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## I

(Acts whose publication is obligatory)

**COMMISSION REGULATION (EC) No 64/2002**  
**of 14 January 2002**  
**establishing the standard import values for determining the entry price of certain fruit and vegetables**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Commission Regulation (EC) No 3223/94 of 21 December 1994 on detailed rules for the application of the import arrangements for fruit and vegetables <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 15 January 2002.

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

Done at Brussels, 14 January 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 14 January 2002 establishing the standard import values for determining the entry price of certain fruit and vegetables**

(EUR/100 kg)

CN code	Third country code <sup>(1)</sup>	Standard import value
0702 00 00	052	153,2
	204	107,4
	212	110,5
	624	74,0
	999	111,3
0707 00 05	052	200,7
	220	249,0
	628	242,2
	999	230,6
0709 90 70	052	188,3
	204	362,2
	220	212,2
	999	254,2
0805 10 10, 0805 10 30, 0805 10 50	052	52,5
	204	59,3
	508	23,3
	999	45,0
0805 20 10	052	58,3
	204	99,6
	999	78,9
0805 20 30, 0805 20 50, 0805 20 70, 0805 20 90	052	67,3
	204	85,3
	464	72,0
	624	77,0
	999	75,4
0805 50 10	052	44,4
	600	47,9
	999	46,1
0808 10 20, 0808 10 50, 0808 10 90	060	41,6
	400	111,5
	404	86,9
	720	113,0
	728	110,8
	999	92,8
0808 20 50	400	97,1
	512	62,9
	720	88,2
	999	82,7

<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 65/2002****of 14 January 2002****amending, for the seventh time, Council Regulation (EC) No 467/2001 prohibiting the export of certain goods and services to Afghanistan, strengthening the flight ban and extending the freeze of funds and other financial resources in respect of the Taliban of Afghanistan and repealing Regulation (EC) No 337/2000**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

HAS ADOPTED THIS REGULATION:

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 467/2001 of 6 March 2001 prohibiting the export of certain goods and services to Afghanistan, strengthening the flight ban and extending the freeze of funds and other financial resources in respect of the Taliban of Afghanistan, and repealing Regulation (EC) No 337/2000 <sup>(1)</sup>, as last amended by Commission Regulation (EC) No 2604/2001 <sup>(2)</sup>, and in particular Article 10(1), second indent, thereof,

Whereas:

- (1) Article 10 of Regulation (EC) No 467/2001 empowers the Commission to amend Annex I on the basis of determinations by either the United Nations Security Council or the Taliban Sanctions Committee.
- (2) Annex I to Regulation (EC) No 467/2001 lays down the list of persons and entities covered by the freeze of funds under that Regulation.
- (3) On 11 January 2002 the Taliban Sanctions Committee determined to amend the list of persons and entities to whom the freeze of funds shall apply and therefore Annex I should be amended accordingly,

*Article 1*

The following persons, entities and bodies shall be added to Annex I of Regulation (EC) No 467/2001:

1. Afghan Support Committee (ASC), aka Lajnat Ul Masa Eidatul Afghania, Jamiat Ayat-Ur-Rhas Al Islamia, Jamiat Ihya Ul Turath Al Islamia, and Ahya Ul Turas; office locations: Headquarters — G. T. Road (Probably Grand Trunk Road), near Pushtoon Garhi Pabbi, Peshawar, Pakistan; Cheprahar Hadda, Mia Omar Sabaqah School, Jalabad, Afghanistan.
2. Revival Of Islamic Heritage Society (RIHS), aka Jamiat Ihia Al-Turath Al-Islamiya, Revival of Islamic Society Heritage On The African Continent, Jamia Ihya Ul Turath; office locations: Pakistan and Afghanistan. NB: Only the Pakistan and Afghanistan offices of this entity will be designated.
3. Al-Libi Abd Al Mushin, aka Ibrahim Ali Muhammad Abu Bakr — affiliated with 1 and 2.
4. Al-Jaziri, Abu Bakr; nationality: Algerian; address: Peshawar, Pakistan — affiliated with 1.

*Article 2*

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

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

Done at Brussels, 14 January 2002.

*For the Commission*

Christopher PATTEN

*Member of the Commission*

<sup>(1)</sup> OJ L 67, 9.3.2001, p. 1.

<sup>(2)</sup> OJ L 345, 29.12.2001, p. 54.

**DIRECTIVE 2001/95/EC OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL**  
**of 3 December 2001**  
**on general product safety**  
**(Text with EEA relevance)**

THE EUROPEAN PARLIAMENT AND THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community, and in particular Article 95 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>,

Acting in accordance with the procedure referred to in Article 251 of the Treaty <sup>(3)</sup>, in the light of the joint text approved by the Conciliation Committee on 2 August 2001,

Whereas:

- (1) Under Article 16 of Council Directive 92/59/EEC of 29 June 1992 on general product safety <sup>(4)</sup>, the Council was to decide, four years after the date set for the implementation of the said Directive, on the basis of a report of the Commission on the experience acquired, together with appropriate proposals, whether to adjust Directive 92/59/EEC. It is necessary to amend Directive 92/59/EEC in several respects, in order to complete, reinforce or clarify some of its provisions in the light of experience as well as new and relevant developments on consumer product safety, together with the changes made to the Treaty, especially in Articles 152 concerning public health and 153 concerning consumer protection, and in the light of the precautionary principle. Directive 92/59/EEC should therefore be recast in the interest of clarity. This recasting leaves the safety of services outside the scope of this Directive, since the Commission intends to identify the needs, possibilities and priorities for Community action on the safety of services and liability of service providers, with a view to presenting appropriate proposals.
- (2) It is important to adopt measures with the aim of improving the functioning of the internal market, comprising an area without internal frontiers in which the free movement of goods, persons, services and capital is assured.

(3) In the absence of Community provisions, horizontal legislation of the Member States on product safety, imposing in particular a general obligation on economic operators to market only safe products, might differ in the level of protection afforded to consumers. Such disparities, and the absence of horizontal legislation in some Member States, would be liable to create barriers to trade and distortion of competition within the internal market.

(4) In order to ensure a high level of consumer protection, the Community must contribute to protecting the health and safety of consumers. Horizontal Community legislation introducing a general product safety requirement, and containing provisions on the general obligations of producers and distributors, on the enforcement of Community product safety requirements and on rapid exchange of information and action at Community level in certain cases, should contribute to that aim.

(5) It is very difficult to adopt Community legislation for every product which exists or which may be developed; there is a need for a broad-based, legislative framework of a horizontal nature to deal with such products, and also to cover lacunae, in particular pending revision of the existing specific legislation, and to complement provisions in existing or forthcoming specific legislation, in particular with a view to ensuring a high level of protection of safety and health of consumers, as required by Article 95 of the Treaty.

(6) It is therefore necessary to establish at Community level a general safety requirement for any product placed on the market, or otherwise supplied or made available to consumers, intended for consumers, or likely to be used by consumers under reasonably foreseeable conditions even if not intended for them. In all these cases the products under consideration can pose risks for the health and safety of consumers which must be prevented. Certain second-hand goods should nevertheless be excluded by their very nature.

(7) This Directive should apply to products irrespective of the selling techniques, including distance and electronic selling.

<sup>(1)</sup> OJ C 337 E, 28.11.2000, p. 109 and

OJ C 154 E, 29.5.2000, p. 265.

<sup>(2)</sup> OJ C 367, 20.12.2000, p. 34.

<sup>(3)</sup> Opinion of the European Parliament of 15.11.2000 (OJ C 223, 8.8.2001, p. 154), Council Common Position of 12.2.2001 (OJ C 93, 23.3.2001, p. 24) and Decision of the European Parliament of 16.5.2001 (not yet published in the Official Journal). Decision of the European Parliament of 4.10.2001 and Council Decision of 27.9.2001.

<sup>(4)</sup> OJ L 228, 11.8.1992, p. 24.

- (8) The safety of products should be assessed taking into account all the relevant aspects, in particular the categories of consumers which can be particularly vulnerable to the risks posed by the products under consideration, in particular children and the elderly.
- (9) This Directive does not cover services, but in order to secure the attainment of the protection objectives in question, its provisions should also apply to products that are supplied or made available to consumers in the context of service provision for use by them. The safety of the equipment used by service providers themselves to supply a service to consumers does not come within the scope of this Directive since it has to be dealt with in conjunction with the safety of the service provided. In particular, equipment on which consumers ride or travel which is operated by a service provider is excluded from the scope of this Directive.
- (10) Products which are designed exclusively for professional use but have subsequently migrated to the consumer market should be subject to the requirements of this Directive because they can pose risks to consumer health and safety when used under reasonably foreseeable conditions.
- (11) In the absence of more specific provisions, within the framework of Community legislation covering safety of the products concerned, all the provisions of this Directive should apply in order to ensure consumer health and safety.
- (12) If specific Community legislation sets out safety requirements covering only certain risks or categories of risks, with regard to the products concerned the obligations of economic operators in respect of these risks are those determined by the provisions of the specific legislation, while the general safety requirement of this Directive should apply to the other risks.
- (13) The provisions of this Directive relating to the other obligations of producers and distributors, the obligations and powers of the Member States, the exchanges of information and rapid intervention situations and dissemination of information and confidentiality apply in the case of products covered by specific rules of Community law, if those rules do not already contain such obligations.
- (14) In order to facilitate the effective and consistent application of the general safety requirement of this Directive, it is important to establish European voluntary standards covering certain products and risks in such a way that a product which conforms to a national standard transposing a European standard is to be presumed to be in compliance with the said requirement.
- (15) With regard to the aims of this Directive, European standards should be established by European standardisation bodies, under mandates set by the Commission assisted by appropriate Committees. In order to ensure that products in compliance with the standards fulfil the general safety requirement, the Commission assisted by a committee composed of representatives of the Member States, should fix the requirements that the standards must meet. These requirements should be included in the mandates to the standardisation bodies.
- (16) In the absence of specific regulations and when the European standards established under mandates set by the Commission are not available or recourse is not made to such standards, the safety of products should be assessed taking into account in particular national standards transposing any other relevant European or international standards, Commission recommendations or national standards, international standards, codes of good practice, the state of the art and the safety which consumers may reasonably expect. In this context, the Commission's recommendations may facilitate the consistent and effective application of this Directive pending the introduction of European standards or as regards the risks and/or products for which such standards are deemed not to be possible or appropriate.
- (17) Appropriate independent certification recognised by the competent authorities may facilitate proof of compliance with the applicable product safety criteria.
- (18) It is appropriate to supplement the duty to observe the general safety requirement by other obligations on economic operators because action by such operators is necessary to prevent risks to consumers under certain circumstances.
- (19) The additional obligations on producers should include the duty to adopt measures commensurate with the characteristics of the products, enabling them to be informed of the risks that these products may present, to supply consumers with information enabling them to assess and prevent risks, to warn consumers of the risks posed by dangerous products already supplied to them, to withdraw those products from the market and, as a last resort, to recall them when necessary, which may involve, depending on the provisions applicable in the Member States, an appropriate form of compensation, for example exchange or reimbursement.
- (20) Distributors should help in ensuring compliance with the applicable safety requirements. The obligations placed on distributors apply in proportion to their respective responsibilities. In particular, it may prove impossible, in the context of charitable activities, to provide the competent authorities with information and documentation on possible risks and origin of the product in the case of isolated used objects provided by private individuals.

