or of adjacent craft. Where it is not practical for the ship to completely discharge its ballast water prior to the trimming stage in the loading process, he agrees with the terminal representative on the times at which loading may need to be suspended and the duration of such suspensions;
 9. there is agreement with the terminal representative as to the actions to be taken in the event of rain, or other change in the weather, when the nature of the cargo would pose a hazard in the event of such a change;
 10. no hot work is carried out on board or in the vicinity of the ship while the ship is alongside the berth, except with the permission of the terminal representative and in accordance with any requirements of the competent authority;
 11. close supervision of the loading or unloading operation and of the ship during final stages of the loading or unloading;
 12. the terminal representative is warned immediately if the loading or unloading process has caused damage, has created a hazardous situation, or is likely to do so;
 13. the terminal representative is advised when final trimming of the ship has to commence in order to allow for the conveyor system to run-off;
 14. the unloading of the port side closely matches that of the starboard side in the same hold to avoid twisting the ship's structure;
 15. when ballasting one or more holds, account is taken of the possibility of the discharge of flammable vapours from the holds and precautions are taken before any hot work is permitted adjacent to or above these holds.
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ANNEX V

INFORMATION TO BE PROVIDED BY THE TERMINAL TO THE MASTER*(as referred to in Article 7(2)(a))*

1. The name of the berth at which loading or unloading will take place and the estimated times for berthing and completion of loading or unloading ⁽¹⁾.
2. Characteristics of loading or unloading equipment, including the terminal's nominal loading or unloading rate and the number of loading or unloading heads to be used, as well as the estimated time required to complete each pour or — in the case of unloading — the estimated time required for each stage of the discharge.
3. Features on the berth or jetty the master may need to be aware of, including the position of fixed and mobile obstructions, fenders, bollards and mooring arrangements.
4. Minimum depth of water alongside the berth and in approach and departure channels ⁽¹⁾.
5. Water density at the berth.
6. Maximum distance between the water line and the top of the cargo hatch covers or coamings, whichever is relevant to the loading or unloading operation, and the maximum air draught.
7. Arrangements for gangways and access.
8. Which side of the ship is to be alongside the berth.
9. Maximum allowable speed of approach to the jetty and availability of tugs, their type and bollard pull.
10. The loading sequence for different parcels of cargo, and any other restrictions if it is not possible to take the cargo in any order or any hold to suit the ship.
11. Any properties of the cargo to be loaded which may present a hazard when placed in contact with cargo or residues on board.
12. Advance information on the proposed loading or unloading operations or changes to existing plans for loading or unloading.
13. If the terminal's loading or unloading equipment is fixed, or has any limits to its movement.
14. Mooring lines required.
15. Warning of unusual mooring arrangements.
16. Any restrictions on ballasting or de-ballasting.
17. Maximum sailing draught permitted by the competent authority.
18. Any other item related to the terminal requested by the master.

⁽¹⁾ Information on estimated times for berthing and departure and on minimum water depth at the berth shall be progressively updated and passed to the master on receipt of successive ETA advice. Information on minimum water depth in approach and departure channels shall be provided by the terminal or the competent authority, as appropriate.

ANNEX VI

DUTIES OF THE TERMINAL REPRESENTATIVE PRIOR TO AND DURING LOADING OR UNLOADING OPERATIONS*(as referred to in Article 7(2)(d))*

Prior to the start of and during loading or unloading operations the terminal representative shall:

1. provide the master with the names and procedures for contacting the terminal personnel or shipper's agent who will have the responsibility for the loading or unloading operation and with whom the master will have contact.
 2. take all precautionary measures to avoid damage to the ship by the loading or unloading equipment and inform the master if damage occurs.
 3. ensure the ship is kept upright or, if a list is required for operational reasons, it shall be kept as small as possible.
 4. ensure the unloading of the port side closely matches that of the starboard side in the same hold to avoid twisting the ship.
 5. in the case of high density cargoes, or when the individual grab loads are large, alert the master that there may be high, localised impact loads on the ship's structure until the tank top is completely covered by cargo, especially when high free-fall drops are permitted and special care is taken at the start of the loading operation in each cargo holds.
 6. ensure that there is agreement between the master and the terminal representative at all stages and in relation to all aspects of the loading or unloading operations and that the master is advised on any change to the agreed loading rate, and at the completion of each pour of the weight loaded.
 7. maintain a record of the weight and disposition of the cargo loaded or unloaded and ensure that the weights in the holds do not deviate from the agreed loading or unloading plan.
 8. ensure that the cargo is trimmed, when loading or unloading, to the master's requirements.
 9. ensure that the quantities of cargo required to achieve the departure draft and trim shall allow for all cargo on the terminal's conveyor systems to be run off and empty on completion of a loading. For that purpose the terminal representative shall advise the master of the nominal tonnage contained on the terminal's conveyor system and any requirements for clearing the conveyor system on completion of the loading.
 10. in the case of unloading, give the master the maximum warning when it is intended to increase, or to reduce, the number of unloading heads used and advise the master when unloading is considered to be completed from each hold.
 11. ensure that no hot work is carried out on board or in the vicinity of the ship while the ship is alongside the berth, except with the permission of the master and in accordance with any requirements of the competent authority.
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**DIRECTIVE 2001/109/EC OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL
of 19 December 2001**

