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- ★ **Commission Decision of 22 December 2003 authorising Member States temporarily to take emergency measures against the dissemination of *Pseudomonas solanacearum* (Smith) Smith as regards Egypt** (notified under document number C(2003) 4956)

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⁽¹⁾ Text with EEA relevance

I

(Acts whose publication is obligatory)

COMMISSION REGULATION (EC) No 3/2004
of 5 January 2004
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 6 January 2004.

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

Done at Brussels, 5 January 2004.

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 5 January 2004 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	90,5
	204	46,4
	999	68,5
0707 00 05	052	149,8
	999	149,8
0709 90 70	052	100,7
	204	33,4
	999	67,1
0805 10 10, 0805 10 30, 0805 10 50	204	57,9
	421	37,6
	999	47,8
0805 20 10	052	83,4
	204	58,6
	999	71,0
0805 20 30, 0805 20 50, 0805 20 70, 0805 20 90	052	77,7
	999	77,7
0805 50 10	052	75,3
	600	73,4
	999	74,4
0808 10 20, 0808 10 50, 0808 10 90	060	39,4
	400	96,8
	404	94,6
	720	67,1
	999	74,5
0808 20 50	052	92,6
	060	56,8
	064	63,6
	400	97,5
	999	77,6

⁽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 4/2004
of 23 December 2003**

**laying down detailed rules for the application of Council Regulation (EEC) No 4045/89 on scrutiny
by Member States of transactions forming part of the system of financing by the Guarantee
Section of the European Agricultural Guidance and Guarantee Fund**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

HAS ADOPTED THIS REGULATION:

Having regard to the Treaty establishing the European Community,

CHAPTER I

Having regard to Council Regulation (EEC) No 4045/89 of 21 December 1989 on scrutiny by Member States of transactions forming part of the system of financing by the Guarantee Section of the European Agricultural Guidance and Guarantee Fund and repealing Directive 77/435/EEC ⁽¹⁾, as last amended by Regulation (EC) No 2154/2002 ⁽²⁾, and in particular Article 19 thereof,

SUBJECT MATTER

Article 1

This Regulation lays down detailed rules for the application of Regulation (EEC) No 4045/89.

Whereas:

CHAPTER II

(1) In view of the deletion of the provisions of Regulation (EEC) No 4045/89 concerning the reimbursement by the Community of expenditure incurred by the Member States in the framework of the scrutinies provided for by that Regulation, the rules implementing those provisions in Commission Regulation (EEC) No 1863/90 of 29 June 1990 laying down detailed rules for the application of Council Regulation (EEC) No 4045/89 on scrutiny by Member States of transactions forming part of the system of financing by the Guarantee Section of the European Agricultural Guidance and Guarantee Fund and repealing Directive 77/435/EEC ⁽³⁾, as last amended by Regulation (EC) No 2278/96 ⁽⁴⁾, serve no further purpose.

APPLICATION FOR REDUCTION OF THE MINIMUM NUMBER OF SCRUTINIES

Article 2

The request for a reduction of the number of scrutinies referred to in the third subparagraph of Article 7(1) of Regulation (EEC) No 4045/89 shall contain detailed information as set out in Annex I to this Regulation.

Article 3

(2) It is further appropriate to lay down detailed rules concerning the procedure for the reduction of the minimum number of scrutinies as provided for in the third subparagraph of Article 7(1) of Regulation (EEC) No 4045/89 establishing a system of mutual assistance between Member States for the purpose of carrying out the scrutinies.

The decision to grant a reduction of the minimum number of scrutinies as provided for in the third subparagraph of Article 7(1) of Regulation (EEC) No 4045/89 shall be based on an assessment of the benefits in respect of the protection of the Communities' financial interests and shall take into account the following criteria:

(3) Regulation (EEC) No 4045/89 requires Member States to send to the Commission a number of communications. As the standardisation of the form and content of such communications facilitates their use and ensures a uniformity of approach, it is appropriate to adopt detailed rules as to their form and content.

(a) the risks identified;

(b) the approach adopted;

(4) Therefore, in view of the extent of the changes required and in the interest of clarity, Regulation (EEC) No 1863/90 should be replaced.

(c) the rate of completion of the minimum number of scrutinies for the previous three scrutiny periods and the number and rate of timely completion of mutual assistance requests for the previous three scrutiny periods;

(5) The measures provided for in this Regulation are in accordance with the opinion of the Committee for the European Agricultural Guidance and Guarantee Fund,

(d) the feasibility of the proposed approach and any particular scrutiny experience of the Member State(s) concerned with the approach or in the sector concerned;

(e) the extent to which scrutineers of one Member State may participate in the scrutinies under the joint exercise in the other Member State(s);

(f) the confirmation that the other Member State(s) participate, to the extent required, in the joint exercise, if that exercise is not included in the other Member State(s) programme handed in under Article 10(1) of Regulation (EEC) No 4045/89;

⁽¹⁾ OJ L 388, 30.12.1989, p. 18.

⁽²⁾ OJ L 328, 5.12.2002, p. 4.

⁽³⁾ OJ L 170, 3.7.1990, p. 23.

⁽⁴⁾ OJ L 308, 29.11.1996, p. 30.

- (g) the extent to which scrutiny in third countries is envisaged and considered feasible;
- (h) any other information considered necessary to support the request.

Article 4

The decision referred to in Article 3 shall fix the rate and number of the reduction on the minimum number of scrutinies required under Article 2(2) of Regulation (EEC) No 4045/89.

CHAPTER III

THE CONTENT OF DOCUMENTS

Article 5

1. The annual report referred to in Article 9(1) of Regulation (EEC) No 4045/89 shall include detailed information on each of the aspects of the application of Regulation (EEC) No 4045/89 listed in Annex II to this Regulation, set out in clearly identified sections under the headings referred to.
2. The annual programme of scrutinies referred to in Article 10 of Regulation (EEC) No 4045/89 shall be drawn up in accordance with the specimen form shown in Annex III to this Regulation.
3. The list of undertakings referred to in Article 7(2) of Regulation (EEC) No 4045/89 shall be drawn up in accordance with the specimen form shown in Annex IV to this Regulation.
4. The list of undertakings referred to in Article 7(3) of Regulation (EEC) No 4045/89 shall be drawn up in accordance with the specimen form shown in Annex V to this Regulation.
5. A request by a Member State for a priority inspection of an undertaking in another Member State, as referred to in Article 7(2) and (4) of Regulation (EEC) No 4045/89, shall be drawn up in accordance with the specimen form shown in Annex VI to this Regulation.
6. The information on the results of the scrutinies referred to in Article 7(2) and (4) of Regulation (EEC) No 4045/89 shall be drawn up in accordance with the specimen form shown in Annex VII to this Regulation.
7. The information on the requests and the results of the scrutinies referred to in Article 7(2) and (4) of Regulation (EEC) No 4045/89, to be communicated to the Commission in quarterly reports as provided for in the second subparagraph of Article 7(4) of that Regulation, shall be drawn up in accordance with the specimen form shown in Annex VIII to this Regulation.

Article 6

The information to be submitted under Article 5 may be communicated in paper form or in electronic form, in a format to be agreed between the sender and the recipient.

Transaction data under Article 7 of Regulation (EEC) No 4045/89 shall be communicated in electronic form in the format provided for in Annex II point 2 of Commission Regulation (EC) No 2390/1999 ⁽¹⁾.

CHAPTER IV

JOINT ACTIONS

Article 7

1. The Commission, acting on its own initiative or on the basis of a proposal by a Member State, and with the agreement of the Member States concerned, may decide to coordinate joint actions involving mutual assistance between two or more Member States, as provided for in Article 7(1) of Regulation (EEC) No 4045/89.

For its decision the Commission shall take into account the following points, in particular:

- (a) the level of risk involved;
- (b) the extent of operations, in particular the frequency of intra- and extra-Community trade, and their financial scale;
- (c) the need to achieve a uniform approach.

2. In agreement with the Member States concerned, a Member State shall be designated to be responsible for the management of the joint action.

