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Legislation

Contents

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EN

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

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

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EN

I

(Acts whose publication is obligatory)

COMMISSION REGULATION (EC) No 1214/2002

of 5 July 2002

establishing the standard import values for determining the entry price of certain fruit and vegetables

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

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

Whereas:

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

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

HAS ADOPTED THIS REGULATION:

Article 1

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

Article 2

This Regulation shall enter into force on 6 July 2002.

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

Done at Brussels, 5 July 2002.

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

[1] OJ L 337, 24.12.1994, p. 66.
[2] OJ L 198, 15.7.1998, p. 4.

ANNEX

to the Commission Regulation of 5 July 2002 establishing the standard import values for determining the entry price of certain fruit and vegetables

(EUR/100 kg)

CN code	Third country code (1)	Standard import value
0702 00 00	052	37,3
	999	37,3
0707 00 05	052	90,3
	999	90,3
0709 90 70	052	71,9
	999	71,9
0805 50 10	388	55,2
	524	77,1
	528	56,5
	804	121,8
	999	77,7
0808 10 20, 0808 10 50, 0808 10 90	388	86,5
	400	95,6
	404	75,2
	508	80,0
	512	87,5
	524	72,9
	528	69,9
	720	91,2
	804	102,5
	999	84,6
0808 20 50	388	92,4
	512	82,3
	528	79,2
	800	92,6
	804	97,2
	999	88,7
0809 10 00	052	195,3
	064	153,4
	999	174,4
0809 20 95	052	347,9
	060	142,6
	061	259,3
	068	140,2
	400	244,7
	616	275,4
	999	235,0

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

COMMISSION REGULATION (EC) No 1215/2002

of 5 July 2002

amending Regulation (EC) No 20/2002 laying down detailed rules for implementing the specific supply arrangements for the outermost regions introduced by Council Regulations (EC) No 1452/2001, (EC) No 1453/2001 and (EC) No 1454/2001

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 1452/2001 of 28 June 2001 introducing specific measures for certain agricultural products for the French overseas departments, amending Directive 72/462/EEC and repealing Regulations (EEC) No 525/77 and (EEC) No 3763/91 (Poseidom) [1], and in particular Article 22 thereof,

Having regard to Council Regulation (EC) No 1453/2001 of 28 June 2001 introducing specific measures for certain agricultural products for the Azores and Madeira and repealing Regulation (EEC) No 1600/92 (Poseima) [2], and in particular Article 34 thereof,

Having regard to Council Regulation (EC) No 1454/2001 of 28 June 2001 introducing specific measures for certain agricultural products for the Canary Islands and repealing Regulation (EEC) No 1601/92 (Poseican) [3], and in particular Article 20 thereof,

Whereas:

(1) Fixing the flat-rate minimum level of aid for supplying the outermost regions in accordance with Commission Regulation (EC) No 20/2002 [4], as amended by Regulation (EC) No 474/2002 [5], involves the examination and assessment of a significant amount of data. Since that study is taking longer than provided for, the date from which the provision in question is to apply should be postponed and should coincide with the start of the calendar year, normally 1 January 2003.

(2) As a result, Regulation (EC) No 20/2002 should be amended.

(3) The measures provided for in this Regulation are in accordance with the opinions of all the Management Committees concerned,

HAS ADOPTED THIS REGULATION:

Article 1

The first indent of the second subparagraph of Article 30 of Regulation (EC) No 20/2002 is replaced by the following:

'— the third and fourth paragraphs of Article 6 shall apply from 1 January 2003,'.

Article 2

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

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

Done at Brussels, 5 July 2002.

For the Commission
Franz FISCHLER
Member of the Commission

[1] OJ L 198, 21.7.2001, p. 11.
[2] OJ L 198, 21.7.2001, p. 26.
[3] OJ L 198, 21.7.2001, p. 45.
[4] OJ L 8, 11.1.2002, p. 1.
[5] OJ L 75, 16.3.2002, p. 25.

COMMISSION REGULATION (EC) No 1216/2002

of 5 July 2002

amending Regulation (EC) No 2300/97 on detailed rules to implement Council Regulation (EC) No 1221/97 laying down general rules for the application of measures to improve the production and marketing of honey

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 1221/97 of 25 June 1997 laying down general rules for the application of measures to improve the production and marketing of honey [1], as amended by Regulation (EC) No 2070/98 [2], and in particular Article 5 thereof,

Whereas:

(1) Commission Regulation (EC) No 2300/97 [3], as last amended by Regulation (EC) No 1336/2001 [4], lays down provisions for the implementation of measures to improve the production and marketing of honey.

(2) There have been changes to the number of hives in the Member States' communications to update the structural data on the situation in the sector as provided for in Article 1(a) of Regulation (EC) No 2300/97. As a result, Annex I to that Regulation should be amended.

(3) Article 2(2) of Regulation (EC) No 2300/97 lays down a final date for implementation of measures under annual programmes. As a result, the new Annex I is to apply for the first time to the annual programmes covering the 2002/03 marketing year.

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

HAS ADOPTED THIS REGULATION:

Article 1

Annex I to Regulation (EC) No 2300/97 is replaced by the Annex hereto.

Article 2

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

It shall apply for the first time to the annual programmes covering the 2002/03 marketing year.

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

Done at Brussels, 5 July 2002.

For the Commission

Franz FISCHLER

Member of the Commission

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[1] OJ L 173, 1.7.1997, p. 1.
[2] OJ L 265, 30.9.1998, p. 1.
[3] OJ L 319, 21.11.1997, p. 4.
[4] OJ L 180, 3.7.2001, p. 21.

ANNEX

'ANNEX I

Member State	No of hives
B	100 000
DK	155 000
D	900 000
GR	1 380 000
E	2 314 494
F	1 297 000
IRL	20 000
I	1 100 000
L	10 213
NL	80 000
A	343 906
P	632 500
FIN	42 000
S	145 000
UK	273 750
EUR 15	8 793 863'

COMMISSION REGULATION (EC) No 1217/2002

of 5 July 2002

requiring importers or manufacturers of certain Einecs substances to supply certain information and perform certain tests pursuant to Council Regulation (EEC) No 793/93

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 793/93 of 23 March 1993 on the evaluation and control of the risks of existing substances [1], and in particular Article 12(2) thereof,

Whereas:

(1) A number of Member States have apprised the Commission of valid reasons for believing that certain substances in the European Inventory of Existing Commercial Chemical Substances (Einecs) [2] may, due to the degree of exposure entailed in their production or use, pose a serious risk to humans or the environment.