**concerning the statistical surveys to be carried out by the Member States in order to determine the
production potential of plantations of certain species of fruit trees**

THE EUROPEAN PARLIAMENT AND THE COUNCIL OF THE
EUROPEAN UNION,

Having regard to the Treaty establishing the European
Community, and in particular Article 285 thereof,

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

Acting in accordance with the procedure laid down in Article
251 of the Treaty ⁽²⁾,

Whereas:

- (1) The Commission, in order to perform the task conferred upon it by the Treaty and by Community provisions governing the common organisation of the market in the fruit and vegetable sector, needs to be kept accurately informed on the production potential of plantations of certain species of fruit trees within the Community and to have available medium-term estimates of production and supply on the markets. This information is currently provided for within the framework of Council Directive 76/625/EEC of 20 July 1976 concerning the statistical surveys to be carried out by the Member States in order to determine the production potential of plantations of certain species of fruit trees ⁽³⁾. Now that new amendments are being made, it is appropriate on the grounds of clarity to repeal the said Directive and replace it by this Directive.
- (2) All the Member States should carry out surveys concurrently on plantations of fruit trees of the same species in accordance with the same criteria and with comparable accuracy. New plantations attain their full yield only after a certain number of years. These surveys should therefore be repeated every five years in order to obtain reliable statistics on production potential taking account of the fruit trees which are not yet productive.
- (3) Uniform surveys should be carried out in each Member State on the main varieties of each species of fruit, endeavouring at the same time to establish sub-divisions according to variety which are as complete as necessary.
- (4) The experience acquired in previous surveys of fruit tree plantations has shown that it is necessary to introduce a certain flexibility into survey methods used by the Member States whilst maintaining the comparability of data between Member States.

- (5) Since the objectives of the proposed action, namely to obtain complete and reliable statistics on the production potential of plantations of certain species of fruit trees in the Community and on medium-term estimates of Community production and supply, cannot be sufficiently achieved by the Member States individually and can therefore, by reason of the effects of the action, be better achieved at Community level, the Community may adopt measures, in accordance with the principle of subsidiarity as set out in Article 5 of the Treaty. In accordance with the principle of proportionality, as set out in that Article, this Directive does not go beyond what is necessary to achieve those objectives.
- (6) The measures necessary for the implementation of this Directive should be adopted in accordance with Council Decision 1999/468/EC of 28 June 1999 laying down the procedures for the exercise of implementing powers conferred on the Commission ⁽⁴⁾,

HAVE ADOPTED THIS DIRECTIVE:

Article 1

1. The Member States shall carry out during 2002, and every five years thereafter, surveys on plantations of certain species of fruit trees existing on their territory.
2. The following species shall be surveyed:
 - (a) dessert apples
 - (b) dessert pears
 - (c) peaches
 - (d) apricots
 - (e) oranges
 - (f) lemons
 - (g) small-fruited citrus fruit.

The species to be surveyed in the various Member States are set out in the table in the Annex.

The list of said species and the said table may be amended in accordance with the procedure referred to in Article 8(2).

The survey of plantations of varieties of apples and pears destined solely for uses other than dessert apples and pears shall be optional.

⁽¹⁾ OJ C 96 E, 27.3.2001, p. 212.

⁽²⁾ Opinion of the European Parliament of 13 June 2001 (not yet published in the Official Journal), Council Common Position of 8 November 2001 (not yet published in the Official Journal) and Decision of the European Parliament of 11 December 2001 (not yet published in the Official Journal).

⁽³⁾ OJ L 218, 11.8.1976, p. 10. Directive as last amended by Directive 1999/87/EC of the European Parliament and of the Council (OJ L 16, 21.1.2000, p. 72).

⁽⁴⁾ OJ L 184, 17.7.1999, p. 23.

3. The survey shall apply to all holdings with an area planted with fruit trees, provided that the fruit produced is entirely or mainly intended for the market.

The survey shall cover pure and mixed crops, i.e. plantations of fruit trees of several of the species referred to in the first subparagraph of paragraph 2 or of one or more of them together with other species.

4. The survey may be either exhaustive or based on random sampling, in accordance with the criteria laid down in Article 3.

Article 2

1. The surveys referred to in Article 1 shall be organised so that the results may be presented in various combinations of the following characteristics:

(A) Variety of fruit:

For each species of fruit, and in order of importance, enough varieties shall be shown to enable a separate assessment to be made for each Member State, by variety, of at least 80 % of the total area planted with fruit trees of the species in question and, in any case, all varieties representing 3 % or more of the total area planted with fruit trees of the species in question.

(B) Age of trees:

The age of trees must be calculated from the time of their planting in the orchard. The planting season which extends from the autumn to the spring shall be considered a single period.

(C) Area planted, number of trees and density of plantation:

The density of plantation may be surveyed and quoted directly or may be calculated from the area planted.

2. Detailed rules for applying this Article shall be adopted in accordance with the procedure referred to in Article 8(2).

Article 3

1. In the case of random sampling, the sample shall be representative of at least 95 % of the area planted with fruit trees. Estimates shall be made for areas not covered by sampling.

