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I

(Acts whose publication is obligatory)

**COMMISSION REGULATION (EC) No 13/2003
of 6 January 2003
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 1947/2002 ⁽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 7 January 2003.

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

Done at Brussels, 6 January 2003.

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

⁽¹⁾ OJ L 337, 24.12.1994, p. 66.

⁽²⁾ OJ L 299, 1.11.2002, p. 17.

ANNEX

to the Commission Regulation of 6 January 2003 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	80,5
	204	27,6
	624	154,7
	999	87,6
0707 00 05	052	138,0
	999	138,0
0709 90 70	052	106,0
	204	44,7
	999	75,3
0805 10 10, 0805 10 30, 0805 10 50	052	54,6
	204	48,9
	220	43,5
	999	49,0
0805 20 10	204	53,7
	999	53,7
0805 20 30, 0805 20 50, 0805 20 70, 0805 20 90	052	69,0
	204	74,4
	999	71,7
0805 50 10	052	64,3
	600	69,6
	999	66,9
0808 10 20, 0808 10 50, 0808 10 90	060	37,4
	400	115,8
	404	108,6
	720	137,1
	999	99,7
0808 20 50	052	157,0
	400	108,8
	999	132,9

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

COMMISSION REGULATION (EC) No 14/2003
of 6 January 2003
on the supply of vegetable oil as food aid

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 1292/96 of 27 June 1996 on food-aid policy and food-aid management and special operations in support of food security ⁽¹⁾, as amended by Regulation (EC) No 1726/2001 of the European Parliament and of the Council ⁽²⁾, and in particular Article 24(1)(b) thereof,

Whereas:

- (1) The abovementioned Regulation lays down the list of countries and organisations eligible for Community aid and specifies the general criteria on the transport of food aid beyond the fob stage.
- (2) Following the taking of a number of decisions on the allocation of food aid, the Commission has allocated vegetable oil to certain beneficiaries.
- (3) It is necessary to make these supplies in accordance with the rules laid down by Commission Regulation (EC) No 2519/97 of 16 December 1997 laying down general rules for the mobilisation of products to be supplied under Council Regulation (EC) No 1292/96 as Community food aid ⁽³⁾. It is necessary to specify the time limits and conditions of supply to determine the resultant costs.

- (4) In order to ensure that the supplies are carried out for a given lot, provision should be made for tenderers to be able to mobilise either rapeseed oil or sunflower oil. The contract for the supply of each such lot is to be awarded to the tenderer submitting the lowest tender,

HAS ADOPTED THIS REGULATION:

Article 1

Vegetable oil shall be mobilised in the Community, as Community food aid for supply to the recipient listed in the Annex, in accordance with Regulation (EC) No 2519/97 and under the conditions set out in the Annex.

The supply shall cover the mobilisation of vegetable oil produced in the Community. Mobilisation may not involve a product manufactured and/or packaged under inward processing arrangements.

Tenders shall cover either rapeseed oil or sunflower oil. Tenders shall be rejected unless they specify the type of oil to which they relate.

The tenderer is deemed to have noted and accepted all the general and specific conditions applicable. Any other condition or reservation included in his tender is deemed unwritten.

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, 6 January 2003.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ L 166, 5.7.1996, p. 1.

⁽²⁾ OJ L 234, 1.9.2001, p. 10.

⁽³⁾ OJ L 346, 17.12.1997, p. 23.

ANNEX

LOT A

1. **Action No:** 38/02
2. **Beneficiary** ⁽²⁾: World Food Programme (WFP), Via Cesare Giulio Viola 68, I-00148 Roma; tel.: (39-06) 6513 2988; fax: 6513 2844/3; telex: 626675 WFP I
3. **Beneficiary's representative:** to be designated by the beneficiary
4. **Country of destination:** Angola
5. **Product to be mobilised:** refined rapeseed oil or refined sunflower oil
6. **Total quantity (tonnes net):** 2 000
7. **Number of lots:** 1 in 3 parts (A1: 600 tonnes; A2: 1 200 tonnes; A3: 200 tonnes)
8. **Characteristics and quality of the product** ⁽³⁾ ⁽⁴⁾ ⁽⁶⁾: see OJ C 312, 31.10.2000, p. 1 (D.1 or D.2)
9. **Packaging:** see OJ C 267, 13.9.1996, p. 1 (10.8 A, B and C.2)
10. **Labelling or marking** ⁽⁵⁾: see OJ C 114, 29.4.1991, p. 1 (III.A.(3))
 - Language to be used for the markings: Portuguese
 - Supplementary markings: —
11. **Method of mobilisation of the product:** the Community market
The mobilisation may not involve a product manufactured and/or packaged under inward-processing arrangements
12. **Specified delivery stage:** free at port of landing — container terminal
13. **Alternative delivery stage:** free at port of shipment
14. a) **Port of shipment:** —
b) **Loading address:** —
15. **Port of landing:** A1: Luanda; A2: Lobito; A3: Namibia
16. **Place of destination:**
 - port or warehouse of transit: —
 - overland transport route: —
17. **Period or deadline of supply at the specified stage:**
 - first deadline: 30.3.2003
 - second deadline: 13.4.2003
18. **Period or deadline of supply at the alternative stage:**
 - first deadline: 10-23.2.2003
 - second deadline: 24.2-9.3.2003
19. **Deadline for the submission of tenders (at 12 noon, Brussels time):**
 - first deadline: 21.1.2003
 - second deadline: 4.2.2003
20. **Amount of tendering guarantee:** EUR 15 per tonne
21. **Address for submission of tenders and tendering guarantees** ⁽¹⁾: M. Vestergaard, Commission européenne, Bureau: L130 7/46, B-1049 Bruxelles; telex: 25670 AGREC B; fax: (32-2) 296 70 03/296 70 04
22. **Export refund:** —

Notes:

- (¹) Supplementary information: Torben Vestergaard (tel. (32-2) 299 30 50; fax (32-2) 296 20 05).
- (²) The supplier shall contact the beneficiary or its representative as soon as possible to establish which consignment documents are required.
- (³) The supplier shall deliver to the beneficiary a certificate from an official entity certifying that for the product to be delivered the standards applicable, relative to nuclear radiation, in the Member State concerned, have not been exceeded. The radioactivity certificate must indicate the caesium-134 and -137 and iodine-131 levels.
- (⁴) The supplier shall supply to the beneficiary or its representative, on delivery, the following document:
 - health certificate.
- (⁵) Notwithstanding OJ C 114, 29.4.1991, point III.A(3)(c) is replaced by the following: 'the words "European Community"'.

- (⁶) Tenders shall be rejected unless they specify the type of oil to which they relate.

**COMMISSION REGULATION (EC) No 15/2003
of 6 January 2003**

amending Regulation (EC) No 1793/2002 fixing the estimated production of olive oil and the unit amount of the production aid that may be paid in advance for the marketing year 2001/2002

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

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

Having regard to Council Regulation (EEC) No 2261/84 of 17 July 1984 laying down general rules on the granting of aid for the production of olive oil and of aid to olive oil producer organisations ⁽³⁾, as last amended by Regulation (EC) No 1639/98 ⁽⁴⁾, and in particular Article 17a(1) thereof,

Whereas:

- (1) Commission Regulation (EC) No 1793/2002 ⁽⁵⁾ fixes the estimated production of olive oil qualifying for the aid provided for in Article 5 of Regulation No 136/66/EEC. That production also includes table olives expressed as olive oil equivalent for the purpose of assessing the size of the overrun of the actual production compared with the national guaranteed quantity for each olive oil-producing Member State. In order to avoid any confusion, it should be made clear that the estimated production includes the production of table olives, expressed as olive oil equivalent.
- (2) Regulation (EC) No 1793/2002 should be amended accordingly.

- (3) The measures provided for in this Regulation are in accordance with the opinion of the Management Committee for Oils and Fats,

HAS ADOPTED THIS REGULATION:

Article 1

Article 1(1) of Regulation (EC) No 1793/2002 is replaced by the following:

‘1. For the marketing year 2001/2002, the estimated production of olive oil, including the production referred to in paragraph 2, is:

- 1 575 575 tonnes for Spain,
- 2 592 tonnes for France,
- 398 588 tonnes for Greece,
- 713 620 tonnes for Italy,
- 33 808 tonnes for Portugal.’

Article 2

This Regulation shall enter into force on the seventh 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, 6 January 2003.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ L 172, 30.9.1966, p. 3025/66.

⁽²⁾ OJ L 201, 26.7.2001, p. 4.

⁽³⁾ OJ L 208, 3.8.1984, p. 3.