However, each Member State shall remain responsible for carrying out the scrutinies required by Regulation (EEC) No 4045/89.

3. Each Member State concerned shall:

- (a) designate those persons or services responsible for carrying out the joint action on its behalf;
- (b) ensure that a sufficient number of adequately experienced officials is made available for the conduct of the joint action;
- (c) ensure that within set time limits the scrutiny is carried out and the report finalised and made available to all participating Member States and to the Commission.

CHAPTER V

FINAL RULES

Article 8

Regulation (EEC) No 1863/90 is repealed.

⁽¹⁾ OJ L 295, 16.11.1999, p. 1.

Article 9

This Regulation shall enter into force on the third day following that 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, 23 December 2003.

For the Commission
Franz FISCHLER
Member of the Commission

ANNEX I

Request for reduction of the minimum number of scrutinies

(Article 7(1) of Regulation (EEC) No 4045/89)

I. GENERAL DATA

- A Member State: Control service:
- B Partner Member States involved: Control service:
- C Coordinating Member State: Control service and contact person:
Contact person:
- D Specification by budget item and/or undertaking by Partner Member State involved and amount of receipts or payments or the sum thereof during the EAGGF-year.
- E Number of full-time-equivalent (FTE) weeks planned and envisaged start date for preparation, execution and reporting.
- F Number of scrutinies planned and executed and number of mutual assistance requests received and replied to within six months over the last three scrutiny periods.

II. PARTICULARS ON THE JOINT EXERCISE INCLUDING

- A Risk assessment (incl. macro or micro indicators for selecting sector and/or undertakings).
- B Envisaged scrutiny approach (company or sector focus, joint visits, mutual assistance requests, company focussed or up- and downstream checking, in depth scrutiny, macro approach, flash-visits etc.).
- C Particular experience with the approach or in the sector concerned.
- D Participation of scrutineers on-the-spot in other Member State Yes (*)/No.
(* If yes indicate MS and number scrutineers and total of foreseen FTE weeks.
- E Involvement of OLAF (please specify nature of agreed or envisaged involvement).
- F Joint exercise includes (possible) scrutiny requests to third countries Yes (*)/No.
(* If yes indicate country and indicate feasibility (legal base, previous experience etc.).
- G Any other information considered appropriate for the Commission to judge the request.

III. REQUESTED RATE AND NUMBER OF THE REDUCTION OF MINIMUM NUMBER OF SCRUTINIES CALCULATED UNDER ARTICLE 2(2) OF REGULATION (EEC) No 4045/89.

ANNEX II

Information to be contained in the annual report provided for in Article 9(1) of Regulation (EEC) No 4045/89**1. Administration of Regulation (EEC) No 4045/89**

Information shall be provided concerning the administration of Regulation (EEC) No 4045/89, including changes to the organisations responsible for controls and to the special department responsible for monitoring the application of that Regulation, as referred to in Article 11 thereof, and to the competences of those organisations.

2. Legislative changes

Information shall be provided regarding any national legislative changes relevant to the application of Regulation (EEC) No 4045/89 that have intervened since the previous annual report.

3. Amendments to the scrutiny programme

A description shall be provided of any amendments or modifications that were made to the scrutiny programme submitted to the Commission under Article 10(2) of Regulation (EEC) No 4045/89 since the date of submission of that programme.

4. Execution of the scrutiny programme covered by the present report

Information shall be provided on the execution of the programme of scrutinies for the period ending on 30 June preceding the closing date for submission of the report, as referred to in Article 9(1) of Regulation (EEC) No 4045/89, including the following points, both in total and broken down by control body (where more than one carries out controls under that Regulation):

- (a) the number of scrutinies carried out and the number of undertakings subject to these scrutinies;
- (b) the number of scrutinies still in the course of being carried out and the number of undertakings subject to these scrutinies;
- (c) the number of scrutinies planned for the period in question that were not carried out and the number of undertakings that were not subject to scrutiny as a result of the non-execution of these scrutinies;
- (d) the reasons why the scrutinies referred to in point (c) were not carried out;
- (e) the breakdown, by amounts received by or paid to, and by measure, of the scrutinies referred to in points (a), (b), and (c);
- (f) the results of the scrutinies referred to in point (a), including:
 - (i) the number of scrutinies for which irregularities were discovered, and the number of undertakings involved,
 - (ii) the nature of these irregularities,
 - (iii) the measure concerned where an irregularity was discovered,
 - (iv) the estimated financial consequence of each irregularity;
- (g) an indication of the average duration of scrutinies in person/days, indicating, where practicable, the time spent on planning, preparation, execution of controls, and reporting.

5. Execution of the scrutiny programmes preceding the one covered by the present programme

The report shall contain the results of the scrutinies carried out in respect of previous scrutiny periods, for which the results were not available at the time of the submission of the reports for those scrutiny periods, including:

- (a) the number of scrutinies through which irregularities were discovered, and the number of undertakings involved;
- (b) the nature of these irregularities;
- (c) the measure concerned where an irregularity was discovered;
- (d) the estimated financial consequence of each irregularity.

The results of the scrutinies pursuant to the third subparagraph of Article 7(1) of Regulation (EEC) No 4045/89 shall be presented as such.

6. Mutual assistance

Mutual assistance requests made and received under Article 7 of Regulation (EEC) No 4045/89 shall be communicated, including the results of scrutinies carried out as a matter of priority under Article 7(2) and (4) of that Regulation, and a summary of the lists both sent and received under Article 7(2) and (3) of that Regulation.

7. Resources

Details on the resources available for the carrying out of the scrutinies under Regulation (EEC) No 4045/89 shall be transmitted, including:

- (a) the number of staff, expressed in person/years, allocated to scrutinies under Regulation (EEC) No 4045/89, by control body, and, where appropriate, region;
- (b) training received by staff working on scrutinies under Regulation (EEC) No 4045/89, with an indication of the proportion of the staff referred to in point (a) who have received such training, and the nature of the training itself; and,
- (c) computer equipment and tools at the disposal of staff working on scrutinies under Regulation (EEC) No 4045/89.

8. Difficulties in applying Regulation (EEC) No 4045/89

Information shall be provided on any difficulties encountered in the application of the Regulation, and the measures taken to overcome them or proposals to this end.

9. Suggestions for improvement

Where appropriate, suggestions shall be made for the improvement, either of the application of Regulation (EEC) No 4045/89, or of that Regulation itself.

ANNEX III

SHEET A

PROPOSED SCRUTINY PROGRAMME FOR THE PERIOD ...

(Article 10 of Regulation (EEC) No 4045/89)

1. The criterion for calculation of the minimum number of undertakings required to be controlled = not less than half of the number of undertakings whose receipts or payments, or the sum thereof, amounted to more than EUR 1 50 000 for the EAGGF financial year
i.e. [] x 1/2 = []

2. For measures for which risk analysis has not been used as the main selection criterion:

The number of undertakings having received or made payments under the system of financing by the Guarantee Section of the EAGGF in the financial year was as follows::

A(1) Total number

Total number whose receipts or payments, or the sum thereof, were in the following categories

A(2) Exceeding EUR 350 000

A(3) EUR 350 000 or less, but not less than EUR 40 000

[]

[]

[]

The number of undertakings in each of the above categories which it is intended to scrutinise in are:

[]

[]

[]

3. Total number of undertakings proposed for scrutiny in

A(4) Total number

A(5) Total based upon risk analysis

A(6) < EUR 40 000

[]

[]

[]

Notes on boxes:

A(2) It is compulsory to scrutinise undertakings in this category which were not scrutinised in accordance with this Regulation during the two scrutiny periods preceding this scrutiny period, unless the payments that they received were under a measure or measures for which risk analysis techniques of selection have been adopted

A(6) Undertakings in this category are to be scrutinised only for specific reasons which are to be indicated in sheet D of this Annex.

SHEET C

PROPOSED SCRUTINY PROGRAMME FOR THE PERIOD ...