- (21) Both producers and distributors should cooperate with the competent authorities in action aimed at preventing risks and inform them when they conclude that certain products supplied are dangerous. The conditions regarding the provision of such information should be set in this Directive to facilitate its effective application, while avoiding an excessive burden for economic operators and the authorities.
- (22) In order to ensure the effective enforcement of the obligations incumbent on producers and distributors, the Member States should establish or designate authorities which are responsible for monitoring product safety and have powers to take appropriate measures, including the power to impose effective, proportionate and dissuasive penalties, and ensure appropriate coordination between the various designated authorities.
- (23) It is necessary in particular for the appropriate measures to include the power for Member States to order or organise, immediately and efficiently, the withdrawal of dangerous products already placed on the market and as a last resort to order, coordinate or organise the recall from consumers of dangerous products already supplied to them. Those powers should be applied when producers and distributors fail to prevent risks to consumers in accordance with their obligations. Where necessary, the appropriate powers and procedures should be available to the authorities to decide and apply any necessary measures rapidly.
- (24) The safety of consumers depends to a great extent on the active enforcement of Community product safety requirements. The Member States should, therefore, establish systematic approaches to ensure the effectiveness of market surveillance and other enforcement activities and should ensure their openness to the public and interested parties.
- (25) Collaboration between the enforcement authorities of the Member States is necessary in ensuring the attainment of the protection objectives of this Directive. It is, therefore, appropriate to promote the operation of a European network of the enforcement authorities of the Member States to facilitate, in a coordinated manner with other Community procedures, in particular the Community Rapid Information System (RAPEX), improved collaboration at operational level on market surveillance and other enforcement activities, in particular risk assessment, testing of products, exchange of expertise and scientific knowledge, execution of joint surveillance projects and tracing, withdrawing or recalling dangerous products.
- (26) It is necessary, for the purpose of ensuring a consistent, high level of consumer health and safety protection and preserving the unity of the internal market, that the Commission be informed of any measure restricting the placing on the market of a product or requiring its withdrawal or recall from the market. Such measures should be taken in compliance with the provisions of the Treaty, and in particular Articles 28, 29 and 30 thereof.
- (27) Effective supervision of product safety requires the setting-up at national and Community levels of a system of rapid exchange of information in situations of serious risk requiring rapid intervention in respect of the safety of a product. It is also appropriate in this Directive to set out detailed procedures for the operation of the system and to give the Commission, assisted by an advisory committee, power to adapt them.
- (28) This Directive provides for the establishment of non-binding guidelines aimed at indicating simple and clear criteria and practical rules which may change, in particular for the purpose of allowing efficient notification of measures restricting the placing on the market of products in the cases referred to in this Directive, whilst taking into account the range of situations dealt with by Member States and economic operators. The guidelines should in particular include criteria for the application of the definition of serious risks in order to facilitate consistent implementation of the relevant provisions in case of such risks.
- (29) It is primarily for Member States, in compliance with the Treaty and in particular with Articles 28, 29 and 30 thereof, to take appropriate measures with regard to dangerous products located within their territory.
- (30) However, if the Member States differ as regards the approach to dealing with the risk posed by certain products, such differences could entail unacceptable disparities in consumer protection and constitute a barrier to intra-Community trade.
- (31) It may be necessary to deal with serious product-safety problems requiring rapid intervention which affect or could affect, in the immediate future, all or a significant part of the Community and which, in view of the nature of the safety problem posed by the product, cannot be dealt with effectively in a manner commensurate with the degree of urgency, under the procedures laid down in the specific rules of Community law applicable to the products or category of products in question.



(32) It is therefore necessary to provide for an adequate mechanism allowing, as a last resort, for the adoption of measures applicable throughout the Community, in the form of a decision addressed to the Member States, to cope with situations created by products presenting a serious risk. Such a decision should entail a ban on the export of the product in question, unless in the case in point exceptional circumstances allow a partial ban or even no ban to be decided upon, particularly when a system of prior consent is established. In addition, the banning of exports should be examined with a view to preventing risks to the health and safety of consumers. Since such a decision is not directly applicable to economic operators, Member States should take all necessary measures for its implementation. Measures adopted under such a procedure are interim measures, save when they apply to individually identified products or batches of products. In order to ensure the appropriate assessment of the need for, and the best preparation of such measures, they should be taken by the Commission, assisted by a committee, in the light of consultations with the Member States, and, if scientific questions are involved falling within the competence of a Community scientific committee, with the scientific committee competent for the risk concerned.

(33) The measures necessary for the implementation of this Directive should be adopted in accordance with Council Decision 1999/468/EC of 28 June 1999 laying down the procedures for the exercise of implementing powers conferred on the Commission <sup>(1)</sup>.

(34) In order to facilitate effective and consistent application of this Directive, the various aspects of its application may need to be discussed within a committee.

(35) Public access to the information available to the authorities on product safety should be ensured. However, professional secrecy, as referred to in Article 287 of the Treaty, must be protected in a way which is compatible with the need to ensure the effectiveness of market surveillance activities and of protection measures.

(36) This Directive should not affect victims' rights within the meaning of Council Directive 85/374/EEC of 25 July 1985 on the approximation of the laws, regulations and administrative provisions of the Member States concerning liability for defective products <sup>(2)</sup>.

(37) It is necessary for Member States to provide for appropriate means of redress before the competent courts in respect of measures taken by the competent authorities

which restrict the placing on the market of a product or require its withdrawal or recall.

(38) In addition, the adoption of measures concerning imported products, like those concerning the banning of exports, with a view to preventing risks to the safety and health of consumers must comply with the Community's international obligations.

(39) The Commission should periodically examine the manner in which this Directive is applied and the results obtained, in particular in relation to the functioning of market surveillance systems, the rapid exchange of information and measures adopted at Community level, together with other issues relevant for consumer product safety in the Community, and submit regular reports to the European Parliament and the Council on the subject.

(40) This Directive should not affect the obligations of Member States concerning the deadline for transposition and application of Directive 92/59/EEC,

HAVE ADOPTED THIS DIRECTIVE:

## CHAPTER I

### Objective — Scope — Definitions

#### Article 1

1. The purpose of this Directive is to ensure that products placed on the market are safe.

2. This Directive shall apply to all the products defined in Article 2(a). Each of its provisions shall apply in so far as there are no specific provisions with the same objective in rules of Community law governing the safety of the products concerned.

Where products are subject to specific safety requirements imposed by Community legislation, this Directive shall apply only to the aspects and risks or categories of risks not covered by those requirements. This means that:

(a) Articles 2(b) and (c), 3 and 4 shall not apply to those products insofar as concerns the risks or categories of risks covered by the specific legislation;

(b) Articles 5 to 18 shall apply except where there are specific provisions governing the aspects covered by the said Articles with the same objective.

<sup>(1)</sup> OJ L 184, 17.7.1999, p. 23.

<sup>(2)</sup> OJ L 210, 7.8.1985, p. 29. Directive as amended by Directive 1999/34/EC of the European Parliament and of the Council (OJ L 141, 4.6.1999, p. 20).

*Article 2*

For the purposes of this Directive:

- (a) 'product' shall mean any product — including in the context of providing a service — which is intended for consumers or likely, under reasonably foreseeable conditions, to be used by consumers even if not intended for them, and is supplied or made available, whether for consideration or not, in the course of a commercial activity, and whether new, used or reconditioned.

This definition shall not apply to second-hand products supplied as antiques or as products to be repaired or reconditioned prior to being used, provided that the supplier clearly informs the person to whom he supplies the product to that effect;

- (b) 'safe product' shall mean any product which, under normal or reasonably foreseeable conditions of use including duration and, where applicable, putting into service, installation and maintenance requirements, does not present any risk or only the minimum risks compatible with the product's use, considered to be acceptable and consistent with a high level of protection for the safety and health of persons, taking into account the following points in particular:
- (i) the characteristics of the product, including its composition, packaging, instructions for assembly and, where applicable, for installation and maintenance;
  - (ii) the effect on other products, where it is reasonably foreseeable that it will be used with other products;
  - (iii) the presentation of the product, the labelling, any warnings and instructions for its use and disposal and any other indication or information regarding the product;
  - (iv) the categories of consumers at risk when using the product, in particular children and the elderly.

The feasibility of obtaining higher levels of safety or the availability of other products presenting a lesser degree of risk shall not constitute grounds for considering a product to be 'dangerous';

- (c) 'dangerous product' shall mean any product which does not meet the definition of 'safe product' in (b);
- (d) 'serious risk' shall mean any serious risk, including those the effects of which are not immediate, requiring rapid intervention by the public authorities;
- (e) 'producer' shall mean:
- (i) the manufacturer of the product, when he is established in the Community, and any other person presenting himself as the manufacturer by affixing to the product his name, trade mark or other distinctive mark, or the person who reconditions the product;
  - (ii) the manufacturer's representative, when the manufacturer is not established in the Community or, if there is no representative established in the Community, the importer of the product;
  - (iii) other professionals in the supply chain, insofar as their activities may affect the safety properties of a product;

- (f) 'distributor' shall mean any professional in the supply chain whose activity does not affect the safety properties of a product;
- (g) 'recall' shall mean any measure aimed at achieving the return of a dangerous product that has already been supplied or made available to consumers by the producer or distributor;
- (h) 'withdrawal' shall mean any measure aimed at preventing the distribution, display and offer of a product dangerous to the consumer.

## CHAPTER II

**General safety requirement, conformity assessment criteria and European standards***Article 3*

1. Producers shall be obliged to place only safe products on the market.

2. A product shall be deemed safe, as far as the aspects covered by the relevant national legislation are concerned, when, in the absence of specific Community provisions governing the safety of the product in question, it conforms to the specific rules of national law of the Member State in whose territory the product is marketed, such rules being drawn up in conformity with the Treaty, and in particular Articles 28 and 30 thereof, and laying down the health and safety requirements which the product must satisfy in order to be marketed.

A product shall be presumed safe as far as the risks and risk categories covered by relevant national standards are concerned when it conforms to voluntary national standards transposing European standards, the references of which have been published by the Commission in the *Official Journal of the European Communities* in accordance with Article 4. The Member States shall publish the references of such national standards.

3. In circumstances other than those referred to in paragraph 2, the conformity of a product to the general safety requirement shall be assessed by taking into account the following elements in particular, where they exist:

- (a) voluntary national standards transposing relevant European standards other than those referred to in paragraph 2;
- (b) the standards drawn up in the Member State in which the product is marketed;
- (c) Commission recommendations setting guidelines on product safety assessment;
- (d) product safety codes of good practice in force in the sector concerned;
- (e) the state of the art and technology;
- (f) reasonable consumer expectations concerning safety.

4. Conformity of a product with the criteria designed to ensure the general safety requirement, in particular the provisions mentioned in paragraphs 2 or 3, shall not bar the competent authorities of the Member States from taking appropriate measures to impose restrictions on its being placed on the market or to require its withdrawal from the market or recall where there is evidence that, despite such conformity, it is dangerous.

#### Article 4

1. For the purposes of this Directive, the European standards referred to in the second subparagraph of Article 3(2) shall be drawn up as follows:

- (a) the requirements intended to ensure that products which conform to these standards satisfy the general safety requirement shall be determined in accordance with the procedure laid down in Article 15(2);
- (b) on the basis of those requirements, the Commission shall, in accordance with Directive 98/34/EC of the European Parliament and of the Council of 22 June 1998 laying down a procedure for the provision of information in the field of technical standards and regulations and of rules on information society services<sup>(1)</sup> call on the European standardisation bodies to draw up standards which satisfy these requirements;
- (c) on the basis of those mandates, the European standardisation bodies shall adopt the standards in accordance with the principles contained in the general guidelines for cooperation between the Commission and those bodies;
- (d) the Commission shall report every three years to the European Parliament and the Council, within the framework of the report referred to in Article 19(2), on its programmes for setting the requirements and the mandates for standardisation provided for in subparagraphs (a) and (b) above. This report will, in particular, include an analysis of the decisions taken regarding requirements and mandates for standardisation referred to in subparagraphs (a) and (b) and regarding the standards referred to in subparagraph (c). It will also include information on the products for which the Commission intends to set the requirements and the mandates in question, the product risks to be considered and the results of any preparatory work launched in this area.

2. The Commission shall publish in the *Official Journal of the European Communities* the references of the European standards adopted in this way and drawn up in accordance with the requirements referred to in paragraph 1.

If a standard adopted by the European standardisation bodies before the entry into force of this Directive ensures compliance with the general safety requirement, the Commission shall decide to publish its references in the *Official Journal of the European Communities*.

If a standard does not ensure compliance with the general safety requirement, the Commission shall withdraw reference to the standard from publication in whole or in part.

<sup>(1)</sup> OJ L 204, 21.7.1998, p. 37. Directive amended by Directive 98/48/EC (OJ L 217, 5.8.1998, p. 18).

In the cases referred to in the second and third subparagraphs, the Commission shall, on its own initiative or at the request of a Member State, decide in accordance with the procedure laid down in Article 15(2) whether the standard in question meets the general safety requirement. The Commission shall decide to publish or withdraw after consulting the Committee established by Article 5 of Directive 98/34/EC. The Commission shall notify the Member States of its decision.

#### CHAPTER III

### Other obligations of producers and obligations of distributors

#### Article 5

1. Within the limits of their respective activities, producers shall provide consumers with the relevant information to enable them to assess the risks inherent in a product throughout the normal or reasonably foreseeable period of its use, where such risks are not immediately obvious without adequate warnings, and to take precautions against those risks.

The presence of warnings does not exempt any person from compliance with the other requirements laid down in this Directive.

Within the limits of their respective activities, producers shall adopt measures commensurate with the characteristics of the products which they supply, enabling them to:

- (a) be informed of risks which these products might pose;
- (b) choose to take appropriate action including, if necessary to avoid these risks, withdrawal from the market, adequately and effectively warning consumers or recall from consumers.

The measures referred to in the third subparagraph shall include, for example:

- (a) an indication, by means of the product or its packaging, of the identity and details of the producer and the product reference or, where applicable, the batch of products to which it belongs, except where not to give such indication is justified and
- (b) in all cases where appropriate, the carrying out of sample testing of marketed products, investigating and, if necessary, keeping a register of complaints and keeping distributors informed of such monitoring.

Action such as that referred to in (b) of the third subparagraph shall be undertaken on a voluntary basis or at the request of the competent authorities in accordance with Article 8(1)(f). Recall shall take place as a last resort, where other measures would not suffice to prevent the risks involved, in instances where the producers consider it necessary or where they are obliged to do so further to a measure taken by the competent authority. It may be effected within the framework of codes of good practice on the matter in the Member State concerned, where such codes exist.

