ISSN 0378-6978

Official Journal

of the European Communities

L 181

Volume 44

4 July 2001

English edition

Legislation

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[1] Text with EEA relevance

(Acts adopted pursuant to Title V of the Treaty on European Union)

COUNCIL DECISION

of 25 June 2001

on the rules applicable to national military staff on secondment to the General Secretariat of the Council in order to form the European Union Military Staff

(2001/496/CFSP)

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on European Union, and in particular Article 28(1) thereof,

Having regard to the Treaty establishing the European Community, and in particular Article 207(2) thereof,

Whereas:

(1) On 22 January 2001 the Council adopted Decision 2001/79/CFSP setting up the Military Committee of the European Union [1].

(2) On 22 January 2001 the Council adopted Decision 2001/80/CFSP on the establishment of the Military Staff of the European Union [2].

(3) Members of the Military Staff are subject to rules which will be established in a Council Decision.

(4) It is therefore appropriate to establish these rules,

HAS DECIDED AS FOLLOWS:

CHAPTER I

GENERAL PROVISIONS

Article 1

Definition

1. These rules apply to national military staff, hereinafter 'military staff', on secondment to the Council General Secretariat, hereinafter 'General Secretariat', in accordance with Decision 2001/80/CFSP.

2. The persons covered by these rules shall remain in paid employment in an armed force of a Member State of the European Union throughout the period of secondment.

3. Military staff on secondment shall be nationals of a Member State of the European Union.

Article 2

Period of secondment

1. Military staff on secondment may be seconded for a maximum of three years. In exceptional cases, and taking account of particular tasks to be performed, the secondment may be extended for a period of up to one year.

They shall serve on a full-time basis throughout the period of secondment.

2. The probable period of secondment shall be fixed at the outset in the Exchange of Letters mentioned in Article 18(2).

3. As a general rule, no military staff may be seconded to the General Secretariat more than once. However, a member of military staff who has already been seconded may be the subject of a fresh secondment measure after at least three years, save in exceptional cases, have elapsed between the end of the prior secondment and the fresh secondment, if conditions justify this and by agreement with the Secretary-General/High Representative.

Article 3

Duties

1. Acting under the authority of the Secretary-General/High Representative, military staff on secondment shall fulfil the mission, carry out the tasks and perform the duties assigned to them in accordance with the Annex to Decision 2001/80/CFSP.

2. Unless special instructions to the contrary are given under the authority of the Secretary-General/High Representative, military staff on secondment shall not enter into any commitment on the General Secretariat's behalf with third parties.

Article 4

Level, professional experience and knowledge of languages

1. To qualify for secondment to the General Secretariat, military staff must work at administrative or advisory level and show a high degree of competence for the duties to be carried out.

[1] OJ L 27, 30.1.2001, p. 4.
[2] OJ L 27, 30.1.2001, p. 7.

2. Seconded military staff must have a thorough knowledge of one of the languages of the European Union and a satisfactory knowledge of another to the extent necessary to carry out the duties involved.

3. The appropriate level of security clearance for seconded military staff, which must not be lower than SECRET, must be stipulated in the Exchange of Letters mentioned in Article 18(2).

4. Seconded military staff must have a good knowledge of the use of information technologies.

Article 5

Social security

1. Before the period of secondment begins, the public administration from which a military staff member is to be seconded must certify to the General Secretariat that he will remain subject through the period of secondment to the social security legislation applicable to the public administration which employs him and which will assume responsibility for expenses incurred abroad.

2. From the day a seconded military staff member takes up duty, he shall have personal cover against the risk of accidents on the same terms as General Secretariat employees not covered by the Staff Regulations.

Article 6

Breaks in or termination of periods of secondment

1. The Secretary-General/High Representative may authorise breaks in periods of secondment and specify the terms applicable. The allowances referred to in Articles 12 and 13 shall not be payable during such breaks. The allowances referred to in Articles 14 and 15 when applicable shall be paid only if the break is at the Secretary-General/High Representative's request.

2. Periods of secondment may be terminated if the interests of the General Secretariat or of the national administration of the seconded military staff member so require or for any other sufficient cause.

CHAPTER II

RIGHTS AND OBLIGATIONS

Article 7

1. A seconded military staff member shall carry out his duties and conduct himself solely with the interests of the Council in mind.

2. A seconded military staff member shall abstain from any action, and in particular any public expression of opinion, which may reflect on his position.

3. Any seconded military staff member who, in the performance of his duties, is called upon to pronounce on a matter in the handling or outcome of which he has a personal interest such as to impair his independence shall inform the head of the department to which he is assigned.

4. A seconded military staff member shall exercise the greatest discretion with regard to all facts and information coming to his knowledge in the course of or in connection with the performance of his duties; he shall not in any form whatsoever disclose to any unauthorised person any document or information not legally made public. He shall continue to be bound by this obligation after his period of secondment has terminated.

5. Seconded military staff shall not, whether alone or together with others, publish or cause to be published any text dealing with the work of the European Union without obtaining permission in accordance with the conditions and rules in force at the General Secretariat.

6. Seconded military staff shall be subject to the security rules and regulations in force in the General Secretariat.

7. All rights in any work done by a seconded military staff member in the performance of his duties shall be the property of the General Secretariat.

8. A seconded military staff member shall reside at his place of employment or at no greater distance therefrom than is compatible with the proper performance of his duties.

9. A seconded military staff member shall assist and provide advice to the superiors to whom he is assigned. He shall be responsible to them for performance of the tasks entrusted to him.

10. A period of secondment may be terminated without notice in serious cases of intentional or negligent failure of a seconded military staff member to comply with his obligations. A decision shall be taken by the Secretary-General/High Representative after the military staff member concerned has been given an opportunity of submitting his defence. Before taking his decision, the Secretary-General/High Representative shall inform the Permanent Representative of the Member State of which the seconded military staff member is a national of that decision. Following the decision, the allowances referred to in Articles 14 and 15 shall not be granted.

Before the decision referred to in the first subparagraph, a seconded military staff member may be suspended where serious failure is alleged against him by the Secretary-General/High Representative after the military staff member concerned has been given an opportunity of submitting his defence. The allowances referred to in Articles 12 and 13 shall not be paid during this suspension, which may not exceed three months.

The Secretary-General/High Representative may bring to the attention of national authorities any violation by the seconded military staff member of the rules set out or referred to in the present Decision.

A seconded military staff member shall continue to be subject to his national disciplinary rules.

CHAPTER III

WORKING CONDITIONS

Article 8

Hours of work

1. Seconded military staff shall be bound by the rules on hours of work in force at the General Secretariat.

2. However, seconded military staff shall not be authorised to work half-time.

Article 9

Leave and public holidays

Seconded military staff shall be bound by the rules on annual leave, special leave and public holidays in force at the General Secretariat.

Article 10

Management and control

Management and control of days of leave and hours of work shall be the responsibility of the administration of the General Secretariat.

CHAPTER IV

EMOLUMENTS

A. Remuneration

Article 11

Declaration of salary paid by the employer of the military staff member

1. The Permanent Representation of the Member State concerned shall notify the General Secretariat of the gross annual salary paid to each seconded military staff member.

2. This information shall appear in the Exchange of Letters referred to in Article 18(2).

B. Allowances

Article 12

Subsistence allowances

1. A seconded military staff member shall be entitled, throughout the period of secondment, to a daily subsistence allowance of EUR 104,03. This allowance shall be paid monthly. However, the Exchange of Letters referred to in Article 18(2) may stipulate that this allowance shall not be paid.

2. The allowance shall also be payable for periods of mission, annual leave, special leave and public holidays granted by the General Secretariat.

3. The allowance shall be reduced by 75 % if the place of recruitment is less than 50 km from the place of employment.

4. An advance payment shall be made to a seconded military staff member, when he takes up his duties, corresponding to the allowances to which he is entitled under paragraph 1 for the period from the day he takes up his duties to the last day of the second month following that in which he takes up his duties.

Where such payment is made, there shall be no further entitlement to allowances for the corresponding period.

Where a seconded military staff member definitively ends his employment with the General Secretariat before expiry of the period taken into account for the calculation of the advance payment, that portion of the advance payment made to the military staff member which corresponds to the period not spent in the General Secretariat's employment shall be recoverable.

5. The subsistence allowance for seconded military staff may be adapted to take account of the trend in consumer prices in Brussels.

Article 13

Additional flat-rate allowance

Except where the place of recruitment of the seconded military staff member is less than 50 km from his place of employment, he shall, where appropriate, receive an additional flat-rate allowance equal to the difference between the gross annual salary (less family allowances) paid by his original employer plus the subsistence allowance paid by the General Secretariat and the basic salary payable to an official in step 1 of Grade A8 or Grade B5, depending on the Category to which he is assimilated. However, the Exchange of Letters referred to in Article 18(2) may stipulate that this flat-rate allowance shall not be paid.

C. Reimbursement of expenses

Article 14

Travel expenses

1. If a seconded military staff member has not removed his personal effects from his place of recruitment to his place of employment, he shall be entitled each month to the cost of a return journey from his place of employment to his place of recruitment. This payment shall be made at the end of each month or on the last day worked if the whole month is not worked. This flat-rate payment shall be based on the cost of the first-class rail fare where the single journey does not exceed 500 kilometres. Where the journey exceeds 500 kilometres or where the usual route includes a sea crossing, payment shall be based on the reduced-price economy-class air fare (the lowest fare offered by the national companies serving the place of recruitment and the place of employment).

2. The rate applied shall be that in force on 1 January of the current year at the General Secretariat's Travel Office. This rate shall be reviewed on 1 July in respect of journeys where the price has increased by more than 5 % since 1 January. Where a whole month is not worked, the amount shall be calculated in proportion to the number of days worked.

3. If a seconded military staff member does remove his personal effects from his place of recruitment to his place of employment, he shall be entitled each year for himself, his spouse and his dependent children to a flat-rate payment equal to the cost of a return journey from his place of employment to his place of recruitment in accordance with the rules and conditions in force at the General Secretariat.

4. In accordance with the rules and conditions in force at the General Secretariat, a seconded military staff member shall be entitled to reimbursement of travel expenses:

(a) for himself:
   — from his place of recruitment to his place of employment at the beginning of the period of secondment,
   — from his place of employment to his place of recruitment at the end of the period of secondment;

(b) for his spouse and dependent children:
   — from the place of recruitment to the place of employment when removal takes place,
   — from the place of employment to the place of recruitment at the end of the period of secondment.

5. For the purpose of this Decision, the place of recruitment shall be the place where the seconded military staff member performed his duties with his original employer prior to his secondment. The place of employment shall be the place in which the department to which he is assigned is located. The Exchange of Letters referred to in Article 18(2) shall identify these places.