⁽⁴⁾ OJ L 210, 28.7.1998, p. 38.

⁽⁵⁾ OJ L 272, 10.10.2002, p. 11.

**COMMISSION REGULATION (EC) No 16/2003
of 6 January 2003**

**laying down special detailed rules for implementing Council Regulation (EC) No 1164/94 as regards
eligibility of expenditure in the context of measures part-financed by the Cohesion Fund**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Article 2

Having regard to the Treaty establishing the European Community,

Body responsible for implementation

Having regard to Council Regulation (EC) No 1164/94 of 16 May 1994 establishing a Cohesion Fund ⁽¹⁾, as last amended by Regulation (EC) No 1265/1999 ⁽²⁾, and in particular Article D(7) of Annex II thereto,

The 'body responsible for implementation' referred to in Article 10(4) of Regulation (EC) No 1164/94 shall be the public or private body responsible for organising the tenders for a project. That body shall be designated in the Commission decision granting aid from the Cohesion Fund (hereinafter called 'the Commission decision').

Whereas:

Any change in the body responsible for implementation shall be approved by the Commission.

- (1) Under Regulation (EC) No 1164/94, the Cohesion Fund may part-finance projects, preliminary studies and technical support measures. The conditions under which such measures are eligible and to be implemented should therefore be specified.
- (2) Until now the eligibility rules have been set out as a standardised text in Annex IV to the decisions granting aid.
- (3) To ensure that measures part-financed by the Cohesion Fund receive uniform treatment, common rules should be laid down on the eligibility of the relevant expenditure. Those rules should specify the period of eligibility and different categories of eligible expenditure.
- (4) Regulation (EC) No 1164/94 stipulates that the Commission may approve proposed projects only if they meet criteria guaranteeing that they are of high quality and compatible with the Community's policies, in particular the rules on the award of public contracts and on competition.
- (5) The rules set out below are to replace those in Annex IV to the Commission decisions granting aid from the Cohesion Fund for new projects approved by Commission decision after the entry into force of this Regulation,

Article 3

'Implementation of a project' and 'period of implementation'

1. The implementation of a project shall cover all stages from preliminary planning to the completion of the approved project, including the relevant publicity measures. Preliminary planning shall include the study of alternatives.

2. A project may be restricted by the Commission decision to only one or several stages of implementation.

3. The implementation phase of a project shall cover the period necessary for the stages of implementation to be completed, up to the point at which the project becomes fully operational and at which the material objectives adopted by the Commission decision have been completed.

HAS ADOPTED THIS REGULATION:

Article 4

CHAPTER 1

GENERAL PROVISIONS

Transparency and documentary evidence

Article 1

Scope

This Regulation lays down common rules for determining the eligibility of expenditure under the measures provided for in Article 3 of Regulation (EC) No 1164/94 which may be part-financed by the Cohesion Fund.

All expenditure incurred by the body responsible for implementation must be based on legally binding contracts or agreements and/or documents.

Appropriate supporting documents must be produced.

Concession-holders and licensees for the implementation of a project shall be subject to the same requirements as regards inspection and monitoring as the bodies responsible for its implementation.

⁽¹⁾ OJ L 130, 25.5.1994, p. 1.

⁽²⁾ OJ L 161, 26.6.1999, p. 62.

*Article 5***Expenditure actually incurred**

1. The expenditure to be taken into account for the payment of Community assistance must have actually been incurred during the period of eligibility as defined in the Commission decision, in accordance with Article 8(2)(b) of Commission Regulation (EC) No 1386/2002 ⁽¹⁾, and must be directly related to the project. The expenditure must relate to payments certified by the Member State and actually made by it or on its behalf or, in the case of concessions, by the concession-holder to which the body responsible for implementation has delegated implementation of the project, and supported by receipted invoices or accounting documents of equivalent probative value.

'Accounting document of equivalent probative value' means any document submitted by the body responsible for implementation to prove that the book entry gives a true and fair view of the transactions actually made, in accordance with standard accounting practice.

2. In the case of concessions, the certification by the responsible authority of the value of the work carried out in terms of the progress indicators for the work in the concession contract shall constitute an accounting document of equivalent probative value. That authority may be designated by the Member States in accordance with Article D(4) of Annex II to Regulation (EC) No 1164/94.

*Article 6***Completed projects**

An application for assistance in respect of a project materially completed at the time when the application is submitted cannot be considered eligible.

*Article 7***Initial time limit on eligibility**

1. Expenditure incurred shall be eligible for assistance as from the date on which the Commission receives the complete application.

An application shall be considered complete where it contains the information required in Article 10(4) of Regulation (EC) No 1164/94.

2. The start of the period of eligibility shall be fixed in the Commission decision approving the project. Expenditure paid before that date shall not be eligible.

3. If a substantial modification of the material components of a project is requested, expenditure relating to the new additional or extended physical components shall be eligible from the date on which the Commission receives the request for amendment.

The start of the period of eligibility of expenditure related to the new additional or extended physical components shall be specified in the Commission decision approving the modification. Expenditure incurred before that date shall not be eligible.

*Article 8***End of the eligibility period**

The final date for eligibility shall relate to payments made by the body responsible for implementation.

The final date of eligibility shall be fixed in the Commission decision.

CHAPTER 2

ELIGIBLE EXPENDITURE*Article 9***Categories of eligible expenditure**

Subject to the qualifications set out in Chapters 3 to 10, the following categories of eligible expenditure shall be expenditure relating to:

- (a) planning and design;
- (b) land purchase;
- (c) site preparation;
- (d) construction;
- (e) equipment;
- (f) project management;
- (g) expenditure on publicity and information measures undertaken pursuant to Commission Decision 96/455/EC ⁽²⁾.

*Article 10***Other categories of expenditure**

Other categories of expenditure may be eligible, provided that they are specified in the Commission decision.

CHAPTER 3

VALUE ADDED TAX AND OTHER TAXES AND CHARGES*Article 11***Value added tax**

1. Value added tax (VAT) shall be considered eligible expenditure only if it is genuinely and definitively borne by the body responsible for implementation. VAT which is recoverable, by whatever means, shall not be considered eligible even if it is not actually recovered by the body responsible for implementation or by the final beneficiary.

⁽¹⁾ OJ L 201, 31.7.2002, p. 5.

⁽²⁾ OJ L 188, 27.7.1996, p. 47.

2. Where the final beneficiary is subject to a flat-rate scheme under Title XIV of Council Directive 77/388/EEC ⁽¹⁾, the VAT paid shall be considered recoverable for the purposes of paragraph 1.

3. Under no circumstances may Community part-financing exceed total eligible expenditure excluding VAT.

Article 12

Other taxes and charges

Other levies, taxes or charges, in particular direct taxes and social security contributions on salaries and wages, arising from Community part-finance shall constitute eligible expenditure only if they are genuinely and definitively borne by the body responsible for implementation.

CHAPTER 4

EXPENDITURE RELATING TO PLANNING AND DESIGN OF MEASURES

Article 13

Eligibility of expenditure

Expenditure relating to planning, expertise and design shall be eligible, provided that such expenditure is directly linked to one or more projects and is specifically approved by the Commission decision, except in the cases set out in Articles 14, 15 and 34.

Article 14

Compatibility of costs

Where several projects are covered by a single works contract or where the body responsible for implementation is carrying out the functions on its own account, costs must be assigned through a transparent and separate project-accounting system based on accounting documents or documents of equivalent probative value.

Article 15

Expenditure incurred by public authorities on planning and design of measures

Where employees of a public authority are involved in the activities referred to in Article 13, expenditure can be accepted by the Commission as eligible only in duly justified cases where all the following requirements are met:

- (a) the employee must have temporarily left his or her statutory employment in the public authority and must be employed under a formal decision by the authority responsible for undertaking the tasks referred to in Article 13;

- (b) expenditure must be based on a contract relating to one or more specified projects; where a contract relates to several projects, costs must be allocated in a transparent manner;
- (c) expenditure must be directly linked to one or more of the individual projects concerned;
- (d) the contract must be limited in time and must not exceed the time limit set for implementation of the project;
- (e) the tasks to be implemented under that contract must not cover general administrative functions as specified in Articles 27 and 28.

CHAPTER 5

PURCHASE OF LAND AND RIGHTS OF ACCESS

Article 16

Purchase of land not built on

The cost of the purchase of land not built on shall be eligible only if the all following requirements are met:

- (a) purchase of the land must be indispensable to the implementation of the project;
- (b) the purchase of land shall not exceed 10 % of the eligible expenditure for a project, except in cases duly justified by the body responsible for implementation;
- (c) a certificate shall be obtained from an independent qualified valuer or duly authorised official body, confirming that the purchase price does not exceed the market value;
- (d) the purchase of land shall be approved by the Commission decision;
- (e) national rules laid down to avoid speculation shall be complied with.