(2) The manufacturers and importers concerned should therefore be required to provide the Commission with the information in their possession concerning those substances.

(3) The manufacturers and importers concerned should also be required to test the substances in question, to draw up a report on those tests and to forward those reports, together with the results of the tests, to the Commission, subject to the possibility provided for by Article 12(3) of Regulation (EEC) No 793/93 that, where a substance is produced or imported as such or in a preparation by several manufacturers or importers, further testing may be performed by one or more manufacturers or importers acting on behalf of the others.

(4) The measures provided for in this Regulation are in accordance with the opinion of the Committee established by Article 15 of Regulation (EEC) No 793/93,

HAS ADOPTED THIS REGULATION:

Article 1

Manufacturers and importers of one or more of the Einecs substances listed in the Annex to this Regulation shall:

(a) provide the Commission with the information specified in the Annex within the time-limits laid down therein;

(b) perform, in relation to each such substance, the tests indicated in the Annex in accordance with the protocols specified therein;

(c) provide the Commission with a report on each test, including the results thereof, within the time-limits laid down in the Annex.

Article 2

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

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

Done at Brussels, 5 July 2002.

For the Commission
Margot WALLSTRÖM
Member of the Commission

[1] OJ L 84, 5.4.1993, p. 1.
[2] OJ C 146 A, 15.6.1990, p.1.

ANNEX

The testing/information requirements referred to in this Annex should be addressed to:

European Commission
Directorate-General for Environment
Directorate C — Unit C.3 — Chemicals
B-1049 Brussels

	Einecs No	CAS No	Substance name	Reason(s) for concern	Testing/Information Requirements	Months from the date of entry into force of this Regulation)
1	203-988-3	112-59-4	Diethylene glycol monohexyl ether	Human exposure during production and use. Dispersive use in coatings, printing inks and cleaning applications Unavailability of studies on developmental and fertility effects of the substance causes concern because of clear reprotoxicity observed in rodent and non-rodent studies with some ethylene glycol ether derivatives	Fertility Study (EC B.34 [1]/ OECD TG 415 [2] or OECD TG 416 [3])	18
2	263-090-2	61789-80-8	Quaternary Ammonium compounds, bis(hydrogenated tallow alkyl) dimethyl, chlorides	Significant increase in consumption volumes of the substance which would pose a potential risk for the environment	Yearly reports from industry of the total production and use volumes of the substance (period 2000-2002)	6 (volumes year 2000) 18 (volumes year 2001) 24 (volumes year 2002)
3	203-481-7	107-31-3	Methyl formate	High Production Volume Chemical Acute inhalation exposure of experimental animals to the substance has resulted in eye and respiratory tract irritation Uncertainty and impossibility of establishing a scientifically based OEL (SCOEL) due to lack of data Lack of data on prolonged exposure for the establishment of safe exposure level	Subchronic Inhalation Toxicity Study: 90-day repeated inhalation dose study (EC B.29 [3]/OECD TG 413 [4])	18
4	200-864-0	75-35-4	1,1-dichloroethene	High Production Volume Chemical Nervous system disfunctioning upon long term exposure well below present Occupational Exposure Limits (OELs)	Subchronic Inhalation Toxicity Study: 90-day repeated inhalation dose study (recovery period of 4-6 weeks) with special neurological parameters (EC B.29 [3]/OECD TG 413 [6] and OECD TG 424 [5]). General pathology may be waived if this information is available in other studies.	18

	Einecs No	CAS No	Substance name	Reason(s) for concern	Testing/Information Requirements	Months from the date of entry into force of this Regulation)
					Special neurological parameters: — Functional observational battery and motor activity assessment; — Assessment of behavioural performance (e.g. visual discrimination performance); — Assessment of cognitive function (e.g. delayed alternation, Morris water maze). All relevant information and full study reports necessary for evaluation of the hazard potential of the substance	
5	211-309-7	637-92-3	2-ethoxy-2-methylpropane	Data poor substance Growing potential for wide dispersive use of the substance due to its potential use as a substitute for MTBE Adverse effects may occur upon prolonged exposure	Information on annual production and import volumes Acute Toxicity for *Daphnia* (EC C.2 [3]/OECD TG 202 [6]) Growth Inhibition Test for Algae (EC C.3 [3]/OECD TG 201 [7]) Developmental Toxicity Study (OECD TG 414 [8]) All relevant information and full study reports necessary for evaluation of the hazard potential of the substance	18
					Fertility Study (OECD TG 416 [5])	24

[1] In accordance with Annex V of Council Directive 67/548/EEC of 27 June 1967 on the approximation of laws, regulations and administrative provisions relating to the classification, packaging and labelling of dangerous substances (OJ 196, 16.8.1967, p.1).
[2] *OECD's Guidelines for the Testing of Chemicals - Section 4 - Health Effects* TG No 415: 'One-Generation Reproduction Toxicity Study ' *(Original Guideline, adopted 26 May 1983).*
[3] *OECD's Guidelines for the Testing of Chemicals - Section 4 - Health Effects* TG No 416: 'Two-Generation Reproduction Toxicity Study' *(Updated Guideline, adopted 22 January 2001).*
[4] *OECD's Guidelines for the Testing of Chemicals - Section 4 - Health Effects* TG No 413: 'Subchronic Inhalation Toxicity: 90-day Study' *(Original Guideline, adopted 12 May 1981).*
[5] *OECD's Guidelines for the Testing of Chemicals - Section 4 - Health Effects* TG No 424: 'Neurotoxicity Study in Rodents' *(Original Guideline, adopted 21 July 1997).*
[6] *OECD's Guidelines for the Testing of Chemicals - Section 2 - Effects on Biotic Systems* TG No 202: 'Daphnia sp. Acute Immobilisation Test and Reproduction Test' *(Updated Guideline, adopted 4 April 1984).*
[7] *OECD's Guidelines for the Testing of Chemicals — Section 2 — Effects on Biotic Systems* TG No 201: 'Alga, Growth Inhibition Test' *((Updated Guideline, adopted 7 June 1984).*
[8] *OECD's Guidelines for the Testing of Chemicals - Section 4 - Health Effects* TG No 414: 'Prenatal Developmental Toxicity Study' (Updated Guideline, adopted 22 January 2001).