2. Distributors shall be required to act with due care to help to ensure compliance with the applicable safety requirements, in particular by not supplying products which they know or should have presumed, on the basis of the information in their possession and as professionals, do not comply with those requirements. Moreover, within the limits of their respective activities, they shall participate in monitoring the safety of products placed on the market, especially by passing on information on product risks, keeping and providing the documentation necessary for tracing the origin of products, and cooperating in the action taken by producers and competent authorities to avoid the risks. Within the limits of their respective activities they shall take measures enabling them to cooperate efficiently.

3. Where producers and distributors know or ought to know, on the basis of the information in their possession and as professionals, that a product that they have placed on the market poses risks to the consumer that are incompatible with the general safety requirement, they shall immediately inform the competent authorities of the Member States thereof under the conditions laid down in Annex I, giving details, in particular, of action taken to prevent risk to the consumer.

The Commission shall, in accordance with the procedure referred to in Article 15(3), adapt the specific requirements relating to the obligation to provide information laid down in Annex I.

4. Producers and distributors shall, within the limits of their respective activities, cooperate with the competent authorities, at the request of the latter, on action taken to avoid the risks posed by products which they supply or have supplied. The procedures for such cooperation, including procedures for dialogue with the producers and distributors concerned on issues related to product safety, shall be established by the competent authorities.

#### CHAPTER IV

### Specific obligations and powers of the Member States

#### Article 6

1. Member States shall ensure that producers and distributors comply with their obligations under this Directive in such a way that products placed on the market are safe.

2. Member States shall establish or nominate authorities competent to monitor the compliance of products with the general safety requirements and arrange for such authorities to have and use the necessary powers to take the appropriate measures incumbent upon them under this Directive.

3. Member States shall define the tasks, powers, organisation and cooperation arrangements of the competent authorities. They shall keep the Commission informed, and the

Commission shall pass on such information to the other Member States.

#### Article 7

Member States shall lay down the rules on penalties applicable to infringements of the national provisions adopted pursuant to this Directive and shall take all measures necessary to ensure that they are implemented. The penalties provided for shall be effective, proportionate and dissuasive. Member States shall notify those provisions to the Commission by 15 January 2004 and shall also notify it, without delay, of any amendment affecting them.

#### Article 8

1. For the purposes of this Directive, and in particular of Article 6 thereof, the competent authorities of the Member States shall be entitled to take, *inter alia*, the measures in (a) and in (b) to (f) below, where appropriate:

- (a) for any product:
  - (i) to organise, even after its being placed on the market as being safe, appropriate checks on its safety properties, on an adequate scale, up to the final stage of use or consumption;
  - (ii) to require all necessary information from the parties concerned;
  - (iii) to take samples of products and subject them to safety checks;
- (b) for any product that could pose risks in certain conditions:
  - (i) to require that it be marked with suitable, clearly worded and easily comprehensible warnings, in the official languages of the Member State in which the product is marketed, on the risks it may present;
  - (ii) to make its marketing subject to prior conditions so as to make it safe;
- (c) for any product that could pose risks for certain persons:

to order that they be given warning of the risk in good time and in an appropriate form, including the publication of special warnings;
- (d) for any product that could be dangerous:

for the period needed for the various safety evaluations, checks and controls, temporarily to ban its supply, the offer to supply it or its display;
- (e) for any dangerous product:

to ban its marketing and introduce the accompanying measures required to ensure the ban is complied with;
- (f) for any dangerous product already on the market:
  - (i) to order or organise its actual and immediate withdrawal, and alert consumers to the risks it presents;
  - (ii) to order or coordinate or, if appropriate, to organise together with producers and distributors its recall from consumers and its destruction in suitable conditions.

2. When the competent authorities of the Member States take measures such as those provided for in paragraph 1, in particular those referred to in (d) to (f), they shall act in accordance with the Treaty, and in particular Articles 28 and 30 thereof, in such a way as to implement the measures in a manner proportional to the seriousness of the risk, and taking due account of the precautionary principle.

In this context, they shall encourage and promote voluntary action by producers and distributors, in accordance with the obligations incumbent on them under this Directive, and in particular Chapter III thereof, including where applicable by the development of codes of good practice.

If necessary, they shall organise or order the measures provided for in paragraph 1(f) if the action undertaken by the producers and distributors in fulfilment of their obligations is unsatisfactory or insufficient. Recall shall take place as a last resort. It may be effected within the framework of codes of good practice on the matter in the Member State concerned, where such codes exist.

3. In particular, the competent authorities shall have the power to take the necessary action to apply with due dispatch appropriate measures such as those mentioned in paragraph 1, (b) to (f), in the case of products posing a serious risk. These circumstances shall be determined by the Member States, assessing each individual case on its merits, taking into account the guidelines referred to in point 8 of Annex II.

4. The measures to be taken by the competent authorities under this Article shall be addressed, as appropriate, to:

- (a) the producer;
- (b) within the limits of their respective activities, distributors and in particular the party responsible for the first stage of distribution on the national market;
- (c) any other person, where necessary, with a view to cooperation in action taken to avoid risks arising from a product.

#### Article 9

1. In order to ensure effective market surveillance, aimed at guaranteeing a high level of consumer health and safety protection, which entails cooperation between their competent authorities, Member States shall ensure that approaches employing appropriate means and procedures are put in place, which may include in particular:

- (a) establishment, periodical updating and implementation of sectoral surveillance programmes by categories of products or risks and the monitoring of surveillance activities, findings and results;
- (b) follow-up and updating of scientific and technical knowledge concerning the safety of products;
- (c) periodical review and assessment of the functioning of the control activities and their effectiveness and, if necessary, revision of the surveillance approach and organisation put in place.

2. Member States shall ensure that consumers and other interested parties are given an opportunity to submit complaints to the competent authorities on product safety and

on surveillance and control activities and that these complaints are followed up as appropriate. Member States shall actively inform consumers and other interested parties of the procedures established to that end.

#### Article 10

1. The Commission shall promote and take part in the operation in a European network of the authorities of the Member States competent for product safety, in particular in the form of administrative cooperation.

2. This network operation shall develop in a coordinated manner with the other existing Community procedures, particularly RAPEX. Its objective shall be, in particular, to facilitate:

- (a) the exchange of information on risk assessment, dangerous products, test methods and results, recent scientific developments as well as other aspects relevant for control activities;
- (b) the establishment and execution of joint surveillance and testing projects;
- (c) the exchange of expertise and best practices and cooperation in training activities;
- (d) improved cooperation at Community level with regard to the tracing, withdrawal and recall of dangerous products.

#### CHAPTER V

### Exchanges of information and rapid intervention situations

#### Article 11

1. Where a Member State takes measures which restrict the placing on the market of products — or require their withdrawal or recall — such as those provided for in Article 8(1)(b) to (f), the Member State shall, to the extent that such notification is not required under Article 12 or any specific Community legislation, inform the Commission of the measures, specifying its reasons for adopting them. It shall also inform the Commission of any modification or lifting of such measures.

If the notifying Member State considers that the effects of the risk do not or cannot go beyond its territory, it shall notify the measures concerned insofar as they involve information likely to be of interest to Member States from the product safety standpoint, and in particular if they are in response to a new risk which has not yet been reported in other notifications.

In accordance with the procedure laid down in Article 15(3) of this Directive, the Commission shall, while ensuring the effectiveness and proper functioning of the system, adopt the guidelines referred to in point 8 of Annex II. These shall propose the content and standard form for the notifications provided for in this Article, and, in particular, shall provide precise criteria for determining the conditions for which notification is relevant for the purposes of the second subparagraph.

2. The Commission shall forward the notification to the other Member States, unless it concludes, after examination on the basis of the information contained in the notification, that the measure does not comply with Community law. In such a case, it shall immediately inform the Member State which initiated the action.

#### Article 12

1. Where a Member State adopts or decides to adopt, recommend or agree with producers and distributors, whether on a compulsory or voluntary basis, measures or actions to prevent, restrict or impose specific conditions on the possible marketing or use, within its own territory, of products by reason of a serious risk, it shall immediately notify the Commission thereof through RAPEX. It shall also inform the Commission without delay of modification or withdrawal of any such measure or action.

If the notifying Member State considers that the effects of the risk do not or cannot go beyond its territory, it shall follow the procedure laid down in Article 11, taking into account the relevant criteria proposed in the guidelines referred to in point 8 of Annex II.

Without prejudice to the first subparagraph, before deciding to adopt such measures or to take such action, Member States may pass on to the Commission any information in their possession regarding the existence of a serious risk.

In the case of a serious risk, they shall notify the Commission of the voluntary measures laid down in Article 5 of this Directive taken by producers and distributors.

2. On receiving such notifications, the Commission shall check whether they comply with this Article and with the requirements applicable to the functioning of RAPEX, and shall forward them to the other Member States, which, in turn, shall immediately inform the Commission of any measures adopted.

3. Detailed procedures for RAPEX are set out in Annex II. They shall be adapted by the Commission in accordance with the procedure referred to in Article 15(3).

4. Access to RAPEX shall be open to applicant countries, third countries or international organisations, within the framework of agreements between the Community and those countries or international organisations, according to arrangements defined in these agreements. Any such agreements shall be based on reciprocity and include provisions on confidentiality corresponding to those applicable in the Community.

#### Article 13

1. If the Commission becomes aware of a serious risk from certain products to the health and safety of consumers in various Member States, it may, after consulting the Member States, and, if scientific questions arise which fall within the competence of a Community Scientific Committee, the Scientific Committee competent to deal with the risk concerned, adopt a decision in the light of the result of those consultations, in accordance with the procedure laid down in Article 15(2), requiring Member States to take measures from

among those listed in Article 8(1)(b) to (f) if, at one and the same time:

- (a) it emerges from prior consultations with the Member States that they differ significantly on the approach adopted or to be adopted to deal with the risk; and
- (b) the risk cannot be dealt with, in view of the nature of the safety issue posed by the product, in a manner compatible with the degree of urgency of the case, under other procedures laid down by the specific Community legislation applicable to the products concerned; and
- (c) the risk can be eliminated effectively only by adopting appropriate measures applicable at Community level, in order to ensure a consistent and high level of protection of the health and safety of consumers and the proper functioning of the internal market.

2. The decisions referred to in paragraph 1 shall be valid for a period not exceeding one year and may be confirmed, under the same procedure, for additional periods none of which shall exceed one year.

However, decisions concerning specific, individually identified products or batches of products shall be valid without a time limit.

3. Export from the Community of dangerous products which have been the subject of a decision referred to in paragraph 1 shall be prohibited unless the decision provides otherwise.

4. Member States shall take all necessary measures to implement the decisions referred to in paragraph 1 within less than 20 days, unless a different period is specified in those decisions.

5. The competent authorities responsible for carrying out the measures referred to in paragraph 1 shall, within one month, give the parties concerned an opportunity to submit their views and shall inform the Commission accordingly.

#### CHAPTER VI

#### Committee procedures

#### Article 14

1. The measures necessary for the implementation of this Directive relating to the matters referred to below shall be adopted in accordance with the regulatory procedure provided for in Article 15(2):

- (a) the measures referred to in Article 4 concerning standards adopted by the European standardisation bodies;
- (b) the decisions referred to in Article 13 requiring Member States to take measures as listed in Article 8(1)(b) to (f).

2. The measures necessary for the implementation of this Directive in respect of all other matters shall be adopted in accordance with the advisory procedure provided for in Article 15(3).

*Article 15*

1. The Commission shall be assisted by a Committee.
2. Where reference is made to this paragraph, Articles 5 and 7 of Decision 1999/468/EC shall apply, having regard to the provisions of Article 8 thereof.

The period laid down in Article 5(6) of Decision 1999/468/EC shall be set at 15 days.

3. Where reference is made to this paragraph, Articles 3 and 7 of Decision 1999/468/EC shall apply, having regard to the provisions of Article 8 thereof.
4. The Committee shall adopt its rules of procedure.

## CHAPTER VII

**Final provisions***Article 16*

1. Information available to the authorities of the Member States or the Commission relating to risks to consumer health and safety posed by products shall in general be available to the public, in accordance with the requirements of transparency and without prejudice to the restrictions required for monitoring and investigation activities. In particular the public shall have access to information on product identification, the nature of the risk and the measures taken.

However, Member States and the Commission shall take the steps necessary to ensure that their officials and agents are required not to disclose information obtained for the purposes of this Directive which, by its nature, is covered by professional secrecy in duly justified cases, except for information relating to the safety properties of products which must be made public if circumstances so require, in order to protect the health and safety of consumers.

2. Protection of professional secrecy shall not prevent the dissemination to the competent authorities of information relevant for ensuring the effectiveness of market monitoring and surveillance activities. The authorities receiving information covered by professional secrecy shall ensure its protection.

*Article 17*

This Directive shall be without prejudice to the application of Directive 85/374/EEC.