Expenditure on the purchase of land which, after completion of the project, remains in forestry or agricultural use shall not be eligible unless otherwise specified in the Commission decision.

Article 17

The purchase of land containing developed facilities

The purchase of land containing developed facilities may be eligible, if specifically justified and approved in the Commission decision.

Article 18

Purchase of land in public ownership or in the ownership of the body responsible for implementation

Neither the cost of land already owned by the body responsible for implementation nor the purchase of land owned by a public administration shall be eligible.

⁽¹⁾ OJ L 145, 13.6.1977, p. 1.

Article 19

Compulsory purchase

Articles 16, 17 and 18 shall apply to cases of compulsory purchase. Specific charges relating to the compulsory purchase order, such as expert's valuation, legal assistance and temporary lease arrangements for the land concerned, shall be eligible.

Article 20

Rights of access

Expenditure on rights of access to the project site during implementation shall be eligible, if it is indispensable to the implementation of the project and specifically approved by the Commission decision to grant assistance.

This may include compensation for lost harvest and repair of damage.

CHAPTER 6

PURCHASE OF BUILDINGS, SITE PREPARATION AND CONSTRUCTION

Article 21

Purchase of real estate

1. The cost of purchasing real estate, meaning buildings already constructed and the land on which they are built, may be eligible only where these are existing properties suited to the specific operational needs of the project.

2. A certificate must be obtained from a qualified independent expert or an official body to confirm that the price does not exceed the market value. This certificate must attest that the building complies with national legislation, or must specify the points which do not comply and which the body responsible for implementation of the project intends to correct.

3. Within the preceding 10 years, the building must not have received national or Community assistance which would give rise to duplication where the Structural Funds are part-financing a purchase or where the Cohesion Fund is financing another project.

4. The real estate shall be used for the purpose and for the period specified in the Commission decision.

5. The cost of real estate already owned by the body responsible for implementing the project and the purchase of real estate owned by a public administration, shall not be eligible.

Article 22

Site preparation and construction

1. Expenditure on site preparation and construction which are essential for implementation of the project shall be eligible.

2. Where the body responsible for implementation is undertaking site preparation or construction works, or parts thereof, on its own account, costs must be assigned through a transparent and separate project-accounting system based on accounting documents or documents of equivalent probative value.

3. Cases where public employees are involved shall be covered by Article 15.

4. Eligible costs shall include only costs actually borne after the date specified in Article 7(1) and relating directly to the project. Eligible costs may include one or more of the following categories:

- (a) labour costs (gross wages and salaries);
- (b) charges for using durable equipment during construction;
- (c) cost of products used for the implementation of the project;
- (d) overheads and other costs, if specifically justified; they are to be assigned fairly, in accordance with generally recognised accounting standards.

5. Overheads may not be charged where the body responsible for implementation is a public authority.

6. Costs must be assessed at market prices.

CHAPTER 7

PURCHASE, LEASE OF EQUIPMENT AND INTANGIBLE ASSETS

Article 23

Durable equipment that is part of capital expenditure of the measures

1. Expenditure on the purchase or construction of plant and equipment that is to be permanently installed and fixed in the project shall be eligible, provided that it is included in the inventory of durable equipment of the body responsible for implementation and that it is treated as capital expenditure in accordance with standard accounting conventions.

2. Without prejudice to Article 33, the lease of equipment as referred to in paragraph 1 shall be regarded as part of the operating costs and shall not be eligible.

*Article 24***The purchase of intangible assets**

The purchase and use of intangible assets, such as patents, shall be eligible if they are necessary for the implementation of the project.

*Article 25***Durable equipment used for the implementation of measures**

1. Where the body responsible for implementation carries out on its own account all or part of the site-preparation or construction work, expenditure on the purchase or production of durable equipment used during the implementation phase of a project shall not be eligible. This concerns heavy construction machinery as well as office and other types of equipment.

2. Durable equipment that is specially purchased or produced for implementing a project may be considered eligible if it is without economic value or is scrapped after use, and if the Commission decision includes a specific provision to that effect.

*Article 26***Durable equipment used for administrative purposes relating to the implementation of measures**

1. Expenditure on the purchase and leasing of durable equipment used for administrative purposes shall not be eligible.

2. Without prejudice to Articles 30 and 33, expenditure on the purchase and leasing of equipment used by a public authority in the pursuit of its monitoring and supervision work shall not be eligible.

CHAPTER 8

COSTS INCURRED IN THE MANAGEMENT, IMPLEMENTATION, MONITORING AND INSPECTION OF MEASURES*Article 27***General and administrative expenses**

The general and administrative expenditure of the body responsible for the implementation of measures shall not be eligible.

*Article 28***Expenditure incurred by public authorities**

Expenditure incurred by public authorities in the management, implementation, monitoring and inspection of a measure or all measures, in particular the salaries of established national or local officials, shall not be eligible.

*Article 29***Expenditure on subcontracted measures**

Where measures are subcontracted, only duly justified expenditure relating to financial and material monitoring, audits and on-the-spot inspections of the project shall be eligible.

In the context of implementing the horizontal duties of management, implementation, monitoring and control, necessary and duly justified subcontracted expenditure shall be eligible, up to the limit laid down in Article 7(4) of Regulation (EC) No 1164/94.

CHAPTER 9

FINANCIAL AND OTHER CHARGES AND LEGAL EXPENSES*Article 30***Financial charges**

Debt interest, charges for financial operations, exchange costs and other purely financial costs shall not be eligible.

*Article 31***Fines, financial penalties and expenditure on disputes**

Without prejudice to Article 7 of Commission Regulation (EC) No 1831/94 ⁽¹⁾, legal costs, fines, financial penalties and expenditure on disputes shall not be eligible.

*Article 32***Accountancy and audit fees**

Accountancy and audit fees shall be eligible if they are directly linked to the operation, are necessary for its preparation or implementation and relate to administrative or statutory requirements.

*Article 33***Special financing techniques**

Without prejudice to Article 29, the cost of financing techniques which do not imply an immediate purchase of equipment, such as leasing, may be considered eligible if it is justified and approved by the Commission decision, and provided that transfer of ownership to the body responsible for implementation takes place before payment of the balance.

⁽¹⁾ OJ L 191, 27.7.1994, p. 9.

*Article 34***Lawyers' fees, notarial fees, and costs of expert technical or financial advice**

Lawyers' fees, notarial fees, and costs of expert technical or financial advice shall be eligible if they are directly related to the operation and if they are necessary for its preparation or implementation.

CHAPTER 10

OTHER TYPES OF EXPENDITURE*Article 35***Operating expenditure and running costs of assisted projects**

1. The operating costs of a project or group of projects shall not be eligible.
2. By way of derogation from paragraph 1, training of operating personnel and testing of a project and its equipment may be regarded as eligible expenditure for any necessary period defined in the Commission decision.

*Article 36***Publicity and information measures**

Expenditure on publicity and information measures undertaken pursuant to Decision 96/455/EC shall be eligible.

*Article 37***Car parks**

The Cohesion Fund shall not contribute to the construction of indoor or outdoor car parking lots unless they are indispensable and are specifically approved by a Commission decision.

*Article 38***Purchase of second-hand equipment**

The cost of purchasing second-hand equipment shall be eligible under the following three conditions, without prejudice to the application of stricter national rules:

- (a) the seller of the equipment must provide a declaration stating its origin, and confirming that at no point during the previous seven years has it been purchased with the aid of national or Community grants;
- (b) the price of the equipment must not exceed its market value and must be lower than the cost of similar, but new, equipment;

- (c) the equipment has the characteristics required for the operation and complies with the applicable rules.

*Article 39***Subcontracting**

Without prejudice to the application of stricter national rules, expenditure relating to the following subcontracts shall not be eligible:

- (a) subcontracting which results in an increase in the cost of implementing the project with no commensurate added value;
- (b) subcontracting contracts concluded with intermediaries or consultants under which the payment is defined as a percentage of the total cost, unless such a payment is justified by the body responsible for implementation by reference to the real value of the works or services provided.

All subcontractors must undertake to provide the audit and inspection bodies with all necessary information about their subcontracting work.