2. So far as the results of the surveys carried out by random sampling are concerned, Member States shall take every measure to ensure that sampling errors at the 68 % confidence level shall, at the most, be of the order of 3 % for the whole of the national area planted with fruit trees of each species.

3. Member States shall take appropriate measures to limit mistakes of reporting and, if necessary, to estimate their effect on the whole of the area planted with fruit trees of each species.

4. The rules for applying this Article shall be adopted in accordance with the procedure referred to in Article 8(2).

Article 4

1. Member States shall notify the Commission of the results of these surveys as rapidly as possible, and in any case before 1 October of the year following the survey year.

2. The results referred to in paragraph 1 shall be supplied for each production area. The boundaries of the production areas to be adopted for Member States shall be fixed in accordance with the procedure laid down in Article 8(2).

3. Sampling errors together with any mistakes discovered in reporting as referred to in Article 3 shall be notified before 1 October of the year following the survey year.

4. Member States shall send the Commission a methodological report on how the survey was carried out no later than 1 October of the year following the survey year.

Article 5

Member States which have annual estimates:

- (a) of areas of fruit trees, the clearing of which has been carried out on their territory, and
 - (b) of the new plantations of fruit trees on their territory,
- shall notify the Commission of this information no later than 31 October of the year following the reference year.

Article 6

The Commission shall study the following in consultation and ongoing cooperation with Member States:

- (a) the results supplied,
- (b) the technical problems raised, in particular by the preparation and implementation of these surveys,
- (c) the significance of the findings of the surveys.

Article 7

The Commission shall submit to the European Parliament and to the Council, within one year of notification of the results by Member States, a report on experience acquired during the survey.

Article 8

1. The Commission shall be assisted by the Standing Committee for Agricultural Statistics, set up by Council Decision 72/279/EEC⁽¹⁾.

2. Where reference is made to this paragraph, Articles 4 and 7 of Decision 1999/468/EC shall apply, having regard to the provisions of Article 8 thereof.

The period laid down in Article 4(3) of Decision 1999/468/EC shall be set at three months.

3. The committee shall adopt its rules of procedure.

⁽¹⁾ OJ L 179, 7.8.1972, p. 1.

Article 9

Directive 76/625/EEC shall be repealed with effect from 16 April 2002.

Any references made to repealed Directive 76/625/EEC shall be considered as a reference to this Directive.

Article 10

Member States shall bring into force the laws, regulations and administrative provisions necessary to comply with this Directive by 16 April 2002 at the latest. They shall forthwith inform the Commission thereof.

When Member States adopt these measures, they shall contain a reference to this Directive or shall be accompanied by such reference on the occasion of their official publication. The

methods of making such reference shall be laid down by Member States.

Article 11

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

Article 12

This Directive is addressed to the Member States.

Done at Brussels, 19 December 2001.

For the European Parliament

The President

N. FONTAINE

For the Council

The President

A. NEYTS-UYTTEBROECK

ANNEX

SPECIES SURVEYED IN THE VARIOUS MEMBER STATES

	Apples	Pears	Peaches	Apricots	Oranges	Lemons	Small-fruited citrus fruit
Belgium	×	×					
Denmark	×	×					
Germany	×	×					
Greece	×	×	×	×	×	×	×
Spain	×	×	×	×	×	×	×
France	×	×	×	×	×	×	×
Ireland	×						
Italy	×	×	×	×	×	×	×
Luxembourg	×	×					
Netherlands	×	×					
Austria	×	×	×	×			
Portugal	×	×	×	×	×	×	×
Finland	×						
Sweden	×	×					
United Kingdom	×	×					

II

(Acts whose publication is not obligatory)

COMMISSION

COMMISSION DECISION

of 8 January 2002

on financial assistance from the Community for storage in France, Italy and the United Kingdom of antigens for production of foot-and-mouth disease vaccines

(notified under document number C(2001) 4736)

(2002/29/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Decision 90/424/EEC of 26 June 1990 on expenditure in the veterinary field ⁽¹⁾, as last amended by Decision 2001/572/EC ⁽²⁾, and in particular Article 14 thereof,

Whereas:

- (1) By virtue of Council Decision 91/666/EEC of 11 December 1991 establishing Community reserves of foot-and-mouth disease vaccines ⁽³⁾, as last amended by Commission Decision 2001/181/EC ⁽⁴⁾, establishment of antigen banks is part of the Community's action to create Community reserves of foot-and-mouth disease vaccines.
- (2) Article 3 of that Decision designates the 'Laboratoire de pathologie bovine du Centre national d'études vétérinaires et alimentaires' at Lyon in France, which is now part of the 'Agence Française de Sécurité Sanitaire des Aliments (ASSA)', and the 'Istituto Zooprofilattico Sperimentale di Brescia' in Italy, as the antigen banks holding Community reserves, and provides for a procedure to designate other establishments as antigen bank by Commission Decision.
- (3) Article 1 of Commission Decision 2000/111/EC ⁽⁵⁾ further designates Merial SAS as the antigen bank holding Community reserves.
- (4) The functions and duties of these antigen banks are specified in Article 4 of Decision 91/666/EEC and Community assistance must be conditional on accomplishment of these.

