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## Legislation

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## I

(Acts whose publication is obligatory)

**COMMISSION REGULATION (EC) No 522/2002**  
**of 22 March 2002**  
**establishing the standard import values for determining the entry price of certain fruit and vegetables**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

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

Whereas:

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

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

HAS ADOPTED THIS REGULATION:

*Article 1*

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

*Article 2*

This Regulation shall enter into force on 23 March 2002.

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

Done at Brussels, 22 March 2002.

*For the Commission*

Franz FISCHLER

*Member of the Commission*

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

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

## ANNEX

**to the Commission Regulation of 22 March 2002 establishing the standard import values for determining the entry price of certain fruit and vegetables**

(EUR/100 kg)

| CN code                            | Third country code <sup>(1)</sup> | Standard import value |
|------------------------------------|-----------------------------------|-----------------------|
| 0702 00 00                         | 052                               | 199,0                 |
|                                    | 204                               | 153,7                 |
|                                    | 212                               | 239,1                 |
|                                    | 624                               | 212,2                 |
|                                    | 999                               | 201,0                 |
| 0707 00 05                         | 052                               | 134,0                 |
|                                    | 204                               | 27,7                  |
|                                    | 999                               | 80,8                  |
| 0709 90 70                         | 052                               | 144,3                 |
|                                    | 204                               | 60,1                  |
|                                    | 999                               | 102,2                 |
| 0805 10 10, 0805 10 30, 0805 10 50 | 052                               | 62,8                  |
|                                    | 204                               | 50,3                  |
|                                    | 212                               | 49,0                  |
|                                    | 220                               | 45,4                  |
|                                    | 421                               | 29,6                  |
|                                    | 448                               | 26,7                  |
|                                    | 624                               | 73,3                  |
|                                    | 999                               | 48,2                  |
| 0805 50 10                         | 052                               | 43,5                  |
|                                    | 600                               | 49,6                  |
|                                    | 999                               | 46,5                  |
| 0808 10 20, 0808 10 50, 0808 10 90 | 060                               | 40,7                  |
|                                    | 388                               | 104,0                 |
|                                    | 400                               | 114,0                 |
|                                    | 404                               | 96,8                  |
|                                    | 508                               | 81,5                  |
|                                    | 512                               | 88,0                  |
|                                    | 524                               | 75,1                  |
|                                    | 528                               | 86,9                  |
|                                    | 720                               | 113,2                 |
|                                    | 728                               | 131,3                 |
|                                    | 999                               | 93,2                  |
|                                    | 388                               | 75,3                  |
| 0808 20 50                         | 400                               | 120,0                 |
|                                    | 512                               | 71,8                  |
|                                    | 528                               | 72,4                  |
|                                    | 999                               | 84,9                  |

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

**COMMISSION REGULATION (EC) No 523/2002  
of 22 March 2002**

**fixing the refunds applicable to cereal and rice sector products supplied as Community and national food aid**

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 <sup>(1)</sup>, as last amended by Commission Regulation (EC) No 1666/2000 <sup>(2)</sup>, and in particular the third subparagraph of Article 13(2) thereof,

Having regard to Council Regulation (EC) No 3072/95 of 22 December 1995 on the common organisation of the market in rice <sup>(3)</sup>, as last amended by Regulation (EC) No 411/2002 <sup>(4)</sup>, and in particular Article 13(3) thereof,

Whereas:

- (1) Article 2 of Council Regulation (EEC) No 2681/74 of 21 October 1974 on Community financing of expenditure incurred in respect of the supply of agricultural products as food aid <sup>(5)</sup> lays down that the portion of the expenditure corresponding to the export refunds on the products in question fixed under Community rules is to be charged to the European Agricultural Guidance and Guarantee Fund, Guarantee Section.
- (2) In order to make it easier to draw up and manage the budget for Community food aid actions and to enable the Member States to know the extent of Community participation in the financing of national food aid

actions, the level of the refunds granted for these actions should be determined.

- (3) The general and implementing rules provided for in Article 13 of Regulation (EEC) No 1766/92 and in Article 13 of Regulation (EC) No 3072/95 on export refunds are applicable *mutatis mutandis* to the abovementioned operations.
- (4) The specific criteria to be used for calculating the export refund on rice are set out in Article 13 of Regulation (EC) No 3072/95.
- (5) The measures provided for in this Regulation are in accordance with the opinion of the Management Committee for Cereals,

HAS ADOPTED THIS REGULATION:

*Article 1*

For Community and national food aid operations under international agreements or other supplementary programmes, and other Community free supply measures, the refunds applicable to cereals and rice sector products shall be as set out in the Annex.

*Article 2*

This Regulation shall enter into force on 1 April 2002.

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

Done at Brussels, 22 March 2002.

*For the Commission*

Franz FISCHLER

*Member of the Commission*

<sup>(1)</sup> OJ L 181, 1.7.1992, p. 21.

<sup>(2)</sup> OJ L 193, 29.7.2000, p. 1.

<sup>(3)</sup> OJ L 329, 30.12.1995, p. 18.

<sup>(4)</sup> OJ L 62, 5.3.2002, p. 27.

<sup>(5)</sup> OJ L 288, 25.10.1974, p. 1.

## ANNEX

**to the Commission Regulation of 22 March 2002 fixing the refunds applicable to cereal and rice sector products supplied as Community and national food aid**

*(EUR/t)*

| Product code    | Refund |
|-----------------|--------|
| 1001 10 00 9400 | 0,00   |
| 1001 90 99 9000 | 0,00   |
| 1002 00 00 9000 | 37,75  |
| 1003 00 90 9000 | 0,00   |
| 1005 90 00 9000 | 21,00  |
| 1006 30 92 9100 | 203,00 |
| 1006 30 92 9900 | 203,00 |
| 1006 30 94 9100 | 203,00 |
| 1006 30 94 9900 | 203,00 |
| 1006 30 96 9100 | 203,00 |
| 1006 30 96 9900 | 203,00 |
| 1006 30 98 9100 | 203,00 |
| 1006 30 98 9900 | 203,00 |
| 1006 30 65 9900 | 203,00 |
| 1007 00 90 9000 | 21,00  |
| 1101 00 15 9100 | 0,00   |
| 1101 00 15 9130 | 0,00   |
| 1102 10 00 9500 | 41,00  |
| 1102 20 10 9200 | 30,10  |
| 1102 20 10 9400 | 25,80  |
| 1103 11 10 9200 | 0,00   |
| 1103 13 10 9100 | 38,70  |
| 1104 12 90 9100 | 0,00   |

NB: The product codes are defined in Commission Regulation (EEC) No 3846/87 (OJ L 366, 24.12.1987, p. 1), amended.

**COMMISSION REGULATION (EC) No 524/2002  
of 22 March 2002**

**amending Regulations (EC) No 1938/2001, (EC) No 1939/2001 and (EC) No 1940/2001 on the opening of standing invitations to tender for the resale on the Community internal market of rice held by the Spanish, Greek and Italian intervention agencies for use in animal feed**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 3072/95 of 22 December 1995 on the common organisation of the market in rice <sup>(1)</sup>, as last amended by Commission Regulation (EC) No 411/2002 <sup>(2)</sup>, and in particular Article 8(b) thereof,

Whereas:

- (1) Experience has shown that the present undertakings to be given by tenderers, as provided for in Commission Regulations (EC) No 1938/2001 <sup>(3)</sup>, (EC) No 1939/2001 <sup>(4)</sup> and (EC) No 1940/2001 <sup>(5)</sup>, as amended by Regulation (EC) No 15/2002 <sup>(6)</sup>, are proving onerous in practice.
- (2) The measure could be made more effective by providing for an alternative to the present requirement to process paddy rice in advance into husked and broken rice which would entail processing it into wholly milled rice; the new conditions, by guaranteeing that the rice would be used for purposes other than human consumption, would make it possible for rice mills to take part in the tendering procedure.
- (3) In order to respond as quickly as possible to the difficulties encountered by tenderers, provision should be made for this Regulation to enter into force on its date of publication; in view of the delay in disposing of rice put up for sale, the deadline for the last partial invitation to tender needs to be extended.
- (4) The measures provided for in this Regulation are in accordance with the opinion of the Management Committee for Cereals,

HAS ADOPTED THIS REGULATION:

*Article 1*

Regulations (EC) No 1938/2001, (EC) No 1939/2001 and (EC) No 1940/2001 are hereby amended as follows:

<sup>(1)</sup> OJ L 329, 30.12.1995, p. 18.  
<sup>(2)</sup> OJ L 62, 5.3.2002, p. 27.  
<sup>(3)</sup> OJ L 263, 3.10.2001, p. 11.  
<sup>(4)</sup> OJ L 263, 3.10.2001, p. 15.  
<sup>(5)</sup> OJ L 263, 3.10.2001, p. 19.  
<sup>(6)</sup> OJ L 4, 8.1.2002, p. 3.

1. Article 2(2) is replaced by the following:

‘2. Tenderers shall give an undertaking:

(a) — where they are feed manufacturers:

to use in animal feed, within three months of the date of the award of the contract, rice for which they are declared the successful tenderer, save in cases of *force majeure*, and to carry out immediately, under the supervision of the competent authorities at a place determined by agreement with them, the treatments described in Annex II, designed to ensure verification of the use made of the rice and the traceability of the products,

— where they are rice mills:

to carry out, within two months of the date of the award of the contract, the treatments described in Annex III of rice for which they are declared the successful tenderer, and to see to it that this product is incorporated in feed within four months of the date of the award of the contract, save in cases of *force majeure*;

(b) to bear the costs of the processing referred to in Annexes II and III;

(c) to keep stock records so that checks may be made that they have respected their undertakings.’

2. Article 4(1) is replaced by the following:

‘1. Tenders shall be valid only if they are accompanied by:

(a) evidence that the tenderer has lodged a security of EUR 15 per tonne;

(b) evidence that the tenderer is an animal feed manufacturer or a rice mill;

(c) a written undertaking by the tenderer to lodge a security for an amount equivalent to the difference between the intervention price for paddy rice applicable on the tender date plus EUR 15 and the price tendered per tonne of rice not later than two working days after the date of receipt of the notice of award of contract.’

3. Article 5(2) and (3) are replaced by the following:

‘2. The closing dates for the submission of tenders for subsequent partial invitations to tender shall be each Wednesday at 12.00 (Brussels time), with the exception of Wednesday 27 March 2002 and Wednesday 8 May 2002.

3. The closing date for the submission of tenders for the last partial invitation to tender shall be 29 May 2002 at 12.00 (Brussels time).’

4. Article 10(2) is replaced by the following:

'2. The security referred to in Article 4(1)(c) shall be released in proportion to the quantities used only if the intervention agency has carried out all the checks necessary to ensure that the product is processed in accordance with the provisions laid down in this Regulation.

However, the security shall be released in full:

- if proof of the treatments referred to in Annex II is provided and not less than 95 % of the fine broken grains and/or fragments obtained are used,
- if proof of the treatments referred to in Annex III is provided and not less than 95 % of the wholly milled rice obtained is used in compound feed;'

5. In Annex II the text of the title is replaced by the following:

'Treatments provided for in the first indent of Article 2(2)(a).'

6. The following Annex III is inserted:

'ANNEX III

Treatments provided for in the second indent of Article 2(2)(a)

At the time of being taken over, the rice must undergo the following treatments:

1. The paddy rice must be milled in such a way as to produce not less than 70 % of wholly milled rice, by weight of paddy rice;

The wholly milled rice obtained:

- must contain a percentage of whole grains equivalent to that established for the representative sample taken at the time of taking over of the rice for which the contract is awarded,
- must have the same characteristics and be of the same variety as the rice for which the contract is awarded.