COMMISSION REGULATION (EC) No 1218/2002

of 5 July 2002

concerning the issue of import licences for certain preserved mushrooms

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Commission Regulation (EC) No 2125/95 of 6 September 1995 opening and providing for the administration of Community tariff quotas for preserved mushrooms [1], as last amended by Regulation (EC) No 453/2002 [2], and in particular Article 6(4) thereof,

Whereas:

(1) Article 6(4) of Regulation (EC) No 2125/95 lays down that where the quantities applied for exceed the quantity available, the Commission must set a flat-rate percentage reduction and suspend the issue of licences in respect of subsequent applications.

(2) The quantities applied for on 2 and 3 July 2002 pursuant to Article 4(1)(b) of Regulation (EC) No 2125/95 exceed the quantity available. As a result, the extent to which licences may be issued and the issue of licences for all subsequent applications should be suspended,

HAS ADOPTED THIS REGULATION:

Article 1

Import licences applied for pursuant to Article 4(1)(b) of Regulation (EC) No 2125/95 on 2 and 3 July 2002 and submitted to the Commission on 4 July 2002 shall be issued, bearing the wording laid down in Article 11(1) of that Regulation, for 19,23 % of the quantity applied for.

Article 2

The issue of import licences applied for pursuant to Article 4(1)(b) of Regulation (EC) No 2125/95 shall be suspended for applications submitted from 4 July until 31 December 2002.

Article 3

This Regulation shall enter into force on 6 July 2002.

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

Done at Brussels, 5 July 2002.

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

[1] OJ L 212, 7.9.1995, p. 16.
[2] OJ L 72, 14.3.2002, p. 9.

COMMISSION REGULATION (EC) No 1219/2002
of 5 July 2002
fixing the export refunds on olive oil

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation No 136/66/EEC of 22 September 1966 on the establishment of a common organisation of the market in oils and fats [1], as last amended by Regulation (EC) No 1513/2001 [2], and in particular Article 3(3) thereof,

Whereas:

(1) Article 3 of Regulation No 136/66/EEC provides that, where prices within the Community are higher than world market prices, the difference between these prices may be covered by a refund when olive oil is exported to third countries.

(2) The detailed rules for fixing and granting export refunds on olive oil are contained in Commission Regulation (EEC) No 616/72 [3], as last amended by Regulation (EEC) No 2962/77 [4].

(3) Article 3(3) of Regulation No 136/66/EEC provides that the refund must be the same for the whole Community.

(4) In accordance with Article 3(4) of Regulation No 136/66/EEC, the refund for olive oil must be fixed in the light of the existing situation and outlook in relation to olive oil prices and availability on the Community market and olive oil prices on the world market. However, where the world market situation is such that the most favourable olive oil prices cannot be determined, account may be taken of the price of the main competing vegetable oils on the world market and the difference recorded between that price and the price of olive oil during a representative period. The amount of the refund may not exceed the difference between the price of olive oil in the Community and that on the world market, adjusted, where appropriate, to take account of export costs for the products on the world market.

(5) In accordance with Article 3(3) third indent, point (b) of Regulation No 136/66/EEC, it may be decided that the refund shall be fixed by tender. The tendering procedure should cover the amount of the refund and may be limited to certain countries of destination, quantities, qualities and presentations.

(6) The second indent of Article 3(3) of Regulation No 136/66/EEC provides that the refund on olive oil may be varied according to destination where the world market situation or the specific requirements of certain markets make this necessary.

(7) The refund must be fixed at least once every month. It may, if necessary, be altered in the intervening period.

(8) It follows from applying these detailed rules to the present situation on the market in olive oil and in particular to olive oil prices within the Community and on the markets of third countries that the refund should be as set out in the Annex hereto.

(9) The Management Committee for Oils and Fats has not delivered an opinion within the time limit set by its chairman,

HAS ADOPTED THIS REGULATION:

Article 1

The export refunds on the products listed in Article 1(2)(c) of Regulation No 136/66/EEC shall be as set out in the Annex hereto.

Article 2

This Regulation shall enter into force on 6 July 2002.

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

Done at Brussels, 5 July 2002.

For the Commission
Franz FISCHLER
Member of the Commission

[1] OJ 172, 30.9.1966, p. 3025/66.
[2] OJ L 201, 26.7.2001, p. 4.
[3] OJ L 78, 31.3.1972, p. 1.
[4] OJ L 348, 30.12.1977, p. 53.

ANNEX

to the Commission Regulation of 5 July 2002 fixing the export refunds on olive oil

Product code	Destination	Unit of measurement	Amount of refund
1509 10 90 9100	A00	EUR/100 kg	0,00
1509 10 90 9900	A00	EUR/100 kg	0,00
1509 90 00 9100	A00	EUR/100 kg	0,00
1509 90 00 9900	A00	EUR/100 kg	0,00
1510 00 90 9100	A00	EUR/100 kg	0,00
1510 00 90 9900	A00	EUR/100 kg	0,00

NB: The product codes and the 'A' series destination codes are set out in Commission Regulation (EEC) No 3846/87 (OJ L 366, 24.12.1987, p. 1) as amended.

The numeric destination codes are set out in Commission Regulation (EC) No 2020/2001 (OJ L 273, 16.10.2001, p. 6).

COMMISSION REGULATION (EC) No 1220/2002

of 5 July 2002

determining the extent to which applications lodged in June 2002 for import rights in respect of frozen beef intended for processing may be accepted

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Commission Regulation (EC) No 995/2002 of 11 June 2002 opening and providing for the administration of an import tariff quota for frozen beef intended for processing (1 July 2002 to 30 June 2003) [1], and in particular the second subparagraph of Article 3(4) thereof,

Whereas:

(1) Article 1(2) of Regulation (EC) No 995/2002 fixes the quantities of frozen beef intended for processing which may be imported under special terms in the period from 1 July 2002 to 30 June 2003.

