

English edition

Legislation

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⁽¹⁾ Text with EEA relevance**EN**

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

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

I

(Acts whose publication is obligatory)

COMMISSION REGULATION (EC) No 2109/2003
of 1 December 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 2 December 2003.

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

Done at Brussels, 1 December 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 1 December 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	55,5
	096	54,2
	204	42,2
	999	50,6
0707 00 05	052	141,4
	220	139,2
	628	139,2
	999	139,9
0709 90 70	052	122,0
	204	54,7
	999	88,4
0805 20 10	052	62,5
	204	58,9
	999	60,7
0805 20 30, 0805 20 50, 0805 20 70, 0805 20 90	052	71,0
	388	48,7
	999	59,9
0805 50 10	052	76,6
	388	55,8
	528	81,9
	600	73,5
	999	72,0
0808 10 20, 0808 10 50, 0808 10 90	060	41,6
	064	51,2
	400	74,6
	404	79,4
	720	83,6
	800	133,4
	999	77,3
0808 20 50	052	102,3
	060	49,8
	064	59,8
	400	101,0
	720	69,1
	999	76,4

⁽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 2110/2003
of 1 December 2003**

**amending Regulation (EC) No 1510/2003 as regards the quantity covered by the standing invitation
to tender for the resale on the internal market of rye held by the German intervention agency**

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⁾, and in particular Article 5 thereof,

Whereas:

- (1) Commission Regulation (EC) No 1510/2003 ⁽²⁾ opened a standing invitation to tender for the resale on the internal market of 1 200 000 tonnes of rye held by the German intervention agency.
- (2) In the present situation on the market the quantities of rye held by the German intervention agency put up for sale on the internal market of the Community should be increased to 2 000 000 tonnes.
- (3) The measures provided for in this Regulation are in accordance with the opinion of the Management Committee for Cereals,

HAS ADOPTED THIS REGULATION:

Article 1

Regulation (EC) No 1510/2003 is amended as follows:

1. in Article 1(1), '1 200 000 tonnes' is replaced by '2 000 000 tonnes';
2. Annex I is replaced by the text in the Annex to this Regulation;
3. in the title of Annex II, '1 200 000 tonnes' is replaced by '2 000 000 tonnes'.

Article 2

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

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

Done at Brussels, 1 December 2003.

For the Commission
Franz FISCHLER
Member of the Commission

⁽¹⁾ OJ L 181, 1.7.1992, p. 21. Regulation as last amended by Regulation (EC) No 1104/2003 (OJ L 158, 27.6.2003, p. 1).

⁽²⁾ OJ L 217, 29.8.2003, p. 11. Regulation as last amended by Regulation (EC) No 1978/2003 (OJ L 294, 12.11.2003, p. 3).

ANNEX

'ANNEX I

Place of storage	(tonnes) Quantity
Schleswig-Holstein/Hamburg/Lower Saxony/Bremen/Mecklenburg-Western Pomerania	857 000
North Rhine-Westphalia/Hessen/Rheinland-Pfalz/Saarland/Baden-Württemberg/Bayern	69 000
Berlin/Brandenburg/Saxony-Anhalt/Saxony/Thuringia	1 074 000'

**COMMISSION REGULATION (EC) No 2111/2003
of 1 December 2003**

**laying down detailed rules for the application of Council Regulation (EC) No 2202/96 introducing
a Community aid scheme for producers of certain citrus fruits**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 2202/96 of 28 October 1996 introducing a Community aid scheme for certain producers of citrus fruits ⁽¹⁾, as last amended by Regulation (EC) No 2699/2000 ⁽²⁾, and in particular Article 2(2), Article 3(4) and Article 6 thereof,

Whereas:

- (1) In the light of experience over recent years, it is necessary to amend Commission Regulation (EC) No 1092/2001 of 30 May 2001 laying down detailed rules for the application of Council Regulation (EC) No 2202/96 introducing a Community aid scheme for producers of certain citrus fruits ⁽³⁾, as amended by Regulation (EC) No 350/2002 ⁽⁴⁾. In the interests of clarity and rationality, Regulation (EC) No 1092/2001 should be repealed and replaced by a new Regulation.
- (2) The marketing years and equivalent periods for citrus fruits harvested within the Community and listed in Article 1 of Regulation (EC) No 2202/96 should be defined with a view to applying uniformly the aid scheme established by that Regulation.
- (3) The aid scheme for producers of certain citrus fruits is based on contracts between producer organisations recognised or granted preliminary recognition under Council Regulation (EC) No 2200/96 of 28 October 1996 on the common organisation of the market in fruit and vegetables ⁽⁵⁾, as last amended by Commission Regulation (EC) No 47/2003 ⁽⁶⁾, on the one hand, and processors, on the other hand. Producer organisations may also act as processors in certain circumstances. The types and duration of contracts and the particulars to be included therein should be specified for the purposes of applying the aid scheme.
- (4) Taking account of the different structural and varietal aspects of production and of the marketing conditions for fresh and processed citrus fruits observed in Member States, and in order to ensure regular supplies for processing industries and a correct monitoring of the aid scheme by the competent authorities, the minimum duration of contracts other than multiannual should be fixed at at least five complete and consecutive months of the marketing year in question. Those *short-term*

contracts should be concluded at different dates of the marketing year in question depending on the length of time covered. To ensure proper application of the aid scheme, time periods covered by two different short-term contracts should be continuous and should not overlap with one another.

- (5) For each of the products referred to in Article 1 of Regulation (EC) No 2202/96 contracts should be concluded before a given date, so that the producer organisations can establish their plans and guarantee processors a steady supply. To ensure that the scheme is as effective as possible, the parties to such contracts should nevertheless be authorised to conclude amendments adjusting, subject to certain limits, the quantities originally stipulated therein.
- (6) Subject to Article 2 of Regulation (EC) No 2202/96, and in order to allow Community producers and processors to adapt to evolving market demands and increasing international competition, a margin of discretion should be allowed to Member States as regards the fixing of the date before which contracts must be concluded.
- (7) In order to improve the way the scheme operates, the competent authorities should know of all producer organisations marketing the production of their members, of members of other producer organisations and of individual producers who wish to qualify under the scheme. The competent authorities should also know of the processors signing contracts with such producer organisations and of the processing capacity of their facilities. To this end, processors of citrus fruits wishing to participate in the aid scheme should make a request to the competent authorities before a date to be determined by the latter.
- (8) Due to economic and social factors, the bulk of the processing of citrus fruits harvested in the Community takes place in those Member States that have a national threshold for the product in question, as set out in Annex II to Regulation (EC) No 2202/96. In order to ensure the correct implementation of the system by means of contracts concluded between producer organisations and processors and also guarantee supplies of finished products to consumers at reasonable prices and quality, processors of citrus fruits operating in those Member States should be approved by the competent authorities before they conclude contracts.

⁽¹⁾ OJ L 297, 21.11.1996, p. 49.

⁽²⁾ OJ L 311, 12.12.2000, p. 9.

⁽³⁾ OJ L 150, 6.6.2001, p. 6.

⁽⁴⁾ OJ L 55, 26.2.2002, p. 20.

⁽⁵⁾ OJ L 297, 21.11.1996, p. 1.

⁽⁶⁾ OJ L 7, 11.1.2003, p. 64.