CHAPTER 11

EXPENDITURE INCURRED IN RELATION TO MONITORING COMMITTEES, AD HOC MEETINGS AND COMPUTERISED MANAGEMENT AND MONITORING SYSTEMS*Article 40***Organisation of meetings of the Monitoring Committee**

1. Without prejudice to Articles 27 and 28, expenditure incurred in the organisation of the mandatory meetings of the Monitoring Committee provided for in Article F of Annex II to Regulation (EC) No 1164/94 shall be eligible on presentation of supporting documents.

2. The expenditure referred to in paragraph 1 shall be admissible where it relates to one or more of the following categories of costs:

- (a) interpreting services;
- (b) hire of meeting rooms;
- (c) rental of audio-visual and other necessary electronic equipment;
- (d) provision of documentation and related facilities;
- (e) fees for participation of experts;
- (f) travel costs.

3. Salaries and allowances of public authority employees paid for the organisation of the Monitoring Committees shall not be eligible.

4. Fixed equipment for monitoring purposes may be eligible if specifically allowed by a Commission decision on technical assistance.

Article 41

Meetings at the request of the Commission or the Monitoring Committee

Article 40 shall apply to the organisation of ad hoc meetings at the request of the Commission or the Monitoring Committee.

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

Done at Brussels, 6 January 2003.

Article 42

Computer systems for management and monitoring

The costs entailed in purchasing and installing computerised management and monitoring systems shall be eligible up to the limits laid down in the Commission decision.

Article 43

Entry into force

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

It shall apply to new projects approved by a Commission decision under Article 10(6) of Regulation (EC) No 1164/94 after its entry into force.

For the Commission

Michel BARNIER

Member of the Commission

COMMISSION REGULATION (EC) No 17/2003
of 6 January 2003
amending the import duties in the cereals sector

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

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

Having regard to Commission Regulation (EC) No 1249/96 of 28 June 1996 laying down detailed rules for the application of Council Regulation (EEC) No 1766/92 as regards import duties in the cereals sector ⁽³⁾, as last amended by Regulation (EC) No 597/2002 ⁽⁴⁾, and in particular Article 2(1) thereof,

Whereas:

- (1) The import duties in the cereals sector are fixed by Commission Regulation (EC) No 2392/2002 ⁽⁵⁾, as amended by Regulation (EC) No 8/2003 ⁽⁶⁾.
- (2) Article 2(1) of Regulation (EC) No 1249/96 provides that if during the period of application, the average import duty calculated differs by EUR 5 per tonne from

the duty fixed, a corresponding adjustment is to be made. Such a difference has arisen. It is therefore necessary to adjust the import duties fixed in Regulation (EC) No 2392/2002.

- (3) Article 1 of Regulation (EC) No 2378/2002 provides for derogations from Regulation (EC) No 1249/96 regarding import duties in the cereals sector. Accordingly, the Annexes to Regulation (EC) No 2392/2002 should be amended to indicate the duties applicable where importation is not effected under a tariff quota,

HAS ADOPTED THIS REGULATION:

Article 1

Annexes I and II to Regulation (EC) No 2392/2002 are hereby replaced by Annexes I and II to this Regulation.

Article 2

This Regulation shall enter into force on 7 January 2003.

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

Done at Brussels, 6 January 2003.

For the Commission

J. M. SILVA RODRÍGUEZ
Agriculture Director-General

⁽¹⁾ OJ L 181, 1.7.1992, p. 21.

⁽²⁾ OJ L 193, 29.7.2000, p. 1.

⁽³⁾ OJ L 161, 29.6.1996, p. 125.

⁽⁴⁾ OJ L 91, 6.4.2002, p. 9.

⁽⁵⁾ OJ L 358, 31.12.2002, p. 139.

⁽⁶⁾ OJ L 1, 4.1.2003, p. 56.

ANNEX I

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

CN code	Description	Import duty ⁽¹⁾ (EUR/tonne)
1001 10 00	Durum wheat high quality	0,00
	medium quality	0,00
	low quality	0,00
1001 90 91	Common wheat seed	0,00
1001 90 99	Common high quality wheat other than for sowing ⁽²⁾	0,00
	medium quality ⁽³⁾	95,00
	low quality ⁽³⁾	95,00
1002 00 00	Rye	31,86
1003 00 10	Barley, seed	93,00
1003 00 90	Barley, other ⁽⁴⁾	93,00
1005 10 90	Maize seed other than hybrid	40,60
1005 90 00	Maize other than seed ⁽⁵⁾	40,60
1007 00 90	Grain sorghum other than hybrids for sowing	31,86

⁽¹⁾ For goods arriving in the Community via the Atlantic Ocean or via the Suez Canal (Article 2(4) of Regulation (EC) No 1249/96), the importer may benefit from a reduction in the duty of:

- EUR 3 per tonne, where the port of unloading is on the Mediterranean Sea, or
- EUR 2 per tonne, where the port of unloading is in Ireland, the United Kingdom, Denmark, Sweden, Finland or the Atlantic coasts of the Iberian peninsula.

⁽²⁾ Importers are entitled to a flat-rate reduction of EUR 14 per tonne.

⁽³⁾ Importers may take advantage of an import duty of EUR 12 per tonne under the tariff quota opened by Regulation (EC) No 2375/2002.

⁽⁴⁾ Importers may take advantage of an import duty of EUR 8 per tonne under the tariff quota for malting barley opened by Regulation (EC) No 2377/2002 or an import duty of EUR 16 per tonne under the tariff quota for barley opened by Regulation (EC) No 2376/2002.

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

ANNEX II

Factors for calculating duties

(period from 30 December 2002 to 3 January 2003)

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

Exchange quotations	Minneapolis	Chicago	Minneapolis	Minneapolis	Minneapolis	Minneapolis
Product (% proteins at 12 % humidity)	HRS2. 14 %	YC3	HAD2	Medium quality (*)	Low quality (**)	US barley 2
Quotation (EUR/t)	142,90	92,03	216,02 (***)	206,02 (***)	186,02 (***)	114,82 (***)
Gulf premium (EUR/t)	38,14	13,95	—	—	—	—
Great Lakes premium (EUR/t)	—	—	—	—	—	—

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

(**) A discount of 30 EUR/t (Article 3 of Regulation (EC) No 2378/2002).

(***) Fob Gulf.

2. Freight/cost: Gulf of Mexico–Rotterdam: 14,69 EUR/t; Great Lakes–Rotterdam: 23,61 EUR/t.

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

COMMISSION REGULATION (EC) No 18/2003
of 6 January 2003
amending representative prices and additional duties for the import of certain products in the
sugar sector

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 1260/2001 of 19 June 2001 on the common organisation of the markets in the sugar sector ⁽¹⁾, as amended by Commission Regulation (EC) No 680/2002 ⁽²⁾,

Having regard to Commission Regulation (EC) No 1423/95 of 23 June 1995 laying down detailed implementing rules for the import of products in the sugar sector other than molasses ⁽³⁾, as last amended by Regulation (EC) No 624/98 ⁽⁴⁾, and in particular the second subparagraph of Article 1(2), and Article 3(1) thereof,

Whereas:

- (1) The amounts of the representative prices and additional duties applicable to the import of white sugar, raw sugar and certain syrups are fixed by Commission Regulation (EC) No 1153/2002 ⁽⁵⁾, as last amended by Regulation (EC) No 2082/2002 ⁽⁶⁾.

- (2) It follows from applying the general and detailed fixing rules contained in Regulation (EC) No 1423/95 to the information known to the Commission that the representative prices and additional duties at present in force should be altered to the amounts set out in the Annex hereto,

HAS ADOPTED THIS REGULATION:

Article 1

The representative prices and additional duties on imports of the products referred to in Article 1 of Regulation (EC) No 1423/95 shall be as set out in the Annex hereto.

Article 2

This Regulation shall enter into force on 7 January 2003.

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

Done at Brussels, 6 January 2003.

For the Commission

J. M. SILVA RODRÍGUEZ

Agriculture Director-General

⁽¹⁾ OJ L 178, 30.6.2001, p. 1.

⁽²⁾ OJ L 104, 20.4.2002, p. 26.

⁽³⁾ OJ L 141, 24.6.1995, p. 16.

⁽⁴⁾ OJ L 85, 20.3.1998, p. 5.

⁽⁵⁾ OJ L 170, 29.6.2002, p. 27.

⁽⁶⁾ OJ L 319, 23.11.2002, p. 20.