*Article 18*

1. Any measure adopted under this Directive and involving restrictions on the placing of a product on the market or requiring its withdrawal or recall must state the appropriate reasons on which it is based. It shall be notified as soon as possible to the party concerned and shall indicate the remedies

available under the provisions in force in the Member State in question and the time limits applying to such remedies.

The parties concerned shall, whenever feasible, be given an opportunity to submit their views before the adoption of the measure. If this has not been done in advance because of the urgency of the measures to be taken, they shall be given such opportunity in due course after the measure has been implemented.

Measures requiring the withdrawal of a product or its recall shall take into consideration the need to encourage distributors, users and consumers to contribute to the implementation of such measures.

2. Member States shall ensure that any measure taken by the competent authorities involving restrictions on the placing of a product on the market or requiring its withdrawal or recall can be challenged before the competent courts.

3. Any decision taken by virtue of this Directive and involving restrictions on the placing of a product on the market or requiring its withdrawal or its recall shall be without prejudice to assessment of the liability of the party concerned, in the light of the national criminal law applying in the case in question.

*Article 19*

1. The Commission may bring before the Committee referred to in Article 15 any matter concerning the application of this Directive and particularly those relating to market monitoring and surveillance activities.

2. Every three years, following 15 January 2004, the Commission shall submit a report on the implementation of this Directive to the European Parliament and the Council.

The report shall in particular include information on the safety of consumer products, in particular on improved traceability of products, the functioning of market surveillance, standardisation work, the functioning of RAPEX and Community measures taken on the basis of Article 13. To this end the Commission shall conduct assessments of the relevant issues, in particular the approaches, systems and practices put in place in the Member States, in the light of the requirements of this Directive and the other Community legislation relating to product safety. The Member States shall provide the Commission with all the necessary assistance and information for carrying out the assessments and preparing the reports.

*Article 20*

The Commission shall identify the needs, possibilities and priorities for Community action on the safety of services and submit to the European Parliament and the Council, before 1 January 2003, a report, accompanied by proposals on the subject as appropriate.

*Article 21*

1. Member States shall bring into force the laws, regulations and administrative provisions necessary in order to comply with this Directive with effect from 15 January 2004. They shall forthwith inform the Commission thereof.

When Member States adopt those measures, they shall contain a reference to this Directive or 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 adopt in the field covered by this Directive.

*Article 22*

Directive 92/59/EEC is hereby repealed from 15 January 2004, without prejudice to the obligations of Member States concerning the deadlines for transposition and application of the said Directive as indicated in Annex III.

References to Directive 92/59/EEC shall be construed as references to this Directive and shall be read in accordance with the correlation table in Annex IV.

*Article 23*

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

*Article 24*

This Directive is addressed to the Member States.

Done at Brussels, 3 December 2001.

*For the European Parliament*

*The President*

N. FONTAINE

*For the Council*

*The President*

F. VANDENBROUCKE

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*ANNEX I*

**REQUIREMENTS CONCERNING INFORMATION ON PRODUCTS THAT DO NOT COMPLY WITH THE GENERAL SAFETY REQUIREMENT TO BE PROVIDED TO THE COMPETENT AUTHORITIES BY PRODUCERS AND DISTRIBUTORS**

1. The information specified in Article 5(3), or where applicable by specific requirements of Community rules on the product concerned, shall be passed to the competent authorities appointed for the purpose in the Member States where the products in question are or have been marketed or otherwise supplied to consumers.
  2. The Commission, assisted by the Committee referred to in Article 15, shall define the content and draw up the standard form of the notifications provided for in this Annex, while ensuring the effectiveness and proper functioning of the system. In particular, it shall put forward, possibly in the form of a guide, simple and clear criteria for determining the special conditions, particularly those concerning isolated circumstances or products, for which notification is not relevant in relation to this Annex.
  3. In the event of serious risks, this information shall include at least the following:
    - (a) information enabling a precise identification of the product or batch of products in question;
    - (b) a full description of the risk that the products in question present;
    - (c) all available information relevant for tracing the product;
    - (d) a description of the action undertaken to prevent risks to consumers.
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## ANNEX II

**PROCEDURES FOR THE APPLICATION OF RAPEX AND GUIDELINES FOR NOTIFICATIONS**

1. RAPEX covers products as defined in Article 2(a) that pose a serious risk to the health and safety of consumers.

Pharmaceuticals, which come under Directives 75/319/EEC <sup>(1)</sup> and 81/851/EEC <sup>(2)</sup>, are excluded from the scope of RAPEX.

2. RAPEX is essentially aimed at a rapid exchange of information in the event of a serious risk. The guidelines referred to in point 8 define specific criteria for identifying serious risks.

3. Member States notifying under Article 12 shall provide all available details. In particular, the notification shall contain the information stipulated in the guidelines referred to in point 8 and at least:

- (a) information enabling the product to be identified;
- (b) a description of the risk involved, including a summary of the results of any tests/analyses and of their conclusions which are relevant to assessing the level of risk;
- (c) the nature and the duration of the measures or action taken or decided on, if applicable;
- (d) information on supply chains and distribution of the product, in particular on destination countries.

Such information must be transmitted using the special standard notification form and by the means stipulated in the guidelines referred to in point 8.

When the measure notified pursuant to Article 11 or Article 12 seeks to limit the marketing or use of a chemical substance or preparation, the Member States shall provide as soon as possible either a summary or the references of the relevant data relating to the substance or preparation considered and to known and available substitutes, where such information is available. They will also communicate the anticipated effects of the measure on consumer health and safety together with the assessment of the risk carried out in accordance with the general principles for the risk evaluation of chemical substances as referred to in Article 10(4) of Regulation (EEC) No 793/93 <sup>(3)</sup> in the case of an existing substance or in Article 3(2) of Directive 67/548/EEC <sup>(4)</sup> in the case of a new substance. The guidelines referred to in point 8 shall define the details and procedures for the information requested in that respect.

4. When a Member State has informed the Commission, in accordance with Article 12(1), third subparagraph, of a serious risk before deciding to adopt measures, it must inform the Commission within 45 days whether it confirms or modifies this information.
5. The Commission shall, in the shortest time possible, verify the conformity with the provisions of the Directive of the information received under RAPEX and, may, when it considers it to be necessary and in order to assess product safety, carry out an investigation on its own initiative. In the case of such an investigation, Member States shall supply the Commission with the requested information to the best of their ability.
6. Upon receipt of a notification referred to in Article 12, the Member States are requested to inform the Commission, at the latest within the set period of time stipulated in the guidelines referred to in point 8, of the following:
  - (a) whether the product has been marketed in their territory;
  - (b) what measures concerning the product in question they may be adopting in the light of their own circumstances, stating the reasons, including any differing assessment of risk or any other special circumstance justifying their decision, in particular lack of action or of follow-up;
  - (c) any relevant supplementary information they have obtained on the risk involved, including the results of any tests or analyses carried out.

The guidelines referred to in point 8 shall provide precise criteria for notifying measures limited to national territory and shall specify how to deal with notifications concerning risks which are considered by the Member State not to go beyond its territory.

<sup>(1)</sup> OJ L 147, 9.6.1975, p. 13. Directive as last amended by Commission Directive 2000/38/EC (OJ L 139, 10.6.2000, p. 28).

<sup>(2)</sup> OJ L 317, 6.11.1981, p. 1. Directive as last amended by Commission Directive 2000/37/EC (OJ L 139, 10.6.2000, p. 25).

<sup>(3)</sup> OJ L 84, 5.4.1993, p. 1.

<sup>(4)</sup> OJ 196, 16.8.1967, p. 1/67. Directive as last amended by Commission Directive 2000/33/EC (OJ L 136, 8.6.2000, p. 90).

7. Member States shall immediately inform the Commission of any modification or lifting of the measure(s) or action(s) in question.
8. The Commission shall prepare and regularly update, in accordance with the procedure laid down in Article 15(3), guidelines concerning the management of RAPEX by the Commission and the Member States.
9. The Commission may inform the national contact points regarding products posing serious risks, imported into or exported from the Community and the European Economic Area.
10. Responsibility for the information provided lies with the notifying Member State.
11. The Commission shall ensure the proper functioning of the system, in particular classifying and indexing notifications according to the degree of urgency. Detailed procedures shall be laid down by the guidelines referred to in point 8.

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ANNEX III

**PERIOD FOR THE TRANSPOSITION AND APPLICATION OF THE REPEALED DIRECTIVE**

(REFERRED TO IN THE FIRST SUBPARAGRAPH OF ARTICLE 22)

<u>Directive</u>	<u>Period for transposition</u>	<u>Period for bringing into application</u>
Directive 92/59/EEC	29 June 1994	29 June 1994

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## ANNEX IV

**CORRELATION TABLE**

(REFERRED TO IN THE SECOND SUBPARAGRAPH OF ARTICLE 22)

This Directive	Directive 92/59/EEC
Article 1	Article 1
Article 2	Article 2
Article 3	Article 4
Article 4	—
Article 5	Article 3
Article 6	Article 5
Article 7	Article 5(2)
Article 8	Article 6
Article 9	—
Article 10	—
Article 11	Article 7
Article 12	Article 8
Article 13	Article 9
Articles 14 and 15	Article 10
Article 16	Article 12
Article 17	Article 13
Article 18	Article 14
Article 19	Article 15
Article 20	—
Article 21	Article 17
Article 22	Article 18
Article 23	Article 19
Annex I	—
Annex II	Annex
Annex III	—
Annex IV	—

## II

(Acts whose publication is not obligatory)

## COUNCIL

## COUNCIL DECISION

of 4 December 2001

**authorising Ireland to apply a differentiated rate of excise duty to low-sulphur diesel in accordance with the procedure provided for in Article 8(4) of Directive 92/81/EEC**

(2002/23/EC)

THE COUNCIL OF THE EUROPEAN UNION,

92/82/EEC of 19 October 1992 on the approximation of the rates of excise duties on mineral oils <sup>(2)</sup>).

Having regard to the Treaty establishing the European Community,

(4) This differentiation would be accorded to all consumers of 50 ppm diesel in Ireland.

Having regard to Council Directive 92/81/EEC of 19 October 1992 on the harmonisation of the structures of excise duties on mineral oils <sup>(1)</sup>, and in particular Article 8(4) thereof,

(5) Low-sulphur diesel complies with the environmental criterion (50 ppm) laid down in Directive 98/70/EC of the European Parliament and of the Council of 13 October 1998 relating to the quality of petrol and diesel fuels <sup>(3)</sup>. Under Article 4 of that Directive, the use of 50 ppm diesel will be compulsory from 1 January 2005.

Having regard to the proposal from the Commission,

Whereas:

(1) Under Article 8(4) of Directive 92/81/EEC, the Council, acting unanimously on a proposal from the Commission, may authorise any Member State to introduce exemptions or reductions in the excise duty charged on mineral oils for specific policy considerations.

(6) The measure is sought on environmental grounds. The benefits in terms of air quality are known.

(2) Ireland has requested authorisation to introduce a differentiated rate of excise duty on low-sulphur (50 ppm) diesel. The current excise rate of diesel used as a propellant is EUR 249 (IEP 196,1) per 1 000 litres. The planned differentiation, provided for in Section 155 of the 'Finance Act, 2001', is of EUR 0,076 (IEP 0,06) per litre. This would mean that the value of the differentiated excise duties imposed on diesel in Ireland would be EUR 325,2 (IEP 256,1) on 1 000 litres of conventional diesel and EUR 249,0 (IEP 196,1) on 1 000 litres of 50 ppm diesel.

(7) The other Member States have been informed of this request by the Irish authorities.

(3) The Irish measure would thus comply with the Community minimum rate of excise duty of EUR 245 per 1 000 litres laid down in Article 5 of Directive

(8) On the information available at present, neither the Commission nor the Member States consider that the application of a differentiated rate of excise duty on low-sulphur fuel will cause distortions of competition affecting the common interest or hinder the operation of the single market.

(9) This Decision does not prejudice the outcome of any future State aid procedures that may be undertaken in accordance with Articles 87 and 88 of the Treaty, nor does it override the requirement for Member States to notify instances of potential state aid to the Commission under Article 88 of the Treaty.

<sup>(1)</sup> OJ L 316, 31.10.1992, p. 12. Directive as last amended by Directive 94/74/EC (OJ L 365, 31.12.1994, p. 46).

<sup>(2)</sup> OJ L 316, 31.10.1992, p. 19. Directive as last amended by Directive 94/74/EC.

<sup>(3)</sup> OJ L 350, 28.12.1998, p. 58. Directive as amended by Commission Directive 2000/71/EC (OJ L 287, 14.11.2000, p. 46).

- (10) The Commission regularly reviews reductions and exemptions to check that they do not distort competition or the operation of the internal market, and that they are not incompatible with Community environmental policy.
- (11) The Council should review this Decision on the basis of a proposal from the Commission no later than 31 December 2004, when the authorisation granted by this Decision expires,

HAS ADOPTED THIS DECISION:

*Article 1*

1. In accordance with Article 8(4) of Directive 92/81/EEC, Ireland shall be authorised to apply a differentiated rate of excise duty on low-sulphur (50 ppm) diesel fuel from 1 October 2001.