- (9) In order to reinforce the administration of the aid scheme, Member States that do not have a national threshold for the product in question, as set out in Annex II to Regulation (EC) No 2202/96 should be given the possibility to lay down requirements for approval of processors whose processing plants are located in their territory.
- (10) There is a close link between the raw material delivered for processing and the finished product obtained. The raw material should therefore meet certain minimum requirements.
- (11) To facilitate a more flexible application of the system, notifications required from producer organisations in order to maintain controls on production should be based on a risk analysis set up by the Member States concerned.
- (12) In order to assure and reinforce checks by the competent authorities, whenever processing takes place in a Member State different from that in which the head office of the producer organisation signing the contract is situated, Member States concerned should lay down the necessary additional common provisions and administrative procedures as regards the notifications required from producer organisations and delivery certificates.
- (13) Aid applications for each product should include all the information needed to check their acceptability, given the information contained in the contracts.
- (14) In order to ensure that the aid scheme is properly applied, producer organisations and processors should forward appropriate information and keep up-to-date documentation. They should, in particular, specify the areas under oranges, small citrus fruits, lemons, grapefruit and pomelos, on the basis of Council Regulation (EEC) No 3508/92 of 27 November 1992 establishing an integrated administration and control system for certain Community aid schemes ⁽¹⁾, as last amended by Commission Regulation (EC) No 495/2001 ⁽²⁾, and of Commission Regulation (EC) No 2419/2001 of 11 December 2001 laying down detailed rules for applying the integrated administration and control system for certain Community aid schemes established by Council Regulation (EEC) No 3508/92 ⁽³⁾, as amended by Regulation (EC) No 2550/2001 ⁽⁴⁾, for the purposes of all inspections and controls deemed necessary.
- (15) For the purposes of administering the aid scheme, procedures should be laid down for physical and documentary checks on delivery and processing operations, which should cover a sufficiently representative number of aid applications. Penalties should be laid down for producer organisations and processors which breach the regulations, in particular by making false declarations, by failing to observe the terms of the contract or by failing to process products delivered. Nevertheless, a margin of discretion should be allowed to Member States as regards those cases where producer organisations are not in a position to comply with their contractual obligations due to the fault of the processor.
- (16) While respecting the guarantees and quality of the controls carried out, the number of compulsory checks on the reality of stocks should be reduced. Nevertheless, as regards processors or processing plants that did not participate in the aid scheme in the previous marketing year, at least two checks should be carried out during the first year in which they participate in the scheme.
- (17) In order to enable the Commission to implement and monitor this aid scheme and, if necessary, to adapt it swiftly to changing market conditions, the Commission should receive from Member States timely, reliable and updated information.
- (18) To facilitate the transition from the previous arrangements to those established by this Regulation, transitional provisions should be adopted.
- (19) The measures provided for in this Regulation are in accordance with the opinion of the Management Committee for Fresh Fruit and Vegetables,

HAS ADOPTED THIS REGULATION:

CHAPTER I

GENERAL PROVISIONS

Article 1

Definitions

1. For the purposes of this Regulation the following definitions shall apply:
- (a) 'producer organisations' means producer organisations as referred to in Article 11 of Regulation (EC) No 2200/96 and producer organisations granted preliminary recognition under Article 14 of that Regulation;
- (b) 'association of producer organisations' means an association as referred to in Article 16(3) of Regulation (EC) No 2200/96, set up on the initiative of and controlled by the producer organisations recognised under that Regulation;
- (c) 'producer' means any natural or legal person who is a member of a producer organisation delivering their produce to that organisation for the purposes of marketing it under the conditions laid down in Regulation (EC) No 2200/96;
- (d) 'individual producer' means any natural or legal person as referred to in Article 4(1) of Regulation (EC) No 2202/96 not belonging to a producer organisation and growing on his holding raw material intended for processing;

⁽¹⁾ OJ L 355, 5.12.1992, p. 1.

⁽²⁾ OJ L 72, 14.3.2001, p. 6.

⁽³⁾ OJ L 327, 12.12.2001, p. 11.

⁽⁴⁾ OJ L 341, 22.12.2001, p. 105.

(e) 'processor' means any natural or legal person operating, for economic ends and on its own responsibility, one or more plants with facilities for manufacturing one or more of the products listed in Article 1 of Regulation (EC) No 2202/1996 and, where applicable, approved in accordance with Article 5 of this Regulation;

(f) 'competent authorities' means the body or bodies designated by the Member State for the implementation of this Regulation.

2. Producer organisations which have their head office situated in a Member State may participate in the Community aid scheme provided for in Article 1 of Regulation (EC) No 2202/96, provided that the Member State concerned has a national threshold for the product in question, as set out in Annex II to that Regulation.

3. For the purposes of this Regulation, any references to producer organisations shall be construed as a reference to associations of producer organisations.

Article 2

Marketing years and delivery periods

1. The marketing years within the meaning of Article 6 of Regulation (EC) No 2202/96, hereinafter referred to as the 'marketing years', shall run from 1 October to 30 September for:

- (a) sweet oranges,
- (b) mandarins, clementines and satsumas,
- (c) grapefruit and pomelos,
- (d) lemons.

2. Aid to producer organisations delivering mandarins and clementines shall be granted solely on products delivered to the processing industry from 1 October to 30 June.

3. Aid to producer organisations delivering satsumas shall be granted solely on products delivered to the processing industry from 1 October to 31 March.

4. For a given marketing year, the 'equivalent period' referred to in the second subparagraph of Article 5(2) of Regulation (EC) No 2202/96 shall run from 1 April of the previous marketing year to 31 March of the current year.

Article 3

Identification of parcels

For the purposes of this Regulation the parcel identification system shall be that used for the integrated system referred to in Article 4 of Regulation (EEC) No 3508/92. The areas are to be declared in hectares to two decimal places. Article 22 of Regulation (EC) No 2419/2001 shall apply for the purposes of determining the area of parcels during checks provided for in Article 27 of this Regulation.

CHAPTER II

CONTRACTS

Article 4

Form of contracts

1. The contracts referred to in Article 2(1) of Regulation (EC) No 2202/96 (hereinafter referred to as 'contracts') shall be concluded in writing. They shall be concluded separately for each of the basic products listed in Article 1 of that Regulation and shall bear an identification number.

2. Contracts may take one of the following forms:

- (a) a contract between a producer organisation, and a processor;
- (b) a commitment to supply, where the producer organisation also acts as a processor.

At any time and for each of the basic products listed in Article 1 of Regulation (EC) No 2202/96, no more than one short-term contract and/or single multiannual contract referred to in Article 6(1), may be in force between a producer organisation and a processor.

Article 5

Requests to participate in the aid scheme and approval of processors

1. Processors of sweet oranges, mandarins, clementines, satsumas, lemons, grapefruit and pomelos wishing to participate in the aid scheme for the first time, shall make a request to the competent authorities of the Member State in which their processing plants are located before a date to be determined by the latter. This request shall notably specify the processing capacity per hour of the processor and, where appropriate, the hourly extraction, pasteurisation and concentration capacity of each processing plant operated by the processor.

2. The Member States that have a national threshold for the product in question, as set out in Annex II to Regulation (EC) No 2202/96, shall lay down the requirements for approval of processors whose processing plants are located on their territory and notify them to the Commission. Those requirements shall ensure that processors have the capacity to carry out the necessary operations.

Upon examination of the requests submitted by processors whose processing plants are located on their territory, the competent authorities of the Member States that have a national threshold for the product in question shall publish, for each product, a list of approved processors and their processing plants at least one month before the starting of the marketing year.

3. Member States that do not have a national threshold for the product in question, as set out in Annex II to Regulation (EC) No 2202/96 may also decide to implement the provisions laid down in paragraph 2.

4. Processors whose processing plants are located in a Member State that has a national threshold for the product in question, as set out in Annex II to Regulation (EC) No 2202/96, shall be approved by the national competent authorities before they conclude contracts.

Article 6

Periods and quantities covered by contracts

1. Short-term contracts shall cover at least five complete and consecutive months of the marketing year in question.

Multiannual contracts within the meaning of Article 3(2)(a) of Regulation (EC) No 2202/96 shall cover at least three consecutive marketing years.

In the case of clementines, separate contracts shall be concluded for the two possible uses: juice or segments.

2. Periods covered by two short-term contracts concluded between the same parties in the same marketing year shall be continuous and shall not overlap with one another.

3. Multiannual contracts may cover both the production of the members of the producer organisation signing the contract and the production of members of other producer organisations where the second and third indents of Article 11(1)(c)(3) of Regulation (EC) No 2200/96 apply.

4. To qualify for the aid laid down in Table 2 of Annex I to Regulation (EC) No 2202/96, quantities delivered under multiannual contracts must be at least 1 000 tonnes per contract, product and marketing year.

Article 7

Contents of contracts

1. Contracts shall specify, in particular:

- (a) the name and address of the contracting producer organisation;
- (b) the name and address of the processor;
- (c) the quantities of raw materials to be delivered for processing, broken down by marketing year in the case of multiannual contracts;
- (d) the period covered and the provisional schedule of deliveries to processors;
- (e) an undertaking by the processors to process the quantities delivered under the contract in question;
- (f) the price to be paid to the producer organisation for the raw materials, which may vary by variety and/or quality and/or delivery period and shall be paid only by bank or post office transfer;
- (g) the compensation payable should either party fail to fulfil its contractual obligations, in particular as regards the payment in full of the price specified in the contract, the respect of time-limits for payment, and the obligation to deliver and accept the quantities covered by the contract.

The contract shall also indicate the delivery stage to which the price referred to in point (f) applies and the payment terms. Any time-limit for payment may not exceed two months from the end of the month of delivery of each consignment.

2. In the case of short-term contracts, the price referred to in paragraph 1(f) may be adjusted, with the agreement of both parties, by the written amendments referred to in Article 11(1) and solely for the additional quantities fixed by those amendments.