(Article 10 of Regulation (EEC) No 4045/89)

Criteria adopted in drawing up the programme in the area of export refunds and other sectors where risk analysis selection techniques have been adopted where these differ from those included in the proposals for risk analysis sent to the Commission under Article 2(2) of Regulation (EEC) No 4045/89

Sector where scrutiny is proposed (show EAGGF budget heading as set out in column B(1) of Sheet B of this Annex)	Comments on risk and selection criteria adopted (give brief details — e.g. detected irregularities or exceptional increase in expenditure)

SHEET D

PROPOSED SCRUTINY PROGRAMME FOR THE PERIOD ...

(Article 10 of Regulation (EEC) No 4045/89)

Proposed scrutinies, if any, of undertakings whose receipts or payments, or the sum thereof, were less than EUR 40 000 during the EAGGF financial year:.....

EAGGF budget heading (as set out in column B (1) of Sheet B)	Number of undertakings that it is proposed to scrutinise	Specific reason for scrutiny

SHEET E

PROPOSED SCRUTINY PROGRAMME FOR THE PERIOD ...

(Article 10 of Regulation (EEC) No 4045/89)

Control body (breakdown by region and office)	Number of controls planned	Aggregate number of control years allocated to controls under Regulation (EEC) No 4045/89 (Where controllers work only part-time on controls under Regulation (EEC) No 4045/89, only this fraction of their working year should be included)

ANNEX IV

List of undertakings established in a Member State other than that in which payment of the amount in question has or should have been made or received

(Article 7(1) and (2) of Regulation (EEC) No 4045/89)

Member State in which payment was made or received Date of dispatch of the list

Member State in which undertaking is established

(i) of undertaking in Member State where established	(1) Name and address to which payment made or from which payment received		(2) Nature of expenditure (show each payment separately by EAGGF budgetary line and type of payment)	(3) Amount (in national currency) per individual payment which during the EAGGF financial year was:		(4) Indicate whether inspection of the undertaking requested in accordance with Article 7(2) (see note A)
	(i) established	(ii) received		(i) paid to undertaking	(ii) paid by undertaking	

Notes:

- A. If so a specific request should be sent, using the specimen form set out in Annex VI, including all the information needed to enable the recipient to correctly identify the undertaking concerned.
 B. A copy of this list must be sent to the Commission.
 C. Where are no undertakings established in other Member States as far as your country is concerned, it is requested that this is communicated to all other Member States and to the Commission.
 D. If a request for inspection of an undertaking in accordance with Article 7(2) is made subsequent to the dispatch of this letter, a copy of the request, in accordance with Annex VI, should be sent to the Commission.

ANNEX V

List of undertakings established in third country for which payment of the amount in question has or should have been made or received in that Member State

(Article 7(3) of Regulation (EEC) No 4045/89)

Member State in which payment was made or received Date of dispatch of the list:

Third country in which undertaking is established

(i) Name and address of undertaking in third country where established	(ii) to which payment made or from which payment received	(2) Nature of expenditure (show each payment separately by EAGGF budgetary line and type of payment)	(3) Amount (in national currency) per individual payment which during the EAGGF financial year was:		(4) Additional comments (e.g. itemise any difficulties in control, suspicion of irregularity, analysis of risk, etc.)
			(i) paid to undertaking	(ii) paid by undertaking	

Note :
If there are no undertakings established in other third countries as far as your country is concerned, it is requested that this Annex should be returned to the Commission clearly indicating this to be the case.

ANNEX VI

Request for inspection under Article 7(2) or 7(4) of Regulation (EEC) No 4045/89*Items marked with an asterisk should be completed in all cases; other items should be completed where appropriate*

This request is based upon:	Article 7(2) Article 7(4)
-----------------------------	------------------------------

A	(*) 1. Requesting Member State (*) 2. Name of special department (*) 3. Address (*) 4. Telephone number 5. Fax number 6. Telex number 7. Responsible official 8. Name of control organisation responsible 9. Address 10. Telephone number 11. Fax number 12. Telex number 13. Responsible official
---	----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------

B	(*) 1. Requested Member State (*) 2. Organisation
---	------------------------------------------------------------------

C	(*) 1. Date of request (*) 2. Scrutiny programme
---	-----------------------------------------------------------------

D	(*) 1. Beneficiary data in requesting Member State — Name: — Address: — Reference number: (*) 2. Beneficiary data in requested Member State — Name: — Address: — Reference number:
---	-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------

E	For requests under Article 7(2) only Payment data (*) 1. Paying agency (*) 2. Payment reference number (*) 3. Payment type (*) 4. Amount (specific currency) (*) 5. Accounting date (*) 6. Payment date (*) 7. EAGGF budget code (chapter – article – post – line) (*) 8. Marketing year or period to which payment applies (*) 9. EU Regulation serving as legal base for payment
---	------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------

F	Transaction details 1. (Export) declaration or application number 2. Contract: — number — date — quantity — value 3. Invoice: — number — date — quantity — value 4. Date of acceptance of declaration 5. Authorising office 6. Certificate or licence number 7. Certificate or licence date
---	------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------

For storage schemes

- 8. Tender number
- 9. Tender date
- 10. Price per unit
- 11. Entry date
- 12. Exit date
- 13. Increase or reduction in quality

For export refunds

- 14. Claim number (if different from export declaration number)
- 15. Customs office of taking into customs control
- 16. Date of customs control
- 17. Prefinancing (code)
- 18. Export refund code (11 digits)
- 19. Destination code
- 20. Prefixed rate
 - in EUR
 - in national currency
- 21. Date of prefixation

G Risk Analysis

- (*) 1. Rating
 - high
 - medium
 - low
- (*) 2. Narrative justification for rating
(continue on separate sheet if necessary)
 -
 -
 -
 -
 -

H Scope and objective of control

- 1. Proposed scope
- 2. Objectives and their supporting technical details
(continue on separate sheet if necessary)
 -
 -

I (*) List of supporting documents supplied
(continue on separate sheet if necessary)

-
 -
-

ANNEX VII

Results of inspection under Article 7(2) or 7(4) of Regulation (EEC) No 4045/89*Scrutiny report following Mutual Assistance request Article 7 of Regulation (EEC) No 4045/89*

NB. The bold items are identical to those used in Annex VI

Identification**B.1. Requested Member State**

2. **Organisation**
3. Regional office
4. Name of the controller

A.1. Requesting Member State:

2. **Name of special department:**
8. **Name control organisation responsible:**
14. Enquiry number/report reference:

C.1. Date of mutual assistance request and reference number:

2. **Scrutiny programme:**
3. Date of reply and reference number:

D.1. Beneficiary data in requesting Member State

- **Name:**
- **Address:**
- **Reference number:**

2. Beneficiary data in requested Member State

- **Name:**
- **Address:**
- **Reference number:**

3. Other undertakings scrutinised:

- **Name:**
- **Address:**

H. Scope and objective of control:**I. List of supporting documents supplied:**

J. Result:

Proposed topics for the scrutiny report

1. Preparation/background/scope
 2. Description of undertaking/system of control
 3. Work done/Documents examined/Findings
 4. Conclusions
 5. Other observations/recommendations
-

ANNEX VIII

SHEET A

Quarterly report (as provided for in the first subparagraph of Article 7(4) of Regulation (EEC) No 4045/89) of (Member State) on requests for inspection for the first, second, third, fourth quarter 20 ..

NB. The bold items are identical to those used in Annex VI.

FOR EACH REQUEST ISSUED

Identification

- A.1. Requesting Member State:**
- 2. Name of special department:**
 - 8. Name control organisation responsible:**
 14. Enquiry number/report reference:
- B.1. Requested Member State**
- 2. Organisation:**
- C.1. Date of request and reference number:**
- 2. Scrutiny programme:**
 3. Date of reply and reference number:
- D.1 Beneficiary data in requesting Member State**
- **Name:**
 - **Address:**
 - **Reference number:**
- 2. Beneficiary data in requested Member State**
- **Name:**
 - **Address:**
 - **Reference number:**
- G. Risk Analysis**
- 1. Rating: high, medium or low**
 - 2. Narrative justification for rating:**
- H. Scope and objective of control:**

SHEET B

Quarterly report (as provided for in the second subparagraph of Article 7(4) of Regulation (EEC) No 4045/89) of (Member State) on the results of inspection for the first [], second [], third [], fourth [] quarter 20 ..