2. The product obtained after processing must be marked using the colourants E131 patent blue V, E142 acid brilliant green BS (lissamine green), to enable it to be identified.'

7. Annexes III and IV become Annexes IV and V respectively.

#### Article 2

Annex I to Regulation (EC) No 1940/2001 is replaced by the Annex to this Regulation.

#### Article 3

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

It shall apply from the partial invitation to tender for which the closing date for the submission of tenders is 3 April 2002.

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

Done at Brussels, 22 March 2002.

*For the Commission*

Franz FISCHLER

*Member of the Commission*

## ANNEX

## ANNEX I

| (tonnes)                             |            |
|--------------------------------------|------------|
| Place of storage                     | Quantity   |
| Formigliana<br>(Vercelli)            | 671,630    |
| Casalvolone<br>(Novara)              | 395,410    |
| Villa Poma<br>(Mantova)              | 527,660    |
| Racconigi<br>(Cuneo)                 | 2 003,840  |
| Pontelagorino<br>(Ferrara)           | 9 098,844  |
| Casaleto Vaprio<br>(Cremona)         | 6 054,900  |
| Novara                               | 419,880    |
| La Spezia                            | 629,230    |
| Cambiano<br>(Torino)                 | 2 252,637  |
| Sannazzaro<br>(Pavia)                | 1 462,150  |
| Camisano Vicentino<br>(Vicenza)      | 11 172,545 |
| Mede<br>(Pavia)                      | 426,350    |
| Moncrivello<br>(Vercelli)            | 2 274,650  |
| Castellazzo Bormida<br>(Alessandria) | 391,970    |
| Mandrogne<br>(Alessandria)           | 537,260    |
| Fossano<br>(Cuneo)                   | 1 034,580  |
| Total                                | 39 353,536 |

**COMMISSION REGULATION (EC) No 525/2002  
of 22 March 2002**

**derogating from Regulation (EC) No 174/1999 laying down special detailed rules for the application  
of Council Regulation (EEC) No 804/68 as regards export licences and export refunds in the case of  
milk and milk products**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 1255/1999 of 17 May 1999 on the common organisation of the market in milk and milk products <sup>(1)</sup>, as last amended by Regulation (EC) No 1670/2000 <sup>(2)</sup>, and in particular Article 30(1) thereof,

Whereas:

- (1) Article 20a of Commission Regulation (EC) No 174/1999 <sup>(3)</sup>, as last amended by Regulation (EC) No 156/2002 <sup>(4)</sup>, lays down the rules for administering the milk powder quota for exports to the Dominican Republic under the Memorandum of Understanding between the European Community and the Dominican Republic, approved by Council Decision 98/486/EC <sup>(5)</sup>. As a result of difficulties with the application of that Memorandum that could make amendments to the existing arrangements necessary, the application period for the quota for

the period from 1 July 2002 to 30 June 2003 should be postponed.

- (2) The measures provided for in this Regulation are in accordance with the opinion of the Management Committee for Milk and Milk Products,

HAS ADOPTED THIS REGULATION:

*Article 1*

By way of derogation from Article 20a(7) of Regulation (EC) No 174/1999, for the period from 1 July 2002 to 30 June 2003, licence applications shall be lodged from 1 to 10 May 2002.

*Article 2*

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

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

Done at Brussels, 22 March 2002.

*For the Commission*

Franz FISCHLER

*Member of the Commission*

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

<sup>(2)</sup> OJ L 193, 29.7.2000, p. 10.

<sup>(3)</sup> OJ L 20, 27.1.1999, p. 8.

<sup>(4)</sup> OJ L 25, 29.1.2002, p. 24.

<sup>(5)</sup> OJ L 218, 6.8.1998, p. 45.

**COMMISSION REGULATION (EC) No 526/2002**  
**of 22 March 2002**  
**on the issuing of export licences for wine-sector products**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Commission Regulation (EC) No 883/2001 of 24 April 2001, laying down detailed rules for implementing Council Regulation (EC) No 1493/1999 as regards trade with third countries in products in the wine sector <sup>(1)</sup> as amended by Regulation (EC) No 885/2001 <sup>(2)</sup>, and in particular Article 7 and Article 9(3) thereof,

Whereas:

- (1) Article 63(7) of Council Regulation (EC) No 1493/1999 of 17 May 1999 on the common organisation of the market in wine <sup>(3)</sup> limits the grant of export refunds for wine-sector products to the volumes and expenditure contained in the Agreement on Agriculture concluded during the Uruguay Round multilateral trade negotiations.
- (2) Article 9 of Regulation (EC) No 883/2001 lays down the conditions under which the Commission may take specific measures to prevent an overrun of the quantity laid down or the budget available under the said Agreement.
- (3) On the basis of information on export licence applications available to the Commission on 20 March 2002, quantities still available for the period until 30 April 2002, for zones (1) Africa and (3) Eastern Europe,

referred to in Article 9(5) of Regulation (EC) No 883/2001, could be exceeded unless the issue of export licences with advance fixing of the refund is restricted. Therefore, a single percentage for the acceptance of applications submitted from 16 to 19 March 2002 should be applied and the submission of applications and the issue of licences suspended for these zones until 1 May 2002,

HAS ADOPTED THIS REGULATION:

*Article 1*

1. Export licences with advance fixing of the refund for wine-sector products for which applications are submitted from 16 to 19 March 2002 under Regulation (EC) No 883/2001 shall be issued for 57,09 % of the quantities requested for zone (1) Africa and at 8,48 % of the quantities requested for zone (3) Eastern Europe.

2. The issue of export licences for wine-sector products referred to in paragraph 1 for which applications are submitted from 20 March 2002 and the submission of export licence applications from 23 March 2002 for zones (1) Africa and zone (3) Eastern Europe shall be suspended until 1 May 2002.

*Article 2*

This Regulation shall enter into force on 23 March 2002.

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

Done at Brussels, 22 March 2002.

*For the Commission*

Franz FISCHLER

*Member of the Commission*

<sup>(1)</sup> OJ L 128, 10.5.2001, p. 1.

<sup>(2)</sup> OJ L 128, 10.5.2001, p. 54.

<sup>(3)</sup> OJ L 179, 14.7.1999, p. 1.

**COMMISSION REGULATION (EC) No 527/2002  
of 22 March 2002**

**determining the extent to which applications lodged in March 2002 for import licences for certain pigmeat products under the regime provided for by the Agreements concluded by the Community with the Republic of Poland, the Republic of Hungary, the Czech Republic, Slovakia, Bulgaria and Romania can be accepted**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Commission Regulation (EC) No 1898/97 of 29 September 1997 laying down detailed rules for the application in the pigmeat sector of the arrangements provided for by Council Regulations (EC) No 1727/2000, (EC) No 2290/2000, (EC) No 2433/2000, (EC) No 2434/2000, (EC) No 2435/2000 and (EC) No 2851/2000 and repealing Regulations (EEC) No 2698/93 and (EC) No 1590/94 <sup>(1)</sup>, as last amended by Regulation (EC) No 1006/2001 <sup>(2)</sup>, and in particular Article 4(5) thereof,

Whereas:

- (1) The applications for import licences lodged for the second quarter of 2002 are for quantities less than the quantities available and can therefore be met in full.

- (2) It is appropriate to draw the attention of operators to the fact that licences may only be used for products which comply with all veterinary rules currently in force in the Community,

HAS ADOPTED THIS REGULATION:

*Article 1*

1. Applications for import licences for the period 1 April to 30 June 2002 submitted pursuant to Regulation (EC) No 1898/97 shall be met as referred to in the Annex.
2. Licences may only be used for products which comply with all veterinary rules currently in force in the Community.

*Article 2*

This Regulation shall enter into force on 1 April 2002.

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

Done at Brussels, 22 March 2002.

*For the Commission*

Franz FISCHLER

*Member of the Commission*

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<sup>(1)</sup> OJ L 267, 30.9.1997, p. 58.

<sup>(2)</sup> OJ L 140, 24.5.2001, p. 13.

## ANNEX

| Group No | Percentage of acceptance<br>of import licences submitted<br>for the period<br>1 April to 30 June 2002 |
|----------|-------------------------------------------------------------------------------------------------------|
| 1        | 100,0                                                                                                 |
| 2        | 100,0                                                                                                 |
| 3        | 100,0                                                                                                 |
| 4        | 100,0                                                                                                 |
| H1       | 100,0                                                                                                 |
| 7        | 100,0                                                                                                 |
| 8        | 100,0                                                                                                 |
| 9        | 100,0                                                                                                 |
| T1       | 100,0                                                                                                 |
| T2       | 100,0                                                                                                 |
| T3       | 100,0                                                                                                 |
| S1       | 100,0                                                                                                 |
| S2       | 100,0                                                                                                 |
| B1       | 100,0                                                                                                 |
| 15       | 100,0                                                                                                 |
| 16       | 100,0                                                                                                 |
| 17       | 100,0                                                                                                 |

**COMMISSION REGULATION (EC) No 528/2002  
of 22 March 2002**

**determining the extent to which applications lodged in March 2002 for import licences for certain  
pigmeat products under the regime provided for by the Agreement concluded by the Community  
with Slovenia can be accepted**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Commission Regulation (EC) No 571/97 of 26 March 1997 laying down detailed rules for the application in the pigmeat sector of the arrangements provided for in the Interim Agreement between the Community and Slovenia <sup>(1)</sup>, as last amended by Regulation (EC) No 1006/2001 <sup>(2)</sup>, and in particular Article 4(4) thereof,

Whereas:

- (1) The applications for import licences lodged for the second quarter of 2002 are for quantities less than the quantities available and can therefore be met in full.
- (2) The surplus to be added to the quantity available for the following period should be determined.
- (3) It is appropriate to draw the attention of operators to the fact that licences may only be used for products

which comply with all veterinary rules currently in force in the Community,

HAS ADOPTED THIS REGULATION:

*Article 1*

1. Applications for import licences for the period 1 April to 30 June 2002 submitted pursuant to Regulation (EC) No 571/97 shall be met as referred to in Annex I.
2. For the period 1 July to 30 September 2002, applications may be lodged pursuant to Regulation (EC) No 571/97 for import licences for a total quantity as referred to in Annex II.
3. Licences may only be used for products which comply with all veterinary rules currently in force in the Community.

*Article 2*

This Regulation shall enter into force on 1 April 2002.

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

Done at Brussels, 22 March 2002.

*For the Commission*

Franz FISCHLER

*Member of the Commission*

<sup>(1)</sup> OJ L 85, 27.3.1997, p. 56.

<sup>(2)</sup> OJ L 140, 24.5.2001, p. 13.

## ANNEX I

| Group No | Percentage of acceptance<br>of import licences submitted<br>for the period<br>1 April to 30 June 2002 |
|----------|-------------------------------------------------------------------------------------------------------|
| 23       | 100,00                                                                                                |
| 24       | 100,00                                                                                                |
| 25       | 100,00                                                                                                |
| 26       | 100,00                                                                                                |

## ANNEX II

(t)

| Group No | Total quantity available<br>for the period<br>1 July to 30 September 2002 |
|----------|---------------------------------------------------------------------------|
| 23       | 284,4                                                                     |
| 24       | 98,3                                                                      |
| 25       | 93,9                                                                      |
| 26       | 612,6                                                                     |

**COMMISSION REGULATION (EC) No 529/2002  
of 22 March 2002**

**determining the extent to which applications lodged in March 2002 for import licences under the regime provided for by tariff quotas for certain products in the pigmeat sector for the period 1 April to 30 June 2002 can 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 1486/95 of 28 June 1995 opening and providing for the administration of tariff quotas for certain products in the pigmeat sector <sup>(1)</sup>, as last amended by Regulation (EC) No 1006/2001 <sup>(2)</sup>, and in particular Article 5(5) thereof,

Applications for import licences for the period 1 April to 30 June 2002 submitted pursuant to Regulation (EC) No 1486/95 shall be met as referred to in the Annex.