In the case of multiannual contracts, the price referred to in paragraph 1(f) for each marketing year shall be established when the relevant contract is signed. However, the price applicable to a given marketing year may be revised, with the agreement of both parties, by a written amendment to the contract before 1 November of the marketing year in question.

Article 8

National additional provisions

The Member States may adopt additional provisions covering contracts, in particular as regards compensation payable by processors or producer organisations that fail to fulfil their contractual obligations.

Article 9

Conclusion of contracts in case of a commitment to supply

In the case of a commitment to supply within the meaning of Article 4(2)(b), contracts covering the production of the members of the producer organisation concerned shall be deemed to have been concluded after the following particulars have been notified to the competent authorities:

- (a) the name and address of each producer and the reference data and areas of the parcels on which each producer cultivates the raw material;
- (b) the estimated total harvest;
- (c) the quantity intended for processing, broken down by type of contract;
- (d) the period covered and the provisional delivery schedule referred to in Article 7(1)(d);
- (e) an undertaking by the producer organisation to process the quantities delivered under the contract in question.

The name and address of each producer referred to in point (a) may be replaced by any other information required by national legislation to allow the producer to be determined unequivocally to the satisfaction of the competent authorities.

The notification shall be sent to the competent authorities by the deadline laid down in Article 12(2).

*Article 10***Dates of conclusion of contracts**

1. The Member States shall decide the date(s) by which short-term contracts shall be concluded by producer organisations that have their head office located in their territory. In any case, short-term contracts shall be concluded:

- (a) no later than 1 November of the marketing year in question in the case of short-term contracts that cover at least eight complete and consecutive months; or
- (b) no later than 28 February of the marketing year in question in the case of short-term contracts that cover at least five but less than eight complete and consecutive months.

2. Multiannual contracts shall be concluded no later than 1 November of the marketing year in question.

2. In the case of multiannual contracts, the quantity initially laid down for each year, within the meaning of Article 7(1)(c), may be amended once each marketing year with the agreement of both parties by a written amendment.

The amendment shall include the identification number of the contract to which it relates. Amendments shall be concluded before 28 February of the marketing year in question.

The quantity to be delivered each year as laid down in the amendment may not exceed:

- (a) 40 % of the quantity initially laid down in the contract for the given marketing year if the amendment has been concluded before 1 November of the marketing year in question; or
- (b) 30 % of the quantity initially laid down in the contract for the given marketing year if the amendment has been concluded after 1 November but before 28 February of the marketing year in question.

*Article 11***Amendments to contracts**

1. In the case of short-term contracts, the quantity initially laid down in the processing contract referred to in Article 7(1)(c) may be amended:

- (a) with the agreement of both parties by one or two written amendment(s) in the case of short-term contracts that cover at least eight complete and consecutive months; or
- (b) with the agreement of both parties by one written amendment in the case of short-term contracts that cover at least five but less than eight complete and consecutive months.

The total quantity laid down in the amendment(s) referred to in point (a) may not exceed 40 % of the quantity initially laid down in the contract. Where there are two amendments, they shall not relate to more than 20 % of the said initial quantity each.

The total quantity laid down in the amendment referred to in point (b) may not exceed 20 % of the quantity initially laid down in the contract.

The amendments shall include the identification number of the contract to which it relates.

The quantities delivered by the new members or individual producers referred to in Article 15(5) shall be included in the amendments.

*Article 12***Communication to the competent authorities**

1. Producer organisations signing contracts shall forward a copy of each contract and any amendment thereto to the competent authorities of the Member State in which their head office is situated and, if appropriate, to the competent authorities of the Member State where processing is to take place.

The total quantity covered by all the contracts signed by a given producer organisation may not exceed, per product, the quantity intended for processing indicated by that producer organisation under point (c) of the first paragraph of Article 9 and Article 15(1)(c).

2. The copies referred to in the first subparagraph of paragraph 1 shall reach the competent authorities no later than 10 working days after the conclusion of the contract or amendment thereto and no less than five working days before the start of deliveries.

In exceptional and duly justified cases, the Member States may accept contracts and amendments thereto that reach their competent authorities after the time limit laid down in the first subparagraph, provided that such late acceptance does not have an adverse effect on controls on the production aid scheme.

3. In any case, no Community aid shall be paid for quantities of raw materials delivered by producer organisations to processors before the competent authorities have received the copies specified in the first subparagraph of paragraph 1.

CHAPTER III

INFORMATION TO BE PROVIDED TO THE MEMBER STATES

*Article 13***Information concerning participation in the aid scheme**

Producer organisations and processors wishing to participate in the aid scheme provided for in Article 3 of Regulation (EC) No 2202/96 shall inform the competent authorities of the Member State in which their head office is situated, no later than 20 days before the start of the marketing year. They shall communicate at this time the information needed by the Member State in question to manage and inspect the aid scheme. Member States may decide that such information shall:

- (a) only be notified by new producer organisations or new processors, if the necessary information for the others is already available;
- (b) cover a single marketing year, several marketing years or an unlimited period.

*Article 14***Information concerning the beginning of deliveries or processing**

1. At least five working days before the start of deliveries or processing in each marketing year, producer organisations and processors shall notify the competent authorities of the week in which deliveries and processing are to start. Producer organisations and processors shall be deemed to have discharged this obligation if they provide proof that they have sent this information at least eight working days before that date.

2. In exceptional and duly justified cases, the Member States may accept notifications from producer organisations and processors after the date laid down in paragraph 1. However, no aid shall be granted in such cases to producer organisations or processors for quantities already delivered or in the course of delivery unless the checks needed to establish eligibility for the aid can be conducted to the satisfaction of the competent authorities.

*Article 15***Information on contracts**

1. The producer organisation signing the contracts shall send the competent authorities of the Member State in which its head office is situated the following information, by product:

- (a) the name and address of each producer covered by the contracts and the reference data and areas of the parcels on which each producer cultivates the raw materials;

(b) the estimated total harvest;

(c) the quantity intended for processing;

(d) the producer organisation's average yields per hectare and the average percentage of this quantity sent for processing during the previous two marketing years.

The name and address of each producer referred to in point (a) may be replaced by any other information required by national legislation to allow the producer to be determined unequivocally to the satisfaction of the competent authorities.

2. The information referred to in paragraph 1 shall be provided by the producer organisations or individual producers concerned to the producer organisation signing the contract, which shall forward it to the body designated by the Member State, where the producer organisation signing the contract:

- (a) markets quantities intended for processing produced by members of other producer organisations under the second and third indents of Article 11(1)(c)(3) of Regulation (EC) No 2200/96, and/or
- (b) passes on the benefit of the aid scheme to individual producers under Article 4(1) of Regulation (EC) No 2202/96.

3. To qualify for the aid, producer organisations and individual producers as referred to in paragraph 2 shall sign agreements with the producer organisation signing the contract.

Such agreements shall cover all citrus fruit production delivered for processing by the said producer organisations and individual producers concerned and shall specify at least the following:

- (a) the number of marketing years covered by the agreement;
- (b) the quantities to be delivered for processing, broken down by producer and product and based on a delivery schedule as referred to in Article 7(1)(d);
- (c) the consequences of failure to comply with the agreement.

The Member States may adopt additional provisions covering the agreements referred to in the first subparagraph, in particular as regards compensation payable by producer organisations or individual producers which fail to fulfil their contractual obligations, and as regards false declarations of producer organisations or individual producers concerned to the producer organisation signing the contracts.

4. The Member States shall fix the date before which the information referred to in paragraphs 1 and 2, together with a copy of the agreements referred to in paragraph 3 shall be sent to the competent authorities referred to in paragraph 1 in order to insure that the necessary checks are carried out.

5. Where a producer joins a producer organisation or an individual producer signs an agreement with a producer organisation after the dates referred to in paragraph 4, the information referred to in paragraphs 1 and 2 and, where appropriate, a copy of the agreements referred to in paragraph 3 which relate to this new member or individual producer, shall be sent to the competent authorities referred to in paragraph 1 within 30 days after the date on which the membership or the agreement takes effect.

CHAPTER IV

RAW MATERIALS

Article 16

Minimum quality requirements

Products delivered by the producer organisations to the processors under a contract must satisfy the minimum quality requirements laid down in Annex I.

Article 17

Notification of deliveries and delivery certificates

1. No later than 18.00 on the working day preceding delivery, the producer organisation shall notify each delivery to the competent authorities of the Member State in which its head office is situated and, where applicable, to the competent authorities of the Member State where processing is carried out.