6. The Exchange of Letters referred to in Article 18(2) may stipulate that travel expenses shall not be covered by the General Secretariat.

Article 15

Removal expenses

1. A seconded military staff member who is obliged to move his residence to his place of employment may remove his personal effects no later than six months after taking up duty provided that the probable period of secondment is at least two years and that the place of recruitment is at least 50 kilometres from the place of employment.

2. A seconded military staff member shall be entitled to reimbursement of the costs of removing his personal effects in accordance with the rules and conditions in force at the General Secretariat.

3. At the end of the period of secondment, removal must take place within three months of the end of the period of secondment.

4. The Exchange of Letters referred to in Article 18(2) may stipulate that removal expenses shall not be covered by the General Secretariat.

Article 16

Official travel and related expenses

1. Military staff on secondment may be sent on official travel, in accordance with Article 3.

2. Official travel expenses shall be reimbursed in accordance with the rules and conditions relating to the reimbursement of such expenses for officials in force at the General Secretariat.

Article 17

Adjustment of emoluments

1. The emoluments provided for in this chapter to which seconded military staff are entitled shall not be revised during the period of secondment.

2. However, the additional flat-rate allowance referred to in Article 13 shall be adjusted once a year, without retroactive effect, to take account of changes in the basic salaries of Community officials.

CHAPTER V

ADMINISTRATIVE AND BUDGETARY PROVISIONS

Article 18

Budgetary allocations and contracts

1. Expenditure arising from the secondment of seconded military staff shall be charged to the Council budget.

2. Secondment shall be implemented by an Exchange of Letters between the Secretary-General/High Representative and the Permanent Representative of the Member State concerned. The Exchange of Letters shall indicate the names of the individuals authorised to lay down the practical arrangements for secondment under this Decision and the payment of the allowances referred to in Articles 12, 13, 14 and 15. Any letter extending, breaking or terminating the period of secondment shall also be sent by the Secretary-General/High Representative. A seconded military staff member shall present himself to the appropriate department of the Directorate-General for Administration and Protocol on the first day of his secondment to complete the relevant administrative formalities. In principle, he shall take up duty on the first of the month.

Article 19

Settlement of expenditure

Payments shall be made by the appropriate department of the Directorate-General for Administration and Protocol, in euro into a bank account opened at a banking institution in Belgium.

Article 20

Expenditure on infrastructure

Expenditure on the provision of working facilities (offices, furniture, machines, etc.) for military staff on secondment shall be charged to administrative appropriations of the Council.

Article 21

This Decision shall take effect on the date of its adoption.

Article 22

This Decision shall be published in the Official Journal.

Done at Luxembourg, 25 June 2001.

For the Council

The President

A. LINDH

I

(Acts whose publication is obligatory)

COUNCIL REGULATION (EC) No 1338/2001
of 28 June 2001
laying down measures necessary for the protection of the euro against counterfeiting

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community, and in particular the third sentence of Article 123(4) thereof,

Having regard to the proposal from the Commission [1],

Having regard to the opinion of the European Parliament [2],

Having regard to the opinion of the European Central Bank [3],

Whereas:

(1) Council Regulation (EC) No 974/98 of 3 May 1998 on the introduction of the euro [4], provides for euro notes to be put into circulation by the European Central Bank (ECB) and by the national central banks (NCB) of the participating Member States and for euro coins to be put into circulation by the participating Member States from 1 January 2002; a system for protecting the euro against counterfeiting must therefore be adopted rapidly so that it can be operational before euro notes and coins are put into circulation.

(2) The arrangements put in place by the Council Act of 26 July 1995 drawing up the Convention on the establishment of a European Police Office (Europol Convention) [5] and by the Council Decision of 29 April 1999 extending Europol's mandate to deal with forgery of money and means of payment [6] are designed to combat counterfeiting in general.

(3) In its framework Decision of 29 May 2000 on increasing protection by criminal penalties and other sanctions against counterfeiting in connection with the introduction of the euro [7], the Council adopted provisions to ensure that the euro is protected in an appropriate way by effective measures under criminal law.

(4) Measures to protect the euro against counterfeiting concern the Community as part of its responsibility in respect of the single currency; the legal protection of the euro cannot be satisfactorily ensured by the individual Member States alone, since euro notes and coins will circulate beyond the territories of the participating Member States. It is therefore necessary to adopt Community legislation defining the measures necessary for euro notes and coins to circulate in the proper conditions to ensure the overall effective and consistent protection of the euro against activities likely to jeopardise its credibility, and thus to adopt appropriate measures so that everything is ready in good time before 1 January 2002.

(5) For the purposes of applying this Regulation it is necessary to define or to take over the existing definitions of certain concepts such as euro counterfeiting, technical and statistical data and the national authorities competent for research *inter alia* with a view to the gathering and analysis of data concerning counterfeiting, including the central offices provided for in Article 12 of the Geneva Convention.

(6) It should be ensured that the technical and statistical data collected by the competent national authorities regarding counterfeit euro notes and coins and as far as possible unauthorised notes are communicated to the ECB while allowing the competent national authorities and, in accordance with its responsibilities, the Commission, to have access to such data. It is also envisaged that Europol will have access to such data on the basis of an agreement between it and the ECB.

(7) The counterfeiting analysis centre (CAC) established and managed under the auspices of the ECB, in accordance with its Guideline [8], centralises the classification and analysis of technical data relating to counterfeit notes.

[1] OJ C 337 E, 28.11.2000, p. 264.
[2] Opinion delivered on 3 May 2001 (not yet published in the Official Journal).
[3] OJ C 19, 20.1.2001, p. 18.
[4] OJ L 139, 11.5.1998, p. 1. Regulation as last amended by Regulation (EC) No 2596/2000 (OJ L 300, 29.11.2000, p. 2.)
[5] OJ C 316, 27.11.1995, p. 1.
[6] OJ C 149, 28.5.1999 p. 16 and corrigendum in OJ C 229, 12.8.1999, p. 14.
[7] OJ L 140, 14.6.2000, p. 1.
[8] European Central Bank Guideline of 26 August 1998 on certain provisions regarding euro banknotes, as amended on 26 August 1999 (OJ L 258, 5.10.1999, p. 32).

(8) The technical scheme for handling counterfeit euro coins which the Council accepted on 28 February 2000 makes reference to the systematic gathering of technical information on euro counterfeiting by the ECB, the establishment at European level of a European Technical and Scientific Centre (ETSC) for the technical analysis and the classification of counterfeit euro coins and at national level of coin national analysis centres (CNAC).

(9) Provision has been made for the ETSC to be established on a temporary basis as a distinct and independent administrative entity within the Paris Mint on the basis of an Exchange of Letters between the President of the Council and the French Minister for Finance of 28 February and 9 June 2000; its tasks must be defined in this Regulation; the future status and the permanent headquarters of the ETSC will be decided by the Council in due course.

(10) It is necessary to provide for counterfeit euro notes to be handed over for identification to the national analysis centres — NAC; counterfeit coins should be handed over to the CNAC.

(11) It is necessary to provide that credit institutions and any other establishments involved in the sorting and distribution to the public of notes and coins as a professional activity, including those whose activity consists in exchanging notes or coins, such as bureaux de change, shall be under an obligation to withdraw from circulation euro notes and coins which they know or have sufficient reason to believe to be counterfeit and hand them over to the competent national authorities. In addition, it is necessary to provide for the Member States to take steps so that sanctions they consider appropriate are imposed in the event of non-compliance by the said establishments with their obligations.

(12) Close and regular cooperation between the competent national authorities, the Commission and the ECB must be organised to ensure effective and consistent protection of the euro, in particular as regards exchanges of information with the exception of personal data, mutual cooperation and assistance between Community and national authorities, scientific support and vocational training. To this end, the Commission will continue, without prejudice to the role attributed to the ECB in protecting the euro against counterfeiting, on a regular basis, in an appropriate advisory committee, with the leading players in the fight against counterfeiting of the euro (including the ECB, the ETSC, Europol and Interpol), the consultations on improving the conditions for the overall protection of the euro on the basis of legislative initiatives to reinforce the prevention and combating of counterfeiting.

(13) To ensure the exchange of full, up-to-date and comparable data, provision should be made for national centralisation of strategic and operational information and for the obligation to report data. To this end, provision should be made for Member States to take the necessary steps to enable central offices to fulfil their missions in accordance with the Geneva Convention in order to ensure the exchange of information between themselves and national Europol units.

(14) The complementary nature of the tasks of the various Community partners, with the assistance Europol is able to provide in accordance with the Council Decision of 29 April 1999, must bring together all the tools required to protect the euro from the damaging consequences arising from illegal counterfeiting activities. Europol fulfils its functions without prejudice to the competence of the European Community; with strict regard to their respective competences, Europol and the European Community should establish forms of cooperation enabling them to perform their respective functions as effectively as possible; to this end, priority should be given to the organisation of close and regular cooperation on the basis of appropriate agreements to be concluded between Europol and the ECB, on the one hand, and between Europol and the Commission on the other hand in accordance with the relevant provisions of the Europol Convention.

(15) Given that the euro will be used by non-member countries as a currency for international transactions, provision should be made for structured cooperation involving all the relevant players in the event of counterfeiting in non-member countries.

(16) The measures provided for by this Regulation do not affect the power of the Member States to apply national criminal law for the purposes of protecting the euro against counterfeiting,

HAS ADOPTED THIS REGULATION:

CHAPTER 1

PURPOSE AND DEFINITIONS

Article 1

Purpose

1. The purpose of this Regulation is to lay down measures necessary with a view to uttering euro notes and coins in such a manner as to protect them against counterfeiting.

2. For the purpose of applying this Regulation, 'counterfeiting' shall mean the following activities:

(a) any fraudulent making or altering of euro notes or euro coins, whatever means are employed;

(b) the fraudulent uttering of counterfeit euro notes or counterfeit euro coins;

(c) the import, export, transport, receiving or obtaining of counterfeit euro notes or counterfeit euro coins with a view to uttering the same and with knowledge that they are counterfeit;

(d) the fraudulent making, receiving, obtaining or possession of:

— instruments, articles, computer programs and any other means peculiarly adapted for the fraudulent making or altering of euro notes or coins,

or

— holograms or other components which serve to protect euro notes and coins against fraudulent making or alteration.

3. This Regulation shall apply, without prejudice to the application of national criminal law, to the protection of the euro against counterfeiting.