Whereas:

*Article 2*

The applications for import licences lodged for the second quarter of 2002 are for quantities less than the quantities available and can therefore be met in full,

This Regulation shall enter into force on 1 April 2002.

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

Done at Brussels, 22 March 2002.

*For the Commission*

Franz FISCHLER

*Member of the Commission*

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<sup>(1)</sup> OJ L 145, 29.6.1995, p. 58.

<sup>(2)</sup> OJ L 140, 24.5.2001, p. 13.

## ANNEX

| Group No | Percentage of acceptance<br>of import licences submitted<br>for the period<br>1 April to 30 June 2002 |
|----------|-------------------------------------------------------------------------------------------------------|
| G2       | 100                                                                                                   |
| G3       | 100                                                                                                   |
| G4       | 100                                                                                                   |
| G5       | 100                                                                                                   |
| G6       | 100                                                                                                   |
| G7       | 100                                                                                                   |

**COMMISSION REGULATION (EC) No 530/2002  
of 22 March 2002**

**determining the extent to which applications lodged in March 2002 for import licences for certain pigmeat sector products under the regime provided for by Council Regulation (EC) No 774/94 opening and providing for the administration of certain Community tariff quotas for pigmeat and certain other agricultural products can be accepted**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Commission Regulation (EC) No 1432/94 of 22 June 1994 laying down detailed rules for the application in the pigmeat sector of the import arrangements provided for in Council Regulation (EC) No 774/94 opening and providing for the administration of certain Community tariff quotas for pigmeat and certain other agricultural products <sup>(1)</sup>, as last amended by Regulation (EC) No 1006/2001 <sup>(2)</sup>, and in particular Article 4(4) thereof,

Whereas:

- (1) The applications for import licences lodged for the second quarter of 2002 are for quantities less than the quantities available and can therefore be met in full.
- (2) The quantity available for the following period should be determined.
- (3) It is appropriate to draw the attention of operators to the fact that licences may only be used for products

which comply with all veterinary rules currently in force in the Community,

HAS ADOPTED THIS REGULATION:

*Article 1*

1. Applications for import licences for the period 1 April to 30 June 2002 submitted pursuant to Regulation (EC) No 1432/94 shall be met as referred to in Annex I.
2. For the period 1 July to 30 September 2002, applications may be lodged pursuant to Regulation (EC) No 1432/94 for import licences for a total quantity as referred to in Annex II.
3. Licences may only be used for products which comply with all veterinary rules currently in force in the Community.

*Article 2*

This Regulation shall enter into force on 1 April 2002.

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

Done at Brussels, 22 March 2002.

*For the Commission*

Franz FISCHLER

*Member of the Commission*

<sup>(1)</sup> OJ L 156, 23.6.1994, p. 14.

<sup>(2)</sup> OJ L 140, 24.5.2001, p. 13.

## ANNEX I

| Group No | Percentage of acceptance<br>of import licences submitted<br>for the period<br>1 April to 30 June 2002 |
|----------|-------------------------------------------------------------------------------------------------------|
| 1        | 100,00                                                                                                |

## ANNEX II

(t)

| Group No | Total quantity available<br>for the period<br>1 July to 30 September 2002 |
|----------|---------------------------------------------------------------------------|
| 1        | 5 154                                                                     |

**COMMISSION REGULATION (EC) No 531/2002****of 22 March 2002****concerning tenders submitted in response to the invitation to tender for the export to certain third countries of wholly milled round grain A rice issued in Regulation (EC) No 2007/2001**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 3072/95 of 22 December 1995 on the common organisation of the market in rice <sup>(1)</sup>, as last amended by Regulation (EC) No 411/2002 <sup>(2)</sup>, and in particular Article 13(3) thereof,

Whereas:

- (1) An invitation to tender for the export refund on rice was issued under Commission Regulation (EC) No 2007/2001 <sup>(3)</sup>.
- (2) Article 5 of Commission Regulation (EEC) No 584/75 <sup>(4)</sup>, as last amended by Regulation (EC) No 299/95 <sup>(5)</sup>, allows the Commission to decide, in accordance with the procedure laid down in Article 22 of Regulation (EC) No 3072/95 and on the basis of the tenders submitted, to make no award.

(3) On the basis of the criteria laid down in Article 13 of Regulation (EC) No 3072/95 a maximum refund should not be fixed.

(4) The measures provided for in this Regulation are in accordance with the opinion of the Management Committee for Cereals,

HAS ADOPTED THIS REGULATION:

*Article 1*

No action shall be taken on the tenders submitted from 15 to 21 March 2002 in response to the invitation to tender for the export refund on wholly milled round grain A rice to certain third countries issued in Regulation (EC) No 2007/2001.

*Article 2*

This Regulation shall enter into force on 23 March 2002.

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

Done at Brussels, 22 March 2002.

*For the Commission*

Franz FISCHLER

*Member of the Commission*

<sup>(1)</sup> OJ L 329, 30.12.1995, p. 18.

<sup>(2)</sup> OJ L 62, 5.3.2002, p. 27.

<sup>(3)</sup> OJ L 272, 13.10.2001, p. 13.

<sup>(4)</sup> OJ L 61, 7.3.1975, p. 25.

<sup>(5)</sup> OJ L 35, 15.2.1995, p. 8.

**COMMISSION REGULATION (EC) No 532/2002  
of 22 March 2002**

**fixing the maximum export refund on wholly milled medium grain and long grain A rice to be  
exported to certain European third countries, in connection with the invitation to tender issued in  
Regulation (EC) No 2008/2001**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 3072/95 of 22 December 1995 on the common organization of the market in rice <sup>(1)</sup>, as last amended by Regulation (EC) No 411/2002 <sup>(2)</sup>, and in particular Article 13(3) thereof,

Whereas:

- (1) An invitation to tender for the export refund on rice was issued pursuant to Commission Regulation (EC) No 2008/2001 <sup>(3)</sup>.
- (2) Article 5 of Commission Regulation (EEC) No 584/75 <sup>(4)</sup>, as last amended by Regulation (EC) No 299/95 <sup>(5)</sup>, allows the Commission to fix, in accordance with the procedure laid down in Article 22 of Regulation (EC) No 3072/95 and on the basis of the tenders submitted, a maximum export refund. In fixing this maximum, the criteria provided for in Article 13 of Regulation (EC) No 3072/95 must be taken into account. A contract is awarded to any tenderer whose tender is equal to or less than the maximum export refund.

(3) The application of the abovementioned criteria to the current market situation for the rice in question results in the maximum export refund being fixed at the amount specified in Article 1.

(4) The measures provided for in this Regulation are in accordance with the opinion of the Management Committee for Cereals,

HAS ADOPTED THIS REGULATION:

*Article 1*

The maximum export refund on wholly milled medium grain and long grain A rice to be exported to certain European third countries pursuant to the invitation to tender issued in Regulation (EC) No 2008/2001 is hereby fixed on the basis of the tenders submitted from 15 to 21 March 2002 at 193,00 EUR/t.

*Article 2*

This Regulation shall enter into force on 23 March 2002.

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

Done at Brussels, 22 March 2002.

*For the Commission*

Franz FISCHLER

*Member of the Commission*

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<sup>(1)</sup> OJ L 329, 30.12.1995, p. 18.

<sup>(2)</sup> OJ L 62, 5.3.2002, p. 27.

<sup>(3)</sup> OJ L 272, 13.10.2001, p. 15.

<sup>(4)</sup> OJ L 61, 7.3.1975, p. 25.

<sup>(5)</sup> OJ L 35, 15.2.1995, p. 8.

**COMMISSION REGULATION (EC) No 533/2002  
of 22 March 2002**

**fixing the maximum export refund on wholly milled round grain, medium grain and long grain A rice to be exported to certain third countries in connection with the invitation to tender issued in Regulation (EC) No 2009/2001**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 3072/95 of 22 December 1995 on the common organisation of the market in rice <sup>(1)</sup>, as last amended by Regulation (EC) No 411/2002 <sup>(2)</sup>, and in particular Article 13(3) thereof,

Whereas:

- (1) An invitation to tender for the export refund on rice was issued pursuant to Commission Regulation (EC) No 2009/2001 <sup>(3)</sup>.
- (2) Article 5 of Commission Regulation (EEC) No 584/75 <sup>(4)</sup>, as last amended by Regulation (EC) No 299/95 <sup>(5)</sup>, allows the Commission to fix, in accordance with the procedure laid down in Article 22 of Regulation (EC) No 3072/95 and on the basis of the tenders submitted, a maximum export refund. In fixing this maximum, the criteria provided for in Article 13 of Regulation (EC) No 3072/95 must be taken into account. A contract is awarded to any tenderer whose tender is equal to or less than the maximum export refund.

(3) The application of the abovementioned criteria to the current market situation for the rice in question results in the maximum export refund being fixed at the amount specified in Article 1.

(4) The measures provided for in this Regulation are in accordance with the opinion of the Management Committee for Cereals,

HAS ADOPTED THIS REGULATION:

*Article 1*

The maximum export refund on wholly milled grain, medium grain and long grain A rice to be exported to certain third countries pursuant to the invitation to tender issued in Regulation (EC) No 2009/2001 is hereby fixed on the basis of the tenders submitted from 15 to 21 March 2002 at 203,00 EUR/t.

*Article 2*

This Regulation shall enter into force on 23 March 2002.

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

Done at Brussels, 22 March 2002.

*For the Commission*

Franz FISCHLER

*Member of the Commission*

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<sup>(1)</sup> OJ L 329, 30.12.1995, p. 18.

<sup>(2)</sup> OJ L 62, 5.3.2002, p. 27.

<sup>(3)</sup> OJ L 272, 13.10.2001, p. 17.

<sup>(4)</sup> OJ L 61, 7.3.1975, p. 25.

<sup>(5)</sup> OJ L 35, 15.2.1995, p. 8.

**COMMISSION REGULATION (EC) No 534/2002  
of 22 March 2002**

**fixing the maximum export refund on wholly milled long grain rice in connection with the  
invitation to tender issued in Regulation (EC) No 2010/2001**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 3072/95 of 22 December 1995 on the common organisation of the market in rice <sup>(1)</sup>, as last amended by Regulation (EC) No 411/2002 <sup>(2)</sup>, and in particular Article 13(3) thereof,

Whereas:

- (1) An invitation to tender for the export refund on rice was issued pursuant to Commission Regulation (EC) No 2010/2001 <sup>(3)</sup>.
- (2) Article 5 of Commission Regulation (EEC) No 584/75 <sup>(4)</sup>, as last amended by Regulation (EC) No 299/95 <sup>(5)</sup>, allows the Commission to fix, in accordance with the procedure laid down in Article 22 of Regulation (EC) No 3072/95 and on the basis of the tenders submitted, a maximum export refund. In fixing this maximum, the criteria provided for in Article 13 of Regulation (EC) No 3072/95 must be taken into account. A contract is awarded to any tenderer whose tender is equal to or less than the maximum export refund.

(3) The application of the abovementioned criteria to the current market situation for the rice in question results in the maximum export refund being fixed at the amount specified in Article 1.