NB. The bold items are identical to those used in Annex VI.

FOR EACH REQUEST ISSUED

Identification

- B.1. Requested Member State:**
2. **Organisation:**
 3. Regional office:
 4. Name of the controller:
- A.1. Requesting Member State:**
2. **Name of special department:**
 8. **Name control organisation responsible:**
 14. Enquiry number/report reference
- C.1. Date of request and reference number:**
2. **Scrutiny programme:**
 3. Date of reply and reference number:
- D.1. Beneficiary data in requesting Member State**
- **Name:**
 - **Address:**
 - **Reference number:**
- 2. Beneficiary data in requested Member State**
- **Name:**
 - **Address:**
 - **Reference number:**
3. Other undertakings scrutinised:
 - Name :
 - Address:
- H. Scope and objective of control:**
- I. List of supporting documents supplied:**
- J. Result:
-

COMMISSION REGULATION (EC) No 5/2004
of 5 January 2004
fixing the import duties in the rice sector

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 1503/96 of 29 July 1996 laying down detailed rules for the application of Council Regulation (EC) No 3072/95 as regards import duties in the rice sector ⁽³⁾, as last amended by Regulation (EC) No 1298/2002 ⁽⁴⁾, and in particular Article 4(1) thereof,

Whereas:

- (1) Article 11 of Regulation (EC) No 3072/95 provides that the rates of duty in the Common Customs Tariff are to be charged on import of the products referred to in Article 1 of that Regulation. However, in the case of the products referred to in paragraph 2 of that Article, the import duty is to be equal to the intervention price valid for such products on importation and increased by a certain percentage according to whether it is husked or milled rice, minus the cif import price provided that duty does not exceed the rate of the Common Customs Tariff duties.
- (2) Pursuant to Article 12(3) of Regulation (EC) No 3072/95, the cif import prices are calculated on the basis of the representative prices for the product in question on the world market or on the Community import market for the product.
- (3) Regulation (EC) No 1503/96 lays down detailed rules for the application of Regulation (EC) No 3072/95 as regards import duties in the rice sector.

- (4) The import duties are applicable until new duties are fixed and enter into force. They also remain in force in cases where no quotation is available from the source referred to in Article 5 of Regulation (EC) No 1503/96 during the two weeks preceding the next periodical fixing.
- (5) In order to allow the import duty system to function normally, the market rates recorded during a reference period should be used for calculating the duties.
- (6) Application of the second subparagraph of Article 4(1) of Regulation (EC) No 1503/96 results in an adjustment of the import duties that have been fixed as from 15 May 2003 by Commission Regulation (EC) No 832/2003 ⁽⁵⁾ as set out in the Annexes to this Regulation,

HAS ADOPTED THIS REGULATION:

Article 1

The import duties in the rice sector referred to in Article 11(1) and (2) of Regulation (EC) No 3072/95 shall be adjusted in compliance with Article 4 of Regulation (EC) No 1503/96 and fixed in Annex I to this Regulation on the basis of the information given in Annex II.

Article 2

This Regulation shall enter into force on 6 January 2004.

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

Done at Brussels, 5 January 2004.

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, 30.7.1996, p. 71.

⁽⁴⁾ OJ L 189, 18.7.2002, p. 8.

⁽⁵⁾ OJ L 120, 15.5.2003, p. 15.

ANNEX I

Import duties on rice and broken rice

(EUR/t)

CN code	Duties ⁽⁵⁾				
	Third countries (except ACP and Bangla- desh) ⁽⁷⁾	ACP ⁽¹⁾ ⁽²⁾ ⁽³⁾	Bangladesh ⁽⁴⁾	Basmati India and Pakistan ⁽⁶⁾	Egypt ⁽⁸⁾
1006 10 21	(7)	69,51	101,16		158,25
1006 10 23	(7)	69,51	101,16		158,25
1006 10 25	(7)	69,51	101,16		158,25
1006 10 27	(7)	69,51	101,16		158,25
1006 10 92	(7)	69,51	101,16		158,25
1006 10 94	(7)	69,51	101,16		158,25
1006 10 96	(7)	69,51	101,16		158,25
1006 10 98	(7)	69,51	101,16		158,25
1006 20 11	199,56	65,51	95,44		149,67
1006 20 13	199,56	65,51	95,44		149,67
1006 20 15	199,56	65,51	95,44		149,67
1006 20 17	264,00	88,06	127,66	14,00	198,00
1006 20 92	199,56	65,51	95,44		149,67
1006 20 94	199,56	65,51	95,44		149,67
1006 20 96	199,56	65,51	95,44		149,67
1006 20 98	264,00	88,06	127,66	14,00	198,00
1006 30 21	367,75	116,32	168,97		275,81
1006 30 23	367,75	116,32	168,97		275,81
1006 30 25	367,75	116,32	168,97		275,81
1006 30 27	(7)	133,21	193,09		312,00
1006 30 42	367,75	116,32	168,97		275,81
1006 30 44	367,75	116,32	168,97		275,81
1006 30 46	367,75	116,32	168,97		275,81
1006 30 48	(7)	133,21	193,09		312,00
1006 30 61	367,75	116,32	168,97		275,81
1006 30 63	367,75	116,32	168,97		275,81
1006 30 65	367,75	116,32	168,97		275,81
1006 30 67	(7)	133,21	193,09		312,00
1006 30 92	367,75	116,32	168,97		275,81
1006 30 94	367,75	116,32	168,97		275,81
1006 30 96	367,75	116,32	168,97		275,81
1006 30 98	(7)	133,21	193,09		312,00
1006 40 00	(7)	41,18	(7)		96,00

⁽¹⁾ The duty on imports of rice originating in the ACP States is applicable, under the arrangements laid down in Council Regulation (EC) No 2286/2002 (OJ L 348, 21.12.2002, p. 5) and amended Commission Regulation (EC) No 638/2003 (OJ L 93, 10.4.2003, p. 3).

⁽²⁾ In accordance with Regulation (EC) No 1706/98, the duties are not applied to products originating in the African, Caribbean and Pacific States and imported directly into the overseas department of Réunion.

⁽³⁾ The import levy on rice entering the overseas department of Réunion is specified in Article 11(3) of Regulation (EC) No 3072/95.

⁽⁴⁾ The duty on imports of rice not including broken rice (CN code 1006 40 00), originating in Bangladesh is applicable under the arrangements laid down in Council Regulation (EEC) No 3491/90 (OJ L 337, 4.12.1990, p. 1) and amended Commission Regulation (EEC) No 862/91 (OJ L 88, 9.4.1991, p. 7).

⁽⁵⁾ No import duty applies to products originating in the OCT pursuant to Article 101(1) of amended Council Decision 91/482/EEC (OJ L 263, 19.9.1991, p. 1).

⁽⁶⁾ For husked rice of the Basmati variety originating in India and Pakistan, a reduction of EUR/t 250 applies (Article 4a of amended Regulation (EC) No 1503/96).

⁽⁷⁾ Duties fixed in the Common Customs Tariff.

⁽⁸⁾ The duty on imports of rice originating in and coming from Egypt is applicable under the arrangements laid down in Council Regulation (EC) No 2184/96 (OJ L 292, 15.11.1996, p. 1) and Commission Regulation (EC) No 196/97 (OJ L 31, 1.2.1997, p. 53).

ANNEX II

Calculation of import duties for rice

	Paddy	Indica rice		Japonica rice		Broken rice
		Husked	Milled	Husked	Milled	
1. Import duty (EUR/tonne)	(¹)	264,00	416,00	199,56	367,75	(¹)
2. Elements of calculation:						
(a) Arag cif price (EUR/tonne)	—	264,33	190,43	361,34	428,84	—
(b) fob price (EUR/tonne)	—	—	—	337,52	405,02	—
(c) Sea freight (EUR/tonne)	—	—	—	23,82	23,82	—
(d) Source	—	USDA and operators	USDA and operators	Operators	Operators	—

(¹) Duties fixed in the Common Customs Tariff.