Article 2

Definitions

Within the meaning of this Regulation:

(a) 'counterfeit notes' and 'counterfeit coins' shall mean notes and coins denominated in euro or which have the appearance of euro notes or coins and which have been fraudulently made or altered;

(b) 'competent national authorities' shall mean the authorities designated by the Member States for:

— identifying counterfeit notes and coins;

— gathering and analysing technical and statistical data relating to counterfeit notes, in particular national central banks or other empowered bodies;

— gathering and analysing technical and statistical data relating to counterfeit coins, in particular national mints, national central banks or other empowered bodies;

— gathering data relating to counterfeiting of the euro and submitting them to analysis, in particular the national central offices referred to in Article 12 of the Geneva Convention;

(c) 'credit institutions' shall mean the credit institutions referred to in the first subparagraph of Article 1(1) of Directive 2000/12/EC of the European Parliament and of the Council of 20 March 2000 relating to the taking up and pursuit of the business of credit institutions [1];

(d) 'technical and statistical data' shall mean data by means of which counterfeit notes or counterfeit coins may be identified (technical description of type of counterfeit) and data on the number of counterfeit notes and counterfeit coins by their origin, in particular geographical;

(e) 'Geneva Convention' shall mean the International Convention for the Suppression of Counterfeiting Currency, signed at Geneva on 20 April 1929 [2];

(f) 'Europol Convention' shall mean the Convention of 26 July 1995 on the establishment of Europol [3].

CHAPTER 2

TECHNICAL AND STATISTICAL DATA

Article 3

Gathering and access

1. Technical and statistical data relating to counterfeit notes and counterfeit coins discovered in the Member States shall be gathered and indexed by the competent national authorities. These data shall be communicated to the European Central Bank for storage and processing.

2. The European Central Bank shall gather and store technical and statistical data relating to counterfeit notes and counterfeit coins discovered in non-member countries.

3. The competent national authorities and, within its areas of responsibility, the Commission, shall have access to the technical and statistical data held by the European Central Bank. Europol shall have access to such data under an agreement between it and the European Central Bank in accordance with the relevant provisions of the Europol Convention and the provisions adopted on the basis of the latter.

Article 4

Obligation to transmit counterfeit notes for identification

1. In agreement with the European Central Bank, Member States shall designate or establish a National Analysis Centre (NAC) in accordance with their national law and practice.

2. The competent national authorities shall permit the examination by the NAC of suspected counterfeit notes and shall without delay provide it with the necessary examples requested by the NAC of each type of suspected counterfeit note for analysis and identification and such technical and statistical data as are in their possession. The NAC shall send the European Central Bank every new type of suspected counterfeit note corresponding to the criteria adopted by the European Central Bank.

3. Paragraph 2 shall be applied in such a way that it does not prevent suspected counterfeit notes from being used or retained as evidence in criminal proceedings.

4. The European Central Bank shall communicate the relevant final results of its analysis and classification of every new type of counterfeit note to the competent national authorities and, according to its areas of responsibility, to the Commission. The European Central Bank shall communicate the results to Europol, in accordance with the agreement referred to in Article 3(3).

[1] OJ L 126, 26.5.2000, p. 1. Directive as amended by Directive 2000/28/EC (OJ L 275, 27.10.2000, p. 37.)

[2] League of Nations Treaty Series No 2623 (1931), p. 372.

[3] OJ C 316, 27.11.1995, p. 2.

Article 5

Obligation to transmit counterfeit coins for identification

1. Member States shall designate or establish a Coin National Analysis Centre (CNAC) in accordance with their national law and practice.

2. The competent national authorities shall permit the examination by the CNAC of suspected counterfeit coins and shall without delay provide the necessary examples requested by the CNAC of each type of suspected counterfeit coin for analysis and identification and such technical and statistical data as are in their possession. The CNAC shall send the European Technical and Scientific Centre (ETSC) every new type of suspected counterfeit coin corresponding to the criteria adopted by the European Technical and Scientific Centre; to that end the European Central Bank shall provide the CNAC with such technical and statistical data relating to counterfeit euro coins as are in its possession.

3. Paragraph 2 shall be applied in such a way that it does not prevent suspected counterfeit coins from being used or retained as evidence in criminal proceedings.

4. The ETSC shall analyse and classify every new type of counterfeit euro coin. To that end, the ETSC shall have access to the technical and statistical data stored at the ECB on counterfeit euro coins. The ETSC shall communicate the relevant final results of its analysis to the competent national authorities and, according to their respective areas of responsibility, to the Commission and the European Central Bank. The European Central Bank shall communicate those results to Europol, in accordance with the agreement referred to in Article 3(3).

CHAPTER 3

OBLIGATIONS AND SANCTIONS

Article 6

Obligations of credit institutions

1. Credit institutions, and any other institutions engaged in the sorting and distribution to the public of notes and coins as a professional activity, including establishments whose activity consists in exchanging notes and coins of different currencies, such as bureaux de change, shall be obliged to withdraw from circulation all euro notes and coins received by them which they know or have sufficient reason to believe to be counterfeit. They shall immediately hand them over to the competent national authorities.

2. Member States shall take the necessary measures to ensure that the establishments referred to in paragraph 1 which fail to discharge their obligations under the said paragraph are subject to effective, proportionate and deterrent sanctions.

3. Member States shall adopt by 1 January 2002 the laws, regulations and administrative provisions for applying this Article. They shall forthwith inform the Commission and the European Central Bank thereof.

CHAPTER 4

COOPERATION AND MUTUAL ASSISTANCE

Article 7

Cooperation to protect the euro against counterfeiting

1. With a view to effective protection of the euro against counterfeiting, the Member States, the Commission and the European Central Bank shall cooperate, on the one hand, with each other, and, on the other hand, with Europol in accordance with the Europol Convention and with the provisions adopted on the basis of the latter. To that end the Commission and the European Central Bank shall negotiate with a view to the conclusion in due course of an agreement with Europol.

2. In particular, the competent national authorities, the Commission and the European Central Bank, in the performance of their respective tasks, shall cooperate in:

— exchanging information on preventing counterfeiting and combating the uttering of counterfeit notes and counterfeit coins;

— providing regular information on the impact of counterfeiting for the purposes of strategic analysis;

— ensuring mutual assistance in preventing counterfeiting and combating the uttering of counterfeit notes and counterfeit coins, which shall include, *inter alia*, scientific support and training with the logistical support of the Member States.

3. Within the framework of mutual assistance, the national central offices referred to in Article 12 of the Geneva Convention and the European Central Bank and, where necessary, the Commission shall, within the framework of their respective powers and without prejudice to the role of Europol, make provision for a system for the communication of technical data (early warning).

Article 8

Centralisation of information at national level

1. Member States shall ensure that, as soon as any case of counterfeiting is detected, information at national level is communicated to the national central office with a view to its being forwarded to Europol through the Europol national unit.

2. Member States shall take all measures necessary to ensure the exchange of information between the national central office and the Europol national unit.

Article 9

External relations

1. The Commission and the Member States shall cooperate with non-member countries and international organisations in close association with the European Central Bank. Such cooperation shall include the assistance necessary to prevent and combat counterfeiting of the euro, in accordance with the provisions relating to the prevention of unlawful activities contained in cooperation, association and pre-accession agreements.

2. The Council shall ensure that cooperation, association and pre-accession agreements between the European Community and non-member countries include provisions enabling Article 3(2) to be applied.

CHAPTER 5

FINAL PROVISIONS

Article 10

Competent national authorities

1. Member States shall send the European Central Bank and the Commission a list of the competent national authorities referred to in Article 2(b).

2. Those lists shall be published in the *Official Journal of the European Communities*.

Article 11

Unauthorised notes

As far as possible the provisions laid down in Articles 3, 4, 7, 8 and 9 shall apply to notes denominated in euro which have been produced with the use of lawful facilities or equipment in violation of the provisions in accordance with which the competent authorities may issue currency, or uttered in violation of the conditions in accordance with which the competent authorities may utter currency and without the consent of those authorities.

Article 12

Applicability

Articles 1 to 11 shall have effect in those Member States which have adopted the euro as their single currency.

Article 13

Entry into force

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

It shall apply from 1 January 2002. However, it shall apply from the date of its publication to notes and coins which have not yet been issued but which it is intended to issue.

This Regulation shall be binding in its entirety and directly applicable in the Member States in accordance with the Treaty establishing the European Community.

Done at Luxembourg, 28 June 2001.

For the Council

The President

B. ROSENGREN

COUNCIL REGULATION (EC) No 1339/2001

of 28 June 2001

extending the effects of Regulation (EC) No 1338/2001 laying down measures necessary for the protection of the euro against counterfeiting to those Member States which have not adopted the euro as their single currency

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community, and in particular Article 308 thereof,

Having regard to the proposal from the Commission [1],

Having regard to the opinion of the European Parliament [2],

Whereas:

(1) In adopting Regulation (EC) No 1338/2001 [3], the Council provided that Articles 1 to 11 thereof will have effect in those Member States which have adopted the euro as their single currency.

(2) However, it is important that the euro should enjoy the same level of protection in those Member States which have not adopted it and the necessary provisions should be taken to that end,

HAS ADOPTED THIS REGULATION:

Article 1

The application of Articles 1 to 11 of Regulation (EC) No 1338/2001 shall be extended to those Member States which have not adopted the euro as their single currency.

Article 2

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

It shall apply from 1 January 2002. However, it shall apply from the date of its publication to notes and coins which have not yet been issued but which it is intended to issue.

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

Done at Luxembourg, 28 June 2001.

For the Council

The President

B. ROSENGREN

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[1] OJ C 337 E, 28.11.2000, p. 264.

[2] Opinion delivered on 3 May 2001 (not yet published in the Official Journal).

[3] See page 6 of this Official Journal.

COMMISSION REGULATION (EC) No 1340/2001

of 3 July 2001

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 4 July 2001.

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

Done at Brussels, 3 July 2001.

For the Commission

Franz FISCHLER

Member of the Commission

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

ANNEX

to the Commission Regulation of 3 July 2001 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	72,0
	091	39,6
	092	39,6
	999	50,4
0707 00 05	052	81,2
	999	81,2
0709 90 70	052	81,7
	999	81,7
0805 30 10	388	69,3
	528	66,9
	999	68,1
0808 10 20, 0808 10 50, 0808 10 90	388	93,1
	400	104,9
	508	101,5
	512	90,1
	524	61,7
	528	69,6
	720	146,9
	804	99,7
	999	95,9
0808 20 50	388	101,4
	512	80,9
	528	71,1
	800	74,3
	804	111,7
	999	87,9
0809 10 00	052	191,5
	999	191,5
0809 20 95	052	342,5
	064	209,5
	066	151,9
	068	143,5
	400	308,4
	616	289,0
	999	240,8
0809 40 05	052	102,0
	624	238,5
	999	170,3

(1) Country nomenclature as fixed by Commission Regulation (EC) No 2032/2000 (OJ L 243, 28.9.2000, p. 14). Code '999' stands for 'of other origin'.