- (5) Community financial assistance should be granted to the banks providing services to the Community to enable them to carry out during 2002 the said functions and duties.
- (6) For budgetary reasons the Community assistance should be granted for a period of one year.
- (7) According to Article 3(2) of Council Regulation (EC) No 1258/1999 of 17 May 1999 on the financing of the common agricultural policy ⁽⁶⁾, programmes for the eradication of animal diseases shall be financed under the Guarantee Section of the EAGGF; for financial control purposes Articles 8 and 9 of this Regulation apply.
- (8) The financial contribution of the Community shall be granted to Member States provided that the authorities supply all the necessary information within the time limits set.
- (9) The financial contribution of the Community shall be granted to Merial SAS in accordance with contractual terms and conditions.
- (10) The measures provided for in this Decision are in accordance with the opinion of the Standing Veterinary Committee,

HAS ADOPTED THIS DECISION:

Article 1

1. The Community shall grant financial assistance to France for the stocking of antigens for the production of foot-and-mouth disease vaccines.

⁽¹⁾ OJ L 224, 18.8.1990, p. 19.

⁽²⁾ OJ L 203, 28.7.2001, p. 16.

⁽³⁾ OJ L 368, 31.12.1991, p. 21.

⁽⁴⁾ OJ L 66, 8.3.2001, p. 39.

⁽⁵⁾ OJ L 33, 8.2.2000, p. 19.

⁽⁶⁾ OJ L 160, 26.6.1999, p. 103.

2. The 'Agence Française de Sécurité Sanitaire des Aliments (ASSA)' at Lyon in France shall hold the stock of antigens to which paragraph 1 relates.

3. The Community's financial assistance shall be up to a maximum of EUR 30 000 for the period 1 January to 31 December 2002.

Article 2

1. The Community shall grant financial assistance to Italy for the stocking of antigens for the production of foot-and-mouth disease vaccines.

2. The 'Istituto Zooprofilattico Sperimentale Di Brescia' in Italy shall hold the stock of antigens to which paragraph 1 relates.

3. The Community's financial assistance shall be up to a maximum of EUR 30 000 for the period 1 January to 31 December 2002.

Article 3

1. The Community's financial assistance referred to in Article 1(3) and Article 2(3) shall be paid following the presentation by the Member State concerned of supporting documents which demonstrate the effective completion of the tasks.

2. The supporting documents referred to in paragraph 1 must be presented to the Commission before 1 March 2003 and they shall include:

(a) technical information on:

- the amount and type of antigen stored (storage records),
- storage equipment used (type, number and capacity of tanks),
- security systems in place (temperature control, anti-theft measures),

— insurance arrangements (fire, accidents);

(b) financial information (completion of table as shown in the Annex).

Article 4

1. The Community shall grant financial assistance to Merial SAS, Lyon, France, for the stocking of antigens for the production of foot-and-mouth disease vaccines.

2. Merial SAS, Lyon, shall hold the stock of antigens to which paragraph 1 relates at the premises of Merial SAS in Lyon, France, (two containers) and at the premises of Pirbright, United Kingdom, (four containers).

3. The Community's financial assistance shall be up to a maximum of EUR 48 000 for the period 1 January to 31 December 2002.

Article 5

1. To meet the objectives of Article 4, the Commission shall conclude a contract with Merial SAS without delay.

2. The Director-General of the Directorate-General for Health and Consumer Protection shall be authorised to sign the contract on behalf of the European Commission.

Article 6

This Decision is addressed to the Member States.

Done at Brussels, 8 January 2002.

For the Commission

David BYRNE

Member of the Commission

ANNEX

FINANCIAL INFORMATION RELATED TO THE STORAGE OF ANTIGENS FOR PRODUCTION OF FOOT-AND-MOUTH DISEASE VACCINES**STATEMENT OF COSTS**

Reporting period from: to:

Reference No of Commission Decision providing financial assistance:

Name and address of beneficiary:

.....

Category of costs	Amount for the period (National currency) ⁽¹⁾
1. Staff	
2. Capital equipment	
3. Consumables	
4. Insurance	
5. Rental of premises	
Total	

⁽¹⁾ All costs must be expressed in national currency.*Certificate by the beneficiary*

We certify that:

- the above costs were incurred in connection with the tasks defined in the Decision and were essential to the sound performance of those tasks,
- they are genuine costs falling within the definition of reimbursable costs,
- all the documents supporting the costs are available for audit purposes.

Date:

Name of technical director:

Signature:

Date:

Person financially responsible:

Signature:

COMMISSION DECISION
of 8 January 2002
approving the technical action plan 2002 for improving agricultural statistics

(notified under document number C(2001) 4973)

(2002/30/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Decision 96/411/EC of 25 June 1996 on improving Community agricultural statistics ⁽¹⁾, as last amended by European Parliament and Council Decision No 2298/2000/EC ⁽²⁾ of 28 September 2001, and particularly Article 4(1) and Article 6(2) thereof,

Whereas:

- (1) In accordance with Decision 96/411/EC, the Commission establishes a technical action plan for agricultural statistics each year.
- (2) Certain activities launched under previous action plans need to be consolidated and the efforts made by the Member States, particularly as regards balances and the use of pesticides, need to be followed up.
- (3) Data on the physical aspects of European agriculture need to be improved, detailed agri-environmental indicators need to be obtained, the environmental aspects of agricultural accounting need to be developed and information systems on rural development need to be established for the implementation of the relevant Community policies.