2. This differentiation in excise duty, not exceeding EUR 0,076 (IEP 0,06) per litre of fuel, must comply with the

terms of Directive 92/82/EEC, and in particular the minimum rate laid down in Article 5 thereof.

*Article 2*

The differentiated rate shall be accorded to all users of 50 ppm diesel purchased in Ireland, without discrimination.

*Article 3*

Subject to a prior review by the Council, on the basis of a proposal from the Commission, this authorisation shall expire on 31 December 2004.

*Article 4*

This Decision is addressed to Ireland.

Done at Brussels, 4 December 2001.

*For the Council*

*The President*

D. REYNERS

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# COMMISSION

## COMMISSION DECISION

of 11 January 2002

### laying down special conditions governing imports of fishery products originating in the Republic of Slovenia

(notified under document number C(2002) 14/1)

(Text with EEA relevance)

(2002/24/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Directive 91/493/EEC of 22 July 1991 laying down the health conditions for the production and the placing on the market of fishery products <sup>(1)</sup>, as last amended by Directive 97/79/EC <sup>(2)</sup>, and in particular Article 11(1) thereof,

Whereas:

- (1) An inspection has been carried out on behalf of the Commission in the Republic of Slovenia to verify the conditions under which fishery products are produced, stored and dispatched to the Community.
- (2) The provisions of the Slovenian legislation on health inspection and monitoring of fishery products may be considered equivalent to those laid down in Directive 91/493/EEC.
- (3) In particular the Veterinary Administration of the Republic of Slovenia (VARs) is capable of effectively verifying the application of the laws in force.
- (4) It is appropriate to lay down detailed rules concerning the health certificate which must, under Directive 91/493/EEC, accompany consignments of fishery products imported into the Community from Slovenia. In particular these rules must specify the definition of a model certificate, the minimum requirements regarding the language or languages in which it must be drafted and the status of the person empowered to sign it.
- (5) The mark which must be affixed to packages of fishery products should give the name of the third country and the approval/registration number of the establishment, factory vessel, cold store or freezer vessel of origin, except for certain frozen products.

(6) Pursuant to Article 11(4)(c) of Directive 91/493/EEC a list of approved establishments, factory vessels, or cold stores must be drawn up, and a list of freezer vessels equipped in accordance with the points 1 to 7 of Annex II to the Directive 92/48/EEC <sup>(3)</sup> must also be drawn up. These lists must be drawn up on the basis of a communication from the VARs to the Commission. It is therefore for the VARs to ensure compliance with the provisions laid down to that end in Directive 91/493/EEC.

(7) The VARs has provided official assurances regarding compliance with the rules set out in Chapter V of the Annex to Directive 91/493/EEC, and regarding the fulfilment of hygienic requirements equivalent to those laid down by that Directive.

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

HAS ADOPTED THIS DECISION:

#### Article 1

The Veterinary Administration of the Republic of Slovenia (VARs) shall be the competent authority in Slovenia for verifying and certifying compliance of fishery and aquaculture products with the requirements of Directive 91/493/EEC.

#### Article 2

Fishery and aquaculture products originating in Slovenia must meet the following conditions:

1. each consignment must be accompanied by a numbered original health certificate, duly completed, signed, dated and comprising a single sheet in accordance with the model in Annex A hereto;

<sup>(1)</sup> OJ L 268, 24.9.1991, p. 15.

<sup>(2)</sup> OJ L 24, 30.1.1998, p. 31.

<sup>(3)</sup> OJ L 187, 7.7.1992, p. 41.

2. the products must come from approved establishments, factory vessels or cold stores, or from registered freezer vessels listed in Annex B hereto;
3. except in the case of frozen fishery products in bulk and intended for the manufacture of preserved foods, all packages must bear the word 'SLOVENIA' and the approval/registration number of the establishment, factory vessel, cold store or freezer vessel of origin in indelible letters.

*Article 3*

1. Certificates as referred to in Article 2(1) must be drawn up in at least one official language of the Member State where the checks are carried out.
2. Certificates must bear the name, capacity and signature of the representative of the VARS and the latter's official stamp in a colour different from that of other endorsements.

*Article 4*

This Decision shall apply from the 60th day following that of its publication in the *Official Journal of the European Communities*.

*Article 5*

This Decision is addressed to the Member States.

Done at Brussels, 11 January 2002.

*For the Commission*

David BYRNE

*Member of the Commission*

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## ANNEX A

## HEALTH CERTIFICATE

for fishery and aquaculture products originating in SLOVENIA and intended for export to the European Community, excluding bivalve molluscs, echinoderms, tunicates and marine gastropods in whatever form

Reference No: .....

Country of dispatch: SLOVENIA

Competent authority: Veterinary Administration of the Republic of Slovenia (VARs)

**I. Details identifying the fishery products**

- Description of Fishery — Aquaculture products <sup>(1)</sup>: .....
- Species (scientific name): .....
- Presentation of product and type of treatment <sup>(2)</sup>: .....
- Code number (where available): .....
- Type of packaging: .....
- Number of packages: .....
- Net weight: .....
- Requisite storage and transport temperature: .....

**II. Origin of products**

Name(s) and official approval/registration number(s) of establishing(s), factory vessel(s), or cold store(s) approved or freezer vessel(s) registered by the VARs for export to the EC:

.....

**III. Destination of products**

The products are dispatched

from: .....  
(place of dispatch)

to: .....  
(country and place of destination)

by the following means of transport: .....

.....

Name and address of dispatcher: .....

.....

Name of consignee and address at place of destination: .....

.....

<sup>(1)</sup> Delete where applicable.

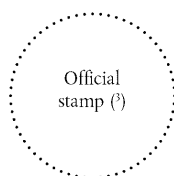
<sup>(2)</sup> Live, refrigerated, frozen, salted, smoked, preserved, etc.



**IV. Health attestation**

- The official inspector hereby certifies that the fishery or aquaculture products specified above:
1. were caught and handled on board vessels in accordance with the health rules laid down by Directive 92/48/EEC;
  2. were landed, handled and where appropriate packaged, prepared, processed, frozen, thawed and stored hygienically in compliance with the requirements laid down in Chapters II, III and IV of the Annex to Directive 91/493/EEC;
  3. have undergone health controls in accordance with Chapter V of the Annex of Directive 91/493/EEC;
  4. are packaged, marked, stored and transported in accordance with Chapters VI, VII and VIII of the Annex to Directive 91/493/EEC;
  5. do not come from toxic species or species containing biotoxins;
  6. have satisfactorily undergone the organoleptic, parasitological, chemical and microbiological checks laid down for certain categories of fishery products by Directive 91/493/EEC and in the implementing decisions thereto.
- The undersigned official inspector hereby declares that he is aware of the provisions of Directive 91/493/EEC, Directive 92/48/EEC and Decision 2002/24/EC.

Done at ..... , on .....  
(Place) (Date)



.....  
Signature of official inspector (³)

.....  
(Name in capital letters, capacity and qualifications of person signing)

(³) The colour of the stamp and signature must be different from that of the other particulars in the certificate.

## ANNEX B

## LIST OF ESTABLISHMENTS AND VESSELS

Approval No	Name	City Region	Approval limit	Category
165	Delamaris	IZOLA		PP
471	Mariva	PORTOROZ		PP
H-553	Delmar	IZOLA		PP

*Legend:*

PP: Processing plant.

**COMMISSION DECISION**  
**of 11 January 2002**  
**laying down special conditions governing imports of fishery products originating in the Republic of Croatia**

(notified under document number C(2002) 14/2)

(Text with EEA relevance)

(2002/25/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Directive 91/493/EEC of 22 July 1991 laying down the health conditions for the production and the placing on the market of fishery products <sup>(1)</sup>, as last amended by Directive 97/79/EC <sup>(2)</sup>, and in particular Article 11(1) thereof,

Whereas:

- (1) An inspection has been carried out on behalf of the Commission in the Republic of Croatia to verify the conditions under which fishery products are produced, stored and dispatched to the Community.
- (2) The provisions of Croatian legislation on health inspection and monitoring of fishery products may be considered equivalent to those laid down in Directive 91/493/EEC.
- (3) In particular the Veterinary Directorate (VD) of the Ministry of Agriculture and Forestry is capable of effectively verifying the application of the laws in force.
- (4) It is appropriate to lay down detailed rules concerning the health certificate which must, under Directive 91/493/EEC, accompany consignments of fishery products imported into the Community from Croatia. In particular these rules must specify the definition of a model certificate, the minimum requirements regarding the language or languages in which it must be drafted and the status of the person empowered to sign it.
- (5) The mark which must be affixed to packages of fishery products should give the name of the third country and the approval/registration number of the establishment, factory vessel, cold store or freezer vessel of origin, except for certain frozen products.
- (6) Pursuant to Article 11(4)(c) of Directive 91/493/EEC a list of approved establishments, factory vessels, or cold stores must be drawn up, and a list of freezer vessels equipped in accordance with the points 1 to 7 of Annex II to Council Directive 92/48/EEC <sup>(3)</sup> must also be drawn up. These lists must be drawn up on the basis of a communication from the VD to the Commission. It is

therefore for the VD to ensure compliance with the provisions laid down to that end in Directive 91/493/EEC.

- (7) The VD has provided official assurances regarding compliance with the rules set out in Chapter V of the Annex to Directive 91/493/EEC, and regarding the fulfilment of hygienic requirements equivalent to those laid down by that Directive.
- (8) The measures provided for in this Decision are in accordance with the opinion of the Standing Veterinary Committee,

HAS ADOPTED THIS DECISION:

*Article 1*

The Veterinary Directorate of the Ministry of Agriculture and Forestry shall be the competent authority in Croatia for verifying and certifying compliance of fishery and aquaculture products with the requirements of Directive 91/493/EEC.

*Article 2*

Fishery and aquaculture products originating in Croatia must meet the following conditions:

1. each consignment must be accompanied by a numbered original health certificate, duly completed, signed, dated and comprising a single sheet in accordance with the model in Annex A hereto;
2. the products must come from approved establishments, factory vessels or cold stores, or from registered freezer vessels listed in Annex B hereto;
3. except in the case of frozen fishery products in bulk and intended for the manufacture of preserved foods, all packages must bear the word 'CROATIA' and the approval/registration number of the establishment, factory vessel, cold store or freezer vessel of origin in indelible letters.

*Article 3*

1. Certificates as referred to in Article 2(1) must be drawn up in at least one official language of the Member State where the checks are carried out.

<sup>(1)</sup> OJ L 268, 24.9.1991, p. 15.

<sup>(2)</sup> OJ L 24, 30.1.1998, p. 31.

<sup>(3)</sup> OJ L 187, 7.7.1992, p. 41.

2. Certificates must bear the name, capacity and signature of the representative of the VD and the latter's official stamp in a colour different from that of other endorsements.

*Article 5*

This Decision is addressed to the Member States.

Done at Brussels, 11 January 2002.

*Article 4*

This Decision shall apply from the 60th day following that of its publication in the *Official Journal of the European Communities*.

*For the Commission*

David BYRNE

*Member of the Commission*

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## ANNEX A

## HEALTH CERTIFICATE

for fishery and aquaculture products originating in CROATIA and intended for export to the European Community, excluding bivalve molluscs, echinoderms, tunicates and marine gastropods in whatever form

Reference No: .....

Country of dispatch: CROATIA

Competent authority: Veterinary Directorate (VD) of the Ministry of Agriculture and Forestry

## I. Details identifying the fishery products

- Description of Fishery — Aquaculture products <sup>(1)</sup>: .....
- Species (scientific name): .....
- Presentation of product and type of treatment <sup>(2)</sup>: .....
- Code number (where available): .....
- Type of packaging: .....
- Number of packages: .....
- Net weight: .....
- Requisite storage and transport temperature: .....

## II. Origin of products

Name(s) and official approval/registration number(s) of establishment(s), factory vessel(s), or cold store(s) approved or freezer vessel(s) registered by the VD for export to the EC:

.....

## III. Destination of products

The products are dispatched

from: .....  
(place of dispatch)

to: .....  
(country and place of destination)

by the following means of transport: .....

.....

Name and address of dispatcher: .....

.....

Name of consignee and address at place of destination: .....

.....

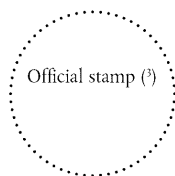
<sup>(1)</sup> Delete where applicable.

<sup>(2)</sup> Live, refrigerated, frozen, salted, smoked, preserved, etc.

**IV. Health attestation**

- The official inspector hereby certifies that the fishery or aquaculture products specified above:
1. were caught and handled on board vessels in accordance with the health rules laid down by Directive 92/48/EEC;
  2. were landed, handled and where appropriate packaged, prepared, processed, frozen, thawed and stored hygienically in compliance with the requirements laid down in Chapters II, III and IV of the Annex to Directive 91/493/EEC;
  3. have undergone health controls in accordance with Chapter V of the Annex to Directive 91/493/EEC;
  4. are packaged, marked, stored and transported in accordance with Chapters VI, VII and VIII of the Annex to Directive 91/493/EEC;
  5. do not come from toxic species or species containing biotoxins;
  6. have satisfactorily undergone the organoleptic, parasitological, chemical and microbiological checks laid down for certain categories of fishery products by Directive 91/493/EEC and in the implementing decisions thereto.
- The undersigned official inspector hereby declares that he is aware of the provisions of Directive 91/493/EEC, Directive 92/48/EEC and Decision 2002/25/EC.