COMMISSION REGULATION (EC) No 1341/2001

of 3 July 2001

amending Regulation (EC) No 169/2001 and increasing the quantity covered by the standing invitation to tender for the resale on the internal market of rice held by the Italian intervention agency to 70 000 tonnes

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 3072/95 of 22 December 1995 on the common organisation of the market in rice [1], as last amended by Regulation (EC) No 1667/2000 [2], and in particular the last indent of Article 8(b) thereof,

Whereas:

(1) Commission Regulation (EEC) No 75/91 [3] lays down the procedures and conditions for the disposal of paddy rice held by intervention agencies.

(2) Commission Regulation (EC) No 169/2001 [4], as amended by Regulation (EC) No 573/2001 [5], opened a standing invitation to tender for the resale on the internal market of 50 000 tonnes of rice held by the Italian intervention agency.

(3) In view of the current market situation, the quantity of rice put up for sale on the internal market should be increased by around 20 000 tonnes of paddy rice held by the Italian intervention agency, made up of 10 000 tonnes of the Japonica type and 10 000 tonnes of the Indica type, and the time limit for the submission of tenders under the last partial invitation to tender should be extended.

(4) The Management Committee for Cereals has not delivered an opinion within the time limit set by its chairman,

HAS ADOPTED THIS REGULATION:

Article 1

Regulation (EC) No 169/2001 is hereby amended as follows:

1. In Article 1, '50 000 tonnes of paddy rice, comprising 40 000 tonnes of Japonica rice and 10 000 tonnes of Indica rice' is replaced by '70 000 tonnes of paddy rice, comprising 50 000 tonnes of Japonica type and 20 000 tonnes of the Indica type'.
2. In Article 2(2), the date '27 June 2001' is replaced by '31 July 2001'.

Article 2

This Regulation shall enter into force on the day following is 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, 3 July 2001.

For the Commission

Franz FISCHLER

Member of the Commission

[1] OJ L 329, 30.12.1995, p. 18.
[2] OJ L 193, 29.7.2000, p. 23.
[3] OJ L 9, 12.1.1991, p. 15.
[4] OJ L 26, 27.1.2001, p. 17.
[5] OJ L 85, 24.3.2001, p. 4.

COMMISSION REGULATION (EC) No 1342/2001

of 3 July 2001

amending Regulation (EC) No 795/2001 on special measures derogating from Regulations (EC) No 174/1999, (EC) No 800/1999 and (EC) No 1291/2000 in the milk and milk products sector

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 1255/1999 of 17 May 1999 on the common organisation of the market in milk and milk products [1], as last amended by Regulation (EC) No 1670/2000 [2], and in particular Article 26(3) and Article 40 thereof,

Whereas:

(1) Commission Regulation (EC) No 795/2001 [3] introduces special measures with a view to regularising export operations that it has not been possible to complete on account of the lengthy procedures for issuing animal health certificates in certain Member States, connected with protective measures adopted under the relevant decisions and certain measures taken by some non-member countries that give rise to import restrictions.

(2) The animal health protective measures applied by the authorities of certain non-member countries with regard to Community exports are still in force and continue adversely to affect the export possibilities for certain products.

(3) The impact on Community exporters should be limited by extending the term of validity of the export licences for certain products and certain time limits with immediate effect. Requirements regarding the notification by the Member States of information concerning the licences in question should also be amended.

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

HAS ADOPTED THIS REGULATION:

Article 1

Regulation (EC) No 795/2001 is hereby amended as follows:

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

'2. Notwithstanding Article 6 of Regulation (EC) No 174/1999, the term of validity of export licences issued pursuant to that Regulation and applied for by no later than 22 March 2001 shall be extended on application by the holder by:

— five months for licences expiring on 31 March 2001,
— four months for licences expiring on 30 April 2001,
— three months for licences expiring on 31 May 2001,
— two months for licences expiring on 30 June 2001,
— one month for licences expiring on 31 July 2001.'

2. Article 2 is replaced by the following:

'*Article 2*

The Member States shall notify the Commission by fax ((32-2) 295 33 10):

— by no later than 10 July 2001 as regards the period 27 April to 30 June 2001, and
— by no later than the 10th day of each month as regards the preceding month, as from the notification of data for July,

of particulars relating to the products covered by each of the measures laid down in this Regulation, the number and date of issue of the licence, the code of the export refund nomenclature and the code of the nomenclature of countries and territories for the external trade statistics of the Community shown in box 7 of the licence, the quantity of the products, the original term of validity and the extended term of validity.'

Article 2

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

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

Done at Brussels, 3 July 2001.

For the Commission
Franz FISCHLER
Member of the Commission

[1] OJ L 160, 26.6.1999, p. 48.
[2] OJ L 193, 29.7.2000, p. 10.
[3] OJ L 116, 26.4.2001, p. 14.

COMMISSION REGULATION (EC) No 1343/2001

of 3 July 2001

amending Regulation (EC) No 449/2001 laying down detailed rules for applying Council Regulation (EC) No 2201/96 as regards the aid scheme for products processed from fruit and vegetables

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 2201/96 of 28 October 1996 on the common organisation of the markets in processed fruit and vegetable products [1], as last amended by Regulation (EC) No 2699/2000 [2], and in particular Article 6(1) thereof,

Whereas:

(1) Article 3(4)(e) of Commission Regulation (EC) No 449/2001 [3] provides that the terms governing the payment of the raw material by the processor to the producer organisation are to be laid down in the contracts and stipulates in particular that the payment deadline cannot exceed 60 days from the date of delivery of each consignment.

(2) In order to make provision for the requisite flexibility and to make the scheme easier to administer, that deadline should be extended to the end of the second month following the month of delivery. This provision should be available only for contracts concluded after the entry into force of this Regulation.

(3) The measures provided for in this Regulation are in accordance with the opinion of the Management Committee for Processed Fruit and Vegetables,

HAS ADOPTED THIS REGULATION:

Article 1

Article 3(4)(e) is hereby replaced by the following:

'(e) the price to be paid for the raw materials, which may vary by variety and/or quality and/or delivery period.

In the case of tomatoes, peaches and pears, the contract shall also indicate the delivery stage at which that price applies and the payment terms. Any payment deadline may not exceed two months from the end of the month of delivery of each consignment.'

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, 3 July 2001.

For the Commission

Franz FISCHLER

Member of the Commission

[1] OJ L 297, 21.11.1996, p. 29.
[2] OJ L 311, 12.12.2000, p. 9.
[3] OJ L 64, 6.3.2001, p. 16.

COMMISSION REGULATION (EC) No 1344/2001

of 3 July 2001

determining the extent to which applications in the beef and veal sector for import rights lodged pursuant to Regulation (EC) No 1080/2001 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 1080/2001 of 1 June 2001 opening and providing for the administration of a tariff quota for meat of bovine animals, frozen, falling within CN code 0202 and products falling within CN code 0206 29 91 (from 1 July 2001 to 30 June 2002) [1], and in particular Article 5 thereof,

Whereas:

Regulation (EC) No 1080/2001 provides in particular for the quantities reserved for traditional importers to be allocated in proportion to their imports during the period 1 July 1997 to 30 June 2000 under Regulation (EC) No 1042/97 [2], as amended by Regulation (EC) No 260/98 [3], Regulation (EC) No 1142/98 [4] and Regulation (EC) No 995/1999 [5]. In the other cases the quantities applied for exceed the quantities available under Article 2(2) of that Regulation. Therefore, the quantities applied for should be reduced on a proportional basis in accordance with Article 5(2) of Regulation (EC) No 1080/2001,

HAS ADOPTED THIS REGULATION:

Article 1

Every application for the right to import lodged in accordance with Regulation (EC) No 1080/2001 shall be granted to the following extent:

(a) 240,1355 kg/t imported during the period 1 July 1997 to 30 June 2000 under Regulations (EC) No 1042/97, (EC) No 1142/98 and (EC) No 995/1999 for importers as defined in Article 2(1)(a) of Regulation (EC) No 1080/2001;

(b) 472,9320 kg/t applied for in the case of operators as defined in Article 2(1)(b) of Regulation (EC) No 1080/2001.

Article 2

This Regulation shall enter into force on 4 July 2001.

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

Done at Brussels, 3 July 2001.

For the Commission

Franz FISCHLER

Member of the Commission

[1] OJ L 149, 2.6.2001, p. 11.
[2] OJ L 152, 11.6.1997, p. 2.
[3] OJ L 25, 31.1.1998, p. 42.
[4] OJ L 159, 3.6.1998, p. 11.
[5] OJ L 122, 12.5.1999, p. 3.

COMMISSION REGULATION (EC) No 1345/2001

of 3 July 2001

specifying the extent to which applications lodged in June 2001 for import rights in respect of young male bovine animals for fattening 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 1095/2001 of 5 June 2001 opening and providing for the administration of an import tariff quota for young male bovine animals for fattening (1 July 2001 to 30 June 2002) [1], and in particular Article 4(4) thereof,

Whereas:

Article 1(1) of Regulation (EC) No 1095/2001 lays down the number of young male bovine animals which may be imported on special terms during the period from 1 July 2001 to 30 June 2002. The quantities applied for exceed the quantities available under Article 2(1)(c) of that Regulation. Therefore, the quantities applied for should be reduced on a proportional basis in accordance with Article 4(4) of Regulation (EC) No 1095/2001,

HAS ADOPTED THIS REGULATION:

Article 1

All applications for import rights made in Member States other than Italy and Greece pursuant to Article 2(3) of Regulation (EC) No 1095/2001 are hereby met to the extent of 2,532 % of the quantity requested.

Article 2

This Regulation shall enter into force on 4 July 2001.

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

Done at Brussels, 3 July 2001.

For the Commission

Franz FISCHLER

Member of the Commission

[1] OJ L 150, 6.6.2001, p. 25.

II

(Acts whose publication is not obligatory)

COMMISSION

COMMISSION DECISION

of 15 June 2001

on standard contractual clauses for the transfer of personal data to third countries, under Directive 95/46/EC

(notified under document number C(2001) 1539)

(Text with EEA relevance)

(2001/497/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Directive 95/46/EC of the European Parliament and of the Council of 24 October 1995 on the protection of individuals with regard to the processing of personal data and on the free movement of such data [1], and in particular Article 26(4) thereof,

Whereas:

(1) Pursuant to Directive 95/46/EC, Member States are required to provide that a transfer of personal data to a third country may only take place if the third country in question ensures an adequate level of data protection and the Member States' laws, which comply with the other provisions of the Directive, are respected prior to the transfer.