(4) In accordance with Decision 96/411/EC, the Community shall contribute to the costs realised by each Member State in making adaptations to national agricultural statistical systems or to such costs for preparatory work relating to new or increasing needs which are part of a technical action plan.

(5) The measures provided for in this Decision are in accordance with the opinion of the Standing Committee on Agricultural Statistics,

HAS ADOPTED THIS DECISION:

Article 1

The 2002 technical action plan for improving agricultural statistics, is annexed to the present Decision.

Article 2

This Decision is addressed to the Member States.

Done at Brussels, 8 January 2002.

For the Commission

Pedro SOLBES MIRA

Member of the Commission

⁽¹⁾ OJ L 162, 1.7.1996, p. 14.

⁽²⁾ OJ L 263, 18.10.2000, p. 1.

ANNEX

**Technical action plan 2002 for improving agricultural statistics
(TAPAS 2002)**

The aims of the activities to be carried out in 2002 under the technical action plan for improving agricultural statistics (TAPAS) are as follows:

to permit the continuation of certain activities launched under the previous action plans with a view to extending and validating the methods previously tested in order to provide better statistics in the following fields:

- (i) data on the physical aspects of European agriculture,
- (ii) the environmental aspects of agricultural accounting,
- (iii) agri-environmental indicators,
- (iv) use of pesticides;

to establish an information system on:

- (v) rural development.

The Commission will make a financial contribution, not exceeding the amounts shown in the Table for each Member State, to projects forming part of these activities.

The activities proposed by the Member States concern:

1. Data on the physical aspects of European agriculture

This is a continuation of the work done in previous years. The aim is to improve the following:

- (a) data on areas, production and use of crops, and particularly the balances;
- (b) data on livestock populations, production and use of animal products, and particularly the meat balances;
- (c) feed balances (either for an initial calculation of the feed balance — often after improvement of the supply balances — or for enhancing the initial calculation on the basis of surveys of resources and uses of agricultural products or more detailed analyses of the data available). We must also seek to establish consistency between the supply balances and the feed balance;
- (d) other work following on from activities already launched with a view to improving figures on stocks or internal use, including use on the farm, and work on establishing technical coefficients.

2. The environmental aspects of agricultural accounting

The main aim is to introduce into the methodology used for the economic accounts for agriculture (EAC) and forestry (EAF) concepts and definitions that enable certain elements that are relevant to the environment to be dealt with - as services in total production or a distribution operation in the form of subsidies or taxes, for example.

These new definitions will then be applied.

The interest to the Community lies in the production of consistent series to complement the economic accounts for agriculture and forestry.

3. The agri-environmental indicators

The Commission wishes to encourage projects permitting the improvement of the existing indicators such as, in particular, regional-level information on yields of certain crops, data on the sale or consumption of mineral fertilisers etc. It also supports the establishment of landscape indicators such as the lengths of hedges or walls or the areas used at regional level outside the utilised agricultural area (pasture, alpine meadow etc.); the effects of structural characteristics on the operation of holdings; data on cultivation practices.

4. The use of pesticides

Other aims of this activity are to continue collecting and processing data on the use of pesticides and to improve quality and speed of transmission by using a variety of methods and sources. Crops must be selected by the Member States on the basis of their importance in terms of areas under cultivation or amounts of pesticides used. Another aim is to obtain information on the use of specific active substances.

5. Rural development

This new departure in agricultural statistics will involve a more detailed territorial breakdown of information normally collected at national level and territorial breakdowns that frequently differ from the breakdowns of administrative regions used for the production of most regional statistics. A wider range of subjects will also be covered, including non-agricultural income of farms and families, particularly from activities that are complementary to agricultural activity and community services provided by farmers, and living conditions in rural regions, agriculture's contribution as a support to other economic and cultural activities, etc.

TABLE

TECHNICAL ACTION PLAN 2002
maximum Community contribution to costs incurred
by Member State (EUR 1 000)

Country	B	DK	D	EL	E	F	IRL	I	L	NL	A	P	FIN	S	UK	Total
Physical data	18,0				24,0			70,0		9,0	62,5	20,0		50,0		253,5
Environmental aspects of agricultural accounting	20,0					3,0					29,0					52,0
Agri-environmental indicators	30,0	15,0	60,0	45,0						27,5	15,0	45,0	35,0	10,0		282,5
Use of pesticides	15,0		25,0	30,0	20,0					20,0			20,0	15,0		145,0
Rural development	15,0			30,0				90,0		47,5	10,0			10,0		202,5
Total	98,0	15,0	85,0	105,0	44,0	3,0	0,0	160,0	0,0	104,0	116,5	65,0	55,0	85,0	0,0	935,5

COMMISSION DECISION
of 14 January 2002
concerning certain protection measures relating to classical swine fever in Spain and amending
Decision 2001/925/EC

(notified under document number C(2002) 74)