COMMISSION REGULATION (EC) No 6/2004
of 5 January 2004

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 6 January 2004.

It shall apply from 7 to 20 January 2004.

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

Done at Brussels, 5 January 2004.

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 5 January 2004 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 7 to 20 January 2004

Community producer price	Uniflorous (bloom) carnations	Multiflorous (spray) carnations	Large-flowered roses	Small-flowered roses
	13,23	10,61	41,46	16,21
Community import prices	Uniflorous (bloom) carnations	Multiflorous (spray) carnations	Large-flowered roses	Small-flowered roses
Israel	11,00	—	18,96	11,71
Morocco	14,46	15,70	—	—
Cyprus	—	—	—	—
Jordan	—	—	—	—
West Bank and Gaza Strip	5,92	—	4,17	—

**COMMISSION REGULATION (EC) No 7/2004
of 5 January 2004**

**suspending the preferential customs duties and re-establishing the Common Customs Tariff duty
on imports of large-flowered roses 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, Jordan, Malta, Morocco and the West Bank and the Gaza Strip, respectively.
- (3) Commission Regulation (EC) No 6/2004 ⁽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 large-flowered roses 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 2004. 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 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 7 January 2004.

⁽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 24 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, 5 January 2004.

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

**COMMISSION REGULATION (EC) No 8/2004
of 5 January 2004**

**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 6/2004 ⁽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 2004. 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 7 January 2004.

⁽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 24 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, 5 January 2004.

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

**COMMISSION REGULATION (EC) No 9/2004
of 5 January 2004**

**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 209/2003 ⁽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 6/2004 ⁽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 2004. 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 7 January 2004.

⁽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 28, 4.2.2003, p. 30.

⁽⁵⁾ See page 24 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, 5 January 2004.

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

**COMMISSION REGULATION (EC) No 10/2004
of 5 January 2004**

**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 209/2003 ⁽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 6/2004 ⁽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 2004. 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 7 January 2004.

⁽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 28, 4.2.2003, p. 30.

⁽⁵⁾ See page 24 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, 5 January 2004.

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

**COMMISSION REGULATION (EC) No 11/2004
of 5 January 2004**

**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 209/2003 ⁽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 6/2004 ⁽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 2004. 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 7 January 2004.

⁽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 28, 4.2.2003, p. 30.

⁽⁵⁾ See page 24 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, 5 January 2004.

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

II

(Acts whose publication is not obligatory)

COMMISSION

COMMISSION RECOMMENDATION

of 18 December 2003

on standardised information on radioactive airborne and liquid discharges into the environment from nuclear power reactors and reprocessing plants in normal operation

(notified under document number C(2003) 4832)

(2004/2/Euratom)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Atomic Energy Community, and in particular Article 124 thereof,

Having consulted the group of persons appointed in accordance with Article 31 of the Treaty by the Scientific and Technical Committee,

Whereas:

- (1) Under Title II, Chapter 3, of the Euratom Treaty, Member States regularly report to the Commission on assessed levels of environmental radioactivity.
- (2) Article 35 of the Euratom Treaty requires each Member State to establish the facilities necessary to carry out continuous monitoring of the level of radioactivity in the air, water and soil and to ensure compliance with the basic standards.
- (3) Article 36 of the Euratom Treaty requires the appropriate authorities to periodically communicate to the Commission information on the environmental checks referred to in Article 35, so that it is kept informed on the level of radioactivity to which the public is exposed. The information on the checks referred to in Article 35 also concerns information on levels of radioactivity in discharges as this is necessary for the assessment of the environmental impact of such discharges. This aspect was not within the scope of Commission Recommendation 2000/473/Euratom of 8 June 2000 on the application of Article 36 of the Euratom Treaty concerning the monitoring of the levels of radioactivity in the environment for the purpose of assessing the exposure of the population as a whole⁽¹⁾. It is appropriate to define and specify such information.

- (4) Following Commission Recommendation 1999/829/Euratom of 6 December 1999 on the application of Article 37 of the Euratom Treaty⁽²⁾, Member States regularly communicate to the Commission a statement on radioactive liquid and airborne discharges into the environment from nuclear power reactors and reprocessing plants. However, Recommendation 1999/829/Euratom does not specify the content of the information to be provided in the statement. This Recommendation defines and specifies that information.
- (5) Article 45 of Council Directive 96/29/Euratom of 13 May 1996 laying down basic safety standards for the protection of the health of workers and the general public against the dangers of ionising radiation⁽³⁾ requires the competent authorities of Member States to ensure that estimates of doses to the population from practices subject to prior authorisation are made as realistic as possible; nuclide-specific information on radioactive discharges into the environment is needed for the assessment of such doses.
- (6) Standardised information on radionuclides discharged into the environment from nuclear power reactors and reprocessing plants during normal operation is needed to achieve comparable measurement results of radioactive discharges on a Community scale and to ensure that minimum standards for the analysis methods are met across the Community. For this purpose, for each category of radioactive discharges and each type of nuclear installation considered, it is appropriate to identify key nuclides to which requirements for detection limits should apply. These key nuclides should represent categories of radionuclides or a specific type of radiation, be significant in terms of radiological impact and be suitable measurement sensitivity indicators.
- (7) The Commission regularly publishes reports on annual radioactive effluents from nuclear power stations and nuclear fuel reprocessing plants in the European Com-

⁽¹⁾ OJ L 191, 27.7.2000, p. 37.

⁽²⁾ OJ L 324, 16.12.1999, p. 23.

⁽³⁾ OJ L 159, 29.6.1996, p. 1.

munity and on assessment of the radiological impact on the population of the European Union from European Union nuclear sites. The significance and transparency of the Commission's reports would be enhanced if they were based on standardised information.

- (8) It is important to ensure at this stage, as a first step towards harmonisation at Community level, the comparability of the information provided on levels of radioactivity in discharges from nuclear power reactors and nuclear fuel reprocessing plants in normal operation. Dismantling operations should not be covered by this Recommendation, as these are of a different nature and give rise to different types of waste,

HEREBY RECOMMENDS:

1. This Recommendation defines information selected for monitoring and reporting to the European Commission on radionuclides discharged or liable to be discharged from nuclear power reactors and reprocessing plants in normal operation.
2. For the purpose of this Recommendation, the following definition apply:
 - (a) 'normal operation': normal activities relating to the operation of a nuclear power reactor or reprocessing plant, including the decommissioning phase (shutdown and containment and surveillance operations), but not the dismantling phase;
 - (b) 'key nuclide': suitable measurement sensitivity indicator, selected for each radionuclide category;
 - (c) 'detection limit': smallest true value of the measurand that is detectable, with a given probability of error, by the measuring method;
 - (d) 'decision threshold': the fixed value of the decision quantity (random variable for the decision whether the physical effect to be measured is present or not) by which, when exceeded by the result of an actual measurement of a measurand quantifying a physical effect, it is decided that the physical effect is present.
3. For airborne and liquid discharges from nuclear power reactors and reprocessing plants, Member States should assess the discharged activity of all radionuclides considered in column 1 of Annex I.
4. In situations where measured values are below detection limits, for key nuclides identified in column 2 of Annex I, the detection limits achieved should not exceed the corresponding requirements defined in column 3 of Annex I.
5. In situations where a similar accuracy can be achieved by the calculation of discharges for specific radionuclides on the basis of operational data, or on the basis of measurement results for other radionuclides, such calculated discharge values may be used as a substitute for direct measurements.
6. The determination of detection limits, decision thresholds, and the expression of results should comply with international standard ISO/IS 11929-7. For practical reasons, even though technically the decision threshold is below half the detection limit actually achieved for a measurement, the decision threshold may conservatively be taken to be equal to one half of the detection limit.
7. Where measurement outcomes are below the decision threshold, these outcomes should conservatively be substituted by one half of the decision threshold. However, if repeated measurement outcomes in the period considered are all below the decision threshold, then it is reasonable to assume that the true value is zero, i.e. that the radionuclide is not present in the discharge.
8. Member States should report the following information on radioactive discharges to the Commission in the format of the compilation sheets outlined in Annex II:
 - (a) annual discharge values for each radionuclide listed in column 1 of Annex I for which there is at least one measurement outcome above the decision threshold in the period considered, or for which a calculated assessment has been made in the same period;
 - (b) for each key nuclide, the highest value of the detection limit that has been obtained among all the measurements for the period considered;
 - (c) estimates of radionuclide discharges based on calculation, as a substitute for measurement, when measurement is technically not feasible;
 - (d) as far as available, the chemical/physical form of tritium, carbon-14 and iodine discharges to the atmosphere;
 - (e) the time basis for the reported values, and where appropriate information on the summation method used, including the substitutes for values below decision threshold, which have been used in estimating summation results;
 - (f) the sampling method for the effluent streams.