ANNEX

to the Commission Regulation of 6 January 2003 altering representative prices and the amounts of additional duties applicable to imports of white sugar, raw sugar and products covered by CN code 1702 90 99

(EUR)

CN code	Amount of representative prices per 100 kg net of product concerned	Amount of additional duty per 100 kg net of product concerned
1701 11 10 ⁽¹⁾	19,90	6,35
1701 11 90 ⁽¹⁾	19,90	12,02
1701 12 10 ⁽¹⁾	19,90	6,16
1701 12 90 ⁽¹⁾	19,90	11,50
1701 91 00 ⁽²⁾	21,64	15,26
1701 99 10 ⁽²⁾	21,64	9,89
1701 99 90 ⁽²⁾	21,64	9,89
1702 90 99 ⁽³⁾	0,22	0,42

⁽¹⁾ For the standard quality as defined in Annex I, point II, to Council Regulation (EC) No 1260/2001 (OJ L 178, 30.6.2001, p. 1).

⁽²⁾ For the standard quality as defined in Annex I, point I, to Council Regulation (EC) No 1260/2001 (OJ L 178, 30.6.2001, p. 1).

⁽³⁾ By 1 % sucrose content.

**COMMISSION REGULATION (EC) No 19/2003
of 6 January 2003**

fixing Community producer and import prices for carnations and roses with a view to the application of the arrangements governing imports of certain floricultural products originating in Cyprus, Israel, Jordan, Morocco and the West Bank and the Gaza Strip

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 4088/87 of 21 December 1987 fixing conditions for the application of preferential customs duties on imports of certain flowers originating in Cyprus, Israel, Jordan, Morocco and the West Bank and the Gaza Strip ⁽¹⁾, as last amended by Regulation (EC) No 1300/97 ⁽²⁾, and in particular Article 5(2)(a) thereof,

Whereas:

Pursuant to Article 2(2) and Article 3 of abovementioned Regulation (EEC) No 4088/87, Community import and producer prices are fixed each fortnight for uniflorous (bloom) carnations, multiflorous (spray) carnations, large-flowered roses and small-flowered roses and apply for two-weekly periods. Pursuant to Article 1b of Commission Regulation (EEC) No 700/88 of 17 March 1988 laying down detailed rules for the application of the arrangements for the import into the Community of certain floricultural products originating in Cyprus, Israel, Jordan, Morocco and the West Bank and the

Gaza Strip ⁽³⁾, as last amended by Regulation (EC) No 2062/97 ⁽⁴⁾, those prices are determined for fortnightly periods on the basis of weighted prices provided by the Member States. Those prices should be fixed immediately so the customs duties applicable can be determined. To that end, provision should be made for this Regulation to enter into force immediately,

HAS ADOPTED THIS REGULATION:

Article 1

The Community producer and import prices for uniflorous (bloom) carnations, multiflorous (spray) carnations, large-flowered roses and small-flowered roses as referred to in Article 1b of Regulation (EEC) No 700/88 for a fortnightly period shall be as set out in the Annex.

Article 2

This Regulation shall enter into force on 7 January 2003.

It shall apply from 8 to 21 January 2003.

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

Done at Brussels, 6 January 2003.

For the Commission

J. M. SILVA RODRÍGUEZ

Agriculture Director-General

⁽¹⁾ OJ L 382, 31.12.1987, p. 22.

⁽²⁾ OJ L 177, 5.7.1997, p. 1.

⁽³⁾ OJ L 72, 18.3.1988, p. 16.

⁽⁴⁾ OJ L 289, 22.10.1997, p. 1.

ANNEX

to the Commission Regulation of 6 January 2003 fixing Community producer and import prices for carnations and roses with a view to the application of the arrangements governing imports of certain floricultural products originating in Cyprus, Israel, Jordan, Morocco and the West Bank and the Gaza Strip

(EUR/100 pieces)

Period: from 8 to 21 January 2003

Community producer price	Uniflorous (bloom) carnations	Multiflorous (spray) carnations	Large-flowered roses	Small-flowered roses
	14,15	11,48	38,07	15,94
Community import prices	Uniflorous (bloom) carnations	Multiflorous (spray) carnations	Large-flowered roses	Small-flowered roses
Israel	9,16	8,70	15,80	11,40
Morocco	14,96	13,42	—	—
Cyprus	—	—	—	—
Jordan	—	—	—	—
West Bank and Gaza Strip	7,67	6,45	—	—

COMMISSION REGULATION (EC) No 20/2003**of 6 January 2003****suspending the preferential customs duties and re-establishing the Common Customs Tariff duty on imports of small-flowered roses originating in Israel**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 4088/87 of 21 December 1987 fixing conditions for the application of preferential customs duties on imports of certain flowers originating in Cyprus, Israel, Jordan and Morocco and the West Bank and the Gaza Strip ⁽¹⁾, as last amended by Regulation (EC) No 1300/97 ⁽²⁾, and in particular Article 5(2)(b) thereof,

Whereas:

(1) Regulation (EEC) No 4088/87 lays down the conditions for applying a preferential duty on large-flowered roses, small-flowered roses, uniflorous (bloom) carnations and multiflorous (spray) carnations within the limit of tariff quotas opened annually for imports into the Community of fresh cut flowers.

(2) Council Regulation (EC) No 747/2001 ⁽³⁾, as amended by Commission Regulation (EC) No 786/2002 ⁽⁴⁾, opens and provides for the administration of Community tariff quotas for cut flowers and flower buds, fresh, originating in Cyprus, Egypt, Israel, Malta, Morocco and the West Bank and the Gaza Strip respectively.

(3) Commission Regulation (EC) No 19/2003 ⁽⁵⁾ fixes the Community producer and import prices for carnations and roses for the application of the import arrangements.

(4) Commission Regulation (EEC) No 700/88 ⁽⁶⁾, as last amended by Regulation (EC) No 2062/97 ⁽⁷⁾, lays down the detailed rules for the application of the arrangements.

(5) On the basis of prices recorded pursuant to Regulations (EEC) No 4088/87 and (EEC) No 700/88, it must be concluded that the conditions laid down in Article 2(3) of Regulation (EEC) No 4088/87 for suspension of the preferential customs duty are met for small-flowered roses originating in Israel. The Common Customs Tariff duty should be re-established.

(6) The quota for the products in question covers the period 1 January to 31 December 2003. As a result, the suspension of the preferential duty and the reintroduction of the Common Customs Tariff duty apply up to the end of that period at the latest.

(7) In between meetings of the Management Committee for Live Plants and Floriculture Products, the Commission must adopt such measures,

HAS ADOPTED THIS REGULATION:

Article 1

For imports of small-flowered roses (CN code ex 0603 10 10) originating in Israel, the preferential customs duty fixed by Regulation (EC) No 747/2001 is hereby suspended and the Common Customs Tariff duty is hereby re-established.

Article 2

This Regulation shall enter into force on 8 January 2003.

⁽¹⁾ OJ L 382, 31.12.1987, p. 22.

⁽²⁾ OJ L 177, 5.7.1997, p. 1.

⁽³⁾ OJ L 199, 2.8.1994, p. 1.

⁽⁴⁾ OJ L 127, 14.5.2002, p. 3.

⁽⁵⁾ See page 19 of this Official Journal.

⁽⁶⁾ OJ L 72, 18.3.1988, p. 16.

⁽⁷⁾ OJ L 289, 22.10.1997, p. 1.

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

Done at Brussels, 6 January 2003.

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

COMMISSION REGULATION (EC) No 21/2003**of 6 January 2003****suspending the preferential customs duties and re-establishing the Common Customs Tariff duty on imports of large-flowered roses originating in Israel**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 4088/87 of 21 December 1987 fixing conditions for the application of preferential customs duties on imports of certain flowers originating in Cyprus, Israel, Jordan and Morocco and the West Bank and the Gaza Strip ⁽¹⁾, as last amended by Regulation (EC) No 1300/97 ⁽²⁾, and in particular Article 5(2)(b) thereof,

Whereas:

(1) Regulation (EEC) No 4088/87 lays down the conditions for applying a preferential duty on large-flowered roses, small-flowered roses, uniflorous (bloom) carnations and multiflorous (spray) carnations within the limit of tariff quotas opened annually for imports into the Community of fresh cut flowers.

(2) Council Regulation (EC) No 747/2001 ⁽³⁾, as amended by Commission Regulation (EC) No 786/2002 ⁽⁴⁾, opens and provides for the administration of Community tariff quotas for cut flowers and flower buds, fresh, originating in Cyprus, Egypt, Israel, Malta, Morocco and the West Bank and the Gaza Strip respectively.

(3) Commission Regulation (EC) No 19/2003 ⁽⁵⁾ fixes the Community producer and import prices for carnations and roses for the application of the import arrangements.

(4) Commission Regulation (EEC) No 700/88 ⁽⁶⁾, as last amended by Regulation (EC) No 2062/97 ⁽⁷⁾, lays down the detailed rules for the application of the arrangements.