(4) The measures provided for in this Regulation are in accordance with the opinion of the Management Committee for Cereals,

HAS ADOPTED THIS REGULATION:

*Article 1*

The maximum export refund on wholly milled long grain rice to be exported to certain third countries pursuant to the invitation to tender issued in Regulation (EC) No 2010/2001 is hereby fixed on the basis of the tenders submitted from 15 to 21 March 2002 at 307,00 EUR/t.

*Article 2*

This Regulation shall enter into force on 23 March 2002.

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

Done at Brussels, 22 March 2002.

*For the Commission*

Franz FISCHLER

*Member of the Commission*

<sup>(1)</sup> OJ L 329, 30.12.1995, p. 18.

<sup>(2)</sup> OJ L 62, 5.3.2002, p. 27.

<sup>(3)</sup> OJ L 272, 13.10.2001, p. 19.

<sup>(4)</sup> OJ L 61, 7.3.1975, p. 25.

<sup>(5)</sup> OJ L 35, 15.2.1995, p. 8.

**COMMISSION REGULATION (EC) No 535/2002**  
**of 21 March 2002**  
**amending Annex C to Council Directive 64/432/EEC and amending Decision 2000/330/EC**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Directive 64/432/EEC of 26 June 1964 on animal health problems affecting intra-Community trade in bovine animals and swine <sup>(1)</sup>, as last amended by Commission Decision 2001/298/EC <sup>(2)</sup>, and in particular Article 16(1), second paragraph thereof,

Whereas:

- (1) On 11 October 1999 the Scientific Committee on Animal Health and Animal Welfare adopted a report <sup>(3)</sup> on the modification of technical Annexes to Directive 64/432/EEC to take account of scientific developments regarding tuberculosis, brucellosis and enzootic bovine leucosis.
- (2) In accordance with the above report, the tests for brucellosis should be carried out in line with the Manual of Standards for Diagnostic Tests and Vaccines, Third Edition, 1996, of the Office International des Epizooties (OIE).
- (3) In August 2001 the OIE published the Fourth Edition 2000 of the said Manual, including certain modifications in the description of tests for brucellosis.
- (4) It was therefore necessary to amend Annex C to Directive 64/432/EEC so as to lay down test procedures applicable for surveillance and trade purposes within the Community which reflect as much as possible the OIE standards but take also into account the advice of the Scientific Committee and of the National Reference Laboratories in the Member States cooperating within the framework of the European Union Network of National Reference Laboratories for Brucellosis.

(5) Commission Decision 2000/330/EC of 18 April 2000 approving tests for the detection of antibodies against bovine brucellosis within the framework of Council Directive 64/432/EEC <sup>(4)</sup> should be amended accordingly.

(6) The measures provided for in this Regulation are in accordance with the opinion of the Standing Veterinary Committee,

HAS ADOPTED THIS REGULATION:

*Article 1*

Annex C to Directive 64/432/EEC is replaced by the Annex to the present Regulation.

*Article 2*

Decision 2000/330/EC is amended as follows:

1. Article 1 is replaced by the following:

*'Article 1*

The complement fixation test, the buffered brucella antigen tests and the ELISA tests carried out in accordance with the provisions in Annex C to Directive 64/432/EEC are hereby approved for certification purposes.'

2. The Annex is deleted.

*Article 3*

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

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

Done at Brussels, 21 March 2002.

*For the Commission*

David BYRNE

*Member of the Commission*

<sup>(1)</sup> OJ L 121, 29.7.1964, p. 1977/64.

<sup>(2)</sup> OJ L 102, 12.4.2001, p. 63.

<sup>(3)</sup> SANCO/B3/R10/1999.

<sup>(4)</sup> OJ L 114, 13.5.2000, p. 37.

## ANNEX

## ‘ANNEX C

**BRUCELLOSIS****1. IDENTIFICATION OF THE AGENT**

The demonstration by modified acid-fast or immunospecific staining of organisms of *Brucella* morphology in abortion material, vaginal discharges or milk provides presumptive evidence of brucellosis, especially if supported by serological tests.

After isolation, the species and biovar should be identified by phage lysis and/or oxidative metabolism tests, cultural, biochemical and serological criteria.

The techniques and media used, their standardisation and the interpretation of results must conform to that specified in the OIE Manual of Standards for Diagnostic Tests and Vaccines, Fourth Edition, 2000, Chapter 2.3.1 (bovine brucellosis), Chapter 2.4.2 (caprine and ovine brucellosis) and Chapter 2.6.2 (porcine brucellosis).

**2. IMMUNOLOGICAL TESTS****2.1. Standards**

2.1.1. The *Brucella abortus* biovar 1 Weybridge strain No 99 or USDA strain 1119-3 must be used for the preparation of all antigens used in the rose bengal test (RBT), serum agglutination test (SAT), complement fixation test (CFT) and the milk ring test (MRT).

2.1.2. The standard reference serum for the RBT, SAT, CFT and MRT is the OIE international reference standard serum (OIEISS) formerly named WHO second international anti-*Brucella abortus* Serum (ISAbS).

2.1.3. The standard reference sera for ELISAs are:

- the OIEISS,
- the weak positive OIE ELISA standard serum (OIEELISA<sub>wp</sub>SS),
- the strong positive OIE ELISA standard serum (OIEELISA<sub>sp</sub>SS),
- The negative OIE ELISA standard serum (OIEELISA<sub>N</sub>SS).

2.1.4. The above listed standard sera are available from the Veterinary Laboratories Agency (VLA), Weybridge, United Kingdom.

2.1.5. The OIEISS, the OIEELISA<sub>wp</sub>SS, the OIEELISA<sub>sp</sub>SS and the OIEELISA<sub>N</sub>SS are international primary standards from which secondary reference national standards ("working standards") must be established for each test in each Member State.

**2.2. Enzyme-linked immunosorbent assays (ELISAs) or other binding assays for the detection of bovine brucellosis in serum or milk****2.2.1. Material and reagents**

The technique used and the interpretation of results must have been validated in accordance with the principles laid down in Chapter 1.1.3 of the OIE Manual of Standards for Diagnostic Tests and Vaccines, Fourth Edition, 2000, and should at least include laboratory and diagnostic studies.

**2.2.2. Standardisation of the test**

2.2.2.1. Standardisation of the test procedure for individual serum samples:

- (a) a 1/150 pre-dilution <sup>(1)</sup> of the OIEISS or a 1/2 pre-dilution of the OIEELISA<sub>wp</sub>SS or a 1/16 pre-dilution of the OIEELISA<sub>sp</sub>SS made up in a negative serum (or in a negative pool of sera) should give a positive reaction;
- (b) a 1/600 pre-dilution of the OIEISS or a 1/8 pre-dilution of the OIEELISA<sub>wp</sub>SS or a 1/64 pre-dilution of the OIEELISA<sub>sp</sub>SS made up in a negative serum (or in a negative pool of sera) should give a negative reaction;

<sup>(1)</sup> For the purpose of this Annex, dilutions given for making up liquid reagents are expressed as, for example, 1/150 shall mean a 1 in 150 dilution.

(c) the OIEELISA<sub>N</sub>SS should always give a negative reaction.

2.2.2.2. Standardisation of the test procedure for pooled serum samples:

- (a) a 1/150 pre-dilution of the OIEISS or a 1/2 pre-dilution of the OIEELISA<sub>wp</sub>SS or a 1/16 pre-dilution of the OIEELISA<sub>sp</sub>SS made up in a negative serum (or in a negative pool of sera) and again diluted in negative sera by the number of samples making up the pool should give a positive reaction;
- (b) the OIEELISA<sub>N</sub>SS should always give a negative reaction;
- (c) the test must be adequate to detect evidence of infection in a single animal of the group of animals, of which samples of serum have been pooled.

2.2.2.3. Standardisation of the test procedure for pooled milk or whey samples:

- (a) a 1/1000 pre-dilution of the OIEISS or a 1/16 pre-dilution of the OIEELISA<sub>wp</sub>SS or a 1/125 pre-dilution of the OIEELISA<sub>sp</sub>SS made up in a negative serum (or in a negative pool of sera) and again diluted 1/10 in negative milk should give a positive reaction;
- (b) the OIEELISA<sub>N</sub>SS diluted 1/10 in negative milk should always give a negative reaction;
- (c) the test must be adequate to detect evidence of infection in a single animal of the group of animals, of which samples of milk or whey have been pooled.

2.2.3. *Conditions for use of the ELISAs for diagnosis of bovine brucellosis:*

2.2.3.1. Using the abovementioned calibrating conditions for ELISAs on serum samples, the diagnostic sensitivity of ELISA shall be equal or greater than the RBT or CFT taking into account the epidemiological situation under which it is employed.

2.2.3.2. Using the abovementioned calibrating conditions for ELISA on pooled milk samples, the diagnostic sensitivity of ELISA shall be equal or greater than the MRT taking into account not only the epidemiological situation but also the average and expected extreme husbandry systems.

2.2.3.3. Where ELISAs are used for certification purposes in accordance with Article 6(1) or for the establishment and maintenance of a herd status in accordance with Annex A(II)(10), pooling of samples of serum must be carried out in such a way that the test results can be undoubtedly related to the individual animal included in the pool. Any confirmatory test must be carried out on samples of serum taken from individual animals.

2.2.3.4. The ELISAs may be used on a sample of milk taken from the milk collected from a farm with at least 30 % of dairy cows in milk. If this method is used, measures must be taken to ensure that the samples taken for examination can be undoubtedly related to the individual animals from which the milk derived. Any confirmatory test must be carried out on samples of serum taken from individual animals.

2.3. **Complement fixation test (CFT)**

2.3.1. The antigen represents a bacterial suspension in phenol-saline (NaCl 0,85 % (m/v) and phenol at 0,5 % (v/v)) or in a veronal buffer. Antigens may be delivered in the concentrated state provided the dilution factor to be used is indicated on the bottle label. The antigen must be stored at 4 °C and not frozen.

2.3.2. Serums must be inactivated as follows:

- bovine serum: 56 to 60 °C for 30 to 50 minutes,
- porcine serum: 60 °C for 30 to 50 minutes.

2.3.3. In order to carry out the genuine reaction within the test procedure, a complement dose higher than the minimum necessary for total haemolysis should be used.

2.3.4. In carrying out the complement fixation test, the following controls must be made each time:

- (a) control of the anti-complementary effect of the serum;
- (b) control of the antigen;
- (c) control of sensitised red blood cells;
- (d) control of the complement;
- (e) control using a positive serum of sensitivity at the start of the reaction;
- (f) control of the specificity of the reaction using a negative serum.

### 2.3.5. Calculation of results

The OIEISS contains 1 000 international CFT units (ICFTU) per ml. If the OIEISS is tested in a given method the result is given as a titre ( $T_{\text{OIEISS}}$ ). The test result for the test serum given as titre ( $T_{\text{TESTSERUM}}$ ) must be expressed in ICFTU per ml. In order to convert the expression of a titre into ICFTU, the factor (F) necessary to convert a titre of an unknown test serum ( $T_{\text{TESTSERUM}}$ ) tested by that method into the ICFTU expression can be found from the formula:

$$F = 1\,000 \times 1/T_{\text{OIEISS}}$$

and the content of international CFT units per ml of test serum ( $\text{ICFTU}_{\text{TESTSERUM}}$ ) from the formula:

$$\text{ICFTU}_{\text{TESTSERUM}} = F \times T_{\text{TESTSERUM}}$$

### 2.3.6. Interpretation of results

A serum containing 20 or more ICFTU per ml is considered to be positive.