The information referred to in (d), (e) and (f) should be provided in the commentaries. Estimated values as referred to in (c) should be identified as such in a commentary together with an indication of the method used and, where appropriate, any relevant detection limit

9. The period of reporting information on radioactive discharges should be one calendar year. Information on radioactive discharges should be submitted no later than 30 September of the following year.
10. This Recommendation is addressed to the Member States.

Done at Brussels, 18 December 2003.

For the Commission
Loyola DE PALACIO
Vice-President

ANNEX I

Standardised information on radionuclides discharged from nuclear power reactors and reprocessing plants during normal operation

A. Nuclear power reactors

A.1 Discharges to atmosphere

Category and list of radionuclides	Key nuclides	Requirement for the detection limit (in Bq/m ³)
<i>Noble gases</i>		
Ar-41		
Kr-85	Kr-85 ⁽¹⁾	1E - 04 ⁽²⁾
Kr-85m		
Kr-87		
Kr-88		
Kr-89		
Xe-131m		
Xe-133	Xe-133 ⁽³⁾	1E + 04
Xe-133m		
Xe-135		
Xe-135m		
Xe-137		
Xe-138		
Sulphur-35		
<i>Particulates (excluding iodines)</i>		
Cr-51		
Mn-54		
Co-58		
Fe-59		
Co-60	Co-60	1E - 02
Zn-65		
Sr-89		
Sr-90	Sr-90	2E - 02
Zr-95		
Nb-95		
Ag-110m		
Sb-122		
Sb-124		
Sb-125		
Cs-134		
Cs-137	Cs-137	3E - 02
Ba-140		
La-140		
Ce-141		
Ce-144		
Pu-238		

Category and list of radionuclides	Key nuclides	Requirement for the detection limit (in Bq/m ³)
Pu-239 + Pu-240	Pu-239 + Pu-240	5E - 03
Am-241	Am-241	5E - 03
Cm-242		
Cm-243		
Cm-244		
Total-alpha (*)	Total-alpha	1E - 02
<i>Iodines</i>		
I-131	I-131	2E - 02
I-132		
I-133		
I-135		
Tritium	H-3	1E + 03
Carbon-14	C-14	1E + 01

(¹) For LWR.

(²) Can normally be obtained by beta-measurement after decay of short-lived isotopes.

(³) For gas-cooled-type reactors.

(⁴) Total-alpha should only be reported if nuclide-specific information on alpha-emitters is not available.

A.2 Liquid discharges

Category and list of radionuclides	Key nuclides	Requirement for the detection limit (in Bq/m ³)
Tritium	H-3	1E + 05
<i>Other radionuclides (excluding H-3)</i>		
S-35	S-35 (²)	3E + 04
Cr-51		
Mn-54		
Fe-55		
Fe-59		
Co-58		
Co-60	Co-60	1E + 04
Ni-63		
Zn-65		
Sr-89		
Sr-90	Sr-90	1E + 03
Zr-95		
Nb-95		
Ru-103		
Ru-106		
Ag-110m		
Sb-122		
Te-123m		
Sb-124		
Sb-125		
I-131		

Category and list of radionuclides	Key nuclides	Requirement for the detection limit (in Bq/m ³)
Cs-134	Cs-137	1E + 04
Cs-137		
Ba-140		
La-140		
Ce-141		
Ce-144		
Pu-238	Pu-239 + Pu-240	6E + 03
Pu-239 + Pu-240		
Am-241	Am-241	5E + 01
Cm-242	Total-alpha	1E + 03
Cm-243		
Cm-244		
Total-alpha ⁽¹⁾		

⁽¹⁾ Total-alpha should only be reported if nuclide-specific information on alpha-emitters is not available.

⁽²⁾ For gas-cooled-type reactors.

B. Reprocessing plants

B.1 Discharges to atmosphere

Category and list of radionuclides	Key nuclides	Requirement for the detection limit (in Bq/m ³)
<i>Noble gases</i>		
Kr-85	Kr-85	1E + 04
<i>Beta/gamma-emitting particulates (excluding iodines)</i>		
Co-60	Co-60	3E – 02
Sr-90	Sr-90	2E – 02
Ru-106	Ru-106	3E – 02
Sb-125	Cs-137	3E – 02
Cs-134		
Cs-137		
Pu-241		
<i>Alpha-emitting particulates</i>		
Pu-238	Pu-239 + Pu-240	1E – 03
Pu-239 + Pu-240		
Am-241	Cm-242	1E – 03
Cm-242		
Cm-243		
Cm-244		
<i>Iodines</i>		
I-129	I-129	2E + 00
Tritium	H-3	1E + 03
Carbon-14	C-14	1E + 01

B.2 Liquid discharges ⁽¹⁾

Category and list of radionuclides	Key nuclides	Requirement for the detection limit (in Bq/m ³)
Tritium	H-3	1E + 05
<i>Beta/gamma-emitters (excluding H-3)</i>		
C-14		
S-35 ⁽¹⁾		
Mn-54		
Fe-55		
Co-57		
Co-58		
Co-60	Co-60	1E + 04
Ni-63		
Zn-65		
Sr-89		
Sr-90	Sr-90	1E + 03
Zr-95 + Nb-95		
Tc-99		
Ru-103		
Ru-106		
Ag-110m		
Sb-124		
Sb-125		
I-129	I-129	5E + 04
Cs-134		
Cs-137	Cs-137	1E + 04
Ce-144		
Pm-147		
Eu-152		
Eu-154		
Eu-155		
Pu-241		
<i>Alpha-emitters</i>		
Np-237		
Pu-238		
Pu-239 + Pu-240	Pu-239 + Pu-240	6E + 03
Am-241		
Cm-242	Cm-242	6E + 03
Cm-243		
Cm-244		
Uranium ⁽²⁾		

⁽¹⁾ Even though S-35 does not arise during reprocessing activities it is considered in the list, see previous footnote.

⁽²⁾ Uranium discharges can be reported in kg.

⁽¹⁾ Liquid effluents of reprocessing plants are normally treated together with liquids of other facilities on the same site.

ANNEX II

Compilation sheets for reporting radionuclides discharged from nuclear power reactors and reprocessing plants during normal operation

A.1.

Compilation sheet for reporting airborne discharges from nuclear power reactors			
Reactor site (name/type):		Period (year of discharge):	
Air volume released during the period (m ³):			
Category/Radionuclide	Highest value of detection limit actually achieved for key nuclides (Bq/m ³)	Activity discharged per year (Bq)	Commentary (1)
<i>Noble gases</i>			
Ar-41			
Kr-85		
Kr-85m			
Kr-87			
Kr-88			
Kr-89			
Xe-131m			
Xe-133		
Xe-133m			
Xe-135			
Xe-135m			
Xe-137			
Xe-138			
Sulphur-35 (2)		
<i>Particulates (excluding iodines)</i>			
Cr-51			
Mn-54			
Co-58			
Fe-59			
Co-60		
Zn-65			
Sr-89			
Sr-90		
Zr-95			
Nb-95			
Ag-110m			
Sb-122			
Sb-124			
Sb-125			
Cs-134			
Cs-137		
Ba-140			
La-140			
Ce-141			
Ce-144			
Pu-238			
Pu-239+Pu-240		
Am-241		
Cm-242			
Cm-243			
Cm-244			
Total-alpha (3)			

(1) In particular if radionuclide discharges have been estimated by calculation, or if substitutes for values below decision thresholds have been used within a summation procedure, or for information on the chemical/physical form of H-3, C-14 and iodines, or for information on the time basis and the sampling method.