(2) However, Article 26(2) of Directive 95/46/EC provides that Member States may authorise, subject to certain safeguards, a transfer or a set of transfers of personal data to third countries which do not ensure an adequate level of protection. Such safeguards may in particular result from appropriate contractual clauses.

(3) Pursuant to Directive 95/46/EC, the level of data protection should be assessed in the light of all the circumstances surrounding the data transfer operation or set of data transfer operations. The Working Party on Protection of Individuals with regard to the processing of personal data established under that Directive [2] has issued guidelines to aid with the assessment [3].

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[1] OJ L 281, 23.11.1995, p. 31.

[2] The Internet address of the Working Party is: http://www.europa.eu.intlcomm/internal_market/en/medial/dataprot/wpdocs/index.htm.

[3] WP 4 (5020/97) 'First orientations on transfers of personal data to third countries working document — possible ways forward in assessing adequacy', a discussion document adopted by the Working Party on 26 June 1997.
WP 7 (5057/97) 'Judging industry self regulation: when does it make a meaningful contribution to the level of data protection in a third country?', working document: adopted by the Working Party on 14 January 1998.
WP 9 (3005/98) 'Preliminary views on the use of contractual provisions in the context of transfers of personal data to third countries', working document: adopted by the Working Party on 22 April 1998.
WP 12: 'Transfers of personal data to third countries: applying Articles 25 and 26 of the EU data protection directive', working document adopted by the Working Party on 24 July 1998, available, in the web-working document site 'europa.eu.int/comm/internal_markt/en/media.dataprot/wpdocs/wp12/en' hosted by the European Commission.

(4) Article 26(2) of Directive 95/46/EC, which provides flexibility for an organisation wishing to transfer data to third countries, and Article 26(4), which provides for standard contractual clauses, are essential for maintaining the necessary flow of personal data between the Community and third countries without unnecessary burdens for economic operators. Those Articles are particularly important in view of the fact that the Commission is unlikely to adopt adequacy findings under Article 25(6) for more than a limited number of countries in the short or even medium term.

(5) The standard contractual clauses are only one of several possibilities under Directive 95/46/EC, together with Article 25 and Article 26(1) and (2), for lawfully transferring personal data to a third country. It will be easier for organisations to transfer personal data to third countries by incorporating the standard contractual clauses in a contract. The standard contractual clauses relate only to data protection. The data exporter and the data importer are free to include any other clauses on business related issues, such as clauses on mutual assistance in cases of disputes with a data subject or a supervisory authority, which they consider as being pertinent for the contract as long as they do not contradict the standard contractual clauses.

(6) This Decision should be without prejudice to national authorisations Member States may grant in accordance with national provisions implementing Article 26(2) of Directive 95/46/EC. The circumstances of specific transfers may require that data controllers provide different safeguards within the meaning of Article 26(2). In any case, this Decision only has the effect of requiring the Member States not to refuse to recognise as providing adequate safeguards the contractual clauses described in it and does not therefore have any effect on other contractual clauses.

(7) The scope of this Decision is limited to establishing that the clauses in the Annex may be used by a controller established in the Community in order to adduce sufficient safeguards within the meaning of Article 26(2) of Directive 95/46/EC. The transfer of personal data to third countries is a processing operation in a Member State, the lawfulness of which is subject to national law. The data protection supervisory authorities of the Member States, in the exercise of their functions and powers under Article 28 of Directive 95/46/EC, should remain competent to assess whether the data exporter has complied with national legislation implementing the provisions of Directive 95/46/EC and, in particular, any specific rules as regards the obligation of providing information under that Directive.

(8) This Decision does not cover the transfer of personal data by controllers established in the Community to recipients established outside the territory of the Community who act only as processors. Those transfers do not require the same safeguards because the processor acts exclusively on behalf of the controller. The Commission intends to address that type of transfer in a subsequent decision.

(9) It is appropriate to lay down the minimum information that the parties must specify in the contract dealing with the transfer. Member States should retain the power to particularise the information the parties are required to provide. The operation of this Decision should be reviewed in the light of experience.

(10) The Commission will also consider in the future whether standard contractual clauses submitted by business organisations or other interested parties offer adequate safeguards in accordance with Directive 95/46/EC.

(11) While the parties should be free to agree on the substantive data protection rules to be complied with by the data importer, there are certain data protection principles which should apply in any event.

(12) Data should be processed and subsequently used or further communicated only for specified purposes and should not be kept longer than necessary.

(13) In accordance with Article 12 of Directive 95/46/EC, the data subject should have the right of access to all data relating to him and as appropriate to rectification, erasure or blocking of certain data.

(14) Further transfers of personal data to another controller established in a third country should be permitted only subject to certain conditions, in particular to ensure that data subjects are given proper information and have the opportunity to object, or in certain cases to withold their consent.

(15) In addition to assessing whether transfers to third countries are in accordance with national law, supervisory authorities should play a key role in this contractual mechanism in ensuring that personal data are adequately protected after the transfer. In specific circumstances, the supervisory authorities of the Member States should retain the power to prohibit or suspend a data transfer or a set of transfers based on the standard contractual clauses in those exceptional cases where it is established that a transfer on contractual basis is likely to have a substantial adverse effect on the guarantees providing adequate protection to the data subject.

(16) The standard contractual clauses should be enforceable not only by the organisations which are parties to the contract, but also by the data subjects, in particular, where the data subjects suffer damage as a consequence of a breach of the contract.

(17) The governing law of the contract should be the law of the Member State in which the data exporter is established, enabling a third-party beneficiary to enforce a contract. Data subjects should be allowed to be represented by associations or other bodies if they so wish and if authorised by national law.

(18) To reduce practical difficulties which data subjects could experience when trying to enforce their rights under the standard contractual clauses, the data exporter and the data importer should be jointly and severally liable for damages resulting from any violation of those provisions which are covered by the third-party beneficiary clause.

(19) The Data Subject is entitled to take action and receive compensation from the Data Exporter, the Data Importer or from both for any damage resulting from any act incompatible with the obligations contained in the standard contractual clauses. Both parties may be exempted from that liability if they prove that neither of them was responsible.

(20) Joint and several liability does not extend to those provisions not covered by the third-party beneficiary clause and does not need to leave one party paying for the damage resulting from the unlawful processing of the other party. Although mutual indemnification between the parties is not a requirement for the adequacy of the protection for the data subjects and may therefore be deleted, it is included in the standard contractual clauses for the sake of clarification and to avoid the need for the parties to negotiate indemnification clauses individually.

(21) In the event of a dispute between the parties and the data subject which is not amicably resolved and where the data subject invokes the third-party beneficiary clause, the parties agree to provide the data subject with the choice between mediation, arbitration or litigation. The extent to which the data subject will have an effective choice will depend on the availability of reliable and recognised systems of mediation and arbitration. Mediation by the supervisory authorities of a Member State should be an option where they provide such a service.

(22) The Working Party on the protection of individuals with regard to the processing of personal data established under Article 29 of Directive 95/46/EC has delivered an opinion on the level of protection provided under the standard contractual clauses annexed to this Decision, which has been taken into account in the preparation of this Decision [1].

(23) The measures provided for in this Decision are in accordance with the opinion of the Committee established under Article 31 of Directive 95/46/EC,

[1] Opinion No 1/2001 adopted by the Working Party on 26 January 2001 (DG MARKT 5102/00 WP 38), available in the website 'Europa' hosted by the European Commission.

HAS ADOPTED THIS DECISION:

Article 1

The standard contractual clauses set out in the Annex are considered as offering adequate safeguards with respect to the protection of the privacy and fundamental rights and freedoms of individuals and as regards the exercise of the corresponding rights as required by Article 26(2) of Directive 9/46/EC.

Article 2

This Decision concerns only the adequacy of protection provided by the standard contractual clauses for the transfer of personal data set out in the Annex. It does not affect the application of other national provisions implementing Directive 95/46/EC that pertain to the processing of personal data within the Member States.

This Decision shall not apply to the transfer of personal data by controllers established in the Community to recipients established outside the territory of the Community who act only as processors.

Article 3

For the purposes of this Decision:

(a) the definitions in Directive 95/46/EC shall apply;

(b) 'special categories of data' means the data referred to in Article 8 of that Directive;

(c) 'supervisory authority' means the authority referred to in Article 28 of that Directive;

(d) 'data exporter' means the controller who transfers the personal data;

(e) 'data importer' means the controller who agrees to receive from the data exporter personal data for further processing in accordance with the terms of this Decision.

Article 4

1. Without prejudice to their powers to take action to ensure compliance with national provisions adopted pursuant to chapters II, III, V and VI of Directive 95/46/EC, the competent authorities in the Member States may exercise their existing powers to prohibit or suspend data flows to third countries in order to protect individuals with regard to the processing of their personal data in cases where:

(a) it is established that the law to which the data importer is subject imposes upon him requirements to derogate from the relevant data protection rules which go beyond the restrictions necessary in a democratic society as provided for in Article 13 of Directive 95/46/EC where those requirements are likely to have a substantial adverse effect on the guarantees provided by the standard contractual clauses; or

(b) a competent authority has established that the data importer has not respected the contractual clauses; or

(c) there is a substantial likelihood that the standard contractual clauses in the Annex are not being or will not be complied with and the continuation of transfer would create an imminent risk of grave harm to the data subjects.

2. The prohibition or suspension pursuant to paragraph 1 shall be lifted as soon as the reasons for the prohibition or suspension no longer exist.

3. When Member States adopt measures pursuant to paragraphs 1 and 2, they shall without delay inform the Commission which will forward the information to the other Member States.

Article 5

The Commission shall evaluate the operation of this Decision on the basis of available information three years after its notification to the Member States. It shall submit a report on the endings to the Committee established under Article 31 of Directive 95/46/EC. It shall include any evidence that could affect the evaluation concerning the adequacy of the standard contractual clauses in the Annex and any evidence that this Decision is being applied in a discriminatory way.

Article 6

This Decision shall apply from 3 September 2001.

Article 7

This Decision is addressed to the Member States.

Done at Brussels, 15 June 2001.

For the Commission

Frederik BOLKESTEIN

Member of the Commission

ANNEX

STANDARD CONTRACTUAL CLAUSES

for the purposes of Article 26(2) of Directive 95/46/EC for the transfer of personal data to third countries which do not ensure an adequate level of protection

Name of the data exporting organisation: .....

.....

Address: .....

Tel. ..... **fax** ..... **e-mail:** .....

Other information needed to identify the organisation: .....

('the data **exporter**')

and

Name of the data importing organisation: .....