## 2.4. Milk ring test (MRT)

- 2.4.1. The antigen represents a bacterial suspension in phenol-saline (NaCl 0,85 % (m/v) and phenol at 0,5 % (v/v)) stained with haematoxylin. The antigen must be stored at 4 °C and not frozen.
- 2.4.2. The antigen sensitivity must be standardised in relation to the OIEISS in such a way that the antigen produces a positive reaction with a 1/500 dilution of the OIEISS in negative milk, while a 1/1 000 dilution should be negative.
- 2.4.3. The ring test must be made on samples representing the contents of each milk churn or the content of each bulk tank from the farm.
- 2.4.4. The milk samples must not have been frozen, heated or subjected to violent shaking.
- 2.4.5. The reaction must be carried out using one of the following methods:
  - on a column of milk of at least 25 mm height and on a volume of milk of 1 ml to which either 0,03 ml or 0,05 ml of one of the standardised stained antigens has been added,
  - on a column of milk of at least 25 mm height and on a volume of milk of 2 ml to which 0,05 ml of one of the standardised stained antigens has been added,
  - on a volume of milk of 8 ml to which 0,08 ml of one of the standardised stained antigens has been added.
- 2.4.6. The mixture of milk and antigens must be incubated at 37 °C for 60 minutes, together with positive and negative working standards. A subsequent 16 to 24 hour incubation at 4 °C increases the sensitivity of the test.
- 2.4.7. Interpretation of results:
  - (a) negative reaction: coloured milk, colourless cream;
  - (b) positive reaction:
    - identically coloured milk and cream, or
    - colourless milk and coloured cream.

## 2.5. Rose bengal plate Test (RBT)

- 2.5.1. The antigen represents a bacterial suspension in buffered *Brucella* antigen diluent at a pH of  $3,65 \pm 0,05$ , stained by the use of rose bengal dye. The antigen shall be delivered ready for use and must be stored at 4 °C and not frozen.
- 2.5.2. The antigen shall be prepared without reference to the cell concentration, but its sensitivity must be standardised in relation to the OIEISS in such a way that the antigen produces a positive reaction with a serum dilution of 1/45 and a negative reaction with a dilution of 1/55.
- 2.5.3. The RBT shall be carried out in the following manner:
  - (a) serum (20-30 µl) is mixed with an equal volume of antigen on a white tile or enamel plate to produce a zone approximately 2 cm in diameter. The mixture is rocked gently for 4 minutes at ambient temperature, and then observed in a good light for agglutination;
  - (b) an automated method may be used but must be at least as sensitive and accurate as the manual method.

#### 2.5.4. *Interpretation of results*

Any visible reaction is considered to be positive, unless there has been excessive drying round the edges.

Positive and negative working standards should be included in each series of tests.

#### 2.6. **Serum agglutination test (SAT)**

- 2.6.1. The antigen represents a bacterial suspension in phenol-saline (NaCl 0,85 % (m/v) and phenol at 0,5 % (v/v)). Formaldehyde must not be used.

Antigens may be delivered in the concentrated state provided the dilution factor to be used is indicated on the bottle label.

EDTA may be added to the antigen suspension to 5 mM final test dilution to reduce the level of false positives to the serum agglutination test. Subsequently the pH of 7,2 must be readjusted in the antigen suspension.

- 2.6.2. The OIESS contains 1 000 international units of agglutination.

- 2.6.3. The antigen shall be prepared without reference to the cell concentration, but its sensitivity must be standardised in relation to the OIESS in such a way that the antigen produces either a 50 % agglutination with a final serum dilution of 1/600 to 1/1 000 or a 75 % agglutination with a final serum dilution of 1/500 to 1/750.

It may also be advisable to compare the reactivity of new and previously standardised batches of antigen using a panel of defined sera.

- 2.6.4. The test is performed either in tubes or in microplates. The mixture of antigen and serum dilutions should be incubated for 16 to 24 hours at 37 °C.

At least three dilutions must be prepared for each serum. Dilutions of suspect serum must be made in such a way that the reading of the reaction at the positivity limit is made in the median tube (or well for the microplate method).

- 2.6.5. *Interpretation of results:*

The degree of *Brucella* agglutination in a serum must be expressed in IU per ml.

A serum containing 30 or more IU per ml is considered to be positive.

#### 3. **COMPLEMENTARY TESTS**

##### 3.1. **Brucellosis skin test (BST)**

###### 3.1.1. *Conditions for the use of BST*

- (a) The brucellosis skin test shall not be used for the purpose of certification for intra-Community trade.
- (b) The brucellosis skin test is one of the most specific tests for the detection of brucellosis in unvaccinated animals, however diagnosis should not be made on the basis of positive intradermal reactions alone.
- (c) Bovine animals, tested with negative result in one of the serological tests defined in this Annex and reacting positively to the BST shall be regarded as infected.
- (d) Bovine animals, tested with positive result in one of the serological tests defined in this Annex may be subject to a BST in order to support the interpretation of the serological test results, in particular where in brucellosis free or officially free herds a cross-reaction with antibodies against other bacteria cannot be excluded.

- 3.1.2. The test must be carried out by use of a standardised and defined brucellosis allergen preparation that does not contain smooth lipopolysaccharide (LPS) antigen, as this may provoke non-specific inflammatory reactions or interfere with subsequent serological tests.

One of such preparation is Brucellin INRA prepared from a non smooth strain of *B. melitensis*. The requirements for its production are detailed in Section B2 of Chapter 2.4.2. of the OIE Manual of Standards for Diagnostic Tests and Vaccines, Fourth Edition, 2000.

###### 3.1.3. *Test procedure*

- 3.1.3.1. A volume of 0,1 ml of brucellosis allergen is injected intradermally into the caudal fold, the skin of the flank, or the side of the neck.

- 3.1.3.2. The test is read after 48-72 hours.

- 3.1.3.3. The skin thickness at the injection site is measured with vernier callipers before injection and at re-examination.

3.1.3.4. Interpretation of results:

Strong reactions are easily recognised by local swelling and induration.

Skin thickening of 1,5 to 2 mm shall be considered as positive reaction to the BST.

3.2. **Competitive enzyme-linked immunosorbent assay (cELISA)**

3.2.1. *Conditions for the use of cELISA*

(a) The cELISA shall not be used for the purpose of certification for intra-Community trade.

(b) The cELISA has shown to have a higher specificity than for example the indirect ELISA and may therefore be used in order to support the interpretation of the serological test results.

3.2.2. *Test procedure*

The test shall be carried out in accordance with the prescription in the OIE Manual of Standards for Diagnostic Tests and Vaccines, Fourth Edition, 2000, Chapter 2.3.1(2)(a).

4. NATIONAL REFERENCE LABORATORIES

4.1. **Tasks and responsibilities**

National reference laboratories shall be responsible for:

- (a) the approval of the results of the validation studies demonstrating the reliability of the test method used in the Member State;
- (b) determination of the maximum number of samples to be pooled in ELISA kits used;
- (c) calibration of the standard secondary reference national standard sera ("working standards") against the primary international standard serum referred to in paragraph 2.1;
- (d) quality checks of all antigens and ELISA kits batches used in the Member State;
- (e) cooperation within the European Union Network of National Reference Laboratories for Brucellosis.

4.2. **List of national reference laboratories**

BELGIUM

Centre d'études et de recherches vétérinaires et agrochimiques (CERVA/CODA)  
Groeselenberg 99  
B-1180 Bruxelles/Brussel

DENMARK

Danish Veterinary Institute  
Bulowsvej 27  
DK-1790 Copenhagen

GERMANY

Bundesinstitut für Gesundheitlichen Verbraucherschutz und Veterinärmedizin (BGVV)  
Nationales Veterinärmedizinisches Referenzlabor für Brucellose  
Postfach 33 00 13  
D-14191 Berlin

GREECE

Veterinary Laboratory of Larissa  
Department of Microbiology  
6th km of National Road Larissa-Trikala  
GR-4111 10 Larissa

SPAIN

Laboratorio Central de Veterinaria de Santa Fe  
Camino del Jau S/N  
E-18320 Santa Fe (Granada)

FRANCE

Laboratoire national et OIE/FAO de référence pour la brucellose  
Agence française de sécurité sanitaire des aliments (AFSSA)  
BP 67  
F-94703 Maisons-Alfort Cedex

## IRELAND

Brucellosis Laboratory  
Model Farm Road  
Cork  
Ireland

## ITALY

Istituto Zooprofilattico Sperimentale dell'Abruzzo e del Molise  
Via Campo Boario  
I-64100 Teramo

## LUXEMBOURG

State Laboratory for Veterinarian Medicine  
54, avenue Gaston Diderich  
B.P. 2081  
L-1020 Luxembourg

## NETHERLANDS

Centraal Instituut voor DierziekteControle  
CIDC-Lelystad  
Houtribweg 39  
P.O. Box 2004  
8203 AA Lelystad  
Nederland

## AUSTRIA

Bundesanstalt für veterinärmedizinische Untersuchungen  
Robert-Koch-Gasse 17  
A-2340 Modling

## PORTUGAL

Laboratório Nacional de Investigação Veterinária (LNIV)  
Estrada de Benfica, n.º 701  
P-1549-011 Lisboa

## FINLAND

National Veterinary and Food Research Institute  
Hämeentie 57  
PO Box 45  
FIN-00581 Helsinki

## SWEDEN

National Veterinary Institute  
S-751 89 Uppsala

## UNITED KINGDOM

1. FAO/WHO Collaborating Centre for Reference and Research on Brucellosis  
Veterinary Laboratories Agency  
New Haw  
Addlestone  
Surrey KT15 3NB  
United Kingdom
  2. Immunodiagnosics Department  
Veterinary Sciences Division  
Stoney Road Stormont  
Belfast BT4 3SD  
United Kingdom'
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**DIRECTIVE 2002/14/EC OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL**  
**of 11 March 2002**  
**establishing a general framework for informing and consulting employees in the European**  
**Community**

THE EUROPEAN PARLIAMENT AND THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community, and in particular Article 137(2) thereof,

Having regard to the proposal from the Commission <sup>(1)</sup>,

Having regard to the opinion of the Economic and Social Committee <sup>(2)</sup>,

Having regard to the opinion of the Committee of the Regions <sup>(3)</sup>,

Acting in accordance with the procedure referred to in Article 251 <sup>(4)</sup>, and in the light of the joint text approved by the Conciliation Committee on 23 January 2002,

Whereas:

- (1) Pursuant to Article 136 of the Treaty, a particular objective of the Community and the Member States is to promote social dialogue between management and labour.
- (2) Point 17 of the Community Charter of Fundamental Social Rights of Workers provides, *inter alia*, that information, consultation and participation for workers must be developed along appropriate lines, taking account of the practices in force in different Member States.
- (3) The Commission consulted management and labour at Community level on the possible direction of Community action on the information and consultation of employees in undertakings within the Community.
- (4) Following this consultation, the Commission considered that Community action was advisable and again consulted management and labour on the contents of the planned proposal; management and labour have presented their opinions to the Commission.
- (5) Having completed this second stage of consultation, management and labour have not informed the Commission of their wish to initiate the process potentially leading to the conclusion of an agreement.

(6) The existence of legal frameworks at national and Community level intended to ensure that employees are involved in the affairs of the undertaking employing them and in decisions which affect them has not always prevented serious decisions affecting employees from being taken and made public without adequate procedures having been implemented beforehand to inform and consult them.