(2) For gas-cooled-type reactors.

(3) Total-alpha should only be reported if nuclide-specific information on alpha-emitters is not available.

Category / Radionuclide	Highest value of detection limit actually achieved for key nuclides (Bq/m ³)	Activity discharged per year (Bq)	Commentary (1)
<i>Iodines</i>			
I-131		
I-132			
I-133			
I-135			
Tritium		
Carbon-14			

A.2.

Compilation sheet for reporting liquid discharges from nuclear power reactors

Reactor site (name/type):

Period (year of discharge):

Water volume released during the period (m³):

Category/Radionuclide	Highest value of detection limit actually achieved for key nuclides (Bq/ m ³)	Activity discharged per year (Bq)	Commentary (4)
<i>Tritium</i>			
<i>Other radionuclides (excluding H-3)</i>			
S-35 (5)		
Cr-51			
Mn-54			
Fe-55			
Fe-59			
Co-58			
Co-60		
Ni-63			
Zn-65			
Sr-89			
Sr-90		
Zr-95			
Nb-95			
Ru-103			
Ru-106			
Ag-110m			
Sb-122			
Te-123m			
Sb-124			
Sb-125			
I-131			
Cs-134			
Cs-137		
Ba-140			
La-140			
Ce-141			
Ce-144			
Pu-238			
Pu-239+Pu-240		
Am-241		
Cm-242			
Cm-243			
Cm-244			
Total-Alpha (6)			

(4) In particular if radionuclide discharges have been estimated by calculation, or if substitutes for values below decision thresholds have been used within a summation procedure, or for information on the chemical/physical form of H-3, C-14 and iodines, or for information on the time basis and the sampling method.

(5) For gas-cooled-type reactors.

(6) Total-alpha should only be reported if nuclide-specific information on alpha-emitters is not available.

B.1.

Compilation sheet for reporting airborne discharges from reprocessing plants

Site of reprocessing plant (name):

Period (year of discharge):

Air volume released during the period (m³):

Category/Radionuclide	Highest value of detection limit actually achieved for key nuclides (Bq/m ³)	Activity discharged per year (Bq)	Commentary (?)
<i>Noble gases</i> Kr-85		
<i>Beta/gamma-emitting particulates (excluding iodines)</i> Co-60 Sr-90 Ru-106 Sb-125 Cs-134 Cs-137 Pu-241		
<i>Alpha-emitting particulates</i> Pu-238 Pu-239+Pu240 Am-241 Cm-242 Cm-243 Cm-244		
<i>Iodines</i> I-129		
Tritium		
Carbon-14		

(?) In particular if radionuclide discharges have been estimated by calculation, or if substitutes for values below decision thresholds have been used within a summation procedure, or for information on the chemical/physical form of H-3, C-14 and iodines, or for information on the time basis and the sampling method.

B.2.

Compilation sheet for reporting liquid discharges from reprocessing plants

Site of reprocessing plant (name):

Period (year of discharge):

Water volume released during the period (m³):

Category / Radionuclide	Highest value of detection limit actually achieved for key nuclides (Bq/m ³)	Activity discharged per year ⁽⁸⁾ (Bq)	Commentary ⁽⁹⁾
Tritium			
Beta/gamma-emitters (excluding H-3)			
C-14			
S-35			
Mn-54		
Fe-55			
Co-57			
Co-58			
Co-60			
Ni-63			
Zn-65		
Sr-89		
Sr-90			
Zr-95+Nb-95			
Tc-99			
Ru-103			
Ru-106			
Ag-110m			
Sb-124			
Sb-125			
I-129			
Cs-134			
Cs-137			
Ce-144			
Pm-147			
Eu-152			
Eu-154			
Eu-155			
Pu-241			
<i>Alpha-emitters</i>			
Np-237			
Pu-238			
Pu-239+Pu-240		
Am-241			
Cm-242		
Cm-243			
Cm-244			
Uranium ⁽¹⁰⁾			

⁽⁸⁾ Liquid effluents of reprocessing plants are normally treated together with liquids of other facilities on the same site.

⁽⁹⁾ In particular if radionuclide discharges have been estimated by calculation, or if substitutes for values below decision thresholds have been used within a summation procedure, or for information on the chemical/physical form of H-3, C-14 and iodines, or for information on the time basis and the sampling method.

⁽¹⁰⁾ Uranium discharges can be reported in kg.

COMMISSION DECISION

of 19 December 2003

authorising, in respect of the marketing of seed potatoes in all or part of the territory of certain Member States, more stringent measures against certain diseases than are provided for in Annexes I and II to Council Directive 2002/56/EC*(notified under document number C(2003) 4833)***(Text with EEA relevance)**

(2004/3/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Directive 2002/56/EC of 13 June 2002 on the marketing of seed potatoes ⁽¹⁾, as last amended by Directive 2003/61/EC ⁽²⁾, and in particular Article 17(2) thereof,

Having regard to the requests made by Germany, Ireland, Portugal, Finland and the United Kingdom,

Whereas:

- (1) Commission Decision 93/231/EEC of 30 March 1993 authorising, in respect of the marketing of seed potatoes in all or part of the territory of certain Member States, more stringent measures against certain diseases than are provided for in Annexes I and II to Council Directive 66/403/EEC ⁽³⁾ has been substantially amended several times ⁽⁴⁾. In the interests of clarity and rationality the said Decision should be codified.
- (2) Directive 2002/56/EC laid down tolerances in respect of certain harmful organisms.
- (3) Directive 2002/56/EC still permits Member States to subject seed potatoes of their home production to conditions which are more rigorous.
- (4) Ireland for all its territory, Germany, Finland, and the United Kingdom in respect of certain parts of their territories and Portugal in relation to areas in the Azores above 300 metres in altitude, wish to avail themselves of the provisions of Directive 2002/56/EC in respect of certain organisms which appear particularly harmful to potato crops in those regions.

(5) The Commission, by its Directive 93/17/EEC ⁽⁵⁾, has determined Community grades of basic seed potatoes, together with the conditions and the designations applicable to such grades. The seed potatoes belonging to such grades should be considered suitable for marketing in the territories of Member States to be authorised pursuant to Article 17(2) of Directive 2002/56/EC.

(6) From a comparison of the measures taken in Ireland, for all of its territory, in Germany, Finland, and the United Kingdom, for certain parts of their territories, and in Portugal in relation to areas in the Azores above 300 metres in altitude in respect of their home production of seed potatoes and the Community EC grades of basic seed potatoes, it can be assumed that:

— 'EC grade 1' satisfies more stringent conditions,

— 'EC grade 2' is equivalent to home production intended for seed potatoes, and

— 'EC grade 3' is equivalent to home production intended for potato production.

(7) Ireland, for all its territory, Germany, Finland and, the United Kingdom, for certain parts of their territories, and Portugal in relation to areas in the Azores above 300 metres in altitude, should therefore be authorised to restrict the marketing of seed potatoes only to the Community's basic potato grades established by Directive 93/17/EEC.

(8) Such authorisation is in accordance with Member States' obligations under the common rules on plant health laid down by 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 ⁽⁶⁾, as last amended by Commission Directive 2003/47/EC ⁽⁷⁾.

(9) The measures provided for in this Decision are in accordance with the opinion of the Standing Committee on Seeds and Propagating Material for Agriculture, Horticulture and Forestry,

⁽¹⁾ OJ L 193, 20.7.2002, p. 60.

⁽²⁾ OJ L 165, 3.7.2003, p. 23.

⁽³⁾ OJ L 106, 30.4.1993, p. 11.

⁽⁴⁾ See Annex II.

⁽⁵⁾ OJ L 106, 30.4.1993, p. 7.

⁽⁶⁾ OJ L 169, 10.7.2000, p. 1.