.....

Address: .....

tel. ..... **fax** ..... **e-mail:** .....

Other information needed to identify the organisation: .....

('the data **importer**')

HAVE AGREED on the following contractual clauses ('the Clauses') in order to adduce adequate safeguards with respect to the protection of privacy and fundamental rights and freedoms of individuals for the transfer by the data exporter to the data importer of the personal data specified in Appendix 1:

Clause 1

Definitions

For the purposes of the Clauses:

a) '**personal data**', '**special categories of data**', '**process/processing**', '**controller**', '**processor**', '**data subject**' and '**supervisory authority**' shall have the same meaning as in Directive 95/46/EC of the European Parliament and of the Council of 24 October 1995 on the protection of individuals with regard to the processing of personal data and on the free movement of such data ('hereinafter the Directive');

b) the '**data exporter**' shall mean the controller who transfers the personal data;

c) the '**data importer**' shall mean the controller who agrees to receive from the data exporter personal data for further processing in accordance with the terms of these clauses and who is not subject to a third country's system ensuring adequate protection.

Clause 2

Details of the transfer

The details of the transfer, and in particular the categories of personal data and the purposes for which they are transferred, are specified in Appendix 1 which forms an integral part of the Clauses.

Clause 3

Third-party beneficiary clause

The data subjects can enforce this Clause, Clause 4(b), (c) and (d), Clause 5(a), (b), (c) and (e), Clause 6(1) and (2), and Clauses 7, 9 and 11 as third-party beneficaries. The parties do not object to the data subjects being represented by an association or other bodies if they so wish and if permitted by national law.

Clause 4

Obligations of the data exporter

The data exporter agrees and warrants:

(a) that the processing, including the transfer itself, of the personal data by him has been and, up to the moment of the transfer, will continue to be carried out in accordance with the relevant provisions of the Member State in which the data exporter is established (and where applicable has been notified to the relevant authorities of that State) and does not violate the relevant provisions of that State;

(b) that if the transfer involves special categories of data the data subject has been informed or will be informed before the transfer that this data could be transmitted to a third country not providing adequate protection;

(c) to make available to the data subjects upon request a copy of the Clauses; and

(d) to respond in a reasonable time and to the extent reasonably possible to enquries from the supervisory authority on the processing of the relevant personal data by the data importer and to any enquiries from the data subject concerning the processing of this personal data by the data importer.

Clause 5

Obligations of the data importer

The data importer agrees and warrants:

(a) that he has no reason to believe that the legislation applicable to him prevents him from fulfilling his obligations under the contract and that in the event of a change in that legislation which is likely to have a substantial adverse effect on the guarantees provided by the Clauses, he will notify the change to the data exporter and to the supervisory authority where the data exporter is established, in which case the data exporter is entitled to suspend the transfer of data and/or terminate the contract;

(b) to process the personal data in accordance with the mandatory data protection principles set out in Appendix 2;
or, if explicitly agreed by the parties by ticking below and subject to compliance with the mandatory data protection principles set out in Appendix 3, to process in all other respects the data in accordance with:

— the relevant provisions of national law (attached to these Clauses) protecting the fundamental rights and freedoms of natural persons, and in particular their right to privacy with respect to the processing of personal data applicable to a data controller in the country in which the data exporter is established, or

— the relevant provisions of any Commission Decision under Article 25(6) of Directive 95/46/EC finding that a third country provides adequate protection in certain sectors of activity only, if the data importer is based in that third country and is not covered by those provisions, in so far as those provisions are of a nature which makes them applicable in the sector of the transfer;

(c) to deal promptly and properly with all reasonable inquiries from the data exporter or the data subject relating to his processing of the personal data subject to the transfer and to cooperate with the competent supervisory authority in the course of all its inquries and abide by the advice of the supervisory authority with regard to the processing of the data transferred;

(d) at the request of the data exporter to submit its data processing facilities for audit which shall be carried out by the data exporter or an inspection body composed of independent members and in possession of the required professional qualifications, selected by the data exporter, where applicable, in agreement with the supervisory authority;

(e) to make available to the data subject upon request a copy of the Clauses and indicate the office which handles complaints.

Clause 6

Liability

1. The parties agree that a data subject who has suffered damage as a result of any violation of the provisions referred to in Clause 3 is entitled to receive compensation from the parties for the damage suffered. The parties agree that they may be exempted from this liability only if they prove that neither of them is responsible for the violation of those provisions.

2. The data exporter and the data importer agree that they will be jointly and severally liable for damage to the data subject resulting from any violation referred to in paragraph 1. In the event of such a violation, the data exporter or the data importer or both.

3. The parties agree that if one party is held liable for a violation referred to in paragraph 1 by the other party, the latter will, to the extent to which it is liable, indemnify the first party for any cost, charge, damages, expenses or loss it has incurred. (*).

Clause 7

Mediation and jurisdiction

1. The parties agree that if there is a dispute between a data subject and either party which is not amicably resolved and the data subject invokes the third-party beneficiary provision in clause 3, they accept the decision of the data subject:

(a) to refer the dispute to mediation by an independent person or, where applicable, by the supervisory authority;

(b) to refer the dispute to the courts in the Member State in which the data exporter is established.

2. The parties agree that by agreement between a data subject and the relevant party a dispute can be referred to an arbitration body, if that party is established in a country which has ratified the New York convention on enforcement of arbitration awards.

3. The parties agree that paragraphs 1 and 2 apply without prejudice to the data subject's substantitve or procedural rights to seek remedies in accordance with other provisions of national or international law.

Clause 8

Cooperation with supervisory authorities

The parties agree to deposit a copy of this contract with the supervisory authority if it so requests or if such deposit is required under national law.

Clause 9

Termination of the Clauses

The parties agree that the termination of the Clauses at any time, in any circumstances and for whatever reason does not exempt them from the obligations and/or conditions under the Clauses as regards the processing of the data transferred.

Clause 10

Governing Law

The Clauses shall be governed by the law of the Member State in which the Data Exporter is established, namely .....

.....

Clause 11

Variation of the contract

The parties undertake not to vary or modify the terms of the clauses.

On behalf of the data exporter:

Name (written out in full): .....

Position: .....

Address: .....

(*) Paragraph 3 is optional.

Other information necessary in order for the contract to be binding (if any): .....

.....

.....
(signature)

(stamp of organisation)

On behalf of the data importer:

Name (written out in full): .....

Position: .....

Address: .....

Other information necessary in order for the contract to be binding (if any): .....

.....

.....

.....
(signature)

(stamp of organisation)

Appendix 1

to the standard contractual clauses

This Appendix forms part of the Clauses and must be completed and signed by the parties.

(The Member States may complete or specify, according to their national procedures, any additional necessary information to be contained in this Appendix.)

Data exporter

The data exporter is (please specify briefly your activities relevant to the transfer):

……

……

……

Data importer

The data importer is (please specify briefly your activities relevant to the transfer):

……

……

……

Data subjects

The personal data transferred concern the following categories of data subjects (please specify):

……

……

……

Purposes of the transfer

The transfer is necessary for the following purposes (please specify):

……

……

……

Categories of data

The personal data transferred fall within the following categories of data (please specify):

……

……

……

Sensitive data (if appropriate)

The personal data transferred fall within the following categories of sensitive data (please specify):

……

……

……

Recipients

The personal data transferred may be disclosed only to the following recipients or categories of recipients (please specify):

……

……

……

Storage limit

The personal data transferred may be stored for no more than (please indicate): …… (months/years)

Data exporter	Data importer
Name: ……	Name: ……
…… (Authorised signature)	…… (Authorised signature)

Appendix 2

to the standard contractual clauses

Mandatory data protection principles referred to in the first paragraph of Clause 5(b)

These data protection principles should be read and interpreted in the light of the provisions (principles and relevant exceptions) of Directive 95/46/EC.

They shall apply subject to the mandatory requirements of the national legislation applicable to the data importer which do not go beyond what is necessary in a democratic society on the basis of one of the interests listed in Article 13(1) of Directive 95/46/EC, that is, if they constitute a necessary measure to safeguard national security, defence, public security, the prevention, investigation, detection and prosecution of criminal offences or of breaches of ethics for the regulated professions, an important economic or financial interest of the State or the protection of the data subject or the rights and freedoms of others.

1. *Purpose limitation*: data must be processed and subsequently used or further communicated only for the specific purposes in Appendix I to the Clauses. Data must not be kept longer than necessary for the purposes for which they are transferred.

2. *Data quality and proportionality*: data must be accurate and, where necessary, kept up to date. The data must be adequate, relevant and not excessive in relation to the purposes for which they are transferred and further processed.

3. *Transparency*: data subjects must be provided with information as to the purposes of the processing and the identity of the data controller in the third country, and other information insofar as this is necessary to ensure fair processing, unless such information has already been given by the data exporter.

4. *Security and confidentiality*: technical and organisational security measures must be taken by the data controller that are appropriate to the risks, such as unauthorised access, presented by the processing. Any person acting under the authority of the data controller, including a processor, must not process the data except on instructions from the controller.

5. *Rights of access, rectification, erasure and blocking of data*: as provided for in Article 12 of Directive 95/46/EC, the data subject must have a right of access to all data relating to him that are processed and, as appropriate, the right to the rectification, erasure or blocking of data the processing of which does not comply with the principles set out in this Appendix, in particular because the data are incomplete or inaccurate. He should also be able to object to the processing of the data relating to him on compelling legitimate grounds relating to his particular situation.

6. *Restrictions on onwards transfers*: further transfers of personal data from the data importer to another controller established in a third country not providing adequate protection or not covered by a decision adopted by the Commission pursuant to Article 25(6) of Directive 95/46/EC (onward transfer) may take place only if either:

   (a) data subjects have, in the case of special categories of data, given their unambiguous consent to the onward transfer or, in other cases, have been given the opportunity to object.

   The minimum information to be provided to data subjects must contain in a language understandable to them:

   — the purposes of the onward transfer,

   — the identification of the data exporter established in the Community,

   — the categories of further recipients of the data and the countries of destination, and

   — an explanation that, after the onward transfer, the data may be processed by a controller established in a country where there is not an adequate level of protection of the privacy of individuals; or

   (b) the data exporter and the data importer agree to the adherence to the Clauses of another controller which thereby becomes a party to the Clauses and assumes the same obligations as the data importer.

7. *Special categories of data*: where data revealing racial or ehtnic origin, political opinions, religious or philosophical beliefs or trade union memberships and data concerning health or sex life and data relating to offences, criminal convictions or security measures are processed, additional safeguards should be in place within the meaning of Directive 95/46/EC, in particular, appropriate security measures such as strong encryption for transmission or such as keeping a record of access to sensitive data.