(2) Article 3(4) of Regulation (EC) No 995/2002 lays down that the quantities applied for may be reduced. The applications lodged for 'A' products relate to total quantities which exceed the quantities available. Under these circumstances and taking care to ensure an equitable distribution of the available quantities, it is appropriate to reduce proportionally the quantities applied for. The quantities for 'B' products covered by import rights applications are such that import licenses may be granted for the full quantities applied for,

HAS ADOPTED THIS REGULATION:

Article 1

Every application for import rights lodged in accordance with Regulation (EC) No 995/2002 for the period 1 July 2002 to 30 June 2003 shall be granted to the following extent, expressed as bone-in beef:

(a) 88,0903 % of the quantity requested for beef imports intended for the manufacture of 'preserves' as defined by Article 1(2)(a) of Regulation (EC) No 995/2002;

(b) 100 % of the quantity requested for beef imports intended for the manufacture of products as defined by Article 1(2)(b) of Regulation (EC) No 995/2002.

Article 2

This Regulation shall enter into force on 6 July 2002.

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

Done at Brussels, 5 July 2002.

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

[1] OJ L 152, 12.6.2002, p. 3.

DIRECTIVE 2002/44/EC OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL

of 25 June 2002

on the minimum health and safety requirements regarding the exposure of workers to the risks arising from physical agents (vibration) (sixteenth individual Directive within the meaning of Article 16(1) of Directive 89/391/EEC)

THE EUROPEAN PARLIAMENT AND THE COUNCIL OF THE EUROPEAN UNION,

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

Having regard to the proposal from the Commission [1], submitted after consultation with the Advisory Committee on Safety, Hygiene and Health Protection at Work,

Having regard to the opinion of the Economic and Social Committee [2],

Having consulted the Committee of the Regions,

Acting in accordance with the procedure laid down in Article 251 of the Treaty [3], in the light of the joint text approved by the Conciliation Committee on 8 April 2002,

Whereas:

(1) Under the Treaty the Council may, by means of directives, adopt minimum requirements for encouraging improvements, especially in the working environment, to guarantee a better level of protection of the health and safety of workers. Such directives are to avoid imposing administrative, financial and legal constraints in a way which would hold back the creation and development of small and medium-sized undertakings.

(2) The communication from the Commission concerning its action programme relating to the implementation of the Community Charter of the Fundamental Social Rights of Workers provides for the introduction of minimum health and safety requirements regarding the exposure of workers to the risks caused by physical agents. In September 1990 the European Parliament adopted a resolution concerning this action programme [4], inviting the Commission in particular to draw up a specific directive on the risks caused by noise and vibration and by any other physical agent at the workplace.

(3) As a first step, it is considered necessary to introduce measures protecting workers from the risks arising from vibrations owing to their effects on the health and safety of workers, in particular muscular/bone structure, neurological and vascular disorders. These measures are intended not only to ensure the health and safety of each worker on an individual basis, but also to create a minimum basis of protection for all Community workers in order to avoid possible distortions of competition.

(4) This Directive lays down minimum requirements, thus giving Member States the option of maintaining or adopting more favourable provisions for the protection of workers, in particular the fixing of lower values for the daily action value or the daily exposure limit value for vibrations. The implementation of this Directive should not serve to justify any regression in relation to the situation which already prevails in each Member State.

(5) A system of protection against vibration must limit itself to a definition, free of excessive detail, of the objectives to be attained, the principles to be observed and the fundamental values to be used, in order to enable Member States to apply the minimum requirements in an equivalent manner.

(6) The level of exposure to vibration can be more effectively reduced by incorporating preventive measures into the design of work stations and places of work and by selecting work equipment, procedures and methods so as to give priority to reducing the risks at source. Provisions relating to work equipment and methods thus contribute to the protection of the workers involved.

(7) Employers should make adjustments in the light of technical progress and scientific knowledge regarding risks related to exposure to vibration, with a view to improving the safety and health protection of workers.

(8) In the case of sea and air transport, given the current state of the art it is not possible to comply in all circumstances with the exposure limit values for whole-body vibration; provision should therefore be made for duly justified exemptions in some cases.

(9) Since this Directive is an individual Directive within the meaning of Article 16(1) of Council Directive 89/391/EEC of 12 June 1989 on the introduction of measures to encourage improvements in the safety and health of workers at work [5], that Directive therefore applies to the exposure of workers to vibration, without prejudice to more stringent and/or specific provisions contained in this Directive.

(10) This Directive constitutes a practical step towards creating the social dimension of the internal market.

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(1) OJ C 77, 18.3.1993, p. 12.
OJ C 230, 19.8.1994, p. 3.

(2) OJ C 249, 13.9.1993, p. 28.

(3) Opinion of the European Parliament of 20 April 1994 (OJ C 128, 9.5.1994, p. 146) confirmed on 16 September 1999 (OJ C 54, 25.2.2000, p. 75), Council Common Position of 25 June 2001 (OJ C 301, 26.10.2001, p. 1) and Decision of the European Parliament of 23 October 2001 (not yet published in the Official Journal). Decision of the European Parliament of 25 April 2002 and Council Decision of 21 May 2002.

(4) OJ C 260, 15.10.1990, p. 167.

(5) OJ L 183, 29.6.1989, p. 1.

(11) The measures necessary for the implementation of this Directive should be adopted in accordance with Council Decision 1999/468/EC of 28 June 1999 laying down the procedures for the exercise of implementing powers conferred on the Commission [1],

HAVE ADOPTED THIS DIRECTIVE:

SECTION I

GENERAL PROVISIONS

Article 1

Aim and scope

1. This Directive, which is the 16th individual Directive within the meaning of Article 16(1) of Directive 89/391/EEC, lays down minimum requirements for the protection of workers from risks to their health and safety arising or likely to arise from exposure to mechanical vibration.

2. The requirements of this Directive shall apply to activities in which workers are or are likely to be exposed to risks from mechanical vibration during their work.

3. Directive 89/391/EEC shall apply fully to the whole area referred to in paragraph 1, without prejudice to more stringent and/or more specific provisions contained in this Directive.

Article 2

Definitions

For the purposes of this Directive, the following terms shall mean:

(a) 'hand-arm vibration': the mechanical vibration that, when transmitted to the human hand-arm system, entails risks to the health and safety of workers, in particular vascular, bone or joint, neurological or muscular disorders;

(b) 'whole-body vibration': the mechanical vibration that, when transmitted to the whole body, entails risks to the health and safety of workers, in particular lower-back morbidity and trauma of the spine.

Article 3

Exposure limit values and action values

1. For hand-arm vibration:

(a) the daily exposure limit value standardised to an eight-hour reference period shall be 5 m/s^2;

(b) the daily exposure action value standardised to an eight-hour reference period shall be 2,5 m/s^2.