This notification shall include the quantity to be delivered, an identification of the means of transport used and the identification number of the contract relating to the delivery in question. It shall be sent electronically and the authorities to which it is addressed shall keep a record of it for at least three years.

The competent authorities of the Member States concerned may ask for any additional information they consider necessary for a physical check on the deliveries.

Should the data in the second subparagraph be amended after they have been notified, the amended data shall be notified in the same way as the initial notification, before delivery commences. The initial notification may be amended only once.

On the basis of a risk analysis made by the Member State concerned, covering both the producer organisations and the processors, the competent authorities may release the producer organisation from the obligation to notify each delivery or may request the information in a less detailed form, provided that this does not have an adverse effect on controls on the production aid scheme.

2. A delivery certificate shall be issued for each product lot delivered under contract and accepted for processing at the processing plant, specifying:

- (a) the date and time of unloading;
- (b) the identification of the means of transport used;

- (c) the identification number of the contract to which the consignment relates;
- (d) the gross weight and net weight;
- (e) where applicable, the rate of reduction calculated on the basis of the minimum quality requirements laid down in Annex I.

Delivery certificates shall be prepared in quadruplicate. They shall be signed by the processor or his representative and by the producer organisation or its representative. Each certificate shall bear an identification number.

3. Processors and producer organisations shall both keep a copy of delivery certificates.

The producer organisation shall forward a copy or written telecommunication or e-mail containing the information referred to in paragraph 2, no later than the fifth working day following the week of delivery, to the competent authorities of the Member State where its head office is situated and, where applicable to the competent authorities of the Member State where processing is carried out.

4. At least one month before the starting of the marketing year, Member States that have a national threshold for the product in question, as set out in Annex II to Regulation (EC) No 2202/96, shall fix and publish the manner in which the means of transport referred to in the second subparagraph of paragraph 1 and in point (b) of the first subparagraph of paragraph 2 will be identified to enable their competent authorities to carry out appropriate physical checks.

5. Where processing takes place in another Member State, and in order to assure and reinforce appropriate physical checks by the competent authorities, the Member State where processing takes place and the Member State in which the head office of the producer organisation signing the contract is situated shall lay down the necessary additional common provisions and administrative procedures as regards the notifications and delivery certificates referred to in paragraphs 1 and 2.

In particular, the Member States concerned shall jointly fix the identification of the means of transport used that shall be specified in the notifications to be issued by the producer organisations and in the delivery certificates. The identification of the means of transport shall be published by the Member States concerned in accordance with paragraph 4.

6. Where all or part of a lot belongs to producers referred to in Article 15(2)(a) or (b), the contracting producer organisation shall forward a copy of the delivery certificate provided for in paragraph 2 to each producer organisation and individual producer concerned.

7. For each quarter from the start of the marketing year, no later than the 10th day of the following month, the producer organisation shall notify the competent authorities referred to in paragraph 1 of the quantities delivered, by lot and by product. Quantities delivered under contract shall be broken down by contract and on the basis of the corresponding amount of aid.

8. The documents required under national law may be used for the purposes of this Article, provided that they contain all the information referred to in paragraph 2.

Article 18

Notifications of processors to the competent authorities

1. For each six-month period from the start of the marketing year, no later than the 10th day of the following month, processors who conclude contracts with producer organisations shall send the competent authorities of the Member State in which the head office of the producer organisation is situated and, where applicable, the competent authorities of the Member State where processing is carried out, the following information, broken down by product:

- (a) the quantity of product received for each lot and for each contract and the quantity of product received outside contracts;
- (b) the quantities of juice obtained, broken down by Brix concentration, specifying the quantities obtained from lots delivered under contract;
- (c) the average weight of the yield in juice from the raw materials and the Brix concentration of this juice;
- (d) the quantities of segments obtained, specifying the quantities obtained from lots delivered under contract.

The quantities shall be expressed as net weight.

The notifications shall be signed by the processor, who shall certify their accuracy by doing so.

2. Within 45 days after completion of processing operations for the marketing year, the processors shall notify the competent authorities referred to in paragraph 1 of the following in respect of each product:

- (a) the quantities received, broken down by the resulting finished product;
- (b) the quantities received under contract, broken down by delivery period and type of contract (short-term or multi-annual);
- (c) the quantities received under contract, broken down by the resulting finished product;
- (d) the quantity of finished products obtained from each of the quantities referred to in (a);
- (e) the quantity of finished products obtained from each of the quantities referred to in (c);
- (f) the quantities of each finished product in stock at the end of the processing operations for that marketing year.

The quantities shall be expressed as net weight.

In the case of juice, the quantities referred to under (d) and (e) shall be broken down on the basis of their Brix concentration.

CHAPTER V

AID APPLICATIONS AND PAYMENT OF AID

Article 19

Aid applications

1. Producer organisations shall submit their aid applications, per product and per marketing year, to the competent authorities of the Member State in which their head office is situated.

Such aid applications shall be submitted:

- (a) for quantities of sweet oranges, mandarins, clementines, satsumas, lemons, grapefruits and pomelos, accepted for processing during the first half of the marketing year, no later than 30 April;
- (b) for quantities of sweet oranges, lemons, grapefruits and pomelos accepted for processing during the second half of the marketing year, no later than 31 October of the following marketing year;
- (c) for quantities of mandarins and clementines accepted for processing during the third quarter of the marketing year, no later than 31 July.

2. If aid applications are submitted after the deadlines laid down in paragraph 1, the aid shall be reduced by 1 % per day of delay and no aid shall be granted if the application is more than 15 days late.

3. In exceptional and duly justified cases, the Member States may accept aid applications after the deadlines laid down in paragraph 1, provided that this does not hinder effective checks on the production aid scheme. In that case, paragraph 2 shall not apply.

4. In the case of clementines, separate aid applications shall be prepared for the two possible uses: juice or segments.

Article 20

Contents of aid applications

Each aid application shall include the following information:

- (a) the name and address of the producer organisation;
- (b) the quantity covered by the aid application, broken down by contract and on the basis of the corresponding amount of aid, and not exceeding the quantity accepted for processing, after deduction of any reduction rates applied;
- (c) the average selling price for the quantity delivered under contract;
- (d) the quantity delivered during the same period otherwise than under contract, and its average selling price.

*Article 21***Payment of aid**

The aid shall be paid by the competent authorities of the Member State in which the producer organisation signing the contract has its head office as soon as those authorities have undertaken the checks provided for in Article 27(1)(a) and checked that the aid application tallies with the delivery certificates referred to in Article 17(2) for the product in question.

Where processing takes place in another Member State, that Member State shall provide the Member State where the head office of the producer organisation signing the contract is situated with proof that the product has in fact been delivered and accepted for processing.

Aid shall not be granted if the proof referred to in the second paragraph is not provided, or for quantities in respect of which the checks referred to in the first paragraph have not been conducted.

*Article 22***Date of payment of the aid**

The aid shall be paid to producer organisations:

- (a) for quantities of sweet oranges, mandarins, clementines, satsumas, lemons, grapefruits and pomelos accepted for processing during the first half of the marketing year, no later than 30 June;
- (b) for quantities of sweet oranges, lemons, grapefruits and pomelos accepted for processing during the second half of the marketing year, no later than 31 December of the following marketing year;
- (c) for quantities of mandarins and clementines accepted for processing during the third quarter of the marketing year, no later than 30 September.

*Article 23***Payment of aid to members of producer organisations**

Within 15 working days following receipt of the aid, the producer organisation shall pay in full the amounts received, by bank or postal transfer, to its members and, where applicable, to producers referred to in Article 15(2)(a) and (b). In cases covered by Article 4(2)(b), payment may be made by opening a credit line.

Where a producer organisation is wholly or partly composed of members which are themselves organisations with legal personality composed of producers, payments as provided for in the first paragraph shall be paid on by those member organisations to the producers within 15 working days.

CHAPTER VI

CHECKS AND PENALTIES

SECTION 1

Checks*Article 24***National measures**

1. Without prejudice to Title VI of Regulation (EC) No 2200/96, Member States shall take the necessary steps:

- (a) to ensure that this Regulation is complied with;
- (b) to prevent and prosecute irregularities and apply the penalties provided for in this Regulation;
- (c) to recover sums lost as a result of irregularities or negligence;
- (d) to verify the records provided for in Articles 25 and 26, ensuring that they tally with the accounting required of producer organisations and processors under national law;
- (e) to carry out unannounced checks as referred to in Article 27 during the appropriate periods.