(5) On the basis of prices recorded pursuant to Regulations (EEC) No 4088/87 and (EEC) No 700/88, it must be concluded that the conditions laid down in Article 2(3) of Regulation (EEC) No 4088/87 for suspension of the preferential customs duty are met for large-flowered roses originating in Israel. The Common Customs Tariff duty should be re-established.

(6) The quota for the products in question covers the period 1 January to 31 December 2003. As a result, the suspension of the preferential duty and the reintroduction of the Common Customs Tariff duty apply up to the end of that period at the latest.

(7) In between meetings of the Management Committee for Live Plants and Floriculture Products, the Commission must adopt such measures,

HAS ADOPTED THIS REGULATION:

Article 1

For imports of large-flowered roses (CN code ex 0603 10 10) originating in Israel, the preferential customs duty fixed by Regulation (EC) No 747/2001 is hereby suspended and the Common Customs Tariff duty is hereby re-established.

Article 2

This Regulation shall enter into force on 8 January 2003.

⁽¹⁾ OJ L 382, 31.12.1987, p. 22.

⁽²⁾ OJ L 177, 5.7.1997, p. 1.

⁽³⁾ OJ L 199, 2.8.1994, p. 1.

⁽⁴⁾ OJ L 127, 14.5.2002, p. 3.

⁽⁵⁾ See page 19 of this Official Journal.

⁽⁶⁾ OJ L 72, 19.3.1988, p. 16.

⁽⁷⁾ OJ L 289, 22.10.1997, p. 1.

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

Done at Brussels, 6 January 2003.

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

COMMISSION REGULATION (EC) No 22/2003

of 6 January 2003

suspending the preferential customs duties and re-establishing the Common Customs Tariff duty on imports of multiflorous (spray) carnations originating in Israel

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 4088/87 of 21 December 1987 fixing conditions for the application of preferential customs duties on imports of certain flowers originating in Cyprus, Israel, Jordan and Morocco and the West Bank and the Gaza Strip ⁽¹⁾, as last amended by Regulation (EC) No 1300/97 ⁽²⁾, and in particular Article 5(2)(b) thereof,

Whereas:

(1) Regulation (EEC) No 4088/87 lays down the conditions for applying a preferential duty on large-flowered roses, small-flowered roses, uniflorous (bloom) carnations and multiflorous (spray) carnations within the limit of tariff quotas opened annually for imports into the Community of fresh cut flowers.

(2) Council Regulation (EC) No 747/2001 ⁽³⁾, as amended by Commission Regulation (EC) No 786/2002 ⁽⁴⁾, opens and provides for the administration of Community tariff quotas for cut flowers and flower buds, fresh, originating in Cyprus, Egypt, Israel, Malta, Morocco and the West Bank and the Gaza Strip.

(3) Commission Regulation (EC) No 19/2003 ⁽⁵⁾ fixes the Community producer and import prices for carnations and roses for the application of the import arrangements.

(4) Commission Regulation (EEC) No 700/88 ⁽⁶⁾, as last amended by Regulation (EC) No 2062/97 ⁽⁷⁾, lays down the detailed rules for the application of the arrangements.

(5) On the basis of prices recorded pursuant to Regulations (EEC) No 4088/87 and (EEC) No 700/88, it must be concluded that the conditions laid down in Article 2(2) of Regulation (EEC) No 4088/87 for suspension of the preferential customs duty are met for multiflorous (spray) carnations originating in Israel. The Common Customs Tariff duty should be re-established.

(6) The quota for the products in question covers the period 1 January to 31 December 2003. As a result, the suspension of the preferential duty and the reintroduction of the Common Customs Tariff duty apply up to the end of that period at the latest.

(7) In between meetings of the Management Committee for Live Plants and Floriculture Products, the Commission must adopt such measures,

HAS ADOPTED THIS REGULATION:

Article 1

For imports of multiflorous (spray) carnations (CN code ex 0603 10 20) originating in Israel, the preferential customs duty fixed by Regulation (EC) No 747/2001 is hereby suspended and the Common Customs Tariff duty is hereby re-established.

Article 2

This Regulation shall enter into force on 8 January 2003.

⁽¹⁾ OJ L 382, 31.12.1987, p. 22.

⁽²⁾ OJ L 177, 5.7.1997, p. 1.

⁽³⁾ OJ L 109, 19.4.2001, p. 2.

⁽⁴⁾ OJ L 127, 14.5.2002, p. 3.

⁽⁵⁾ See page 19 of this Official Journal.

⁽⁶⁾ OJ L 72, 18.3.1988, p. 16.

⁽⁷⁾ OJ L 289, 22.10.1997, p. 71.

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

Done at Brussels, 6 January 2003.

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

COMMISSION REGULATION (EC) No 23/2003**of 6 January 2003****suspending the preferential customs duties and re-establishing the Common Customs Tariff duty on imports of uniflorous (bloom) carnations originating in Israel**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 4088/87 of 21 December 1987 fixing conditions for the application of preferential customs duties on imports of certain flowers originating in Cyprus, Israel, Jordan and Morocco and the West Bank and the Gaza Strip ⁽¹⁾, as last amended by Regulation (EC) No 1300/97 ⁽²⁾, and in particular Article 5(2)(b) thereof,

Whereas:

(1) Regulation (EEC) No 4088/87 lays down the conditions for applying a preferential duty on large-flowered roses, small-flowered roses, uniflorous (bloom) carnations and multiflorous (spray) carnations within the limit of tariff quotas opened annually for imports into the Community of fresh cut flowers.

(2) Council Regulation (EC) No 747/2001 ⁽³⁾, as amended by Commission Regulation (EC) No 786/2002 ⁽⁴⁾, opens and provides for the administration of Community tariff quotas for cut flowers and flower buds, fresh, originating in Cyprus, Egypt, Israel, Malta, Morocco and the West Bank and the Gaza Strip, respectively.

(3) Commission Regulation (EC) No 19/2003 ⁽⁵⁾ fixes the Community producer and import prices for carnations and roses for the application of the import arrangements.

(4) Commission Regulation (EEC) No 700/88 ⁽⁶⁾, as last amended by Regulation (EC) No 2062/97 ⁽⁷⁾, lays down the detailed rules for the application of the arrangements.

(5) On the basis of prices recorded pursuant to Regulations (EEC) No 4088/87 and (EEC) No 700/88, it must be concluded that the conditions laid down in Article 2(2) of Regulation (EEC) No 4088/87 for suspension of the preferential customs duty are met for uniflorous (bloom) carnations originating in Israel. The Customs duty should be re-established.

(6) The quota for the products in question covers the period 1 January to 31 December 2003. As a result, the suspension of the preferential duty and the reintroduction of the Common Customs Tariff duty apply up to the end of that period at the latest.

(7) In between meetings of the Management Committee for Live Plants and Floriculture Products, the Commission must adopt such measures,

HAS ADOPTED THIS REGULATION:

Article 1

For imports of uniflorous (bloom) carnations (CN code ex 0603 10 20) originating in Israel, the preferential customs duty fixed by Regulation (EC) No 747/2001 is hereby suspended and the Common Customs Tariff duty is hereby re-established.

Article 2

This Regulation shall enter into force on 8 January 2003.

⁽¹⁾ OJ L 382, 31.12.1987, p. 22.

⁽²⁾ OJ L 177, 5.7.1997, p. 1.

⁽³⁾ OJ L 109, 19.4.2001, p. 2.

⁽⁴⁾ OJ L 127, 14.5.2002, p. 3.

⁽⁵⁾ See page 19 of this Official Journal.

⁽⁶⁾ OJ L 72, 18.3.1988, p. 16.

⁽⁷⁾ OJ L 289, 22.10.1997, p. 1.

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

Done at Brussels, 6 January 2003.

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

COMMISSION REGULATION (EC) No 24/2003**of 6 January 2003****suspending the preferential customs duties and re-establishing the Common Customs Tariff duty on imports of multiflorous (spray) carnations originating in the West Bank and the Gaza Strip**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 4088/87 of 21 December 1987 fixing conditions for the application of preferential customs duties on imports of certain flowers originating in Cyprus, Israel, Jordan and Morocco and the West Bank and the Gaza Strip ⁽¹⁾, as last amended by Regulation (EC) No 1300/97 ⁽²⁾, and in particular Article 5(2)(b) thereof,

Whereas:

(1) Regulation (EEC) No 4088/87 lays down the conditions for applying a preferential duty on large-flowered roses, small-flowered roses, uniflorous (bloom) carnations and multiflorous (spray) carnations within the limit of tariff quotas opened annually for imports into the Community of fresh cut flowers.