Workers' exposure to hand-arm vibration shall be assessed or measured on the basis of the provisions of Point 1 of Part A of the Annex.

2. For whole-body vibration:

(a) the daily exposure limit value standardised to an eight-hour reference period shall be 1,15 m/s^2 or, at the choice of the Member State concerned, a vibration dose value of 21 $m/s^{1,75}$;

(b) the daily exposure action value standardised to an eight-hour reference period shall be 0,5 m/s^2 or, at the choice of the Member State concerned, a vibration dose value of 9,1 $m/s^{1,75}$.

Workers' exposure to whole-body vibration shall be assessed or measured on the basis of the provisions of Point 1 of Part B of the Annex.

SECTION II

OBLIGATION OF EMPLOYERS

Article 4

Determination and assessment of risks

1. In carrying out the obligations laid down in Article 6(3) and Article 9(1) of Directive 89/391/EEC, the employer shall assess and, if necessary, measure the levels of mechanical vibration to which workers are exposed. Measurement shall be carried out in accordance with Point 2 of Part A or Point 2 of Part B of the Annex to this Directive, as appropriate.

2. The level of exposure to mechanical vibration may be assessed by means of observation of specific working practices and reference to relevant information on the probable magnitude of the vibration corresponding to the equipment or the types of equipment used in the particular conditions of use, including such information provided by the manufacturer of the equipment. That operation shall be distinguished from measurement, which requires the use of specific apparatus and appropriate methodology.

3. The assessment and measurement referred to in paragraph 1 shall be planned and carried out by competent services at suitable intervals, taking particular account of the provisions of Article 7 of Directive 89/391/EEC concerning the necessary competent services or persons. The data obtained from the assessment and/or measurement of the level of exposure to mechanical vibration shall be preserved in a suitable form so as to permit consultation at a later stage.

4. Pursuant to Article 6(3) of Directive 89/391/EEC, the employer shall give particular attention, when carrying out the risk assessment, to the following:

(a) the level, type and duration of exposure, including any exposure to intermittent vibration or repeated shocks;

(b) the exposure limit values and the exposure action values laid down in Article 3 of this Directive;

(c) any effects concerning the health and safety of workers at particularly sensitive risk;

(d) any indirect effects on worker safety resulting from interactions between mechanical vibration and the workplace or other work equipment;

[1] OJ L 184, 17.7.1999, p. 23.

(e) information provided by the manufacturers of work equipment in accordance with the relevant Community Directives;

(f) the existence of replacement equipment designed to reduce the levels of exposure to mechanical vibration;

(g) the extension of exposure to whole-body vibration beyond normal working hours under the employer's responsibility;

(h) specific working conditions such as low temperatures;

(i) appropriate information obtained from health surveillance, including published information, as far as possible.

5. The employer shall be in possession of an assessment of the risk in accordance with Article 9(1)(a) of Directive 89/391/EEC and shall identify which measures must be taken in accordance with Articles 5 and 6 of this Directive. The risk assessment shall be recorded on a suitable medium, according to national law and practice; it may include a justification by the employer that the nature and extent of the risks related to mechanical vibration make a further detailed risk assessment unnecessary. The risk assessment shall be kept up-to-date on a regular basis, particularly if there have been significant changes which could render it out-of-date, or when the results of health surveillance show it to be necessary.

Article 5

Provisions aimed at avoiding or reducing exposure

1. Taking account of technical progress and of the availability of measures to control the risk at source, the risks arising from exposure to mechanical vibration shall be eliminated at their source or reduced to a minimum.

The reduction of such risks shall be based on the general principles of prevention set out in Article 6(2) of Directive 89/391/EEC.

2. On the basis of the risk assessment referred to in Article 4, once the exposure action values laid down in Article 3(1)(b) and (2)(b) are exceeded, the employer shall establish and implement a programme of technical and/or organisational measures intended to reduce to a minimum exposure to mechanical vibration and the attendant risks, taking into account in particular:

(a) other working methods that require less exposure to mechanical vibration;

(b) the choice of appropriate work equipment of appropriate ergonomic design and, taking account of the work to be done, producing the least possible vibration;

(c) the provision of auxiliary equipment that reduces the risk of injuries caused by vibration, such as seats that effectively reduce whole-body vibration and handles which reduce the vibration transmitted to the hand-arm system;

(d) appropriate maintenance programmes for work equipment, the workplace and workplace systems;

(e) the design and layout of workplaces and work stations;

(f) adequate information and training to instruct workers to use work equipment correctly and safely in order to reduce their exposure to mechanical vibration to a minimum;

(g) limitation of the duration and intensity of the exposure;

(h) appropriate work schedules with adequate rest periods;

(i) the provision of clothing to protect exposed workers from cold and damp.

3. In any event, workers shall not be exposed above the exposure limit value.

If, despite the measures taken by the employer to comply with this Directive, the exposure limit value is exceeded, the employer shall take immediate action to reduce exposure below the exposure limit value. He shall identify the reasons why the exposure limit value has been exceeded, and shall amend the protection and prevention measures accordingly in order to prevent it being exceeded again.

4. Pursuant to Article 15 of Directive 89/391/EEC, the employer shall adapt the measures referred to in this Article to the requirements of workers at particular risk.

Article 6

Worker information and training

Without prejudice to Articles 10 and 12 of Directive 89/391/EEC, the employer shall ensure that workers who are exposed to the risks from mechanical vibration at work and/or their representatives receive information and training relating to the outcome of the risk assessment provided for in Article 4(1) of this Directive, concerning in particular:

(a) the measures taken to implement this Directive in order to eliminate or reduce to a minimum the risks from mechanical vibration;

(b) the exposure limit values and the exposure action values;

(c) the results of the assessment and measurement of the mechanical vibration carried out in accordance with Article 4 of this Directive and the potential injury arising from the work equipment in use;

(d) why and how to detect and report signs of injury;

(e) the circumstances in which workers are entitled to health surveillance;

(f) safe working practices to minimise exposure to mechanical vibration.

Article 7

Consultation and participation of workers

Consultation and participation of workers and/or of their representatives shall take place in accordance with Article 11 of Directive 89/391/EEC on the matters covered by this Directive.