2. The Member States shall programme their checks referred to in Article 27 on the basis of a risk analysis that takes account, among other things, of:

- (a) the findings of checks conducted in earlier years;
- (b) developments since the preceding year;
- (c) the raw material yield by homogeneous production zone;
- (d) the ratio of the quantities delivered to the estimated total harvest;
- (e) the yield of the raw material in terms of finished product.

The risk analysis criteria shall be regularly updated.

3. Where irregularities or anomalies are found, the Member States shall increase the frequency and percentage of checks referred to in Article 27, having regard to the seriousness of the findings.

*Article 25***Records of producer organisations**

1. Producer organisations delivering products for processing shall keep a record of each product delivered. These records shall include the following information:

- (a) in the case of quantities delivered under multiannual contracts:
 - (i) the lots delivered each day, and the identification number of the contract to which they relate;
 - (ii) the net weight of each lot delivered and accepted for processing, minus any reduction, and the identification number of the relevant delivery certificate;

- (b) in the case of quantities delivered under short-term contracts:
- (i) the lots delivered each day, and the identification number of the contract to which they relate;
 - (ii) the net weight of each lot delivered and accepted for processing, minus any reduction, and the identification number of the relevant delivery certificate;
 - (iii) the total quantity delivered each day, broken down on the basis of the applicable aid;
- (c) in the case of quantities delivered otherwise than under contract:
- (i) the lots delivered each day, and the name and address of the processor;
 - (ii) the net weight of each lot delivered and accepted for processing.

2. Producer organisations and the individual producers referred to in Article 15(2) shall submit to all inspections and checks deemed necessary by the competent authorities and shall keep all additional records and information required by those authorities for checking compliance with this Regulation.

For each basic product, those additional records and information must make it possible to establish, for each producer, whether the areas, the total harvest, the total quantities delivered to the producer organisation and the quantities delivered for processing tally with the aid payments and the payments received from the processor. To this end, such additional records and information shall also cover the quantities sold for the fresh products market, those withdrawn from the market and the remaining quantities.

3. The Member States may decide what form the records provided for in paragraphs 1 and 2 shall take.

4. The records or accounting documents required under national law may be used for the purposes of this Article, provided that they contain all the information referred to in paragraph 1.

The Member States may decide that the records provided for in paragraphs 1 and 2 shall be certified in the same way as those records or accounting documents required under national law, provided that this does not have an adverse effect on controls on the production aid scheme.

Article 26

Records of processors

1. Processors shall keep a record of each product purchased. These records shall include the following information:

- (a) in the case of quantities purchased from producer organisations under contract:
- (i) the lots received each day, and the identification number of the contract to which they relate;

- (ii) the net weight of each lot received and accepted for processing, the identification number of the relevant delivery certificate and the precise identification of the means of transport used;
- (b) in the case of the other quantities purchased:
- (i) the lots received each day, and the name and address of the seller;
 - (ii) the net weight of each lot received;
- (c) the quantities of juice obtained each day, broken down by Brix concentration, specifying the quantities obtained from lots delivered under contract;
- (d) the quantities of segments obtained each day, specifying the quantities obtained from lots delivered under contract;
- (e) the quantities and prices of finished products bought by the processor each day, with the name and address of the seller indicated;
- (f) the quantities and prices of each finished product leaving the processor's premises each day, giving the name and address of the consignee; this information may be recorded by reference to supporting documents held elsewhere, provided that they contain the requested information;
- (g) the quantities of each finished product in stock at the end of the marketing year.

The quantities shall be expressed as net weight.

In the case of juice, the quantities referred to under (e), (f) and (g) shall be broken down on the basis of their Brix concentration.

Processors shall update daily their juice and/or segment records for each plant.

2. Processors shall keep proof of payment for all raw materials purchased under contract or a written amendment thereto for five years from the end of the year in which the product concerned was processed. Processors shall also keep proof of any purchases or sales of processed juice for five years.

3. Processors shall submit to all inspections and checks considered necessary by the competent authorities and shall keep all additional records required by those authorities for the purposes of the checks deemed necessary.

4. The Member States may decide what form the records provided for in paragraphs 1 and 3 shall take.

5. The records or accounting documents required under national law may be used for the purposes of this Article, provided that they contain all the information referred to in paragraph 1.

The Member States may decide that the records provided for in paragraphs 1 and 3 shall be certified in the same way as those records or accounting documents required under national law, provided that this does not have an adverse effect on controls on the production aid scheme.

Article 27

Checks

1. For each producer organisation delivering sweet oranges, mandarins, clementines, satsumas, lemons, grapefruit and pomelos for processing, the following checks shall be conducted for each product and marketing year:

- (a) physical checks on at least:
 - (i) 5 % of the areas referred to in point (a) of the first paragraph of Article 9 and in Article 15(1)(a),
 - (ii) 20 % of the quantities delivered for processing, in order to check that they tally with the delivery certificates referred to in Article 17(2) and comply with the minimum quality requirements laid down in Annex I;
- (b) administrative and accounting checks on at least:
 - (i) 5 % of producers covered by contracts, in order to check in particular that for each producer the areas, the total harvest, the quantity delivered to the producer organisation and the quantity delivered for processing all tally with the aid payments provided for in Article 23 and the payments received;
 - (ii) 10 % of the agreements referred to in Article 15(3);
- (c) administrative and accounting checks to verify that the total of the quantities of products delivered to the producer organisation by the producers referred to in Article 15(1) and (2), the total of the quantities delivered for processing, the total of the delivery certificates referred to in Article 17(2), and the total of the quantities stated in the applications for aid all tally with the aid paid under Article 23 and the payments received from the processor;
- (d) checks on all aid applications and supporting documents, and crosschecks on all declared parcels.

2. For processors of sweet oranges, mandarins, clementines, satsumas, lemons, grapefruit and pomelos, the following checks shall be conducted for each plant, product and marketing year:

- (a) administrative and accounting checks on at least:
 - (i) 5 % of the lots received under each type of contract (short-term or multiannual) to verify that the quantities concerned are covered by a contract and by delivery

certificates referred to in Article 17(2), the precise identification of the means of transport used and compliance with the minimum requirements laid down in Annex I,

- (ii) 10 % of the price transfers referred to in Article 7(1)(f);
- (b) physical and accounting checks on at least 10 % of the finished products obtained, in order to verify the yield of raw materials processed in terms of the finished product obtained under contract and otherwise than under contract;
- (c) administrative and accounting checks to verify, on the basis of the invoices issued and received and on the basis of the accounting data, that the quantity of finished product obtained from the raw materials received and the quantities of finished products purchased tally with the quantities of finished products sold;
- (d) physical and accounting checks on all stocks of finished products at least once each year, to ensure that they tally with the finished products manufactured, purchased and sold.

In the case of processors or processing plants that did not participate in the aid scheme in the previous marketing year, the checks referred to in point (d) shall be conducted at least twice in the first year in which they participate in the scheme.

SECTION 2

Penalties

Article 28

Reduction of aid in case of discrepancy between aid applied for and amount due

1. Where it is ascertained, for a given product, that the aid applied for in respect of any marketing year exceeds the amount due, then that amount shall be reduced, unless the difference is clearly due to error. The reduction shall be equal to the difference. If the aid has already been paid, the beneficiary shall pay back twice the difference, plus interest calculated in accordance with Article 36(2).

2. If the difference referred to in paragraph 1 is more than 20 %, the beneficiary shall lose all entitlement to the aid and, if the aid has already been paid, reimburse the total aid, plus interest calculated in accordance with Article 36(2).

In addition, if the difference is more than 30 %, the producer organisation shall be excluded from the aid scheme for the product concerned for the following three marketing years.

*Article 29***Reduction of aid in case of discrepancy between quantity delivered and minimum quantity under multiannual contracts**

Except in cases of *force majeure*, if the quantity delivered of a product under a multiannual contract for a marketing year is found to be less than the minimum quantity laid down in Article 6(4), the corresponding aid shall be reduced by 50 % for the marketing year in question. If the aid has already been paid, the beneficiary shall pay back the difference between the aid paid and the aid due, plus interest calculated in accordance with Article 36(2).

Furthermore, if, for a given product, a producer organisation fails to deliver the minimum quantity for a marketing year under three or more multiannual contracts at the same time, it shall immediately be prohibited from signing further multiannual contracts for the product in question. The duration of the prohibition shall be not less than two marketing years and shall be determined by the Member States having regard to the seriousness of the failure.