(7) There is a need to strengthen dialogue and promote mutual trust within undertakings in order to improve risk anticipation, make work organisation more flexible and facilitate employee access to training within the undertaking while maintaining security, make employees aware of adaptation needs, increase employees' availability to undertake measures and activities to increase their employability, promote employee involvement in the operation and future of the undertaking and increase its competitiveness.

(8) There is a need, in particular, to promote and enhance information and consultation on the situation and likely development of employment within the undertaking and, where the employer's evaluation suggests that employment within the undertaking may be under threat, the possible anticipatory measures envisaged, in particular in terms of employee training and skill development, with a view to offsetting the negative developments or their consequences and increasing the employability and adaptability of the employees likely to be affected.

(9) Timely information and consultation is a prerequisite for the success of the restructuring and adaptation of undertakings to the new conditions created by globalisation of the economy, particularly through the development of new forms of organisation of work.

(10) The Community has drawn up and implemented an employment strategy based on the concepts of 'anticipation', 'prevention' and 'employability', which are to be incorporated as key elements into all public policies likely to benefit employment, including the policies of individual undertakings, by strengthening the social dialogue with a view to promoting change compatible with preserving the priority objective of employment.

<sup>(1)</sup> OJ C 2, 5.1.1999, p. 3.

<sup>(2)</sup> OJ C 258, 10.9.1999, p. 24.

<sup>(3)</sup> OJ C 144, 16.5.2001, p. 58.

<sup>(4)</sup> Opinion of the European Parliament of 14 April 1999 (OJ C 219, 30.7.1999, p. 223), confirmed on 16 September 1999 (OJ C 54, 25.2.2000, p. 55), Council Common Position of 27 July 2001 (OJ C 307, 31.10.2001, p. 16) and Decision of the European Parliament of 23 October 2001 (not yet published in the Official Journal). Decision of the European Parliament of 5 February 2002 and Decision of the Council of 18 February 2002.

- (11) Further development of the internal market must be properly balanced, maintaining the essential values on which our societies are based and ensuring that all citizens benefit from economic development.
- (12) Entry into the third stage of economic and monetary union has extended and accelerated the competitive pressures at European level. This means that more supportive measures are needed at national level.
- (13) The existing legal frameworks for employee information and consultation at Community and national level tend to adopt an excessively a posteriori approach to the process of change, neglect the economic aspects of decisions taken and do not contribute either to genuine anticipation of employment developments within the undertaking or to risk prevention.
- (14) All of these political, economic, social and legal developments call for changes to the existing legal framework providing for the legal and practical instruments enabling the right to be informed and consulted to be exercised.
- (15) This Directive is without prejudice to national systems regarding the exercise of this right in practice where those entitled to exercise it are required to indicate their wishes collectively.
- (16) This Directive is without prejudice to those systems which provide for the direct involvement of employees, as long as they are always free to exercise the right to be informed and consulted through their representatives.
- (17) Since the objectives of the proposed action, as outlined above, cannot be adequately achieved by the Member States, in that the object is to establish a framework for employee information and consultation appropriate for the new European context described above, and can therefore, in view of the scale and impact of the proposed 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 in order to achieve these objectives.
- (18) The purpose of this general framework is to establish minimum requirements applicable throughout the Community while not preventing Member States from laying down provisions more favourable to employees.
- (19) The purpose of this general framework is also to avoid any administrative, financial or legal constraints which would hinder the creation and development of small and medium-sized undertakings. To this end, the scope of this Directive should be restricted, according to the choice made by Member States, to undertakings with at least 50 employees or establishments employing at least 20 employees.
- (20) This takes into account and is without prejudice to other national measures and practices aimed at fostering social dialogue within companies not covered by this Directive and within public administrations.
- (21) However, on a transitional basis, Member States in which there is no established statutory system of information and consultation of employees or employee representation should have the possibility of further restricting the scope of the Directive as regards the numbers of employees.
- (22) A Community framework for informing and consulting employees should keep to a minimum the burden on undertakings or establishments while ensuring the effective exercise of the rights granted.
- (23) The objective of this Directive is to be achieved through the establishment of a general framework comprising the principles, definitions and arrangements for information and consultation, which it will be for the Member States to comply with and adapt to their own national situation, ensuring, where appropriate, that management and labour have a leading role by allowing them to define freely, by agreement, the arrangements for informing and consulting employees which they consider to be best suited to their needs and wishes.
- (24) Care should be taken to avoid affecting some specific rules in the field of employee information and consultation existing in some national laws, addressed to undertakings or establishments which pursue political, professional, organisational, religious, charitable, educational, scientific or artistic aims, as well as aims involving information and the expression of opinions.
- (25) Undertakings and establishments should be protected against disclosure of certain particularly sensitive information.
- (26) The employer should be allowed not to inform and consult where this would seriously damage the undertaking or the establishment or where he has to comply immediately with an order issued to him by a regulatory or supervisory body.
- (27) Information and consultation imply both rights and obligations for management and labour at undertaking or establishment level.

- (28) Administrative or judicial procedures, as well as sanctions that are effective, dissuasive and proportionate in relation to the seriousness of the offence, should be applicable in cases of infringement of the obligations based on this Directive.
- (29) This Directive should not affect the provisions, where these are more specific, of Council Directive 98/59/EC of 20 July 1998 on the approximation of the laws of the Member States relating to collective redundancies <sup>(1)</sup> and of Council Directive 2001/23/EC of 12 March 2001 on the approximation of the laws of the Member States relating to the safeguarding of employees' rights in the event of transfers of undertakings, businesses or parts of undertakings or businesses <sup>(2)</sup>.
- (30) Other rights of information and consultation, including those arising from Council Directive 94/45/EEC of 22 September 1994 on the establishment of a European Works Council or a procedure in Community-scale undertakings and Community-scale groups of undertakings for the purposes of informing and consulting employees <sup>(3)</sup>, should not be affected by this Directive.
- (31) Implementation of this Directive should not be sufficient grounds for a reduction in the general level of protection of workers in the areas to which it applies,

HAVE ADOPTED THIS DIRECTIVE:

#### Article 1

##### Object and principles

1. The purpose of this Directive is to establish a general framework setting out minimum requirements for the right to information and consultation of employees in undertakings or establishments within the Community.
2. The practical arrangements for information and consultation shall be defined and implemented in accordance with national law and industrial relations practices in individual Member States in such a way as to ensure their effectiveness.
3. When defining or implementing practical arrangements for information and consultation, the employer and the employees' representatives shall work in a spirit of cooperation and with due regard for their reciprocal rights and obligations, taking into account the interests both of the undertaking or establishment and of the employees.

<sup>(1)</sup> OJ L 225, 12.8.1998, p. 16.

<sup>(2)</sup> OJ L 82, 22.3.2001, p. 16.

<sup>(3)</sup> OJ L 254, 30.9.1994, p. 64. Directive as amended by Directive 97/74/EC (OJ L 10, 16.1.1998, p. 22).

#### Article 2

##### Definitions

For the purposes of this Directive:

- (a) 'undertaking' means a public or private undertaking carrying out an economic activity, whether or not operating for gain, which is located within the territory of the Member States;
- (b) 'establishment' means a unit of business defined in accordance with national law and practice, and located within the territory of a Member State, where an economic activity is carried out on an ongoing basis with human and material resources;
- (c) 'employer' means the natural or legal person party to employment contracts or employment relationships with employees, in accordance with national law and practice;
- (d) 'employee' means any person who, in the Member State concerned, is protected as an employee under national employment law and in accordance with national practice;
- (e) 'employees' representatives' means the employees' representatives provided for by national laws and/or practices;
- (f) 'information' means transmission by the employer to the employees' representatives of data in order to enable them to acquaint themselves with the subject matter and to examine it;
- (g) 'consultation' means the exchange of views and establishment of dialogue between the employees' representatives and the employer.

#### Article 3

##### Scope

1. This Directive shall apply, according to the choice made by Member States, to:
  - (a) undertakings employing at least 50 employees in any one Member State, or
  - (b) establishments employing at least 20 employees in any one Member State.

Member States shall determine the method for calculating the thresholds of employees employed.

2. In conformity with the principles and objectives of this Directive, Member States may lay down particular provisions applicable to undertakings or establishments which pursue directly and essentially political, professional organisational, religious, charitable, educational, scientific or artistic aims, as well as aims involving information and the expression of opinions, on condition that, at the date of entry into force of this Directive, provisions of that nature already exist in national legislation.

3. Member States may derogate from this Directive through particular provisions applicable to the crews of vessels plying the high seas.

*Article 4***Practical arrangements for information and consultation**

1. In accordance with the principles set out in Article 1 and without prejudice to any provisions and/or practices in force more favourable to employees, the Member States shall determine the practical arrangements for exercising the right to information and consultation at the appropriate level in accordance with this Article.

2. Information and consultation shall cover:

- (a) information on the recent and probable development of the undertaking's or the establishment's activities and economic situation;
- (b) information and consultation on the situation, structure and probable development of employment within the undertaking or establishment and on any anticipatory measures envisaged, in particular where there is a threat to employment;
- (c) information and consultation on decisions likely to lead to substantial changes in work organisation or in contractual relations, including those covered by the Community provisions referred to in Article 9(1).

3. Information shall be given at such time, in such fashion and with such content as are appropriate to enable, in particular, employees' representatives to conduct an adequate study and, where necessary, prepare for consultation.

4. Consultation shall take place:

- (a) while ensuring that the timing, method and content thereof are appropriate;
- (b) at the relevant level of management and representation, depending on the subject under discussion;
- (c) on the basis of information supplied by the employer in accordance with Article 2(f) and of the opinion which the employees' representatives are entitled to formulate;
- (d) in such a way as to enable employees' representatives to meet the employer and obtain a response, and the reasons for that response, to any opinion they might formulate;
- (e) with a view to reaching an agreement on decisions within the scope of the employer's powers referred to in paragraph 2(c).

*Article 5***Information and consultation deriving from an agreement**

Member States may entrust management and labour at the appropriate level, including at undertaking or establishment level, with defining freely and at any time through negotiated agreement the practical arrangements for informing and consulting employees. These agreements, and agreements existing on the date laid down in Article 11, as well as any

subsequent renewals of such agreements, may establish, while respecting the principles set out in Article 1 and subject to conditions and limitations laid down by the Member States, provisions which are different from those referred to in Article 4.

*Article 6***Confidential information**

1. Member States shall provide that, within the conditions and limits laid down by national legislation, the employees' representatives, and any experts who assist them, are not authorised to reveal to employees or to third parties, any information which, in the legitimate interest of the undertaking or establishment, has expressly been provided to them in confidence. This obligation shall continue to apply, wherever the said representatives or experts are, even after expiry of their terms of office. However, a Member State may authorise the employees' representatives and anyone assisting them to pass on confidential information to employees and to third parties bound by an obligation of confidentiality.

2. Member States shall provide, in specific cases and within the conditions and limits laid down by national legislation, that the employer is not obliged to communicate information or undertake consultation when the nature of that information or consultation is such that, according to objective criteria, it would seriously harm the functioning of the undertaking or establishment or would be prejudicial to it.

3. Without prejudice to existing national procedures, Member States shall provide for administrative or judicial review procedures for the case where the employer requires confidentiality or does not provide the information in accordance with paragraphs 1 and 2. They may also provide for procedures intended to safeguard the confidentiality of the information in question.

*Article 7***Protection of employees' representatives**

Member States shall ensure that employees' representatives, when carrying out their functions, enjoy adequate protection and guarantees to enable them to perform properly the duties which have been assigned to them.