(Text with EEA relevance)

(2002/31/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Directive 90/425/EEC of 26 June 1990 concerning veterinary and zootechnical checks applicable in intra-Community trade in certain live animals and products with a view to the completion of the internal market ⁽¹⁾, as last amended by Directive 92/118/EEC ⁽²⁾, and in particular Article 10(3) thereof,

Whereas:

- (1) Outbreaks of Classical Swine Fever have occurred in the Province of Barcelona in Cataluña in Spain.
- (2) In view of the trade in live pigs, these outbreaks are liable to endanger the herds of other Members States.
- (3) Spain has taken measures within the framework of Council Directive 2001/89/EC of 23 October 2001, on Community measures for the control of classical swine fever ⁽³⁾.
- (4) The Commission adopted Decision 2001/925/EC of 20 December 2001 concerning certain protection measures relating to classical swine fever in Spain ⁽⁴⁾.
- (5) In the light of the evolution of the situation and following results of the epidemiological enquiries, it is necessary to prolong the measures adopted and to reduce the area subjected to some of these measures. Decision 2001/925/EC should therefore be amended accordingly.
- (6) The measures provided for in this Decision are in accordance with the opinion of the Standing Veterinary Committee,

HAS ADOPTED THIS DECISION:

Article 1

In Article 8 of Decision 2001/925/EC:

- (a) the words '20 January 2002' are replaced by the words '20 February 2002';
- (b) the words '31 January 2002' are replaced by the words '28 February 2002'.

Article 2

In the Annex to Decision 2001/925/EC the word 'Cataluña' is replaced by the words 'The Provinces of Barcelona and Gerona in Cataluña'.

Article 3

The Member States shall amend the measures they apply to trade so as to bring them into compliance with this Decision. They shall immediately inform the Commission thereof.

Article 4

This Decision is addressed to the Member States.

Done at Brussels, 14 January 2002.

For the Commission

David BYRNE

Member of the Commission

⁽¹⁾ OJ L 224, 18.8.1990, p. 29.

⁽²⁾ OJ L 62, 15.3.1993, p. 49.

⁽³⁾ OJ L 316, 1.12.2001, p. 5.

⁽⁴⁾ OJ L 339, 21.12.2001, p. 56.

COMMISSION DECISION
of 14 January 2002
on marking and use of pigmeat in application of Article 11 of Council Directive 2001/89/EC
concerning Spain

(notified under document number C(2002) 75)

(Text with EEA relevance)

(2002/32/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Directive 2001/89/EC of 23 October 2001 on Community measures for the control of classical swine fever ⁽¹⁾, and in particular Article 11(1)(f) thereof,

Whereas:

- (1) In December 2001 outbreaks of classical swine fever in Spain were declared by the Veterinary Authorities of Spain.
- (2) In accordance with Articles 9, 10 and 11 of Directive 2001/89/EC protection and surveillance zones were immediately established around outbreak sites in Spain.
- (3) The provisions for the use of a health mark on fresh meat are given in Council Directive 64/433/EEC of 26 June 1964 on health conditions for the production and marketing of fresh meat ⁽²⁾, as last amended by Directive 95/23/EC ⁽³⁾.
- (4) In accordance with Article 11(1)(f) of Directive 2001/89/EC, Spain has submitted a request for the adoption of a derogation concerning marking and use of pigmeat coming from pigs kept on holdings situated in the surveillance zones established in the Province of Barcelona and slaughtered, subject to a specific authorisation issued by the competent authority.
- (5) The measures provided for in this Decision are in accordance with the opinion of the Standing Veterinary Committee,

HAS ADOPTED THIS DECISION:

Article 1

Spain is authorised to apply the mark described in Article 3(1)(A)(e) of Directive 64/433/EEC to pigmeat obtained from pigs originating from holdings situated in the surveillance zone established in the Province of Barcelona before 8 January 2002

in accordance with the provisions of Articles 9 and 11 of Directive 2001/89/EC on condition that the pigs in question:

- (a) originate from a surveillance zone:
 - where no outbreaks of classical swine fever have been detected in the previous 21 days and where at least 21 days have elapsed after the completion of the preliminary cleaning and disinfection of the infected holdings;
 - established around a protection zone where clinical examinations for classical swine fever have been carried out in all pig holdings after the detection of classical swine fever, with negative results;
- (b) originate from a holding:
 - which has been subject to protection measures established in accordance with the provisions of Article 11 of Directive 2001/89/EC;
 - to which, following the epidemiological inquiry, no contact has been established with an infected holding;
 - which has been subject to regular inspections by a veterinarian after the establishment of the zone. The inspection has included all pigs kept on the holding;
- (c) have been included in a programme for monitoring body temperature and clinical examination. The programme shall be carried out as given in Annex I;
- (d) have been slaughtered within 12 hours of arrival at the slaughterhouse.

Article 2

Spain shall ensure that a certificate as given in Annex II is issued in respect of the pigmeat referred to in Article 1.

Article 3

Pigmeat which complies with the conditions of Article 1 and enters into intra-Community trade must be accompanied by the certificate referred to in Article 2.

Article 4

Spain shall ensure that abattoirs designated to receive the pigs referred to in Article 1 do not, on the same day, accept pigs for slaughter other than the pigs in question.