*Article 30***Reduction of aid in case of discrepancy between quantity accepted for processing and quantity contracted for**

1. Except in cases of *force majeure*, if the quantities accepted for processing during a marketing year under each contract referred to in Article 6(1)(a) and (b) are found to be less than the quantities contracted for in respect of that marketing year, including any amendments thereto, the corresponding aid shall be reduced by:

- (a) 25 %, if the discrepancy between the quantities accepted for processing and the quantities contracted for is equal to or more than 25 % but less than 40 % of the quantities contracted for;
- (b) 40 %, if the discrepancy between the quantities accepted for processing and the quantities contracted for is equal to or more than 40 % but less than 50 % of the quantities contracted for.

No aid shall be granted if the discrepancy between the quantities accepted for processing and the quantities contracted for is 50 % or more of the quantities contracted for.

If the aid has already been paid, the producer organisation shall pay back the difference between the aid paid and the aid due, plus interest calculated in accordance with Article 36(2).

2. In the case of multiannual contracts, where it is possible to apply Article 29 and paragraph 1 of this Article simultaneously, the higher penalty shall be imposed.

*Article 31***Reduction of aid in case of cancellation of a contract**

If it is found that a processing contract has been totally or partially cancelled by common agreement of both parties before its full term, the producer organisation that signed the

contract shall reimburse 40 % of the aid received under that contract, plus interest calculated in accordance with Article 36(2).

In addition, in the case of multiannual contracts, if it is found that a producer organisation has cancelled all or part of two or more contracts in the same marketing year, the producer organisation shall not conclude any further multiannual contract under Regulation (EC) No 2202/96 for three marketing years from the date on which the competent body in the Member State concerned becomes aware of the cancellation. Failure to deliver a product for one of the marketing years under a multiannual contract shall be deemed a cancellation of the contract in question, except in the case of bankruptcy of the processor.

*Article 32***Cancellation of a contract due to the fault of the processor**

In the case where a producer organisation is not in a position to comply with its contractual obligations due to the fault of the processor, the producer organisations that have signed short-term and/or multiannual contracts with this processor may be authorised by the competent authorities of the Member State concerned, in accordance with national law, to cancel such contracts or to transfer them, unchanged, to another processor. Producer organisations that have been granted by the competent national authorities the authorisation for cancelling or transferring their contracts shall not be subject to the penalties or reductions provided for in Article 31.

*Article 33***Reduction in aid resulting from checks on areas**

1. If the area checks referred to in Article 27(1)(a) and (d) reveal that the area declared is larger than that actually determined, at the level of the total area checked, the aid payable to the producer organisation shall be reduced, unless the difference is clearly due to error:

- (a) by the percentage of the discrepancy established, if it is more than 5 % but not more than 20 % of the area determined;
- (b) by 30 % if the discrepancy is more than 20 % of the area determined.

Where the area declared is less than the area actually determined, and the discrepancy is more than 10 % of the area determined, the aid payable to the producer organisation shall be reduced by half the percentage of the discrepancy established.

2. The reductions provided for in paragraph 1 shall not apply where the producer organisation has submitted factually correct information or can show otherwise that it is not at fault.

The reductions provided for in paragraph 1 shall not apply if the producer organisation or its members inform the competent authority in writing that the data are incorrect or have become incorrect since the information referred to in Article 15(1) was sent, provided that the producer organisation or its members were not informed of the competent authority's intention to carry out an on-the-spot check or that it was not informed by the competent authority of any irregularity found.

Article 34

National penalties

The Member States shall take the necessary measures to ensure that the provisions on aid payments are complied with, in accordance with Article 23. They shall provide in particular for penalties commensurate with the seriousness of any irregularity to be imposed on the officers of the producer organisation.

Where a producer organisation commits a subsequent irregularity, the Member State shall withdraw that organisation's recognition, or preliminary recognition in the case of a producer group granted preliminary recognition.

Article 35

Penalties to the processor

1. Except in cases of *force majeure*, where it is found that the full quantity of a product accepted for processing under contract has not been processed into one of the products listed in Article 1 of Regulation (EC) No 2202/96, the processor shall pay to the competent authorities an amount equal to twice the unit amount of the aid multiplied by the quantity of the raw material concerned which has not been processed, plus interest calculated in accordance with Article 36(2).

In addition, except in cases duly justified to the satisfaction of the Member State, the processor's approval as provided for in Article 5 of this Regulation shall be suspended:

- (a) for the marketing year following the finding, if the difference found between the quantity accepted for processing and the quantity actually processed is equal to or more than 10 % but less than 20 % of the quantity accepted for processing;
- (b) for two marketing years following the finding, if the difference is equal to or more than 20 %.

2. The Member States shall exclude the processor from the aid scheme provided for in Regulation (EC) No 2202/96:

- (a) where the producer organisation makes false declarations with the collaboration of the processor;
- (b) where the processor repeatedly fails to pay the price referred to in Article 7(1)(f) of this Regulation;
- (c) where the processor repeatedly fails to meet the time limit for payment referred to in the last subparagraph of Article 7(1) of this Regulation;

- (d) where the processor fails to pay the penalties provided for in paragraph 1 of this Article;
- (e) where the processor fails to comply with the obligations referred to in paragraphs 1, 2 or 3 of Article 26 of this Regulation;
- (f) in case of repeated application of Article 31 of this Regulation.

The duration of the exclusion of the processor from the aid scheme shall be not less than one marketing year and shall be determined by the Member States having regard to the seriousness of the failure.

Article 36

Payment of the amount recovered

1. Amounts recovered and interest due pursuant to the provisions of this section shall be paid to the competent paying agency and deducted from expenditure financed by the European Agricultural Guidance and Guarantee Fund.

2. The rate of interest applicable shall be calculated according to the provisions of national law but shall not be lower than the interest rate applicable for the recovery of amounts under national provisions.

Article 37

Compliance with processing thresholds

Compliance with national and Community thresholds shall be ascertained on the basis of the quantities processed with aid under Regulation (EC) No 2202/96 in each of the Member States in question.

Article 38

Administrative cooperation between Member States

The Member States shall take the measures required to ensure reciprocal administrative cooperation with a view to ensuring that this Regulation is properly applied.

CHAPTER VII

NOTIFICATIONS TO THE COMMISSION

Article 39

Notifications

- 1. Each Member State shall notify to the Commission:
 - (a) before the beginning of each marketing year, if it has had recourse to Article 5(3) of Regulation (EC) No 2202/96 and the quantities of each of the sub-thresholds concerned;
 - (b) the quantity of each product contracted for in the current marketing year, broken down by type of contract, no later than 31 March;

(c) the quantity of each product delivered for processing under Regulation (EC) No 2202/96 in the periods referred to in Article 2(4) of this Regulation, no later than 1 August of the current marketing year.

In the case of clementines, the quantity referred to in (c) shall be broken down into products delivered for processing into segments on the one hand and into juice on the other.

2. For each marketing year, each Member State concerned shall notify to the Commission no later than 1 March of the following year:

- (a) the quantities of each product received by the approved processors operating in their national territory, broken down by the resulting finished product, and where applicable, the quantities of each product received for processing from another Member State;
- (b) the quantities of each product received by the processors under contract, broken down by type of contract (short-term or multiannual);
- (c) the quantities of each product received by the processors under contract, broken down by the resulting finished product;
- (d) the quantity of finished products obtained from each of the quantities referred to in (a);
- (e) the quantity of finished products obtained from each of the quantities referred to in (c);
- (f) the quantities of each finished product in stock at the end of the processing operations for that marketing year;
- (g) the quantities of each product contracted for and delivered by type of contract (short-term or multiannual);
- (h) the quantities of each product delivered, broken down on the basis of the corresponding amount of aid;
- (i) the expenditure, expressed in national currency, on aid paid to the producer organisations for each product.

The quantities shall be expressed as net weight.

In the case of juice, the quantities referred to under (d) and (e) shall be broken down on the basis of their Brix concentration.

3. For each marketing year, each Member State concerned shall, no later than 1 March of the following year, prepare a report on the checks made, specifying the number of checks and the results, broken down by type of finding. These reports shall be notified to the Commission no later than 15 March of the following year.

4. Member States shall adopt the necessary provisions to ensure that all data contained in the notifications and reports to the Commission referred to in paragraphs 1, 2 and 3 are correct, complete, definitive and have been duly verified by the competent authorities prior to being communicated to the Commission.

CHAPTER VIII

TRANSITIONAL AND FINAL PROVISIONS

Article 40

Conclusion of contracts for the 2003/04 marketing year

By way of derogation from Article 10, for the 2003/04 marketing year, contracts shall be concluded no later than 1 November 2003.

Article 41

Repeal

Regulation (EC) No 1092/2001 is hereby repealed with effect from the date of application of this Regulation for each of the products concerned.