SECTION III

MISCELLANEOUS PROVISIONS

Article 8

Health surveillance

1. Without prejudice to Article 14 of Directive 89/391/EEC, Member States shall adopt provisions to ensure the appropriate health surveillance of workers with reference to the outcome of the risk assessment provided for in Article 4(1) of this Directive where it indicates a risk to their health. Those provisions, including the requirements specified for health records and their availability, shall be introduced in accordance with national laws and/or practice.

Health surveillance, the results of which are taken into account in the application of preventive measures at a specific workplace, shall be intended to prevent and diagnose rapidly any disorder linked with exposure to mechanical vibration. Such surveillance shall be appropriate where:

— the exposure of workers to vibration is such that a link can be established between that exposure and an identifiable illness or harmful effects on health,

— it is probable that the illness or the effects occur in a worker's particular working conditions, and

— there are tested techniques for the detection of the illness or the harmful effects on health.

In any event, workers exposed to mechanical vibration in excess of the values stated in Article 3(1)(b) and (2)(b) shall be entitled to appropriate health surveillance.

2. Member States shall establish arrangements to ensure that, for each worker who undergoes health surveillance in accordance with paragraph 1, individual health records are made and kept up-to-date. Health records shall contain a summary of the results of the health surveillance carried out. They shall be kept in a suitable form so as to permit any consultation at a later date, taking into account any confidentiality.

Copies of the appropriate records shall be supplied to the competent authority on request. The individual worker shall, at his request, have access to the health records relating to him personally.

3. Where, as a result of health surveillance, a worker is found to have an identifiable disease or adverse health effect which is considered by a doctor or occupational health-care professional to be the result of exposure to mechanical vibration at work:

(a) the worker shall be informed by the doctor or other suitably qualified person of the result which relates to him personally. He shall, in particular, receive information and advice regarding any health surveillance which he should undergo following the end of exposure;

(b) the employer shall be informed of any significant findings from the health surveillance, taking into account any medical confidentiality.

(c) the employer shall:

— review the risk assessment carried out pursuant to Article 4,

— review the measures provided for to eliminate or reduce risks pursuant to Article 5,

— take into account the advice of the occupational health-care professional or other suitably qualified person or the competent authority in implementing any measures required to eliminate or reduce risk in accordance with Article 5, including the possibility of assigning the worker to alternative work where there is no risk of further exposure, and

— arrange continued health surveillance and provide for a review of the health status of any other worker who has been similarly exposed. In such cases, the competent doctor or occupational health care professional or the competent authority may propose that exposed persons undergo a medical examination.

Article 9

Transitional periods

With regard to implementation of the obligations laid down in Article 5(3), Member States, after consultation of the two sides of industry in accordance with national legislation or practice, shall be entitled to make use of a maximum transitional period of five years from 6 July 2005 where work equipment is used which was given to workers before 6 July 2007 and which does not permit the exposure limit values to be respected, taking into account the latest technical advances and/or the organisational measures taken. With regard to equipment used in the agriculture and forestry sectors, Member States shall be entitled to extend the maximum transitional period by up to four years.

Article 10

Derogations

1. In compliance with the general principles of health and safety protection for workers, Member States may, in the case of sea and air transport, derogate from Article 5(3) in duly justified circumstances with respect to whole-body vibration where, given the state of the art and the specific characteristics of workplaces, it is not possible to comply with the exposure limit value despite the technical and/or organisation measures taken.

2. In a case where the exposure of a worker to mechanical vibration is usually below the exposure action values given in Article 3(1)(b) and (2)(b) but varies markedly from time to time and may occasionally exceed the exposure limit value, Member States may also grant derogations from Article 5(3). However, the exposure value averaged over 40 hours must be less than the exposure limit value and there must be evidence to show that the risks from the pattern of exposure to the work are lower than those from exposure at the exposure limit value.

3. The derogations referred to in paragraphs 1 and 2 shall be granted by Member States after consultation of the two sides of industry in accordance with national laws and practice. Such derogations must be accompanied by conditions which guarantee, taking into account the special circumstances, that the resulting risks are reduced to a minimum and that the workers concerned are subject to increased health surveillance. Such derogations shall be reviewed every four years and withdrawn as soon as the justifying circumstances no longer obtain.

4. Every four years Member States shall forward to the Commission a list of derogations as referred to in paragraphs 1 and 2, indicating the exact reasons and circumstances which made them decide to grant the derogations.

Article 11

Technical amendments

Amendments to the Annex of a strictly technical nature in line with:

(a) the adoption of Directives in the field of technical harmonisation and standardisation with regard to the design, building, manufacture or construction of work equipment and/or workplaces;

(b) technical progress, changes in the most appropriate harmonised European standards or specifications and new findings concerning mechanical vibration;

shall be adopted in accordance with the regulatory procedure laid down in Article 12(2).

Article 12

Committee

1. The Commission shall be assisted by the Committee referred to in Article 17(2) of Directive 89/391/EEC.

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 referred to in Article 5(6) of Decision 1999/468/EC shall be set at three months.

3. The Committee shall adopt its rules of procedure.

SECTION IV

FINAL PROVISIONS

Article 13

Reports

Every five years Member States shall provide a report to the Commission on the practical implementation of this Directive, indicating the points of view of the two sides of industry. It shall contain a description of best practice for preventing vibrations with a harmful effect on health and of other forms of work organisation, together with the action taken by the Member States to impart knowledge of such best practice.

On the basis of those reports, the Commission shall carry out an overall assessment of the implementation of the Directive, including implementation in the light of research and scientific information, and shall inform the European Parliament, the Council, the Economic and Social Committee and the Advisory Committee on Safety, Hygiene and Health Protection at Work thereof and, if necessary, propose amendments.

Article 14

Transposition

1. The Member States shall bring into force the laws, regulations and administrative provisions necessary to comply with this Directive no later than 6 July 2005. They shall forthwith inform the Commission thereof. They shall also include a list, giving detailed reasons, of the transitional arrangements which the Member States have adopted in accordance with Article 9.

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

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

Article 15

Entry into force

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

Article 16

Addressees

This Directive is addressed to the Member States.

Done at Luxembourg, 25 June 2002.

For the European Parliament	*For the Council*
The President	*The President*
P. COX	J. MATAS I PALOU

ANNEX

A. **HAND-ARM VIBRATION**

1. **Assessment of exposure**

The assessment of the level of exposure to hand-arm vibration is based on the calculation of the daily exposure value normalised to an eight-hour reference period A(8), expressed as the square root of the sum of the squares (rms) (total value) of the frequency-weighted acceleration values, determined on the orthogonal axes a_{hwx}, a_{hwy}, a_{hwz} as defined in Chapters 4 and 5 and Annex A to ISO standard 5349-1(2001).