⁽¹⁾ OJ L 316, 1.12.2001, p. 5.

⁽²⁾ OJ L 121, 29.7.1964, p. 2012/64.

⁽³⁾ OJ L 243, 11.10.1995, p. 7.

Article 5

Spain shall provide Member States and the Commission with:

- (a) the name and location of slaughterhouses designated to receive pigs for slaughter referred to in Article 1, before the slaughtering of these pigs; and,
- (b) after the slaughtering of these pigs, on a weekly basis, a report which contains information on:
 - number of pigs slaughtered at the designated slaughterhouses,
 - identification system and movement controls applied to slaughter pigs,
 - instructions issued concerning the application of the programme for monitoring body temperature referred to in Annex I.

Article 6

This Decision is applicable until 28 February 2002.

Article 7

This Decision is addressed to the Member States.

Done at Brussels, 14 January 2002.

For the Commission

David BYRNE

Member of the Commission

ANNEX I

MONITORING OF BODY TEMPERATURE

The programme for monitoring body temperature and clinical examination referred to in Article 1(c) shall include the following:

1. Within the 24-hour period before loading a consignment of pigs intended for slaughter, the competent veterinary authority shall ensure that the body temperature of a number of pigs of the said consignment is monitored by an official veterinarian inserting a thermometer into the rectum. The number of pigs to be monitored for temperature shall be as given below:

No of pigs in consignment	No of pigs to be monitored
0-25	all
26-30	26
31-40	31
41-50	35
51-100	45
101-200	51
200+	60

At the time of examination, the following information shall be recorded for each pig on a table issued by the competent veterinary authorities: number of eartag, time of examination and temperature.

In cases where the examination shows a temperature of 40° C or above, the official veterinarian shall immediately be informed. A disease investigation shall be initiated and take into account the provisions of Article 4 of Directive 2001/89/EC introducing Community measures for the control of classical swine fever.

2. Shortly (0 to 3 hours) before loading of the consignment examined as described under 1 above, a clinical examination shall be carried out by an official veterinarian designated by the competent veterinary authorities.
3. At the time of loading of the consignment of pigs examined as described under 1 and 2 above, the official veterinarian shall issue a health document, which shall accompany the consignment to the designated slaughterhouse.
4. At the slaughterhouse of designation the results of the temperature monitoring shall be made available to the veterinarian who performs the *ante-mortem* examination.

ANNEX II

CERTIFICATE

for fresh meat referred to in Article 1 of Commission Decision 2002/32/EC

No. ⁽¹⁾:

Place of loading:

Place of loading:

Department:

I. Identification of meat

Meat of pigs:

Nature of cuts:

Number of cuts or packages:

Net weight:

II. Origin of meat

Address and veterinary approval number of the approved slaughterhouse:

.....

.....

III. Destination of meatThe meat will be sent from:
(Place of loading)to:
(Place of destination)by the following means of transport: ⁽²⁾:

.....

Name and address of consignee:

.....

IV. Health attestation

I, the undersigned official veterinarian, certify that the meat described above was obtained under the conditions governing production and control laid down in Directive 64/433/EEC and is in conformity with the provisions of Commission Decision 2002/32/EC on marking and use of pigmeat in application of Article 11(1)(f) of Council Directive 2001/89/EC.

Done at on

.....
(Name and signature of the official veterinarian)

⁽¹⁾ Serial No issued by the official veterinarian.

⁽²⁾ In the case of rail trucks and lorries, state the registration number and in the case of boats name and, where necessary, the number of the container.

COMMISSION DECISION
of 14 January 2002
on the use of two slaughterhouses, in accordance with Article 10(1)(b) of Council Directive
2001/89/EC, by Spain

(notified under document number C(2002) 76)

(Only the Spanish text is authentic)

(Text with EEA relevance)

(2002/33/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Directive 2001/89/EC of 23 October 2001 ⁽¹⁾ on Community measures for the control of classical swine fever and, in particular, Article 10(1)(b) thereof,

Whereas:

- (1) In December 2001 the Spanish veterinary authorities declared outbreaks of classical swine fever in three adjoining municipalities of the Province of Barcelona in Catalonia.
- (2) In accordance with Article 10 of Directive 2001/89/EC a protection zone was immediately established around the outbreaks site.
- (3) The movement of transport of pigs on public and private roads within the protection zone has been prohibited.
- (4) The Commission adopted Decision 2001/925/EC of 20 December 2001 concerning certain protection measures relating to classical swine fever in Spain and repealing Decision 2001/863/EC ⁽²⁾.
- (5) Spain has submitted a request for making use of two slaughterhouses situated in the protection zone for the slaughtering of pigs coming from outside the said zone, in accordance with Article 10(1)(b) of Directive 2001/89/EC.
- (6) The measures provided for in this Decision are in accordance with the opinion of the Standing Veterinary Committee,

HAS ADOPTED THIS DECISION:

Article 1

1. Spain is authorised to make use of the slaughterhouses 'Le Porc Gourmet' and 'L'Escorxador Frigorífic d'Osona (Esfosa)' located in the protection zone established in December 2001

around the outbreaks of classical swine fever occurred in the Province of Barcelona in Catalonia, under the following conditions:

- the pigs proceed from holdings located in the areas described in the Annex of Decision 2001/925/EC and are directly transported to the slaughterhouses, without unloading or stopping,
- the access to the slaughterhouses must be via corridors. The details of these corridors shall be laid down in the Spanish legislation,
- before leaving the holding of origin, vehicles carrying pigs for slaughter must be sealed by the competent authorities. At the time of sealing, the authorities shall record the registration number of pigs carried by the vehicle,
- on arrival at the slaughterhouse, the competent authorities shall:
 - (i) inspect and remove the seal of the vehicle;
 - (ii) record the registration number of the vehicle and the number of pigs on the vehicle.