However, Articles 3, 4 and 5 of Regulation (EC) No 1092/2001 shall remain applicable to contracts already concluded before the entry in force of this Regulation.

References to the repealed Regulation shall be construed as references to this Regulation and shall be read in accordance with the correlation table in Annex II.

Article 42

Entry into force

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

It shall apply from the marketing year 2003/04 for each of the products concerned.

However, Article 5 and Article 17(4) and (5) shall apply from 1 May 2004.

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

Done at Brussels, 1 December 2003.

For the Commission
Franz FISCHLER
Member of the Commission

ANNEX I

MINIMUM QUALITY REQUIREMENTS REFERRED TO IN ARTICLE 16

Products delivered for processing must:

1. be whole, of sound, genuine and merchantable quality and suitable for processing. Products affected by rot are excluded;
2. comply with the following minimum values:
 - (a) products for processing into juice

	Yield in juice	Degrees Brix ⁽¹⁾
Oranges	30 %	10°
Mandarins	23 %	9°
Clementines	25 %	10°
Grapefruit and pomelos	22 %	8°
Lemons	20 %	7°

⁽¹⁾ Refractometric method.

- (b) products for processing into segments

	Yield in juice	Degrees Brix ⁽¹⁾
Clementines	33 %	10°
Satsumas	33 %	10°

⁽¹⁾ Refractometric method.

For processing into segments, clementines and satsumas must be at least 45 mm in size.

ANNEX II

CORRELATION TABLE

Regulation (EC) No 1092/2001	This Regulation
Article 1	Article 1(1)
Article 2(1)	Article 2(1)
Article 2(2)	Article 2(2) and (3)
Article 2(3)	Article 2(4)
Article 3(1)	Article 4
Article 3(2)	Article 6(1)
Article 3(3)	Article 7(1)
Article 3(4)	Article 7(2) first subparagraph
Article 3(5)	Article 6(3)
Article 3(6)	Article 6(4)
Article 3(7)	Article 7(2) second subparagraph
Article 3(8)	Article 8
Article 4	Article 9
Article 5(1)	Article 10
Article 5(2)	Article 11(1)
Article 5(3)	Article 11(2)
Article 6(1)	Article 12(1) and (2) first subparagraph
Article 6(2)	Article 12(2) second subparagraph
Article 7(1)	Article 13
Article 7(2)	Article 14(1)
Article 7(3)	Article 14(2)
Article 8(1) to (5)	Article 15(1) to (5)
Article 8(6) first subparagraph	Article 3
Article 8(6) second subparagraph	Article 15(1) second subparagraph
Article 9	Article 16
Article 10(1)	Article 17(1)
Article 10(2)	Article 17(2) and 17(3)
Article 10(3)	Article 17(6)
Article 10(4)	Article 17(7)
Article 10(5)	Article 17(8)
Article 11	Article 18
Article 12(1)	Article 19(1)
Article 12(2)	Article 19(3)
Article 12(3)	Article 19(2)
Article 12(4)	Article 19(4)

Regulation (EC) No 1092/2001	This Regulation
Article 13(1)	Article 20
Article 13(2)	Article 21
Article 14	Article 22
Article 15	Article 23
Article 16	Article 24
Article 17	Article 25
Article 18	Article 26
Article 19	Article 27
Article 20(1) first subparagraph	Article 28(1)
Article 20(1) second subparagraph	Article 36(2)
Article 20(2)	Article 28(2)
Article 20(3)	Article 36(1)
Article 20(4)	Article 34 first subparagraph
Article 20(5)	Article 29
Article 20(6)	Article 30
Article 20(7)	Article 31
Article 20(8)	Article 33
Article 20(9)	Article 34 second subparagraph
Article 21(1)	Article 35(1)
Article 21(2)	Article 35(2)
Article 21(3)	Article 36(1)
Article 22(1)	Article 37
Article 22(2)	Article 38
Article 23	Article 39
Article 25	Article 41
Article 26	Article 42
Annex	Annex I

COMMISSION REGULATION (EC) No 2112/2003
of 1 December 2003
correcting Regulation (EC) No 1334/2003 amending the conditions for authorisation of a number
of additives in feedingstuffs belonging to the group trace elements
(Text with EEA relevance)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Directive 70/524/EEC of 23 November 1970 concerning additives in feedingstuffs ⁽¹⁾, as last amended by Council Regulation (EC) No 1756/2002 ⁽²⁾ and in particular Articles 3, 9d and 9e thereof,

Whereas:

- (1) The Annex to Commission Regulation (EC) No 1334/2003 ⁽³⁾ contains one clerical error which needs to be corrected.

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

HAS ADOPTED THIS REGULATION:

Article 1

The Annex to Regulation (EC) No 1334/2003 is amended as provided for in the Annex to this Regulation.

Article 2

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

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

Done at Brussels, 1 December 2003.

For the Commission
David BYRNE
Member of the Commission

⁽¹⁾ OJ L 270, 14.12.1970, p. 1.

⁽²⁾ OJ L 265, 3.10.2002, p. 1.

⁽³⁾ OJ L 187, 26.7.2003, p. 11.

ANNEX

The list of additives under the heading 'E1 Iron-Fe' is replaced by the following:

EC No	Element	Additive	Chemical formula and description	Maximum content of the element in mg/kg of the complete feedingstuff or in mg/day	Other provisions	End of period of authorisation
Trace elements						
E 1	Iron-Fe	Ferrous carbonate	FeCO ₃	Ovine: 500 (total) mg/kg of the complete feedingstuff Pet animals: 1 250 (total) mg/kg of the complete feedingstuff Pigs: — piglets up to one week before weaning: 250 mg/day — other pigs: 750 (total) mg/kg of the complete feedingstuff Other species: 750 (total) mg/kg of the complete feedingstuff		Without a time limit'
		Ferrous chloride, tetrahydrate	FeCl ₂ · 4H ₂ O			
		Ferric chloride, hexahydrate	FeCl ₃ · 6H ₂ O			
		Ferrous citrate, hexahydrate	Fe ₃ (C ₆ H ₅ O ₇) ₂ · 6H ₂ O			
		Ferrous fumarate	FeC ₄ H ₂ O ₄			
		Ferrous lactate, trihydrate	Fe(C ₃ H ₅ O ₃) ₂ · 3H ₂ O			
		Ferric oxide	Fe ₂ O ₃			
		Ferrous sulphate, monohydrate	FeSO ₄ H ₂ O			
		Ferrous sulphate, heptahydrate	FeSO ₄ · 7H ₂ O			
		Ferrous chelate of amino acids, hydrate	Fe(x) _{1,3} · nH ₂ O (x = anion of any amino acid derived from hydrolysed soya protein) Molecular weight not exceeding 1 500			

**COMMISSION REGULATION (EC) No 2113/2003
of 1 December 2003**

**fixing the minimum selling prices for beef put up for sale under the third invitation to tender
referred to in Regulation (EC) No 1853/2003**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 1254/1999 of 17 May 1999 on the common organisation of the market in beef and veal ⁽¹⁾, as last amended by Regulation (EC) No 1782/2003 ⁽²⁾, and in particular Article 28(2) thereof,

Whereas:

- (1) Tenders have been invited for certain quantities of beef fixed by Commission Regulation (EC) No 1853/2003 on periodical sales by tender of beef ⁽³⁾.
- (2) Pursuant to Article 9 of Commission Regulation (EEC) No 2173/79 of 4 October 1979 on detailed rules of application for the disposal of beef bought in by intervention agencies and repealing Regulation (EEC) No 216/69 ⁽⁴⁾, as last amended by Regulation (EC) No 2417/95 ⁽⁵⁾, the minimum selling prices for meat put up for

sale by tender should be fixed, taking into account tenders submitted.

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

HAS ADOPTED THIS REGULATION:

Article 1

The minimum selling prices for beef for the third invitation to tender held in accordance with Regulation (EC) No 1853/2003 for which the time limit for the submission of tenders was 24 November 2003 are as set out in the Annex hereto.

Article 2

This Regulation shall enter into force on 2 December 2003.

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

Done at Brussels, 1 December 2003.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ L 160, 26.6.1999, p. 21.

⁽²⁾ OJ L 270, 21.10.2003, p. 1.

⁽³⁾ OJ L 271, 22.10.2003, p. 15.

⁽⁴⁾ OJ L 251, 5.10.1979, p. 12.

⁽⁵⁾ OJ L 248, 14.10.1995, p. 39.