The assessment of the level of exposure may be carried out on the basis of an estimate based on information provided by the manufacturers concerning the level of emission from the work equipment used, and based on the observation of specific work practices or on measurement.

2. **Measurement**

When measurement is employed in accordance with Article 4(1):

(a) the methods used may include sampling, which must be representative of the personal exposure of a worker to the mechanical vibration in question; the methods and apparatus used must be adapted to the particular characteristics of the mechanical vibration to be measured, to ambient factors and to the characteristics of the measuring apparatus, in accordance with ISO standard 5349-2(2001);

(b) in the case of devices which need to be held with both hands, measurements must be made on each hand. The exposure is determined by reference to the higher value of the two; information for the other hand shall also be given.

3. **Interference**

Article 4(4)(d) will apply, in particular where the mechanical vibration interferes with the proper handling of controls or reading of indicators.

4. **Indirect risks**

Article 4(4)(d) will apply in particular when the mechanical vibration interferes with the stability of structures or the security of joints.

5. **Individual protectors**

Personal protective equipment against hand-arm vibration may contribute to the programme of measures referred to in Article 5(2).

B. **WHOLE-BODY VIBRATION**

1. **Assessment of exposure**

The assessment of the level of exposure to vibration is based on the calculation of daily exposure A(8) expressed as equivalent continuous acceleration over an eight-hour period, calculated as the highest (rms) value, or the highest vibration dose value (VDV) of the frequency-weighted accelerations, determined on three orthogonal axes ($1{,}4a_{wx}$, $1{,}4a_{wy}$, a_{wz} for a seated or standing worker) in accordance with Chapters 5, 6 and 7, Annex A and Annex B to ISO standard 2631-1(1997).

The assessment of the level of exposure may be carried out on the basis of an estimate based on information provided by the manufacturers concerning the level of emission from the work equipment used, and based on observation of specific work practices or on measurement.

In the case of maritime shipping, Member States may consider only vibrations of a frequency exceeding 1 Hz.

2. **Measurement**

When measurement is employed in accordance with Article 4(1), the methods used may include sampling, which must be representative of the personal exposure of a worker to the mechanical vibration in question. The methods used must be adapted to the particular characteristics of the mechanical vibration to be measured, to ambient factors and to the characteristics of the measuring apparatus.

3. **Interference**

Article 4(4)(d) will apply, in particular where the mechanical vibration interferes with the proper handling of controls or reading of indicators.

4. **Indirect risks**

Article 4(4)(d) will apply, in particular when the mechanical vibration interferes with the stability of structures or the security of joints.

5. **Extension of exposure**

Article 4(4)(g) will apply, in particular where, owing to the nature of the activity, a worker benefits from the use of rest facilities supervised by the employer; exposure to whole-body vibration in those facilities must be reduced to a level compatible with their purpose and conditions of use, except in cases of '*force majeure*'.

JOINT STATEMENT BY THE EUROPEAN PARLIAMENT AND THE COUNCIL

The European Parliament and the Council reaffirm their commitment to continue examining the Commission's proposal on the other physical agents (audible acoustic fields, electric or magnetic fields or combinations thereof). However, in view of the technical difficulties with regard to the other physical agents, priority has been given to vibrations. The European Parliament and the Council recognise, however, that it is necessary to adopt Directives as soon as possible on the other physical agents referred to in the Commission's proposal.

DIRECTIVE 2002/45/EC OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL

of 25 June 2002

amending for the twentieth time Council Directive 76/769/EEC relating to restrictions on the marketing and use of certain dangerous substances and preparations (short-chain chlorinated paraffins)

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 [1],

Having regard to the opinion of the Economic and Social Committee [2],

Acting in accordance with the procedure laid down in Article 251 of the Treaty [3], in the light of the joint text approved by the Conciliation Committee on 22 April 2002,

Whereas:

(1) Limitations already adopted or planned by certain Member States on the use of short-chain chlorinated paraffins (SCCPs) following PARCOM (Convention for the Prevention of Marine Pollution from Land-Based Sources) Decision 95/1 directly affect the completion and functioning of the internal market; it is therefore necessary to approximate the laws of the Member States in this field and consequently to amend Annex I to Council Directive 76/769/EEC of 27 July 1976 on the approximation of the laws, regulations and administrative provisions of the Member States relating to restrictions on the marketing and use of certain dangerous substances and preparations [4] taking into account Community risk-assessments and the relevant scientific evidence in support of PARCOM Decision 95/1.

(2) SCCPs are classified as dangerous to the environment, since they are very toxic to aquatic organisms and may cause long-term adverse effects in the aquatic environment.

(3) The Commission has adopted a Recommendation, in the framework of Council Regulation (EEC) No 793/93 of 23 March 1993 on the evaluation and control of the risks of existing substances [5], calling for specific measures to restrict the use of SCCPs, in particular in metalworking fluids and leather finishing products, in order to protect the aquatic environment.

(4) The remaining uses of all chlorinated paraffins are to be reviewed in the light of relevant scientific knowledge, in particular with regard to emissions containing chlorinated paraffins. The Commission should make appropriate proposals to reduce such uses.

(5) On 27 November 1998 the Scientific Committee on Toxicity, Ecotoxicity and the Environment (CSTEE) delivered its opinion on the risks of SCCPs, as identified by the Recommendation.

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[1] OJ C 337 E, 28.11.2000, p. 138 and OJ C 213 E, 31.7.2001, p. 296.
[2] OJ C 116, 20.4.2001, p. 27.
[3] European Parliament Opinion of 1 February 2001 (OJ C 267, 21.9.2001, p. 41), Council Common Position of 27 June 2001 (OJ C 301, 26.10.2001, p. 39) and Decision of the European Parliament of 29 November 2001 (not yet published in the Official Journal). Decision of the European Parliament of 30 May 2002 (not yet published in the Official Journal) and Decision of the Council of 21 May 2002.
[4] OJ L 262, 27.9.1976, p. 201. Directive as last amended by Commission Directive 99/77/EC (OJ L 207, 6.8.1999, p. 18).
[5] OJ L 84, 5.4.1993, p. 1.