8. *Direct marketing*: where data are processed for the purposes of direct marketing, effective procedures should exist allowing the data subject at any time to 'opt-out' from having his data used for such purposes.

9. *Automated individual decisions*: data subjects are entitled not to be subject to a decision which is based soley on automated processing of data, unless other measures are taken to safeguard the individual's legitimate interests as provided for in Article 15(2) of Directive 95/46/EC. Where the purpose of the transfer is the taking of an automated decision as referred to in Article 15 of Directive 95/46/EC, which produces legal effects concerning the individual or significantly affects him and which is based solely on automated processing of data intended to evaluate certain personal aspects relating to him, such as his performance at work, creditworthiness, reliability, conduct, etc., the individual should have the right to know the reasoning for this decision.

Appendix 3

to the standard contractual clauses

Mandatory data protection principles referred to in the second paragraph of Clause 5(b)

1. *Purpose limitation*: data must be processed and subsequently used or further communicated only for the specific purposes in Appendix I to the Clauses. Data must not be kept longer than necessary for the purposes for which they are transferred.

2. *Rights of access, rectification, erasure and blocking of data*: as provided for in Article 12 of Directive 95/46/EC, the data subject must have a right of access to all data relating to him that are processed and, as appropriate, the right to the rectification, erasure or blocking of data the processing of which does not comply with the principles set out in this Appendix, in particular because the data is incomplete or inaccurate. He should also be able to object to the processing of the data relating to him on compelling legitimate grounds relating to his particular situation.

3. *Restrictions on onward transfers*: further transfers of personal data from the data importer to another controller established in a third country not providing adequate protection or not covered by a decision adopted by the Commission pursuant to Article 25(6) of Directive 95/46/EC (onward transfer) may take place only if either:

   (a) data subjects have, in the case of special categories of data, given their unambiguous consent to the onward transfer, or, in other cases, have been given the opportunity to object.

   The minimum information to be provided to data subjects must contain in a language understandable to them:
   — the purposes of the onward transfer,
   — the identification of the data exporter established in the Community,
   — the categories of further recipients of the data and the countries of destination, and
   — an explanation that, after the onward transfer, the data may be processed by a controller established in a country where there is not an adequate level of protection of the privacy of indidividuals; or

   (b) the data exporter and the data importer agree to the adherence to the Clauses of another controller which thereby becomes a party to the Clauses and assumes the same obligations as the data importer.

COMMISSION DECISION

of 19 June 2001

amending for the eighth time Decision 95/124/EC establishing the list of approved fish farms in Germany

(notified under document number C(2001) 1627)

(Text with EEA relevance)

(2001/498/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Directive 91/67/EEC of 28 January 1991 concerning the animal health conditions governing the placing on the market of aquaculture animals and products [1], as last amended by Directive 98/45/EC [2], and in particular Article 6 thereof,

Whereas:

(1) The Member States may obtain the status of approved free of infectious haematopoietic necrosis (IHN) and viral haemorrhagic septicaemia (VHS) for fish farms located in zones which are non-approved in respect of IHN and VHS.

(2) The list of approved fish farms in Germany was established by Commission Decision 95/124/EC [3], as last amended by Decision 2001/311/EC [4].

(3) Germany has submitted to the Commission the justifications for obtaining the status of approved farm in a non-approved zone in respect of IHN and VHS for two certain fish farms, as well as the national rules ensuring compliance with the requirements for maintenance of the approved status.

(4) The Commission and the Member States examined the justifications notified by Germany for the farm concerned. The farms are situated in Hessen and Nordrhein-Westfalen.

(5) The result of this examination is that these farms meet the requirements of Article 6 of Directive 91/67/EEC.

(6) Therefore, these farms accordingly qualify for the status of approved farm situated in a non-approved zone and should be added to the list of approved farms.

(7) 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 Decision 95/124/EC is hereby replaced by the Annex hereto.

Article 2

This Decision is addressed to the Member States.

Done at Brussels, 19 June 2001.

For the Commission

David BYRNE

Member of the Commission

[1] OJ L 46, 19.2.1991, p. 1.
[2] OJ L 189, 3.7.1998, p. 12.
[3] OJ L 84, 14.4.1995, p. 6.
[4] OJ L 109, 19.4.2001, p. 62.

ANNEX

I FARMS IN LOWER SAXONY

1. **Jochen Moeller**
Fischzucht Harkenbleck
D-30966 Hemmingen-Harkenbleck

2. **Versuchsgut Relliehausen der Universität Göttingen**
(nur die Brutanlage)
D-37586 Dassel

3. **Dr. R. Rosengarten**
Forellenzucht Sieben Quellen
D-49124 Georgsmarienhütte

4. **Klaus Kröger**
Fischzucht Klaus Kröger
D-21256 Handeloh Wörme

5. **Ingeborg Riggert-Schlumbohm**
Forellenzucht W. Riggert
D-29465 Schnega

6. **Volker Buchtmann**
Fischzucht Nordbach
D-21441 Garstedt

7. **Sven Kramer**
Forellenzucht Kaierde
D-31073 Delligsen

8. **Hans-Peter Klusak**
Fischzucht Grönegau
D-49328 Melle

9. **F. Feuerhake**
Forellenzucht Rheden
D-31039 Rheden

II FARMS IN THURINGIA

1. **Firma Tautenhahn**
D-98646 Trostadt

2. **Thüringer Forstamt Leinefelde**
Fischzucht Worbis
D-37327 Leinefelde

3. **Fischzucht Salza GmbH**
D-99734 Nordhausen-Salza

4. **Fischzucht Kindelbrück GmbH**
D-99638 Kindelbrück

5. **Reinhardt Strecker**
Forellenzucht Orgelmühle
D-37351 Dingelstadt

III FARMS IN BADEN-WÜRTTEMBERG

1. **Heiner Feldmann**
Riedlingen/Neufra
D-88630 Pfullendorf

2. **Walter Dietmayer**
Forellenzucht Walter Dietmayer, Hettingen
D-72501 Gammertingen

3. **Heiner Feldmann**
Bad Waldsee
D-88630 Pfullendorf

4. **Heiner Feldmann**
Bergatreute
D-88630 Pfullendorf

5. **Oliver Fricke**
Anlage Wuchzenhofen, Boschenmühle
D-87764 Mariasteinbach Legau 13 1/2

6. **Peter Schmaus**
Fischzucht Schmaus, Steinental
D-88410 Steinental/Hauerz

7. **Josef Schnetz**
Fenkenmühle
D-88263 Horgenzell

8. **Erwin Steinhart**
Quellwasseranlage Steinhart, Hettingen
D-72513 Hettingen

9. **Hugo Strobel**
Quellwasseranlage Otterswang, Sägmühle
D-72505 Hausen am Andelsbach

10. **Reinhard Lenz**
Forsthaus, Gaimühle
D-64759 Sensbachtal

11. **Peter Hofer**
Sulzbach
D-78727 Aistaig/Oberndorf

12. **Stephan Hofer**
Oberer Lautenbach
D-78727 Aistaig/Oberndorf

13. **Stephan Hofer**
Unterer Lautenbach
D-78727 Aistaig/Oberndorf

14. **Stephan Hofer**
Schelklingen
D-78727 Aistaig/Oberndorf

15. **Hubert Schuppert**
Brutanlage: Obere Fischzucht
Mastanlage: Untere Fischzucht
D-88454 Unteressendorf

16. **Johannes Dreier**
Brunnentobel
D-88299 Leutkich/Hebrazhofen

17. **Peter Störk**
Wagenhausen
D-88348 Saulgau

18. **Erwin Steinhart**
Geislingen/St.
D-73312 Geislingen/St.

19. **Joachim Schindler**
Forellenzucht Lohmühle
D-72275 Alpirsbach

20. **Heribert Wolf**
Forellenzucht Sohnius
D-72160 Horb-Diessen

21. **Claus Lehr**
Forellenzucht Reinerzau
D-72275 Alpirsbach-Reinerzau

22. **Hugo Hager**
Bruthausanlage
D-88639 Walbertsweiler

23. **Hugo Hager**
Waldanlage
D-88639 Walbertsweiler

24. **Gumpper und Stöll GmbH**
Forellenhof Rössle, Honau
D-72805 Liechtenstein

25. **Ulrich Ibele**
Pfrungen
D-88271 Pfrungen

26. **Hans Schmutz**
Brutanlage 1, Brutanlage 2, Brut- und Setzlingsanlage 3 (Hausanlage)
D-89155 Erbach

27. **Wilhelm Drafehn**
Obersimonswald
D-77960 Seelbach

28. **Wilhelm Drafehn**
Brutanlage Seelbach
D-77960 Seelbach

29. **Franz Schwarz**
Oberharmersbach
D-77784 Oberharmersbach

30. **Meinrad Nuber**
Langenenslingen
D-88515 Langenenslingen

31. **Anton Spieß**
Höhmühle
D-88353 Kißleg

32. **Karl Servay**
Osterhofen
D-88339 Bad Waldsee

33. Kreissportfischereiverein Biberach
Warthausen
D-88400 Biberach

34. **Hans Schmutz**
Gossenzugen
D-89155 Erbach

35. **Reinhard Rösch**
Haigerach
D-77723 Gengenbach

36. **Harald Tress**
Unterlauchringen
D-79787 Unterlauchringen

37. **Alfred Tröndle**
Tiefenstein
D-79774 Albbruck

38. **Alfred Tröndle**
Unteralpfen
D-79774 Unteralpfen

39. **Peter Hofer**
Schenkenbach
D-78727 Aistaig/Oberndorf

40. **Heiner Feldmann**
Bainders
D-88630 Pfullendorf

41. **Andreas Zordel**
Fischzucht Im Gänsebrunnen
D-75305 Neuenbürg

42. **Hans Fischböck**
Forellenzucht am Kocherursprung
D-73447 Oberkochen

43. **Hans Fischböck**
Fischzucht
D-73447 Oberkochen

44. **Josef Dürr**
Forellenzucht Igersheim
D-97980 Bad Mergentheim

45. **Kurt Englerth und Sohn GBR**
Anlage Berneck
D-72297 Seewald

46. **A. J. Kisslegg**
Anlage Rohrsee

47. **Staatliches Forstamt Wangen**
Anlage Karsee

48. **Simon Phillipson**
Anlage Weissenbronnen
D-88364 Wolfegg

49. **Hans Klaiber**
Anlage Bad Wildbad
D-75337 Enzklösterle

50. **Josef Hönig**
Forellenzucht Hönig
D-76646 Bruchsal-Heidelsheim

51. **Werner Baur**
Blitzenreute
D-88273 Fronreute-Blitzenreute

52. **Gerhard Weihmann**
Mägerkingen
D-72574 Bad Urach-Seeburg

IV **FARMS IN NORTH RHINE-WESTPHALIA**

1. **Wolfgang Lindhorst-Emme**
Hirschquelle
D-33758 Schloss Holte-Stukenbrock

2. **Wolfgang Lindhorst-Emme**
Am Oelbach
D-33758 Schloss Holte-Stukenbrock

3. **Hugo Rameil und Söhne**
Sauerländer Forellenzucht
D-57368 Lennestadt-Gleierbrück