ANEXO — BILAG — ANHANG — ΠΑΡΑΡΤΗΜΑ — ANNEX — ANNEXE — ALLEGATO — BIJLAGE — ANEXO —
LIITE — BILAGA

Estado miembro	Productos	Precio mínimo Expresado en euros por tonelada
Medlemsstat	Produkter	Mindstepriser i EUR/t
Mitgliedstaat	Erzeugnisse	Mindestpreise Ausgedrückt in EUR/Tonne
Κράτος μέλος	Προϊόντα	Ελάχιστες πωλήσεις εκφραζόμενες σε ευρώ ανά τόνο
Member State	Products	Minimum prices Expressed in EUR per tonne
État membre	Produits	Prix minimaux Exprimés en euros par tonne
Stato membro	Prodotti	Prezzi minimi Espressi in euro per tonnellata
Lidstaat	Producten	Minimumprijzen Uitgedrukt in euro per ton
Estado-Membro	Produtos	Preço mínimo Expresso em euros por tonelada
Jäsenvaltio	Tuotteet	Vähimmäishinnat euroina tonnina kohden ilmaistuna
Medlemsstat	Produkter	Minimipriser i euro per ton

a) **Carne con hueso — Kød, ikke udbenet — Fleisch mit Knochen — Κρέατα με κόκαλα — Bone-in beef —
Viande avec os — Carni non disossate — Vlees met been — Carne com osso — Luullinen naudanliha — Kött
med ben**

DEUTSCHLAND	— Hinterviertel	—
ESPAÑA	— Cuartos delanteros	—
ITALIA	— Quarti posteriori	—
	— Quarti anteriori	—

b) **Carne deshuesada — Udbenet kød — Fleisch ohne Knochen — Κρέατα χωρίς κόκαλα — Boneless beef —
Viande désossée — Carni senza osso — Vlees zonder been — Carne desossada — Luuton naudanliha —
Benfritt kött**

DEUTSCHLAND	— Kugel (INT 12)	2 300
ESPAÑA	— Lomo de intervención (INT 17)	4 010
FRANCE	— Jarret arrière d'intervention (INT 11)	—
	— Tranche grasse d'intervention (INT 12)	—
	— Tranche d'intervention (INT 13)	—
	— Semelle d'intervention (INT 14)	—
	— Filet d'intervention (INT 15)	—
	— Rumsteak d'intervention (INT 16)	—
	— Faux-filet d'intervention (INT 17)	—
	— Flanchet d'intervention (INT 18)	—
	— Jarret avant d'intervention (INT 21)	—
	— Épaule d'intervention (INT 22)	—
	— Poitrine d'intervention (INT 23)	—
	— Avant d'intervention (INT 24)	—

**COMMISSION REGULATION (EC) No 2114/2003
of 1 December 2003**

**fixing the minimum selling prices for beef put up for sale under the first invitation to tender
referred to in Regulation (EC) No 2029/2003**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 1254/1999 of 17 May 1999 on the common organisation of the market in beef and veal ⁽¹⁾, as last amended by Regulation (EC) No 1782/2003 ⁽²⁾, and in particular Article 28(2) thereof,

Whereas:

- (1) Tenders have been invited for certain quantities of beef fixed by Commission Regulation (EC) No 2029/2003 on periodical sales by tender of beef ⁽³⁾.
- (2) Pursuant to Article 9 of Commission Regulation (EEC) No 2173/79 of 4 October 1979 on detailed rules of application for the disposal of beef bought in by intervention agencies and repealing Regulation (EEC) No 216/69 ⁽⁴⁾, as last amended by Regulation (EC) No 2417/95 ⁽⁵⁾, the minimum selling prices for meat put up for

sale by tender should be fixed, taking into account tenders submitted.

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

HAS ADOPTED THIS REGULATION:

Article 1

The minimum selling prices for beef for the first invitation to tender held in accordance with Regulation (EC) No 2029/2003 for which the time limit for the submission of tenders was 24 November 2003 are as set out in the Annex hereto.

Article 2

This Regulation shall enter into force on 2 December 2003.

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

Done at Brussels, 1 December 2003.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ L 160, 26.6.1999, p. 21.

⁽²⁾ OJ L 270, 21.10.2003, p. 1.

⁽³⁾ OJ L 309, 26.11.2003, p. 22.

⁽⁴⁾ OJ L 251, 5.10.1979, p. 12.

⁽⁵⁾ OJ L 248, 14.10.1995, p. 39.

ANEXO — BILAG — ANHANG — ΠΑΡΑΡΤΗΜΑ — ANNEX — ANNEXE — ALLEGATO — BIJLAGE — ANEXO —
LIITE — BILAGA

Estado miembro	Productos	Precio mínimo Expresado en euros por tonelada
Medlemsstat	Produkter	Mindstepriser i EUR/t
Mitgliedstaat	Erzeugnisse	Mindestpreise Ausgedrückt in EUR/Tonne
Κράτος μέλος	Προϊόντα	Ελάχιστες πωλήσεις εκφραζόμενες σε ευρώ ανά τόνο
Member State	Products	Minimum prices Expressed in EUR per tonne
État membre	Produits	Prix minimaux Exprimés en euros par tonne
Stato membro	Prodotti	Prezzi minimi Espressi in euro per tonnellata
Lidstaat	Producten	Minimumprijzen Uitgedrukt in euro per ton
Estado-Membro	Produtos	Preço mínimo Expresso em euros por tonelada
Jäsenvaltio	Tuotteet	Vähimmäishinnat euroina tonnina kohden ilmaistuna
Medlemsstat	Produkter	Minimipriser i euro per ton

a) **Carne con hueso — Kød, ikke udbenet — Fleisch mit Knochen — Κρέατα με κόκαλα — Bone-in beef —
Viande avec os — Carni non disossate — Vlees met been — Carne com osso — Luullinen naudanliha — Kött
med ben**

DEUTSCHLAND	— Hinterviertel	1 861
ESPAÑA	— Cuartos traseros	—

b) **Carne deshuesada — Udbenet kød — Fleisch ohne Knochen — Κρέατα χωρίς κόκαλα — Boneless beef —
Viande désossée — Carni senza osso — Vlees zonder been — Carne desossada — Luuton naudanliha —
Benfritt kött**

ESPAÑA	— Babilla de intervención (INT 12)	—
	— Falda del costillar de intervención (INT 18)	—
	— Entrecot de intervención (INT 19)	—

COMMISSION REGULATION (EC) No 2115/2003
of 1 December 2003
concerning applications for export licences for rice and broken rice with advance fixing of the refund

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 Commission Regulation (EC) No 411/2002 ⁽²⁾,

Having regard to Commission Regulation (EC) No 1342/2003 of 28 July 2003, laying down special detailed rules for the application of the system of import and export licences for cereals and rice ⁽³⁾, and in particular the second subparagraph of Article 8(3) thereof,

Whereas:

- (1) Article 8(3) of Regulation (EC) No 1342/2003 provides, where this paragraph is specifically referred to when an export refund is fixed, for an interval of three working days between the day of submission of applications and the granting of export licences with advance fixing of the refund and provides that the Commission is to fix a uniform percentage reduction in the quantities if applications for export licences exceed the quantities which may be exported. Commission Regulation (EC) No 2097/2003 ⁽⁴⁾ fixes refunds under the procedure provided for in the abovementioned paragraph for 4 000 tonnes for all the destinations 064 and 066 defined in the Annex to that Regulation.

- (2) For all the destinations 064 and 066, quantities applied for on 28 November 2003 are in excess of the available quantity. A percentage reduction should therefore be fixed for export licence applications submitted on 28 November 2003.
- (3) In view of its purpose, this Regulation should take effect from the day of its publication in the Official Journal,

HAS ADOPTED THIS REGULATION:

Article 1

For all the destinations 064 and 066 defined in the Annex to Regulation (EC) No 2097/2003, applications for export licences for rice and broken rice with advance fixing of the refund submitted under that Regulation on 28 November 2003 shall give rise to the issue of licences for the quantities applied for to which a percentage reduction of 2,72 % has been applied.

Article 2

For all the destinations 064 and 066 defined in the Annex to Regulation (EC) No 2097/2003, applications for export licences for rice and broken rice submitted from 29 November 2003 shall not give rise to the issue of export licences under that Regulation.

Article 3

This Regulation shall enter into force on 2 December 2003.

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

Done at Brussels, 1 December 2003.

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

⁽¹⁾ OJ L 329, 30.12.1995, p. 18.

⁽²⁾ OJ L 62, 5.3.2002, p. 27.

⁽³⁾ OJ L 189, 29.7.2003, p. 12.

⁽⁴⁾ OJ L 313, 28.11.2003, p. 57.