(6) This Directive applies without prejudice to Community legislation on protection of the safety and health of workers at work, in particular Council Directive 89/391/EEC of 12 June 1989 on the introduction of measures to encourage improvements in the safety and health of workers at work [1] and Council Directive 98/24/EC of 7 April 1998 on the protection of the health and safety of workers from the risk related to chemical agents at work (fourteenth individual Directive within the meaning of Article 16(1) of Directive 89/391/EEC) [2],

HAVE ADOPTED THIS DIRECTIVE:

Article 1

In Annex I to Directive 76/769/EEC the following point shall be added:

'42. Alkanes, C_{10}-C_{13}, chloro (short-chain chlorinated paraffins)	1. May not be placed on the market for use as substances or as constituents of other substances or preparations in concentrations higher than 1 %: — in metalworking; — for fat liquoring of leather. 2. Before 1 January 2003 all remaining uses of SCCPs will be reviewed by the European Commission, in cooperation with the Member States and the OSPAR Commission, in the light of any relevant new scientific data on risks posed by SCCPs to health and the environment. The European Parliament will be informed of the outcome of this review.'

Article 2

1. Member States shall adopt and publish, not later than 6 of July 2003, the laws, regulations and administrative provisions necessary to comply with this Directive. They shall forthwith inform the Commission thereof.

They shall apply those measures from 6 January 2004 at the latest.

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

Article 3

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

Article 4

This Directive is addressed to the Member States.

Done at Luxembourg, 25 June 2002.

For the European Parliament	*For the Council*
The President	*The President*
P. COX	J. MATAS I PALOU

[1] OJ L 183, 29.6.1989, p. 1.
[2] OJ L 131, 5.5.1998, p. 11.

II

(Acts whose publication is not obligatory)

COMMISSION

COMMISSION DECISION

of 5 July 2002

for the implementation of a Bluetongue vaccination programme in Italy and the purchase of vaccine for this purpose

(notified under document number C(2002) 2525)

(Only the Italian text is authentic)

(2002/545/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Directive 2000/75/EC [1] laying down specific provisions for the control and eradication of Bluetongue and in particular Article 9(2),

Having regard to Council Decision 90/424/EEC of 26 June 1990 on expenditure in the veterinary field [2], as last amended by Council Decision 2001/572/EC [3], and in particular Article 3(3) and (5),

Whereas:

(1) During 2000 Bluetongue outbreaks were notified in different Italian regions: Sardinia, Sicily and Calabria.

(2) During 2001 the disease reappeared in those regions and extended up north to new areas in Tuscany and Lazio.

(3) The loss due to those two outbreaks can be estimated to about 300 000 sheep.

(4) The Italian authorities postponed the vaccination campaign which was supposed to be carried out in 2001.

(5) In 2002 Italy is in a situation to start this vaccination campaign in all the affected regions and the neighbouring ones.

(6) The objective of this campaign is to prevent further sheep mortality and a spread of the disease to the rest of the territory of the Community, by interrupting the virus circulation in the protection zone demarcated around the outbreaks.

(7) In addition to the vaccine already furnished by the Commission or directly purchased by Italy, the amount of vaccine still needed for the 2002 campaign is of 4 200 000 doses of monovalent 2 and of 2 300 000 doses of monovalent 9.

(8) Up to now, no Bluetongue vaccine has been produced by the pharmaceutical industry based in the Member States and the Onderstepoort laboratory in South Africa is the only laboratory which may produce that vaccine type.

(9) Nevertheless the Italian institute of Teramo (IZS) could be soon in a situation to produce, for the first time in Europe, a monovalent serotype 9 vaccine which could be used in place of the vaccine produced in South Africa.

(10) Pursuant to Article 3(2) of Council Regulation (EC) No 1258/1999 [4], veterinary and plant-health measures undertaken in accordance with Community rules shall be financed under the Guarantee Section of the European Agricultural Guidance and Guarantee Fund; for financial control purposes, Articles 8 and 9 of Council Regulation (EC) No 1258/1999 apply.

(11) The financial contribution from the Community shall be granted provided that the actions planned are efficiently carried out and that the authorities supply all the necessary information within the time limits laid down.

(12) The measures provided for in this Decision are in accordance with the opinion of the Standing Committee on the Food Chain and Animal Health,

[1] OJ L 327, 22.12.2000, p. 74.
[2] OJ L 224, 18.8.1990, p. 19.
[3] OJ L 203, 28.7.2001, p. 16.
[4] OJ L 160, 26.6.1999, p. 103.

HAS ADOPTED THIS DECISION:

Article 1

Italy shall implement and complete during the course of 2002 a vaccination programme against Bluetongue in the following areas:

— the whole territory of Sardinia, Calabria, Sicily and Basilicate,

— in Campania, the whole province of Salerno and a band 20 km wide along the coast of Caserta and Napoli provinces,

— in Puglia the whole provinces of Lecce, Brindisi and Taranto,

— in Lazio, a circle of a 20 km radius around places where virus circulation is detected in Roma and Viterbo provinces and a band 20 km wide along the coast in Latina and Frosinone provinces,

— In Tuscany, a circle of a 20 km radius around places where virus circulation is detected in Grosseto and Siena provinces and a band 20 km wide along the coast of Massa Carrara, Lucca, Pisa and Livorno provinces.

Article 2

For the implementation of the programme referred to in Article 1, the financial assistance from the Community will cover the purchase by Italy of 4 200 000 doses of monovalent vaccine serotype 2 and 2 300 000 doses of monovalent vaccine serotype 9.

Article 3

The maximum cost of the measures referred to in Article 2 shall be EUR 700 000.

Article 4

The Commission may carry out on-the-spot checks in collaboration with the competent national authorities to ensure that the programme has been implemented.

The Commission shall inform the Member States of the outcome of these checks.

Article 5

The financial contribution of the Community for the programme referred to under Article 1 shall be granted subject to:

(a) bringing into force the laws, regulations and administrative provisions by the Member State concerned for implementing the programme,

(b) forwarding a final report by 31 July 2002 at the latest on the technical execution of the programme accompanied by justifying evidence as to the costs incurred and the results attained,

(c) implementing the programme efficiently, and provided that Community veterinary legislation has been respected.

Article 6

This Decision is addressed to the Italian Republic.

Done at Brussels, 5 July 2002.

For the Commission

David BYRNE

Member of the Commission