Done at ..... , on .....  
(Place) (Date)



.....  
Signature of official inspector (3)

.....  
(Name in capitals letters, capacity and qualifications of person signing)

(3) The colour of the stamp and signature must be different from that of the other particulars in the certificate.

## ANNEX B

## LIST OF ESTABLISHMENTS AND VESSELS

Approval No	Name	City Region	Approval limit	Category
3	Marinada, Ltd	SLATINA		PP
6	Mardesic, Ltd	SALI		PP
9	Graso Ltd	PULA		PP
13	Adria, Ltd	ZADAR		PP
14	Marituna Ltd	ZADAR		PP
16	Cenmar, Ltd	ZADAR		PP
17	S.M.S., Ltd	SPLIT		PP
24	Intercommerce, Ltd	UMAG		PP
28	Marikultura Porto Budava, Ltd	PULA		PP
31	Marimirna, Ltd	ROVINJ		PP
32	Adria-Simuni, Ltd	RIJEKA		PP
42	F.M.R., Ltd	ZADAR		PP
47	Sinje More, Ltd	TRIBUNJ		PP
53	SIC Ltd	POREC		PP
58	Lubin, Ltd	ZAGREB		PP
62	Adria Octopus, Ltd	BIOGRAD		PP
86	Stefanutti, Ltd	PAZIN		PP
87	EL.NI.RO., Ltd	ROVINJ		PP
92	Ugor, Ltd	RIJEKA		PP
101	S.T.I. Zeba, Ltd	UMAG		PP
102	Sangulin, Ltd	BIOGRAD		PP
107	Pinazela Ltd	SPLIT		PP
129	Slamka, Ltd	ZADAR		PP
130	San Zak, Ltd	SVETI FILIP JAKOV		PP
133	Conex, Ltd	SOLIN		PP
134	Palinurus, Ltd	SPLIT		PP
136	Marikomerc, Ltd	ZADAR		PP
140	Azzurra, Ltd	ROVINJ		PP
170	Sardina, Ltd	POSTIRE		PP
172	Neptun, Ltd	KOMIZA		PP

Approval No	Name	City Region	Approval limit	Category
178	Jadranka, Ltd	VELA LUKA		PP
187	Mirna, Ltd	ROVINJ		PP
210	Interfish, Ltd	MEDULIN		PP
401	Marina Vinici, Ltd	MURTER		PP
402	Medikomerc, Ltd	POREC		PP
432	Felicita, Ltd	ZAKLOPATICA		PP
453	Z, Ltd	HVAR		PP
500	Tonia, Ltd	POREC		PP
550	Peter Pan Tours, Ltd	VOLOSKO		PP
561	Bingo Trade Ltd	OSIJEK		PP
677	Irida, Ltd	DARUVAR		PP
757	Ittimurter, Ltd	MURTER		PP
758	Kali Tuna, Ltd	ZADAR		PP
766	Ancora Commerce, Ltd	SPLIT		PP
806	S.I.C., Ltd	VABRIGA		PP
824	Krajani Ltd	MALINSKA		PP
903	RO-Trade, Ltd	KRK		PP
1168	Branko I Edi Ltd	MURTER		PP
1176	Palma Ltd	VELI LOSINJ		PP
1200	T.O. Rak	VISKOVO		PP
1255	Pape & Sons Ltd	BENKOVAC		PP
1274	Badioli-Maksan Ltd	PAKOSTANE		PP
1335	Ribarska zadruga Komiza	KOMIZA		PP
1402	Zabika Ltd	NOVI VINODOLSKI		PP
B 001	Marinero I (Meduza d.o.o.)	SPLIT		ZV
B 002	Marinero II (Prosperity d.o.o.)	SPLIT		ZV
B 003	Nikolas (Frank & sons d.o.o.)	SIBENIK		ZV

*Legend:*

PP: Processing plant.

ZV: Freezer vessel.



**COMMISSION DECISION**  
**of 11 January 2002**  
**laying down special conditions governing imports of fishery products originating in the Republic of Gabon**

(notified under document number C(2002) 14/3)

(Text with EEA relevance)

(2002/26/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Directive 91/493/EEC of 22 July 1991 laying down the health conditions for the production and the placing on the market of fishery products <sup>(1)</sup>, as last amended by Council Directive 97/79/EC <sup>(2)</sup>, and in particular Article 11(1) thereof,

Whereas:

- (1) An inspection has been carried out on behalf of the Commission in the Republic of Gabon to verify the conditions under which fishery products are produced, stored and dispatched to the Community.
- (2) The provisions of Gabonian legislation on health inspection and monitoring of fishery products may be considered equivalent to those laid down in Directive 91/493/EEC.
- (3) In particular the 'Direction Générale des Pêches et de l'Aquaculture (DGPA) du Ministère des Eaux et Forêts, de la Pêche, du Reboisement chargé de l'Environnement et de la Protection de la Nature' is capable of effectively verifying the application of the laws in force.
- (4) It is appropriate to lay down detailed rules concerning the health certificate which must, under Directive 91/493/EEC, accompany consignments of fishery products imported into the Community from Gabon. In particular these rules must specify the definition of a model certificate, the minimum requirements regarding the language or languages in which it must be drafted and the status of the person empowered to sign it.
- (5) The mark which must be affixed to packages of fishery products should give the name of the third country and the approval/registration number of the establishment, factory vessel, cold store or freezer vessel of origin, except for certain frozen products.
- (6) Pursuant to Article 11(4)(c) of Directive 91/493/EEC a list of approved establishments, factory vessels, or cold stores must be drawn up, and a list of freezer vessels equipped in accordance with the points 1 to 7 of Annex

II to Council Directive 92/48/EEC <sup>(3)</sup> must also be drawn up. These lists must be drawn up on the basis of a communication from the DGPA to the Commission. It is therefore for the DGPA to ensure compliance with the provisions laid down to that end in Directive 91/493/EEC.

- (7) The DGPA has provided official assurances regarding compliance with the rules set out in Chapter V of the Annex to Directive 91/493/EEC, and regarding the fulfilment of hygienic requirements equivalent to those laid down by that Directive.
- (8) The measures provided for in this Decision are in accordance with the opinion of the Standing Veterinary Committee,

HAS ADOPTED THIS DECISION:

*Article 1*

The 'Direction Générale des Pêches et de l'Aquaculture (DGPA) du Ministère des Eaux et Forêts, de la Pêche, du Reboisement chargé de l'Environnement et de la Protection de la Nature' shall be the competent authority in Gabon for verifying and certifying compliance of fishery and aquaculture products with the requirements of Directive 91/493/EEC.

*Article 2*

Fishery and aquaculture products originating in Gabon must meet the following conditions:

1. each consignment must be accompanied by a numbered original health certificate, duly completed, signed, dated and comprising a single sheet in accordance with the model in Annex A hereto;
2. the products must come from approved establishments, factory vessels or cold stores, or from registered freezer vessels listed in Annex B hereto;
3. except in the case of frozen fishery products in bulk and intended for the manufacture of preserved foods, all packages must bear the word 'GABON' and the approval/registration number of the establishment, factory vessel, cold store or freezer vessel of origin in indelible letters.

<sup>(1)</sup> OJ L 268, 24.9.1991, p. 15.

<sup>(2)</sup> OJ L 24, 30.1.1998, p. 31.

<sup>(3)</sup> OJ L 187, 7.7.1992, p. 41.

*Article 3*

1. Certificates as referred to in Article 2(1) must be drawn up in at least one official language of the Member State where the checks are carried out.
2. Certificates must bear the name, capacity and signature of the representative of the DGPA and the latter's official stamp in a colour different from that of other endorsements.

*Article 4*

This Decision shall apply from the 60th day following that of its publication in the *Official Journal of the European Communities*.

*Article 5*

This Decision is addressed to the Member States.

Done at Brussels, 11 January 2002.

*For the Commission*

David BYRNE

*Member of the Commission*

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## ANNEX A

**HEALTH CERTIFICATE**

for fishery and aquaculture products originating in GABON and intended for export to the European Community, excluding bivalve molluscs, echinoderms, tunicates and marine gastropods in whatever form

Reference No: .....

Country of dispatch: GABON

Competent authority: Direction Générale des Pêches et de l'Aquaculture (DGPA) du Ministère des Eaux et Forêts, de la Pêche, du Reboisement chargé de l'Environnement et de la Protection de la Nature.

**I. Details identifying the fishery products**

- Description of Fishery — Aquaculture products <sup>(1)</sup>: .....
- Species (scientific name): .....
- Presentation of product and type of treatment <sup>(2)</sup>: .....
- Code number (where available): .....
- Type of packaging: .....
- Number of packages: .....
- Net weight: .....
- Requisite storage and transport temperature: .....

**II. Origin of products**

Nome(s) and official approval/registration number(s) of establishment(s), factory vessel(s), or cold store(s) approved or freezer vessel(s) registered by the DGPA for export to the EC:

.....

**III. Destination of products**

The products are dispatched

from: .....  
(place of dispatch)

to: .....  
(country and place of destination)

by the following means of transport: .....

.....

Name and address of dispatcher: .....

.....

Name of consignee and address at place of destination: .....

.....

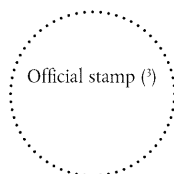
<sup>(1)</sup> Delete where applicable.

<sup>(2)</sup> Live, refrigerated, frozen, salted, smoked, preserved, etc.

**IV. Health attestation**

- The official inspector hereby certifies that the fishery or aquaculture products specified above:
- 1) were caught and handled on board vessels in accordance with the health rules laid down by Directive 92/48/EEC;
  - 2) where landed, handled and where appropriate packaged, prepared, processed, frozen, thawed and stored hygienically in compliance with the requirements laid down in Chapters II, III and IV of the Annex to Directive 91/493/EEC;
  - 3) have undergone health controls in accordance with Chapter V of the Annex to Directive 91/493/EEC;
  - 4) are packaged, marked, stored and transported in accordance with Chapters VI, VII and VIII of the Annex to Directive 91/493/EEC;
  - 5) do not come from toxic species containing biotoxins;
  - 6) have satisfactorily undergone the organoleptic, parasitological, chemical and microbiological checks laid down for certain categories of fishery products by Directive 91/493/EEC and in the implementing decisions thereto.
- The undersigned official inspector hereby declares that he is aware of the provisions of Directive 91/493/EEC, Directive 92/48/EEC and Decision 2002/26/EC.

Done at ..... , on .....  
(Place) (Date)



.....  
Signature of official inspector (3)

.....  
(Name in capital letters, capacity and qualifications of person signing)

(3) The colour of the stamp and signature must be different from that of the other particulars in the certificate.

## ANNEX B

## LIST OF ESTABLISHMENTS AND VESSELS

Approval No	Name	City Region	Approval limit	Category
011	Guoji 801 (Sigapeche)			ZV
012	Ontre IV (Gabo Peche)			ZV
014	Figuereo XVII (Astipeche Gabon)			ZV
015	Rosa Madre (Gabo Peche)			ZV
016	Figuereo X (Astipeche Gabon)			ZV
018	Pesconuba (Gabo peche)			ZV
019	Figuereo XIV (Astipeche Gabon)			ZV
081	Amerger I (Amerger Gabon)			ZV
082	Amerger III (Amerger Gabon)			ZV
083	Amerger VII (Amerger Gabon)			ZV
084	Amerger IX (Amerger Gabon)			ZV
085	Renovation II (Amerger Gabon)			ZV
086	Renovation V (Amerger Gabon)			ZV
087	Renovation VI (Amerger Gabon)			ZV
088	Amerger VIII (Amerger Gabon)			ZV
089	Renovation IV (Amerger Gabon)			ZV
0115	Delfin (Afripesca)			ZV
0121	Figuereo XVI (Astipeche Gabon)			ZV
0122	Eugenie Charles (Oceane)			ZV
0123	Le Groisillon (Oceane)			ZV
1537/B	Amerger Gabon			PP
3259/B	Sigapeche			PP
3434/B	Oceane			PP

## Legend:

PP: Processing plant.

ZV: Freezer vessel.

**COMMISSION DECISION**  
**of 11 January 2002**  
**laying down special conditions governing imports of fishery products originating in the Republic**  
**of Turkey**

(notified under document number C(2002) 14/4)

(Text with EEA relevance)

(2002/27/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

factory vessel, cold store or freezer vessel of origin, except for certain frozen products.