*Article 8***Protection of rights**

1. Member States shall provide for appropriate measures in the event of non-compliance with this Directive by the employer or the employees' representatives. In particular, they shall ensure that adequate administrative or judicial procedures are available to enable the obligations deriving from this Directive to be enforced.

2. Member States shall provide for adequate sanctions to be applicable in the event of infringement of this Directive by the employer or the employees' representatives. These sanctions must be effective, proportionate and dissuasive.

#### Article 9

##### **Link between this Directive and other Community and national provisions**

1. This Directive shall be without prejudice to the specific information and consultation procedures set out in Article 2 of Directive 98/59/EC and Article 7 of Directive 2001/23/EC.
2. This Directive shall be without prejudice to provisions adopted in accordance with Directives 94/45/EC and 97/74/EC.
3. This Directive shall be without prejudice to other rights to information, consultation and participation under national law.
4. Implementation of this Directive shall not be sufficient grounds for any regression in relation to the situation which already prevails in each Member State and in relation to the general level of protection of workers in the areas to which it applies.

#### Article 10

##### **Transitional provisions**

Notwithstanding Article 3, a Member State in which there is, at the date of entry into force of this Directive, no general, permanent and statutory system of information and consultation of employees, nor a general, permanent and statutory system of employee representation at the workplace allowing employees to be represented for that purpose, may limit the application of the national provisions implementing this Directive to:

- (a) undertakings employing at least 150 employees or establishments employing at least 100 employees until 23 March 2007, and
- (b) undertakings employing at least 100 employees or establishments employing at least 50 employees during the year following the date in point (a).

#### Article 11

##### **Transposition**

1. Member States shall adopt the laws, regulations and administrative provisions necessary to comply with this Directive not later than 23 March 2005 or shall ensure that management and labour introduce by that date the required provisions by way of agreement, the Member States being obliged to take all necessary steps enabling them to guarantee the results imposed by this Directive at all times. They shall forthwith inform the Commission thereof.

2. Where 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 the Member States.

#### Article 12

##### **Review by the Commission**

Not later than 23 March 2007, the Commission shall, in consultation with the Member States and the social partners at Community level, review the application of this Directive with a view to proposing any necessary amendments.

#### Article 13

##### **Entry into force**

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

#### Article 14

##### **Addresses**

This Directive is addressed to the Member States.

Done at Brussels, 11 March 2002.

For the European Parliament

The President

P. COX

For the Council

The President

J. PIQUÉ I CAMPS

**JOINT DECLARATION OF THE EUROPEAN PARLIAMENT, THE COUNCIL AND THE  
COMMISSION  
on employee representation**

'With regard to employee representation, the European Parliament, the Council and the Commission recall the judgements of the European Court of Justice of 8 June 1994 in Cases C-382/92 (Safeguarding of employees rights in the event of transfers of undertakings) and C-383/92 (Collective redundancies).'

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**DIRECTIVE 2002/15/EC OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL**  
**of 11 March 2002**  
**on the organisation of the working time of persons performing mobile road transport activities**

THE EUROPEAN PARLIAMENT AND THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community, and in particular Article 71 and Article 137(2) thereof,

Having regard to the proposal from the Commission <sup>(1)</sup>,

Having regard to the opinion of the Economic and Social Committee <sup>(2)</sup>,

Following consultation of the Committee of the Regions,

Acting in accordance with the procedure laid down in Article 251 of the Treaty <sup>(3)</sup>, and in the light of the joint text approved by the Conciliation Committee on 16 January 2002,

Whereas:

- (1) Council Regulation (EEC) No 3820/85 of 20 December 1985 on the harmonisation of certain social legislation relating to road transport <sup>(4)</sup> laid down common rules on driving times and rest periods for drivers; that Regulation does not cover other aspects of working time for road transport.
- (2) Council Directive 93/104/EC of 23 November 1993 concerning certain aspects of the organisation of working time <sup>(5)</sup> makes it possible to adopt more specific requirements for the organisation of working time. Bearing in mind the sectoral nature of this Directive, the provisions thereof take precedence over Directive 93/104/EC by virtue of Article 14 thereof.
- (3) Despite intensive negotiations between the social partners, it has not been possible to reach agreement on the subject of mobile workers in road transport.
- (4) It is therefore necessary to lay down a series of more specific provisions concerning the hours of work in road transport intended to ensure the safety of transport and the health and safety of the persons involved.
- (5) Since the objectives of the proposed action cannot be sufficiently achieved by the Member States and can therefore, by reason of the scale and effects of the proposed 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 in order to achieve those objectives.

- (6) The scope of this Directive covers only mobile workers employed by transport undertakings established in a Member State participating in mobile road transport activities covered by Regulation (EEC) No 3820/85 or, failing that, by the European agreement concerning the work of crews of vehicles engaged in international road transport (AETR).
- (7) It should be made clear that mobile workers excluded from the scope of this Directive, other than self-employed drivers, benefit from the basic protection provided for in Directive 93/104/EC. That basic protection includes the existing rules on adequate rest, the maximum average working week, annual leave and certain basic provisions for night workers including health assessment.
- (8) As self-employed drivers are included within the scope of Regulation (EEC) No 3820/85 but excluded from that of Directive 93/104/EC, they should be excluded temporarily from the scope of this Directive in accordance with the provisions of Article 2(1).
- (9) The definitions used in this Directive are not to constitute a precedent for other Community regulations on working time.
- (10) In order to improve road safety, prevent the distortion of competition and guarantee the safety and health of the mobile workers covered by this Directive, the latter should know exactly which periods devoted to road transport activities constitute working time and which do not and are thus deemed to be break times, rest times or periods of availability. These workers should be granted minimum daily and weekly periods of rest, and adequate breaks. It is also necessary to place a maximum limit on the number of weekly working hours.
- (11) Research has shown that the human body is more sensitive at night to environmental disturbances and also to certain burdensome forms of organisation and that long periods of night work can be detrimental to the health of workers and can endanger their safety and also road safety in general.

<sup>(1)</sup> OJ C 43, 17.2.1999, p. 4.

<sup>(2)</sup> OJ C 138, 18.5.1999, p. 33.

<sup>(3)</sup> Opinion of the European Parliament of 14 April 1999 (OJ C 219, 30.7.1999, p. 235), as confirmed on 6 May 1999 (OJ C 279, 1.10.1999, p. 270), Council Common Position of 23 March 2001 (OJ C 142, 15.5.2001, p. 24) and Decision of the European Parliament of 14 June 2001 (not yet published in the Official Journal), Decision of the European Parliament of 5 February 2002 and Council Decision of 18 February 2002.

<sup>(4)</sup> OJ L 370, 31.12.1985, p. 1.

<sup>(5)</sup> OJ L 307, 13.12.1993, p. 18. Directive as last amended by Directive 2000/34/EC of the European Parliament and of the Council (OJ L 195, 1.8.2000, p. 41).

- (12) As a consequence, there is a need to limit the duration of periods of night work and to provide that professional drivers who work at night should receive appropriate compensation for their activity and should not be disadvantaged as regards training opportunities.
- (13) Employers should keep records of instances when the maximum average working week applicable to mobile workers is exceeded.
- (14) The provisions of Regulation (EEC) No 3820/85 on driving time in international and national passenger transport, other than regular services, should continue to apply.
- (15) The Commission should monitor the implementation of this Directive and developments in this field in the Member States and submit to the European Parliament, the Council, the Economic and Social Committee and the Committee of the Regions a report on the application of the rules and the consequences of the provisions on night work.
- (16) It is necessary to provide that certain provisions may be subject to derogations adopted, according to the circumstances, by the Member States or the two sides of industry. As a general rule, in the event of a derogation, the workers concerned must be given compensatory rest periods,

HAVE ADOPTED THIS DIRECTIVE:

#### Article 1

##### Purpose

The purpose of this Directive shall be to establish minimum requirements in relation to the organisation of working time in order to improve the health and safety protection of persons performing mobile road transport activities and to improve road safety and align conditions of competition.

#### Article 2

##### Scope

1. This Directive shall apply to mobile workers employed by undertakings established in a Member State, participating in road transport activities covered by Regulation (EEC) No 3820/85 or, failing that, by the AETR Agreement.

Without prejudice to the provisions of following subparagraph, this Directive shall apply to self-employed drivers from 23 March 2009.

At the latest two years before this date, the Commission shall present a report to the European Parliament and the Council. This report shall analyse the consequences of the exclusion of self-employed drivers from the scope of the Directive in respect of road safety, conditions of competition, the structure of the profession as well as social aspects. The circumstances in each Member State relating to the structure of the transport industry and to the working environment of the road transport profession shall be taken into account. On the basis of this report,

the Commission shall submit a proposal, the aim of which may be either, as appropriate

- to set out the modalities for the inclusion of the self-employed drivers within the scope of the Directive in respect of certain self-employed drivers who are not participating in road transport activities in other Member States and who are subject to local constraints for objective reasons, such as peripheral location, long internal distances and a particular competitive environment, or
- not to include self-employed drivers within the scope of the Directive.

2. The provisions of Directive 93/104/EC shall apply to mobile workers excluded from the scope of this Directive.

3. In so far as this Directive contains more specific provisions as regards mobile workers performing road transport activities it shall, pursuant to Article 14 of Directive 93/104/EC, take precedence over the relevant provisions of that Directive.

4. This Directive shall supplement the provisions of Regulation (EEC) No 3820/85 and, where necessary, of the AETR Agreement, which take precedence over the provisions of this Directive.

#### Article 3

##### Definitions

For the purposes of this Directive:

(a) 'working time' shall mean:

- 1. in the case of mobile workers: the time from the beginning to the end of work, during which the mobile worker is at his workstation, at the disposal of the employer and exercising his functions or activities, that is to say:
  - the time devoted to all road transport activities. These activities are, in particular, the following:
    - (i) driving;
    - (ii) loading and unloading;
    - (iii) assisting passengers boarding and disembarking from the vehicle;
    - (iv) cleaning and technical maintenance;
    - (v) all other work intended to ensure the safety of the vehicle, its cargo and passengers or to fulfil the legal or regulatory obligations directly linked to the specific transport operation under way, including monitoring of loading and unloading, administrative formalities with police, customs, immigration officers etc.,
  - the times during which he cannot dispose freely of his time and is required to be at his workstation, ready to take up normal work, with certain tasks associated with being on duty, in particular during periods awaiting loading or unloading where their foreseeable duration is not known in advance, that is to say either before departure or just before the actual start of the period in question, or under the general conditions negotiated between the social partners and/or under the terms of the legislation of the Member States;

2. in the case of self-employed drivers, the same definition shall apply to the time from the beginning to the end of work, during which the self employed driver is at his workstation, at the disposal of the client and exercising his functions or activities other than general administrative work that is not directly linked to the specific transport operation under way.

The break times referred to in Article 5, the rest times referred to in Article 6 and, without prejudice to the legislation of Member States or agreements between the social partners providing that such periods should be compensated or limited, the periods of availability referred to in (b) of this Article, shall be excluded from working time;

- (b) 'periods of availability' shall mean:

- periods other than those relating to break times and rest times during which the mobile worker is not required to remain at his workstation, but must be available to answer any calls to start or resume driving or to carry out other work. In particular such periods of availability shall include periods during which the mobile worker is accompanying a vehicle being transported by ferryboat or by train as well as periods of waiting at frontiers and those due to traffic prohibitions.