4. **Peter Horres**
Ovenhausen, Jätzer Mühle
D-37671 Höxter

5. **Wolfgang Middendorf**
Fischzuchtbetrieb Middendorf
D-46348 Raesfeld

V **FARMS IN BAVARIA**

1. **Gerstner Peter**
(Forellenzuchtbetrieb Juraquell)
Wellheim
D-97332 Volkach

2. **Werner Ruf**
Fischzucht Wildbad
D-86925 Fuchstal-Leeder

3. **Rogg**
Fisch Rogg
D-87751 Heimertingen

VI **FARMS IN SAXONY**

1. **Anglerverband Südsachsen 'Mulde/Elster' e.V**.
Forellenanlage Schlettau
D-09487 Schlettau

2. **H. und G. Ermisch GbR**
Forellen- und Lachszucht
D-01844 Langburkersdorf

VII **FARMS IN HESSEN**

1. **Hermann Rameil**
Fischzuchtbetriebe Hermann Rameil
D-34560 Fritzlar

COMMISSION DECISION

of 3 July 2001

amending Decisions 2000/639/EC and 2000/773/EC on the Community's financial contribution to the Member States' BSE monitoring programmes for 2001

(notified under document number C(2001) 1748)

(2001/499/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Decision 90/424/EEC of 26 June 1990 on expenditure in the veterinary field [1], as last amended by Decision 2001/12/EC [2], and in particular Article 24 thereof,

Whereas:

(1) Commission Decision 2000/639/EC of 13 October 2000 on the list of programmes for the monitoring of BSE qualifying for a financial contribution from the Community in 2001 [3], as amended by Decision 2000/773/EC [4], establishes the list of programmes for the monitoring of BSE qualifying for a financial contribution from the Community for 2001, as well as the proposed rate and amount of the contribution for each programme. All Member States' BSE monitoring programmes are included in that list.

(2) Decision 2000/773/EC approved the BSE monitoring programmes presented for 2001 by the Member States.

(3) Decision 2000/773/EC also establishes the maximum amount of financial participation by the Community for each programme. It provides that the financial participation by the Community should be at the rate of 100 % of the cost (VAT excluded) of the purchase of test kits and reagents up to a maximum of EUR 30 per test for tests carried out between 1 January and 31 December 2001 in certain target groups (namely dead-on-farm animals, emergency slaughtered animals and animals found sick at normal slaughter).

(4) Provision was also made under Decision 2000/773/EC for review by 1 July 2001 to establish the financial participation by the Community for the period 1 July to 31 December 2001 for tests carried out on healthy slaughtered animals.

(5) Regulation (EC) No 999/2001 of the European Parliament and of the Council of 22 May 2001 laying down rules for the prevention, control and eradication of certain transmissible spongiform encephalopathies [5], as amended by Regulation (EC) No 1248/2001 [6], sets out a new BSE monitoring programme in bovine animals. Under the new monitoring programme, monitoring in certain target groups of bovine animals not entering the food chain will be expanded and the age limit will be reduced. Furthermore, all bovine animals over 30 months of age slaughtered for human consumption will have to be monitored, with the possibility for Austria, Finland and Sweden of carying out a reduced monitoring on those animals. Regulation (EC) No 999/2001 will apply from 1 July 2001.

(6) According to the reports submitted by the Member States pursuant to Article 20 of Decision 2000/773/EC, the cost of the purchase of test kits and reagents is below the maximum of EUR 30 per test, as set out in Article 18 of that Decision.

(7) In view of the expanded BSE monitoring programme introduced by Regulation (EC) No 999/2001, it is necessary to revise the maximum amount of financial participation by the Community for each programme, as set out in Decisions 2000/639/EC and 2000/773/EC. Furthermore, and taking also into account the cost of the purchase of test kits and reagents as reported by Member States, the conditions for the financial contribution for monitoring in all target groups should be revised.

(8) It has become apparent that the estimates of the maximum amount of Community financing that could be allocated to each programme may have to be adjusted during the implementation of the programmes in order to take account of the actual needs of each Member State. The review must however be carried out without increasing the total amount of contribution by the Community. To facilitate the review, each Member State should send in a monthly report on the progress of the programme and the costs incurred.

(9) Furthermore, the model for the final reports should be harmonised to ensure that appropriate and comparable data is received from the Member States at the end of the reporting period.

(10) Decisions 2000/639/EC and 2000/773/EC should therefore be amended accordingly.

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

[1] OJ L 224, 18.9.1990, p. 19.
[2] OJ L 3, 6.1.2001, p. 27.
[3] OJ L 269, 21.10.2000, p. 54.
[4] OJ L 308, 8.12.2000, p. 35.
[5] OJ L 147, 31.5.2001, p. 1.
[6] OJ L 173, 27.6.2001, p. 12.

HAS ADOPTED THIS DECISION:

Article 1

Decision 2000/639/EC is amended as follows:

1. in Article 1, the following paragraph 3 is added:

   '3. The maximum amounts of financial participation by the Community for each monitoring programme may be reviewed in the light of the reports referred to in Article 20 of Decision 2000/773/EC. However, the total contribution by the Community shall not exceed EUR 65 850 000.'

2. The Annex is replaced by the text in Annex I to this Decision.

Article 2

Decision 2000/773/EC is amended as follows:

1. in Article 2(2) 'EUR 197 700' is replaced by 'EUR 1 742 000';
2. in Article 3(2) 'EUR 171 000' is replaced by 'EUR 2 748 000';
3. in Article 4(2) 'EUR 321 000' is replaced by 'EUR 2 203 000';
4. In Article 5(2) 'EUR 3 450 000' is replaced by 'EUR 17 143 000';
5. in Article 6(2) 'EUR 90 000' is replaced by 'EUR 264 000';
6. in Article 7(2) 'EUR 1 136 000' is replaced by 'EUR 3 436 000';
7. in Article 8(2) 'EUR 4 800 000' is replaced by 'EUR 18 339 000';
8. in Article 9(2) 'EUR 210 000' is replaced by 'EUR 6 469 000';
9. in Article 10(2) 'EUR 2 500 000' is replaced by 'EUR 3 638 000';
10. in Article 11(2) 'EUR 82 500' is replaced by 'EUR 204 000';
11. in Article 12(2) 'EUR 1 260 000' is replaced by 'EUR 5 245 000';
12. in Article 13(2) 'EUR 180 000' is replaced by 'EUR 566 000';
13. In Article 14(2) 'EUR 306 000' is replaced by 'EUR 446 000';
14. in Article 15(2) 'EUR 577 800' is replaced by 'EUR 609 000';
15. in Article 16(2) 'EUR 270 000' is replaced by 'EUR 2 798 000';
16. Article 18 is replaced by the following:

   '*Article 18*

   The financial participation by the Community for the programmes approved in Articles 2 to 16 shall be:

   — at the rate of 100 % of the cost (VAT excluded) of the purchase of test kits and reagents up to a maximum of EUR 30 per test for tests carried out between 1 January and 30 June 2001 on animals referred to in Article 1(1) and (2) of Commission Decision 2000/764/EC (*),

   — at the rate of 100 % of the cost (VAT excluded) of the purchase of test kits and reagents up to a maximum of EUR 15 per test for tests carried out between 1 July and 31 December 2001 on animals referred to in Annex III, Chapter A, Part I, points 2.1, 3 and 4.1 to Regulation (EC) No 999/2001,

   — at the rate of 100 % of the cost (VAT excluded) of the purchase of test kits and reagents up to a maximum of EUR 15 per test for tests carried out between 1 July and 31 December 2001 on animals referred to in Annex III, Chapter A, Part I, points 2.2, 4.2 and 4.3 to Regulation (EC) No 999/2001.

   (*) OJ L 305, 6.12.2000, p. 35.'

17. in Article 19, the following paragraph 2 is added:

   '2. The maximum amounts of financial participation by the Community for each monitoring programme may be reviewed in the light of the reports referred to in Article 20 of Decision 2000/773/EC. However, the total contribution by the Community shall not exceed EUR 65 850 000.';

18. Article 20(b) is replaced by the following:

   '(b) to forwarding a monthly report to the Commission on the progress of the programme and the costs incurred at the latest four weeks after the end of each reporting period,';

19. Article 20(c) is replaced by the following:

   '(c) to forwarding a final report by 1 June 2002, at the latest, on the technical execution of the programme accompanied by justifying evidence as to the costs incurred and the results attained during the period from 1 January to 31 December 2001. The report shall contain at least the information set out in the Annex,';

20. An Annex, consisting of the text set out in Annex II to this Decision, is added.

Article 3

This Decision is addressed to the Member States.

Done at Brussels, 3 July 2001.

For the Commission

David BYRNE

Member of the Commission

ANNEX I

'ANNEX

LIST OF PROGRAMMES FOR THE MONITORING OF BSE

Proposed rate and amount of the Community financing contribution

Disease	Member State	Rate (purchase of kits and reagents)	Maximum amount (in EUR)
BSE	Belgium	100 %	2 748 000
	Denmark	100 %	2 203 000
	Germany	100 %	17 143 000
	Greece	100 %	264 000
	Spain	100 %	3 436 000
	France	100 %	18 339 000
	Ireland	100 %	6 469 000
	Italy	100 %	3 638 000
	Luxembourg	100 %	204 000
	Netherlands	100 %	5 245 000
	Austria	100 %	1 742 000
	Portugal	100 %	566 000
	Finland	100 %	446 000
	Sweden	100 %	609 000
	United Kingdom	100 %	2 798 000
Total			65 850 000'

ANNEX II

'ANNEX

Member State:

Region	Tests on animals referred to in Article 1(1) and (2) of Decision 2000/764/EC			Tests on animals referred to in Annex III, Chapter A, Part I, points 2.1, 3 and 4.1 to Regulation (EC) No 999/2001			Tests on animals referred to in Annex III, Chapter A, Part I, points 2.2, 4.2 and 4.3 to Regulation (EC) No 999/2001		
	Number of tests	Unit cost	Total cost	Number of tests	Unit cost	Total cost	Number of tests	Unit cost	Total cost
Total									'