Having regard to the Treaty establishing the European Community,

Having regard to Council Directive 91/493/EEC of 22 July 1991 laying down the health conditions for the production and the placing on the market of fishery products <sup>(1)</sup>, as last amended by Directive 97/79/EC <sup>(2)</sup>, and in particular Article 11(1) thereof,

Whereas:

(1) An inspection has been carried out on behalf of the Commission in the Republic of Turkey to verify the conditions under which fishery products are produced, stored and dispatched to the Community.

(2) The provisions of Turkish legislation on health inspection and monitoring of fishery products may be considered equivalent to those laid down in Directive 91/493/EEC.

(3) In particular the General Directorate of Protection and Control (GDPC) of the Ministry of Agriculture and Rural Affairs is capable of effectively verifying the application of the laws in force.

(4) It is appropriate to lay down detailed rules concerning the health certificate which must, under Directive 91/493/EEC, accompany consignments of fishery products imported into the Community from Turkey. In particular these rules must specify the definition of a model certificate, the minimum requirements regarding the language or languages in which it must be drafted and the status of the person empowered to sign it.

(5) The mark which must be affixed to packages of fishery products should give the name of the third country and the approval/registration number of the establishment,

(6) Pursuant to Article 11(4)(c) of Directive 91/493/EEC a list of approved establishments, factory vessels, or cold stores must be drawn up, and a list of freezer vessels equipped in accordance with the points 1 to 7 of Annex II to Council Directive 92/48/EEC <sup>(3)</sup> must also be drawn up. These lists must be drawn up on the basis of a communication from the GDPC to the Commission. It is therefore for the GDPC to ensure compliance with the provisions laid down to that end in Directive 91/493/EEC.

(7) The GDPC has provided official assurances regarding compliance with the rules set out in Chapter V of the Annex to Directive 91/493/EEC, and regarding the fulfilment of hygienic requirements equivalent to those laid down by that Directive.

(8) In addition, where the fishery products are frozen or processed bivalve molluscs the raw material shall be obtained from approved production areas as laid down by the Annex B to Commission Decision 94/777/EC of 30 November 1994 laying down special conditions for the import of live bivalve molluscs, echinoderms, tunicates and marine gastropods originating in Turkey <sup>(4)</sup>, as last amended by Decision 1999/767/EC <sup>(5)</sup>, and they shall be sterilised or heat treated according to the requirements of Decision 93/25/EEC of 11 December 1992 approving certain treatments to inhibit the development of pathogenic micro-organisms in bivalve molluscs and marine gastropods <sup>(6)</sup>, as last amended by Decision 97/275/EC <sup>(7)</sup>.

(9) Since the health certification of the above products will fall under the scope of the present Decision, Commission Decision 94/778/EC of 30 November 1994 laying down special conditions for the import of frozen or processed bivalve molluscs, echinoderms, tunicates and marine gastropods originating in Turkey <sup>(8)</sup>, as last amended by Decision 1999/767/EC, shall be repealed.

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

<sup>(1)</sup> OJ L 268, 24.9.1991, p. 15.

<sup>(2)</sup> OJ L 24, 30.1.1998, p. 31.

<sup>(3)</sup> OJ L 187, 7.7.1992, p. 41.

<sup>(4)</sup> OJ L 312, 6.12.1994, p. 35.

<sup>(5)</sup> OJ L 302, 25.11.1999, p. 26.

<sup>(6)</sup> OJ L 16, 25.1.1993, p. 22.

<sup>(7)</sup> OJ L 108, 25.4.1997, p. 52.

<sup>(8)</sup> OJ L 312, 6.12.1994, p. 40.

HAS ADOPTED THIS DECISION:

*Article 1*

The General Directorate of Protection and Control (GDPC) of the Ministry of Agriculture and Rural Affairs shall be the competent authority in Turkey for verifying and certifying compliance of fishery and aquaculture products with the requirements of Directive 91/493/EEC.

*Article 2*

Fishery and aquaculture products originating in Turkey must meet the following conditions:

1. each consignment must be accompanied by a numbered original health certificate, duly completed, signed, dated and comprising a single sheet in accordance with the model in Annex A hereto;
2. the products must come from approved establishments, factory vessels or cold stores, or from registered freezer vessels listed in Annex B hereto;
3. except in the case of frozen fishery products in bulk and intended for the manufacture of preserved foods, all packages must bear the word "TURKEY" and the approval/registration number of the establishment, factory vessel, cold store or freezer vessel of origin in indelible letters.

*Article 3*

1. Certificates as referred to in Article 2(1) must be drawn up in at least one official language of the Member State where the checks are carried out.
2. Certificates must bear the name, capacity and signature of the representative of the GDPC and the latter's official stamp in a colour different from that of other endorsements.

*Article 4*

Decision 94/778/EC is hereby repealed.

*Article 5*

This Decision shall apply from the 60th day following that of its publication in the *Official Journal of the European Communities*.

*Article 6*

This Decision is addressed to the Member States.

Done at Brussels, 11 January 2002.

*For the Commission*

David BYRNE

*Member of the Commission*

## ANNEX A

## HEALTH CERTIFICATE

for fishery and aquaculture products originating in TURKEY and intended for export to the European Community

Reference No: .....

Country of dispatch: TURKEY

Competent authority: General Directorate of Protection and Control (GDPC) of the Ministry of Agriculture and Rural Affairs

**I. Details identifying the fishery products**

- Description of Fishery — Aquaculture products <sup>(1)</sup>: .....
- Species (scientific name): .....
- Presentation of product and type of treatment <sup>(2)</sup>: .....
- Code number (where available): .....
- Type of packaging: .....
- Number of packages: .....
- Net weight: .....
- Requisite storage and transport temperature: .....

**II. Origin of products**

Name(s) and official approval/registration number(s) of establishment(s), factory vessel(s), or cold store(s) approved or freezer vessel(s) registered by the GDPC for export to the EC:

.....  
.....

**III. Destination of products**

The products are dispatched

from: .....  
(place of dispatch)

to: .....  
(country and place of destination)

by the following means of transport: .....

.....

Name and address of dispatcher: .....

.....

Name of consignee and address at place of destination: .....

.....

<sup>(1)</sup> Delete where applicable.

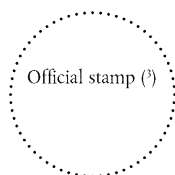
<sup>(2)</sup> Live, refrigerated, frozen, salted, smoked, preserved, etc.



**IV. Health attestation**

- The official inspector hereby certifies that the fishery or aquaculture products specified above:
1. were caught and handled on board vessels in accordance with the health rules laid down by Directive 92/48/EEC;
  2. were landed, handled and where appropriate packaged, prepared, processed, frozen, thawed and stored hygienically in compliance with the requirements laid down in Chapters II, III and IV of the Annex to Directive 91/493/EEC;
  3. have undergone health controls in accordance with Chapter V of the Annex to Directive 91/493/EEC;
  4. are packaged, marked, stored and transported in accordance with Chapters VI, VII and VIII of the Annex to Directive 91/493/EEC;
  5. do not come from toxic species or species containing biotoxins;
  6. have satisfactorily undergone the organoleptic, parasitological, chemical and microbiological checks laid down for certain categories of fishery products by Directive 91/493/EEC and in the implementing decisions thereto;
  7. in addition, where the fishery products are frozen or processed bivalve molluscs: the molluscs were obtained from approved productions areas laid down by the Annex B to Decision 94/777/EC laying down special conditions for the import of live bivalve molluscs, echinoderms, tunicates and marine gastropods originating in Turkey and which have been sterilised or heat-treated according to the requirements of Decision 93/25/EEC.
- The undersigned official inspector hereby declares that he is aware of the provisions of Directives 91/492/EEC, 91/493/EEC and 92/48/EEC and Decisions 93/25/EEC, 94/777/EC and 2002/27/EC.

Done at ..... , on .....  
(Place) (Date)



Official stamp <sup>(3)</sup>

.....  
Signature of official inspector <sup>(3)</sup>

.....  
(Name in capital letters, capacity and qualifications of person signing)

<sup>(3)</sup> The colour of the stamp and signature must be different from that of the other particulars in the certificate.

## ANNEX B

## LIST OF ESTABLISHMENTS AND VESSELS

Approval No	Name	City Region	Category
TR 01 20 30 435	Altes Su Ürünleri San. ve Tic. Ltd Sti.	YUREGIR ADANA	PP
TR 01 30 124	Pakyürek Tarım San. ve Tic. A.S.	ADANA	PP
TR 03 10 30 427	Caliskan Gıda Su Ürn. San. Tic. Ltd Sti.	DINAR AFYON	PP
TR 06 20 30 70 445	Ahmet Aydeniz Sebze, Meyve Ve Deniz Ürl. Isleme Tesisi	GÖLBASI ANKARA	PP
TR 09 30 383	Alba Tar. Su Hayvan Ürünleri San. ve Tic. A.S.	BOZDOGAN AYDIN	PP
TR 10 10 20 30 185	Kocaman Balıkçılık Ihr. ve Ith. Tic. Ltd Sti.	BANDIRMA BALIKESIR	PP
TR 10 20 70 205	Artur Bal. Ltd Sti. Su Ür. Dez. ve Art. Tes.	AYVALIK BALIKESIR	PP
TR 10 20 30 40 318	Ada Dis Tic. Ltd Sti.	AYVALIK BALIKESIR	PP
TR 10 20 30 409	Tavsanlar Balıkçılık Su Ürl. Tic. Ith. Ihr. Ltd Sti.	AYVALIK BALIKESIR	PP
TR 10 30 201	Cansu Su Ürl. San ve Tic. Ltd Sti.	GONEN BALIKESIR	PP
TR 16 10 20 30 70 301	Kerevitas-Mersu-Ancoker Su Ürl. San. ve Tic. A.S.	AKCALAR BURSA	PP
TR 16 10 335	Satürn Ith. Ihr. ve Ins. Ltd Sti.	ORHANGAZI BURSA	PP
TR 16 10 30 396-148	Turbel Gıda San. ve Tic. A.S.	BURSA	PP
TR 17 20 30 70 129	Ulubay Soguk Depo Isl. ve Tic. Ltd Sti.	LAPSEKI CANAKKALE	PP
TR 17 20 30 311	Savuran Bal. Ith. Ihr. Ltd Sti.	ECEABAT CANAKKALE	PP
TR 17 20 30 338	Saros Gıda Ith. VE Ihr San. Tic. Ltd Sti.	ECEABAT CANAKKALE	PP
TR 17 20 30 426	Canakkale Balıkçılık San. Tic. Ltd Sti.	CANAKKALE	PP
TR 17 20 30 336	Denizer Gıda Mad. Tic. Ltd Sti.	ECEABAT CANAKKALE	PP
TR 17 20 30 183	Yavuz Mildon Deniz Ürl. San. ve Tic. Ltd Sti.	GELIBOLU CANAKKALE	PP
TR 17 30 110	Amati-Bosforo Gıda Mad. Imal. San. ve Tic. A.S.	ECEABAT CANAKKALE	PP
TR 17 40 451	Ida Gıda Tarımsal Üretim Ic ve Dis Paz. Ltd Sti.	LAPSEKI CANAKKALE	PP

Approval No	Name	City Region	Category
TR 17 40 438	Marmaroz Su Ürünleri San. ve Tic. Ltd Sti.	GOKCEADA CANAKKALE	PP
TR 17 70 181	Dardanel-Önentas Gıda San. A.S.	CANAKKALE	PP
TR 22 10 20 30 142	Kemal Balıkçılık Ihr. Ltd Sti.	IPSALA EDİRNE	PP
TR 31 20 30 210	Balık Is Su Ürl. İth. San. ve Tic. A.S.	ISKENDERUN HATAY	PP
TR 32 10 20 30 312	Erku Gıda San. ve Dis Tic. Ltd Sti.	EGİRDİR ISPARTA	PP
TR 32 10 30 111	Sahlanlar Gıda San. ve Tic. Ltd Sti.	ISPARTA	PP
TR 32 10 455	Ancoker Su Ürünleri San. ve Tic. A.S.	EGİRDİR ISPARTA	PP
TR 32 30 415	Has Su Ürl. Tic. San. A.S.	EGİRDİR ISPARTA	PP
TR 34 20 30 70 140	Altinel/Mim-Tur Paz. Tic. Ltd Sti.	SARIYER İSTANBUL	PP
TR 34 20 30 441	Lodos Balıkçılık Gıda San. Tur. Tes. ve İsl. Ltd Sti.	KUCUKCEKMECE İSTANBUL	PP
TR 34 20 30 70 430	Mazlumoglu Gıda Ürünleri San. ve Dis Tic. A.S.	SİLİVRİ İSTANBUL	PP
TR 34 20 30 90 432	Tuna Balıkçılık ve Deniz Ur. Tic. Ve San. Ltd Sti. Tuna-1-Gemi	SARIYER İSTANBUL	PP
TR 34 20 442	Bodrum Dis Tic. Su Ürünleri Ltd Sti.	BUYUKCEKMECE İSTANBUL	PP
TR 34 30 211	Alfarm (Akuafarm) Alarko Su ürl. San. ve Tic. Ltd Sti.	ÜMRANIYE İSTANBUL	PP
TR 34 30 425	Cemtar Su Ürünleri Tic. Ltd Sti.	AVCILAR İSTANBUL	PP
TR 34 30 453	Starimpex Gıda San. Ve Tic. Ltd Sti.	YESILKOY İSTANBUL	PP
TR 34 70 370	Varollar Gıda San. Tic. A.S.	SİLE İSTANBUL	PP
TR 35 10 20 30 40 323	Ege Balık Is Ihr. Tic. ve San. A.S.	BORNOVA İZMİR	PP
TR 35 20 30 40 429	Cesurlar Balık Market	TORBALI İZMİR	PP
TR 35 20 30 40 443	Kiris Gıda Maddeleri Su Ürünleri San. ve Tic. Ltd Sti.	TORBALI İZMİR	PP
TR 35 20 30 457	Amiral Su ve Tarım Ürünleri San ve Tic. Ltd Sti.	İZMİR	PP
TR 35 20 30 40 184	Pinar Deniz Ürl. A.S.	CESME İZMİR	PP