These periods and their foreseeable duration shall be known in advance by the mobile worker, that is to say either before departure or just before the actual start of the period in question, or under the general conditions negotiated between the social partners and/or under the terms of the legislation of the Member States,

- for mobile workers driving in a team, the time spent sitting next to the driver or on the couchette while the vehicle is in motion;

- (c) 'workstation' shall mean:

- the location of the main place of business of the undertaking for which the person performing mobile road transport activities carries out duties, together with its various subsidiary places of business, regardless of whether they are located in the same place as its head office or main place of business,
- the vehicle which the person performing mobile road transport activities uses when he carries out duties, and
- any other place in which activities connected with transportation are carried out;

- (d) 'mobile worker' shall mean any worker forming part of the travelling staff, including trainees and apprentices, who is in the service of an undertaking which operates transport services for passengers or goods by road for hire or reward or on its own account;

- (e) 'self-employed driver' shall mean anyone whose main occupation is to transport passengers or goods by road for hire or reward within the meaning of Community legislation under cover of a Community licence or any other professional authorisation to carry out the aforementioned transport, who is entitled to work for himself and who is not

tied to an employer by an employment contract or by any other type of working hierarchical relationship, who is free to organise the relevant working activities, whose income depends directly on the profits made and who has the freedom to, individually or through a cooperation between self-employed drivers, have commercial relations with several customers.

For the purposes of this Directive, those drivers who do not satisfy these criteria shall be subject to the same obligations and benefit from the same rights as those provided for mobile workers by this Directive;

- (f) 'person performing mobile road transport activities' shall mean any mobile worker or self-employed driver who performs such activities;
- (g) 'week' shall mean the period between 00.00 hours on Monday and 24.00 hours on Sunday;
- (h) 'night time' shall mean a period of at least four hours, as defined by national law, between 00.00 hours and 07.00 hours;
- (i) 'night work' shall mean any work performed during night time.

#### Article 4

##### Maximum weekly working time

Member States shall take the measures necessary to ensure that:

- (a) the average weekly working time may not exceed 48 hours. The maximum weekly working time may be extended to 60 hours only if, over four months, an average of 48 hours a week is not exceeded. The fourth and fifth subparagraphs of Article 6(1) of Regulation (EEC) No 3820/85 or, where necessary, the fourth subparagraph of Article 6(1) of the AETR Agreement shall take precedence over this Directive, in so far as the drivers concerned do not exceed an average working time of 48 hours a week over four months;
- (b) working time for different employers is the sum of the working hours. The employer shall ask the mobile worker concerned in writing for an account of time worked for another employer. The mobile worker shall provide such information in writing.

#### Article 5

##### Breaks

1. Member States shall take the measures necessary to ensure that, without prejudice to the level of protection provided by Regulation (EEC) No 3820/85 or, failing that, by the AETR Agreement, persons performing mobile road transport activities, without prejudice to Article 2(1), in no circumstances work for more than six consecutive hours without a break. Working time shall be interrupted by a break of at least 30 minutes, if working hours total between six and nine hours, and of at least 45 minutes, if working hours total more than nine hours.

2. Breaks may be subdivided into periods of at least 15 minutes each.

#### Article 6

##### Rest periods

For the purposes of this Directive, apprentices and trainees shall be covered by the same provisions on rest time as other mobile workers in pursuance of Regulation (EEC) No 3820/85 or, failing that, of the AETR Agreement.

#### Article 7

##### Night work

1. Member States shall take the measures necessary to ensure that:

- if night work is performed, the daily working time does not exceed ten hours in each 24 period,
- compensation for night work is given in accordance with national legislative measures, collective agreements, agreements between the two sides of industry and/or national practice, on condition that such compensation is not liable to endanger road safety.

2. By 23 March 2007, the Commission shall, within the framework of the report which it draws up in accordance with Article 13(2), assess the consequences of the provisions laid down in paragraph 1 above. The Commission shall, if necessary, submit appropriate proposals along with that report.

3. The Commission shall present a proposal for a Directive containing provisions relating to the training of professional drivers, including those who perform night work, and laying down the general principles of such training.

#### Article 8

##### Derogations

1. Derogations from Articles 4 and 7 may, for objective or technical reasons or reasons concerning the organisation of work, be adopted by means of collective agreements, agreements between the social partners, or if this is not possible, by laws, regulations or administrative provisions provided there is consultation of the representatives of the employers and workers concerned and efforts are made to encourage all relevant forms of social dialogue.

2. The option to derogate from Article 4 may not result in the establishment of a reference period exceeding six months, for calculation of the average maximum weekly working time of forty-eight hours.

#### Article 9

##### Information and records

Member States shall ensure that:

- (a) mobile workers are informed of the relevant national requirements, the internal rules of the undertaking and agreements between the two sides of industry, in particular collective agreements and any company agreements, reached on the basis of this Directive, without prejudice to Council Directive 91/533/EEC of 14 October 1991 on an employer's obligation to inform employees of the condi-

tions applicable to the contract or employment relationship<sup>(1)</sup>;

- (b) without prejudice to Article 2(1), the working time of persons performing mobile road transport activities is recorded. Records shall be kept for at least two years after the end of the period covered. Employers shall be responsible for recording the working time of mobile workers. Employers shall upon request provide mobile workers with copies of the records of hours worked.

#### Article 10

##### More favourable provisions

This Directive shall not affect Member States' right to apply or introduce laws, regulations or administrative provisions more favourable to the protection of the health and safety of persons performing mobile road transport activities, or their right to facilitate or permit the application of collective agreements or other agreements concluded between the two sides of industry which are more favourable to the protection of the health and safety of mobile workers. Implementation of this Directive shall not constitute valid grounds for reducing the general level of protection afforded to workers referred to in Article 2(1).

#### Article 11

##### Penalties

Member States shall lay down a system of penalties for breaches of the national provisions adopted pursuant to this Directive and shall take all the measures necessary to ensure that these penalties are applied. The penalties thus provided for shall be effective, proportional and dissuasive.

#### Article 12

##### Negotiations with third countries

Once this Directive has entered into force, the Community shall begin negotiations with the relevant third countries with a view to the application of rules equivalent to those laid down in this Directive to mobile workers employed by undertakings established in a third country.

#### Article 13

##### Reports

1. Member States shall report to the Commission every two years on the implementation of this Directive, indicating the views of the two sides of industry. The report must reach the Commission no later than 30 September following the date on which the two-year period covered by the report expires. The two-year period shall be the same as that referred to in Article 16(2) of Regulation (EEC) No 3820/85.

<sup>(1)</sup> OJ L 288, 18.10.1991, p. 32.

2. The Commission shall produce a report every two years on the implementation of this Directive by Member States and developments in the field in question. The Commission shall forward this report to the European Parliament, the Council, the Economic and Social Committee and the Committee of the Regions.

#### Article 14

##### Final provisions

1. Member States shall adopt the laws, regulations and administrative provisions necessary to comply with this Directive by 23 March 2005 or shall ensure by that date that the two sides of industry have established the necessary measures by agreement, the Member States being obliged to take any steps to allow them to be able at any time to guarantee the results required by this Directive.

When Member States adopt the measures referred to in the first subparagraph, 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.

2. Member States shall communicate to the Commission the provisions of national law which they have already adopted or which they adopt in the field covered by this Directive.

3. Member States shall take care that consignors, freight forwarders, prime contractors, subcontractors and enterprises which employ mobile workers comply with the relevant provisions of this Directive.

#### Article 15

##### Entry into force

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

#### Article 16

##### Addressees

This Directive is addressed to the Member States.

Done at Brussels, 11 March 2002.

*For the European Parliament*

*The President*

P. COX

*For the Council*

*The President*

J. PIQUÉ I CAMPS

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## II

(Acts whose publication is not obligatory)

## COMMISSION

## COMMISSION DECISION

of 21 March 2002

**amending Decision 94/360/EC on the reduced frequency of physical checks of consignments of certain products to be imported from third countries, under Council Directive 90/675/EEC**

(notified under document number C(2002) 1121)

(Text with EEA relevance)

(2002/237/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Directive 97/78/EC of 18 December 1997 laying down the principles governing the organisation of veterinary checks on products entering the Community from third countries <sup>(1)</sup>, and in particular Article 10 thereof,

Whereas:

(1) Directive 97/78/EC repealed and replaced Directive 90/675/EEC <sup>(2)</sup>, under which Commission Decision 94/360/EC <sup>(3)</sup> was drawn up.

(2) Following the discovery earlier of traces of growth-promoting xenobiotic hormones in meat imported from the United States of America, Commission Decision 1999/302/EC <sup>(4)</sup> amended Decision 94/360/EC to put in place an enhanced system of controls on all imports of fresh bovine meat and offal, excluding bison meat and offal, imported from that country.

(3) After the discovery of these residue findings, the authorities in the United States of America reinforced their hormone-free cattle programme in June 1999. In the face of further difficulties with this programme, identified in the course of a mission to the United States of

America by the Commission's Food and Veterinary Office, the programme was suspended in July 1999 and relaunched in September 1999, in an enhanced form as the non-hormone-treated cattle programme.

(4) Commission Decision 1999/518/EC <sup>(5)</sup> further amended the inspection measures at Community border inspection posts to include specific testing for stilbenes following the detection by the competent authorities of Switzerland of diethylstilboestrol (DES) in beef meat imported from the United States.

(5) In the light of the favourable results under the testing programme, in September 2000 Commission Decision 2000/583/EC <sup>(6)</sup> reduced the frequency of checks on fresh meat imported from the United States of America from checks on all consignments to checks on 20 % of consignments, and removed the obligation on Member States to only allow the entry into their territory of consignments for which the results of examination and analyses were favourable.

(6) This Decision was a first step towards phasing out completely the obligation to test for hormones each consignment selected for physical checks, and the Decision was subject to review in the light of future test results in accordance with Article 2 of Decision 1999/302/EC.

<sup>(1)</sup> OJ L 24, 30.1.1998, p. 9.

<sup>(2)</sup> OJ L 373, 31.12.1990, p. 1.

<sup>(3)</sup> OJ L 158, 25.6.1994, p. 41.

<sup>(4)</sup> OJ L 117, 5.5.1999, p. 58.

<sup>(5)</sup> OJ L 197, 29.7.1999, p. 50.

<sup>(6)</sup> OJ L 246, 30.9.2000, p. 67.

- (7) The additional controls put in place by Decision 1999/302/EC and Decision 1999/518/EC and the testing carried out under the European Community additional testing programme for hormones, have not resulted in any positive samples of fresh bovine meat and offal being identified during the intervening period.
- (8) It is therefore appropriate to repeal the requirement for 20 % of consignments of meat imported from the United States of America to be tested for the possible presence of hormones, and in respect of laboratory tests to treat such imports on the same basis as imports of meat from other third countries.
- (9) The measures provided for in this Decision are in accordance with the opinion of the Standing Veterinary Committee,

HAS ADOPTED THIS DECISION:

*Article 1*

Decision 94/360/EC is amended as follows:

Article 1a is repealed.

*Article 2*

This Decision is addressed to the Member States.

Done at Brussels, 21 March 2002.

*For the Commission*

David BYRNE

*Member of the Commission*

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**CORRIGENDA****Corrigendum to Commission Regulation (EC) No 472/2002 of 12 March 2002 amending Regulation (EC) No 466/2001 setting maximum levels for certain contaminants in foodstuffs**

*(Official Journal of the European Communities L 75 of 16 March 2002)*

On page 20, in the Annex, in the second part of the table, in columns 3 and 4:

*for:* 'Directive 2002/27/EC',

*read:* 'Directive 2002/26/EC'

and in the footnote to the second part of the table:

*for:* 'OJ L 75, 16.3.2002, p. 44.',

*read:* 'OJ L 75, 16.3.2002, p. 38.'

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