(2) Council Regulation (EC) No 747/2001 ⁽³⁾, as amended by Commission Regulation (EC) No 786/2002 ⁽⁴⁾, opens and provides for the administration of Community tariff quotas for cut flowers and flower buds, fresh, originating in Cyprus, Egypt, Israel, Malta, Morocco and the West Bank and the Gaza Strip, respectively.

(3) Commission Regulation (EC) No 19/2003 ⁽⁵⁾ fixes the Community producer and import prices for carnations and roses for the application of the import arrangements.

(4) Commission Regulation (EEC) No 700/88 ⁽⁶⁾, as last amended by Regulation (EC) No 2062/97 ⁽⁷⁾, lays down the detailed rules for the application of the arrangements.

(5) On the basis of prices recorded pursuant to Regulations (EEC) No 4088/87 and (EEC) No 700/88, it must be concluded that the conditions laid down in Article 2(2) of Regulation (EEC) No 4088/87 for suspension of the preferential customs duty are met for multiflorous (spray) carnations originating in the West Bank and the Gaza strip; the Customs duty should be re-established.

(6) The quota for the products in question covers the period 1 January to 31 December 2003. As a result, the suspension of the preferential duty and the reintroduction of the Common Customs Tariff duty apply up to the end of that period at the latest.

(7) In between meetings of the Management Committee for Live Plants and Floriculture Products, the Commission must adopt such measures,

HAS ADOPTED THIS REGULATION:

Article 1

For imports of multiflorous (spray) carnations (CN code ex 0603 10 20) originating in the West Bank and the Gaza strip, the preferential customs duty fixed by Regulation (EC) No 747/2001 is hereby suspended and the Common Customs Tariff duty is hereby re-established.

Article 2

This Regulation shall enter into force on 8 January 2003.

⁽¹⁾ OJ L 382, 31.12.1987, p. 22.

⁽²⁾ OJ L 177, 5.7.1997, p. 1.

⁽³⁾ OJ L 109, 19.4.2001, p. 2.

⁽⁴⁾ OJ L 127, 14.5.2002, p. 3.

⁽⁵⁾ See page 19 of this Official Journal.

⁽⁶⁾ OJ L 72, 18.3.1988, p. 16.

⁽⁷⁾ OJ L 289, 22.10.1997, p. 1.

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

Done at Brussels, 6 January 2003.

For the Commission
Franz FISCHLER
Member of the Commission

COMMISSION REGULATION (EC) No 25/2003

of 6 January 2003

suspending the preferential customs duties and re-establishing the Common Customs Tariff duty on imports of uniflorous (bloom) carnations originating in the West Bank and the Gaza Strip

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 4088/87 of 21 December 1987 fixing conditions for the application of preferential customs duties on imports of certain flowers originating in Cyprus, Israel, Jordan and Morocco and the West Bank and the Gaza Strip ⁽¹⁾, as last amended by Regulation (EC) No 1300/97 ⁽²⁾, and in particular Article 5(2)(b) thereof,

Whereas:

(1) Regulation (EEC) No 4088/87 lays down the conditions for applying a preferential duty on large-flowered roses, small-flowered roses, uniflorous (bloom) carnations and multiflorous (spray) carnations within the limit of tariff quotas opened annually for imports into the Community of fresh cut flowers.

(2) Council Regulation (EC) No 747/2001 ⁽³⁾, as amended by Commission Regulation (EC) No 786/2002 ⁽⁴⁾, opens and provides for the administration of Community tariff quotas for cut flowers and flower buds, fresh, originating in Cyprus, Egypt, Israel, Malta, Morocco and the West Bank and the Gaza Strip respectively.

(3) Commission Regulation (EC) No 19/2003 ⁽⁵⁾ fixes the Community producer and import prices for carnations and roses for the application of the import arrangements.

(4) Commission Regulation (EEC) No 700/88 ⁽⁶⁾, as last amended by Regulation (EC) No 2062/97 ⁽⁷⁾, lays down the detailed rules for the application of the arrangements.

(5) On the basis of prices recorded pursuant to Regulations (EEC) No 4088/87 and (EEC) No 700/88, it must be concluded that the conditions laid down in Article 2(2) of Regulation (EEC) No 4088/87 for suspension of the preferential customs duty are met for uniflorous (bloom) carnations originating in the West Bank and the Gaza strip; the Customs duty should be re-established.

(6) The quota for the products in question covers the period 1 January to 31 December 2003. As a result, the suspension of the preferential duty and the reintroduction of the Common Customs Tariff duty apply up to the end of that period at the latest.

(7) In between meetings of the Management Committee for Live Plants and Floriculture Products, the Commission must adopt such measures,

HAS ADOPTED THIS REGULATION:

Article 1

For imports of uniflorous (bloom) carnations (CN code ex 0603 10 20) originating in the West Bank and the Gaza strip, the preferential customs duty fixed by Regulation (EC) No 747/2001 is hereby suspended and the Common Customs Tariff duty is hereby re-established.

Article 2

This Regulation shall enter into force on 8 January 2003.

⁽¹⁾ OJ L 382, 31.12.1987, p. 22.

⁽²⁾ OJ L 177, 5.7.1997, p. 1.

⁽³⁾ OJ L 109, 19.4.2001, p. 2.

⁽⁴⁾ OJ L 127, 14.5.2002, p. 3.

⁽⁵⁾ See page 19 of this Official Journal.

⁽⁶⁾ OJ L 72, 18.3.1988, p. 16.

⁽⁷⁾ OJ L 289, 22.10.1997, p. 1.

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

Done at Brussels, 6 January 2003.

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

COMMISSION DIRECTIVE 2002/100/EC
of 20 December 2002
amending Council Directive 90/642/EEC in respect of maximum residue levels for azoxystrobin
(Text with EEA relevance)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Directive 90/642/EEC of 27 November 1990 on fixing of maximum levels for pesticide residues in and on certain products of plant origin including fruit and vegetables ⁽¹⁾, as last amended by Directive 2002/79/EC ⁽²⁾, and in particular Article 7 thereof,

Having regard to Council Directive 91/414/EEC of 15 July 1991 concerning the placing of plant protection products on the market ⁽³⁾, as last amended by Directive 2002/81/EC ⁽⁴⁾, and in particular Article 4(1)(f) thereof,

Whereas:

- (1) The new active substance azoxystrobin was included in Annex I to Directive 91/414/EEC by Commission Directives 98/47/EC ⁽⁵⁾ for use as a fungicide only, without specifying particular conditions having an impact on crops which may be treated with plant protection products containing this active ingredient.
- (2) Maximum residue levels (MRLs) for azoxystrobin in and on all commodities covered by Directive 90/642/EEC are established in those Directives as amended in particular by Commission Directives 1999/71/EC ⁽⁶⁾, 2000/48/EC ⁽⁷⁾, 2001/48/EC ⁽⁸⁾ and 2002/23/EC ⁽⁹⁾.
- (3) The MRLs established in that Directive reflect authorised uses of azoxystrobin on certain crops. On crops where no uses are authorised the MRLs were set at the lower limit of analytical determination (LOD). In general, use of azoxystrobin would result in residues in excess of the LOD. Thus when a new use of it is proposed, Member

States are required to establish a new national provisional MRL in accordance with Article 4(1)(f) of Directive 91/414/EEC before such a new use of a plant protection product containing this active substance may be authorised. Information relating to additional uses has accordingly been submitted by certain Member States. The information available has been reviewed and is sufficient to modify provisional maximum residue levels at Community level in respect of the crops on which Member States now propose to authorise the use of plant protection products containing azoxystrobin.

- (4) With respect to the inclusion in Annex I to Directive 91/414/EEC of azoxystrobin, the technical and scientific evaluations were finalised in the form of a Commission review report on 22 April 1998. This fixed the acceptable daily intake (ADI) for the substance at 0,1 mg/kg bw/day. The lifetime exposure of consumers of food products treated with azoxystrobin was assessed and evaluated in accordance with Community procedures and practices, taking account of guidelines published by the World Health Organisation ⁽¹⁰⁾ and the opinion of the Scientific Committee for Plants ⁽¹¹⁾ on the methodology employed and it is calculated that the new MRLs now proposed will not lead to the ADI being exceeded.
- (5) The Community notified the draft Commission Directive to the World Trade Organisation and the comments received have been considered in finalising the Directive.
- (6) Account has been taken of the opinions of the Scientific Committee for Plants, in particular of its advice and recommendations concerning the protection of consumers of food products treated with pesticides.