Approval No	Name	City Region	Category
TR 35 20 30 40 450	Özbek Su Ürünleri Pazarlama Tic. Ltd Sti.	URLA İZMİR	PP
TR 35 20 40 367	Elektrosan Deniz Ürl. İth. İhr. San. ve Paz. Ltd Sti.	YENİFOCA İZMİR	PP
TR 35 20 40 448	İlknak Su Ürünleri San. ve Tic. A.S.	DIKILI İZMİR	PP
TR 35 30 138	Ege İzmir Su Ürl. İth. İhr. San. ve Tic. Ltd Sti.	BORNOVA İZMİR	PP
TR 35 30 34	Emir-Pa Paz. ve Gıda San. Ltd Sti.	MENEMEN İZMİR	PP
TR 42 30 365	Ari Tarım ve Su Ürünleri Ltd Sti.	BEYSEHIR KONYA	PP
TR 42 30 389	Callut Tarım Turz. ve Su Ürünleri İth. İhr. Ltd Sti.	HUYUK-BEYSEHIR KONYA	PP
TR 42 30 393	Gölköy Su Ürl. San. İth. İhr. Ltd Sti.	HUYUK-BEYSEHIR KONYA	PP
TR 42 30 387	Bey-Su Tarım ve Su Ürünleri San. Tic. Ltd Sti.	BEYSEHIR KONYA	PP
TR 42 30 440	Dört Mevsim Balık Is San. ve Tic. Ltd Sti.	KONYA	PP
TR 42 30 454	Oskar Su Ürünleri İşletmesi	BEYSEHIR KONYA	PP
TR 42 30 434	Yay-Cet Su Ürünleri İşletmesi	HOYUK KONYA	PP
TR 42 30 449	Sugla Su Ürünleri Tasimacılık Tar. ürl. Paz. San. Tic. Ltd Sti.	SEYDİSEHIR KONYA	PP
TR 48 20 30 40 428	Gümüşdoga Su Ürl. Üre. İhr. ve İth. A.S.	MILAS MUĞLA	PP
TR 48 20 30 40 307	Kilic Deniz Ürl. Üret. İhr. İth. ve Tic. A.S.	MILAS MUĞLA	PP
TR 48 20 40 410	Aegean Dis Tic. ve Paz. Ltd Sti.	MILAS MUĞLA	PP
TR 48 20 40 436	Noordzee Su Ürl. İhr. San. ve Tic. Ltd Sti.	MILAS MUĞLA	PP
TR 48 30 395	Ege İzmir Su Ürl. Tic. A.S. Kizgölü Alabalık İşletmesi	FETHİYE MUĞLA	PP
TR 48 30 40 212	Bagci Su Ürl. ve Enerji Ürt. San. Tic. A.S.	KOYCEGİZ MUĞLA	PP
TR 52 30 452	Pasifik Uluslararası Gıda San. Ve Tic. Ltd Sti.	FATSA ORDU	PP
TR 52 30 70 157	Aspra Su Ürl. Tic. ve San. Ltd Sti.	FATSA ORDU	PP
TR 55 30 156	Bayramoğlu Balıkçılık ve Depoculuk Tic. San. Koll. Sti.	TEKKEKOY SAMSUN	PP
TR 55 70 364	Kardez Su Ürünleri San. Tic. Ltd Sti.	CARSAMBA SAMSUN	PP

Approval No	Name	City Region	Category
TR 55 70 376	İpek Su Ürünleri Ve Gıda Mad. San. Tic Ltd Sti.	YAKAKENT SAMSUN	PP
TR 57 30 433	Baysoy Deniz Ürünleri San. Tic. A.S.	DIKMEN SINOP	PP
TR 57 30 446	Can Kardeşler Su Ürünleri San. ve Tic. A.S.	SINOP	PP
TR 61 30 394	Taka Deniz Ürl. Gıda ve Yem San. Soguk Hava Isl. Dis Tic. Ltd Sti.	CARSIBASI TRABZON	PP

Legend:

PP: Processing plant.

## COMMISSION DECISION

of 11 January 2002

**amending Decision 97/296/EC drawing up the list of third countries from which the import of fishery products is authorised for human consumption, with respect to Slovenia, Croatia, Gabon, Turkey and Armenia**

(notified under document number C(2002) 14/5)

(Text with EEA relevance)

(2002/28/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Decision 95/408/EC of 22 of June 1995<sup>(1)</sup> on the conditions for drawing up, for an interim period, provisional lists of third country establishments from which Member States are authorised to import certain products of animal origin, fishery products or live bivalve molluscs, as amended by Decision 2001/4/EC<sup>(2)</sup>, and in particular Article 2(2) and (3) thereof,

Whereas:

- (1) Commission Decision 97/296/EC<sup>(3)</sup>, as last amended by Decision 2001/635/EC<sup>(4)</sup>, lists the countries and territories from which importation of fishery products for human consumption is authorised. Part I of the Annex lists the names of the countries and territories covered by a specific Decision under Directive 91/493/EEC<sup>(5)</sup> and part II names those qualifying under Article 2(2) of Decision 95/408/EC.
- (2) Commission Decisions 2002/24/EC<sup>(6)</sup>, 2002/25/EC<sup>(7)</sup>, 2002/26/EC<sup>(8)</sup> and 2002/27/EC<sup>(9)</sup> set specific import conditions for fishery and aquaculture products originating in Slovenia, Croatia, Gabon and Turkey, respectively. The mentioned countries should therefore be added to part I of the Annex.
- (3) The Republic of Armenia has provided information that its fishery products satisfy sanitary conditions equivalent to those of the Community, and is able to guarantee that the fishery products it will export to the Community meet the health requirements of Directive 91/493/EEC; it is therefore necessary to modify the above list to include this country in Part II of the list. Nevertheless, following the information and the guarantees received from the competent authorities of this country it is necessary to limit the imports of fishery products authorised to live crayfish (*Astacus leptodactylus*) intended for direct human consumption only.
- (4) Decisions 2002/24/EC, 2002/25/EC, 2002/26/EC and 2002/27/EC will enter into force 60 days after their publication in the *Official Journal of the European*

*Communities* providing for the necessary transitional period and it is necessary to apply the same delay for the implementation of the present Decision. Nevertheless, since the import of fishery products from the Republic of Armenia will be authorised for the first time by the present Decision there is no need for such transitional period, imports from this country may be permitted immediately.

- (5) The measures provided for in this Decision are in accordance with the opinion of the Standing Veterinary Committee,

HAS ADOPTED THIS DECISION:

*Article 1*

The Annex to the present Decision replaces the Annex to Decision 97/296/EC.

*Article 2*

1. This Decision shall apply from the 60th day following that of its publication in the *Official Journal of the European Communities*.

2. By derogation from paragraph 1, Member States may authorise the import of fishery products from the Republic of Armenia from the date of the publication of this Decision in the *Official Journal of the European Communities*.

*Article 3*

This Decision is addressed to the Member States.

Done at Brussels, 11 January 2002.

*For the Commission*

David BYRNE

*Member of the Commission*

<sup>(1)</sup> OJ L 243, 11.10.1995, p. 17.

<sup>(2)</sup> OJ L 2, 5.1.2001, p. 21.

<sup>(3)</sup> OJ L 122, 14.5.1997, p. 21.

<sup>(4)</sup> OJ L 56, 17.8.2001, p. 56.

<sup>(5)</sup> OJ L 268, 24.9.1991, p. 15.

<sup>(6)</sup> See page 20 of this Official Journal.

<sup>(7)</sup> See page 25 of this Official Journal.

<sup>(8)</sup> See page 31 of this Official Journal.

<sup>(9)</sup> See page 36 of this Official Journal.

## ANNEX

## 'ANNEX

LIST OF COUNTRIES AND TERRITORIES FROM WHICH IMPORTATION OF FISHERY PRODUCTS IN ANY FORM  
INTENDED FOR HUMAN CONSUMPTION IS AUTHORISED

**I. Countries and territories covered by a specific decision under Council Directive 91/493/EEC**

AL — ALBANIA	MR — MAURITANIA
AR — ARGENTINA	MU — MAURITIUS
AU — AUSTRALIA	MV — MALDIVES
BD — BANGLADESH	MX — MEXICO
BR — BRAZIL	MY — MALAYSIA
CA — CANADA	NA — NAMIBIA
CI — CÔTE D'IVOIRE	NG — NIGERIA
CL — CHILE	NI — NICARAGUA
CN — CHINA	NZ — NEW ZEALAND
CO — COLOMBIA	OM — OMAN
CU — CUBA	PA — PANAMA
CZ — CZECH REPUBLIC	PE — PERU
EC — ECUADOR	PH — PHILIPPINES
EE — ESTONIA	PK — PAKISTAN
FK — FALKLAND ISLANDS	PL — POLAND
GA — GABON	RU — RUSSIA
GH — GHANA	SC — SEYCHELLES
GM — GAMBIA	SG — SINGAPORE
GN — GUINEA CONAKRY	SI — SLOVENIA
GT — GUATEMALA	SN — SENEGAL
HR — CROATIA	TH — THAILAND
ID — INDONESIA	TN — TUNISIA
IN — INDIA	TR — TURKEY
IR — IRAN	TW — TAIWAN
JM — JAMAICA	TZ — TANZANIA
JP — JAPAN	UG — UGANDA
KR — SOUTH KOREA	UY — URUGUAY
LT — LITHUANIA	VE — VENEZUELA
LV — LATVIA	VN — VIETNAM
MA — MOROCCO	YE — YEMEN
MG — MADAGASCAR	ZA — SOUTH AFRICA

**II. Countries and territories meeting the terms of Article 2(2) of Council Decision 95/408/EC**

AM — ARMENIA <sup>(1)</sup>	CG — REPUBLIC OF CONGO <sup>(4)</sup>
AO — ANGOLA	CH — SWITZERLAND
AG — ANTIGUA AND BARBUDA <sup>(2)</sup>	CM — CAMEROON
AN — NETHERLANDS ANTILLES	CR — COSTA RICA
AZ — AZERBAIJAN <sup>(3)</sup>	CY — CYPRUS
BJ — BENIN	DZ — ALGERIA
BS — BAHAMAS	ER — ERITREA
BY — BELARUS	FJ — FIJI
BZ — BELIZE	GD — GRENADA

<sup>(1)</sup> Authorised only for imports of live crayfish (*Astacus leptodactylus*) intended for direct human consumption.

<sup>(2)</sup> Authorised only for imports of fresh fish.

<sup>(3)</sup> Authorised only for imports of caviar.

<sup>(4)</sup> Authorised only for imports of fishery products caught, frozen and packed in their final packaging at sea.

GL — GREENLAND  
HK — HONG KONG  
HN — HONDURAS  
HU — HUNGARY <sup>(1)</sup>  
IL — ISRAEL  
KE — KENYA  
LK — SRI LANKA  
MM — MYANMAR  
MT — MALTA  
MZ — MOZAMBIQUE  
NC — NEW CALEDONIA  
PF — FRENCH POLYNESIA

PG — PAPUA NEW GUINEA  
PM — ST PIERRE AND MIQUELON  
RO — ROMANIA  
SB — SOLOMON ISLAND  
SH — ST HELENA  
SR — SURINAME  
SV — EL SALVADOR  
TG — TOGO  
US — UNITED STATES OF AMERICA  
YT — MAYOTTE <sup>(2)</sup>  
ZW — ZIMBABWE

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<sup>(1)</sup> Authorised onyl for import of live animals intended for direct human consumption.

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<sup>(2)</sup> Authorised only for imports of non-processed and non-prepared fresh aquaculture products.



**CORRIGENDA****Corrigendum to Commission Regulation (EC) No 38/2001 of 10 January 2002 fixing the export refunds on milk and milk products**

*(Official Journal of the European Communities L 7 of 11 January 2002)*

In the Contents and on page 5 in the title:

*for:* '... Regulation (EC) No 38/2001 ...',

*read:* '... Regulation (EC) No 38/2002 ...'.

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