2. Any vehicle carrying pigs to the slaughterhouses referred to in paragraph 1 shall undergo cleaning and disinfection immediately after unloading.

The vehicles shall then be inspected by the competent authorities and, if necessary, further disinfected in facilities set up along the corridors at the boundaries of the protection zone.

Article 2

This Decision is applicable until 28 February 2002.

Article 3

This Decision is addressed to the Kingdom of Spain.

Done at Brussels, 14 January 2002.

For the Commission

David BYRNE

Member of the Commission

⁽¹⁾ OJ L 316, 1.12.2001, p. 5.

⁽²⁾ OJ L 339, 21.12.2001, p. 56.

CORRIGENDA

Corrigendum to Decision No 1/2000 of the EC-EFTA Joint Committee on common transit of 20 December 2000 amending the Convention of 20 May 1987 on a common transit procedure

(Official Journal of the European Communities L 9 of 12 January 2001)

On page 10, in Article 34(1) of Appendix I, second sentence:

for: '... allow the document ...',

read: '... allow the document and the goods ...';

on page 19, in Article 84(3):

for: '... departure.',

read: '... destination.';

on page 24, in Article 112(3)(b), second indent:

for: '...T2F ...',

read: '... TF ...';

on page 24, in Article 112(3)(c), first line:

for: 'The common transit procedure shall be deemed to be concluded ...',

read: 'The common transit operation shall be deemed to have ended ...';

on page 35, in Article 14(1), first line:

for: 'The competent authorities may authorise any person ...',

read: 'The competent authorities of each country may authorise any person ...';

on page 36, in Article 18(1), first line:

for: 'The competent authorities may authorise shipping companies ...',

read: 'The competent authorities of each country may authorise shipping companies ...';

on page 51, in the paragraph entered under 'Box 38: Net mass':

for: '... preceding T2 ...',

read: '... transit declaration or previous ...';

on page 55, in Annex A10, title of the third column:

for: 'Country of dispatch',

read: 'Country of dispatch/export';

on page 61, in Annex A13:

for: '... document ...',

read: '... declaration ...';

on page 63 in Annex B1, section I(2), first subparagraph, fourth line:

for: '... the procedure has been concluded.',

read: '... the operation has ended.';

on page 63, in Annex B1:

The footnotes numbered 1 to 4 on the front of the document should be moved to the reverse of the document.

The footnotes should then be renumbered 1 to 7.

On the reverse of the document, reference 1 in paragraph 4 should be renumbered 5, reference 2 by the signature should be renumbered 6 and reference 3 in the Acceptance by the office of guarantee should be renumbered 7;

on page 65, in Annex B2, section I(1), ninth line:

for: '... Principality of Andorra ...',

read: '... Principality of Andorra ⁽³⁾ ...';

on page 65, in Annex B2, section I(1), 12th line:

for: '... to the goods described below placed under ...';

read: '... to the goods placed under ...';

on page 65, in Annex B2, section I(2), first subparagraph, last line:

for: '... the procedure for the transit operation concerned has been concluded.';

read: '... the operation has ended.';

on pages 65 and 66, in Annex B2:

The footnotes numbered 1 to 4 on the front of the document should be moved to the reverse of the document.

The footnotes should then be renumbered 1 to 5.

On the reverse of the document reference 1 by the signature should be renumbered 5;

on page 66, in Annex B2, footnote 1:

for: '... "Valid as guarantee voucher",

read: '... "Guarantee";

on page 67, in Annex B3, back:

for: '... document T1. T2. T2F(1)',

read: '... document T1, T2, T2F(1)';

on page 68, in Annex B4, section I(2), first subparagraph, last line:

for: '... the procedure for the transit operation concerned has been concluded.';

read: '... the operation has ended.';

on pages 68 and 69, in Annex B4:

The footnotes numbered 1 to 5 on the front of the document should be moved to the reverse of the document.

The footnotes should then be renumbered 1 to 7.

On the reverse of the document, reference 1 in paragraph 4 should be renumbered 6 and reference 2 by the signature should be renumbered 7;

on page 70, in Annex B5, box 7:

for: '... territory of those countries ...';

read: '... territories ...';

on page 70, in Annex B5, front and back:

Footnotes 1 and * should be positioned at the foot of the page;

on page 71, in Annex B6, box 6:

for: '... territory of those countries ...';

read: '... territories ...';

on page 71, in Annex B6, front and back:

Footnotes 1 and * should be positioned at the foot of the page.