⁽¹⁾ OJ L 350, 14.12.1990, p. 71.

⁽²⁾ OJ L 291, 28.10.2002, p. 1.

⁽³⁾ OJ L 230, 19.8.1991, p. 1.

⁽⁴⁾ OJ L 276, 12.10.2002, p. 28.

⁽⁵⁾ OJ L 191, 7.7.1998, p. 50.

⁽⁶⁾ OJ L 194, 27.7.1999, p. 36.

⁽⁷⁾ OJ L 197, 3.8.2000, p. 26.

⁽⁸⁾ OJ L 180, 3.7.2001, p. 26.

⁽⁹⁾ OJ L 64, 7.3.2002, p. 13.

⁽¹⁰⁾ Guidelines for predicting dietary intake of pesticide residues (revised), prepared by the GEMS/Food Programme in collaboration with the Codex Committee on Pesticide Residues, published by the World Health Organisation 1997 (WHO/FSF/FOS/97.7).

⁽¹¹⁾ Opinion of the Scientific Committee on Plants regarding questions relating to amending the Annexes to Council Directives 86/362/EEC (OJ L 221, 7.8.1986, p. 7), 86/363/EEC (OJ L 221, 7.8.1986, p. 43) and 90/642/EEC (Opinion expressed by the Scientific Committee on Plants, 14 July 1998) (http://europa.eu.int/comm/dg24/health/sc/scp/out21_en.html).

- (7) Directive 90/642/EEC should therefore be amended accordingly.
- (8) This Directive is in accordance with the opinion of the Standing Committee on the Food Chain and Animal Health,

HAS ADOPTED THIS DIRECTIVE:

Article 1

The maximum pesticide residue levels for azoxystrobin in Annex II to Directive 90/642/EEC shall be replaced by the maximum pesticide residue levels in the Annex to this Directive.

Article 2

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

2. Member States shall bring into force the laws, regulations and administrative provisions necessary to comply with this Directive by 31 March 2003 at the latest. They shall forthwith inform the Commission thereof.

3. They shall apply these provisions as of 1 April 2003.

4. When Member States adopt those provisions, they shall contain a reference to this Directive or be accompanied by such a reference on the occasion of their official publication. Member States shall determine how such reference is to be made.

Article 3

This Directive is addressed to the Member States.

Done at Brussels, 20 December 2002.

For the Commission

David BYRNE

Member of the Commission

ANNEX

Groups and examples of individual products to which the MRLs apply	Pesticide residues and maximum residue levels (mg/kg)
	Azoxystrobin
1. Fruits, fresh, dried or uncooked, preserved by freezing, not containing added sugar; nuts	
(i) CITRUS FRUIT Grapefruit Lemons Limes Mandarins (including clementines and other hybrids) Oranges Pomelos Others	1 (p)
(ii) TREE NUTS (shelled or unshelled) Almonds Brazil nuts Cashew nuts Chestnuts Coconuts Hazelnuts Macadamia Pecans Pine nuts Pistachios Walnuts Others	0,1 (p) (*)
(iii) POME FRUIT Apples Pears Quinces Others	0,05 (p) (*)
(iv) STONE FRUIT Apricots Cherries Peaches (including nectarines and similar hybrids) Plums Others	0,05 (p) (*)
(v) BERRIES AND SMALL FRUIT	
(a) Table and wine grapes Table grapes Wine grapes	2
(b) Strawberries (other than wild)	2 (p)
(c) Cane fruit (other than wild) Blackberries Dewberries Loganberries Raspberries Others	0,05 (p) (*)

Groups and examples of individual products to which the MRLs apply	Pesticide residues and maximum residue levels (mg/kg)
	Azoxystrobin
(d) Other small fruit and berries (other than wild)	0,05 (P) (*)
Bilberries	
Cranberries	
Currants (red, black and white)	
Gooseberries	
Others	
(e) Wild berries and wild fruit	0,05 (P) (*)
(vi) MISCELLANEOUS	
Avocados	
Bananas	2
Dates	
Figs	
Kiwi	
Kumquats	
Litchis	
Mangoes	
Olives	
Passion fruit	
Pineapples	
Pomegranate	
Others	0,05 (P) (*)
2. Vegetables, fresh or uncooked, frozen or dry	
(i) ROOT AND TUBER VEGETABLES	
Beetroot	
Carrots	0,2 (P)
Celeriac	
Horseradish	0,2 (P)
Jerusalem artichokes	
Parsnips	0,2 (P)
Parsley root	0,2 (P)
Radishes	
Salsify	0,2 (P)
Sweet potatoes	
Swedes	
Turnips	
Yam	
Others	0,05 (P) (*)
(ii) BULB VEGETABLES	0,05 (P) (*)
Garlic	
Onions	
Shallots	
Spring onions	
Others	
(iii) FRUITING VEGETABLES	
(a) Solanacea	
Tomatoes	2 (P)
Peppers	2 (P)
Aubergines	2 (P)
Others	0,05 (P) (*)

Groups and examples of individual products to which the MRLs apply	Pesticide residues and maximum residue levels (mg/kg)
	Azoxystrobin
(b) Cucurbits — edible peel Cucumbers Gherkins Courgettes Others	1 (P)
(c) Cucurbits — inedible peel Melons Squashes Watermelons Others	0,5 (P)
(d) Sweetcorn	0,05 (P) (*)
(iv) BRASSICA VEGETABLES	0,05 (P) (*)
(a) Flowering brassica Broccoli Cauliflower Others	
(b) Head brassica Brussels sprouts Head cabbage Others	
(c) Leafy brassica Chinese cabbage Kale Others	
(d) Kohlrabi	
(v) LEAF VEGETABLES AND FRESH HERBS	
(a) Lettuce and similar Cress Lamb's lettuce Lettuce Scarole Others	3 (P)
(b) Spinach and similar Spinach Beet leaves (chard) Others	0,05 (P) (*)
(c) Water cress	0,05 (P) (*)
(d) Witloof	0,2 (P)
(e) Herbs Chervil Chives Parsley Celery leaves Others	3 (P)
(vi) LEGUME VEGETABLES (fresh)	
Beans (with pods)	1 (P)
Beans (without pods)	0,2 (P)
Peas (with pods)	0,5 (P)

Groups and examples of individual products to which the MRLs apply	Pesticide residues and maximum residue levels (mg/kg)
	Azoxystrobin
Peas (without pods)	0,2 (p)
Others	0,05 (p) (*)
(vii) STEM VEGETABLES (fresh)	
Asparagus	
Cardoons	
Celery	5 (p)
Fennel	
Globe artichokes	1 (p)
Leek	0,1 (p)
Rhubarb	
Others	0,05 (p) (*)
(viii) FUNGI	0,05 (p) (*)
(a) Cultivated mushrooms	
(b) Wild mushrooms	
3. Pulses	0,1 (p)
Beans	
Lentils	
Peas	
Others	
4. Oils seeds	
Linseed	
Peanuts	
Poppy seed	
Sesame seed	
Sunflower seed	
Rapeseed	0,5 (p)
Soya bean	
Mustard seed	
Cotton seed	
Others	0,05 (p) (*)
5. Potatoes	0,05 (p) (*)
Early potatoes	
Ware potatoes	
6. Tea (leaves and stems, dried, fermented or otherwise, of <i>Camellia sinensis</i>)	0,1 (p) (*)
7. Hops (dried), including hop pellets and unconcentrated powder	20 (p)

(p) Indicates that the maximum residue level has been established provisionally in accordance with Article 4(1)(f) of Directive 91/414/EEC. On 1 August 2003, such residue levels shall be deemed definitive in the sense of Article 3 of Directive 90/624/EEC.

(*) Indicates lower limit of analytical determination.

CORRIGENDA

Corrigendum to Commission Regulation (EC, Euratom) No 2343/2002 of 23 December 2002 on the framework Financial Regulation for the bodies referred to in Article 185 of Council Regulation (EC, Euratom) No 1605/2002 on the Financial Regulation applicable to the general budget of the European Communities

(Official Journal of the European Communities L 357 of 31 December 2002)

In the title in the contents and on page 72, and in the signature on page 90:

for: '23 December 2002',

read: '19 November 2002'.

Corrigendum to Council Directive 2000/29/EC of 8 May 2000 on protective measures against the introduction into the Community of organisms harmful to plants or plant products and against their spread within the Community

(Official Journal of the European Communities L 169 of 10 July 2000)

On page 41, Annex IV, right-hand column of point 7:

for: '... temperature schedule of fumigation shipboard ...',

read: '... temperature schedule or fumigation shipboard ...'.