⁽⁷⁾ OJ L 138, 5.6.2003, p. 47.

HAS ADOPTED THIS DECISION:

Article 1

The Member States listed in column 1 of Annex I are hereby authorised, in respect of the marketing of seed potatoes in the regions listed against their names in column 2 of Annex I, to restrict the marketing of seed potatoes to basic seed potatoes of the following Community grades determined by Directive 93/17/EEC:

- (a) for seed potato production to 'EC grade 1', or 'EC grade 2';
- (b) for potato production to 'EC grade 1', 'EC grade 2' or 'EC grade 3'.

Article 2

The Member States concerned shall set up a permanent system of regular surveys designed to ensure consistent compliance with the conditions governing authorisation and shall prepare reports. The Commission shall monitor that system.

Article 3

The authorisation pursuant to Article 1 shall be withdrawn as soon as it is established that the conditions thereof are no longer satisfied.

Article 4

Decision 93/231/EEC is repealed.

The references made to the said repealed Decision shall be construed as references to this Decision and shall be read in accordance with the correlation table in Annex III.

Article 5

This Decision is addressed to the Member States.

Done at Brussels, 19 December 2003.

For the Commission

The President

Romano PRODI

ANNEX I

Member State	Region
Germany	Bundesland Mecklenburg-Vorpommern — Gemeinde Groß Lüsewitz — Ortsteile Lindenhof und Pentz der Gemeinde Metschow — Gemeinden Böhlendorf, Breesen, Langsdorf sowie Ortsteil Grammwow der Gemeinde Grammwow — Gemeinden Hohenbrünzow, Hohenmocker, Ortsteil Ganschendorf der Gemeinde Sarow sowie Ortsteil Leistenow der Gemeinde Utzedel — Gemeinden Ranzin, Lüssow und Gribow — Gemeinde Pelsin
Ireland	Entire territory
Portugal	Azores (areas above 300 m altitude)
Finland	Municipalities of Liminka and Tyrnävä
United Kingdom	— Cumbria, Northumberland (England) — Northern Ireland — Scotland

ANNEX II

Repealed Decision and its successive amendments

Decision 93/231/EEC	OJ L 106, 30.4.1993, p. 11
Decision 95/21/EC	OJ L 28, 7.2.1995, p. 13
Decision 95/76/EC	OJ L 60, 18.3.1995, p. 31
Decision 96/332/EC	OJ L 127, 25.5.1996, p. 31
Decision 2003/242/EC	OJ L 89, 5.4.2003, p. 24

ANNEX III

Correlation table

Decision 93/231/EEC	This Decision
Article 1	Article 1
Article 2	Article 2
Article 3	Article 3
Article 4	—
—	Article 4
Article 5	Article 5
Annex	Annex I
—	Annex II
—	Annex III

COMMISSION DECISION

of 22 December 2003

authorising Member States temporarily to take emergency measures against the dissemination of *Pseudomonas solanacearum* (Smith) Smith as regards Egypt

(notified under document number C(2003) 4956)

(2004/4/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard 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⁽¹⁾, as last amended by Commission Directive 2003/47/EC⁽²⁾, and in particular Article 16(3) thereof,

Whereas:

- (1) Where a Member State considers that there is an imminent danger of the introduction into its territory of *Pseudomonas solanacearum* (Smith) Smith, the cause of brown rot, from a third country, it may temporarily take any additional measures necessary to protect itself from that danger.
- (2) In 1996, on the basis of continued interceptions of *Pseudomonas solanacearum* (Smith) Smith in potatoes originating in Egypt several Member States (France, Finland, Spain and Denmark) adopted measures to implement a ban on potatoes originating in Egypt, with a view to ensuring more efficient protection against the introduction of *Pseudomonas solanacearum* (Smith) Smith from Egypt into their respective territories.
- (3) The Commission responded by adopting Commission Decision 96/301/EC of 3 May 1996, authorising Member States temporarily to take additional measures against the dissemination of *Pseudomonas solanacearum* (Smith) Smith as regards Egypt⁽³⁾, as last amended by Decision 2002/903/EC⁽⁴⁾.
- (4) Decision 96/301/EC was strengthened by a series of amending decisions. The import into the Community of potatoes originating in Egypt was banned except where the potatoes originating in pest-free areas established in accordance with the FAO International standard for phytosanitary measures part 4: Pest surveillance — Requirements of the establishment of pest-free area.

- (5) During the 2002/03 import season, a number of interceptions of *Pseudomonas solanacearum* (Smith) Smith were recorded and Egypt itself decided to ban all exports of Egyptian potatoes to the Community as of 24 March 2003.
- (6) In the light of the above situation the Commission initiated a mission to Egypt which was carried out by a Member State's expert team in August 2003 to technically audit the existing control and monitoring system for the production and marketing of potatoes destined for export to the Community.
- (7) The results of the mission were assessed. The Commission considered it appropriate to introduce a more rigorous visual inspection of consignments of potatoes immediately prior to export at the port of dispatch in Egypt.
- (8) Furthermore, the Commission considered it appropriate, upon the notification of a suspect finding of *Pseudomonas solanacearum* (Smith) Smith, to redefine the pest-free area related to the said suspect notification, rather than banning the export of potatoes originating in the entire pest-free area related to the said suspect notification. Hence, the identification of 'area' should be modified and be based on, either a 'sector' or 'basin'.
- (9) In the light of the conclusions and recommendations of the audit report, it should be possible to permit, for the 2003/04 import season, the entry into the territory of the Community of tubers of *Solanum tuberosum* L. which originate in pest-free areas of Egypt approved in accordance with the said FAO International Standard.
- (10) In the interest of clarity and rationality, Decision 96/301/EC should therefore be repealed and replaced by this Decision.
- (11) The measures provided for in this Decision are in accordance with the opinion of the Standing Committee on Plant Health,

HAS ADOPTED THIS DECISION:

Article 1

The entry into the territory of the Community of tubers of *Solanum tuberosum* L. which originate in Egypt, other than those already prohibited under the provisions laid down in Annex III, part A, point 10 to Directive 2000/29/EC, shall be prohibited.

⁽¹⁾ OJ L 169, 10.7.2000, p. 1.⁽²⁾ OJ L 138, 5.6.2003, p. 47.⁽³⁾ OJ L 115, 9.5.1996, p. 47.⁽⁴⁾ OJ L 312, 15.11.2002, p. 28.

Article 2

1. By way of derogation from Article 1, for the import season 2003/2004 the entry into the territory of the Community of tubers of *Solanum tuberosum* L. which originate in Egypt shall be permitted from the 'pest-free areas' referred to in paragraph 2, provided that the measures applicable to tubers grown in these areas and laid down in the Annex to this Decision, are complied with.

2. The Commission shall establish whether 'pest-free areas' have been approved in Egypt for the import season 2003/04 in accordance with the 'FAO International Standard for Phytosanitary Measures Part 4: Pest Surveillance — Requirements for the Establishment of Pest-Free Areas', in particular point 2.3 thereof, and shall compile a 'list of approved pest-free areas', including identification details of the fields located in the above 'approved pest-free areas'. The Commission shall convey this list to the Committee and to the Member States.

Article 3

The provisions of Article 2 shall no longer apply as soon as the Commission has notified to the Member States that the sixth interception of *Pseudomonas solanacearum* (Smith) Smith has been confirmed in accordance with points 2 or 3 of the Annex to this Decision, in lots of potatoes introduced into the Community pursuant to this Decision during the 2003/04 import season, and that it has been found that interceptions indicate that the method for the identification of 'pest-free areas' in Egypt or the procedures for official monitoring in Egypt have not been sufficient to prevent the risk of introduction of *Pseudomonas solanacearum* (Smith) Smith into the Community.

Article 4

The importing Member States shall provide the Commission and the other Member States, before 30 August 2004, with information on the amounts imported pursuant to this Deci-

sion and with a detailed technical report on the official examination referred to in point 2 of the Annex; copies of each plant health certificate shall be transmitted to the Commission. In cases of notification of a suspect or confirmed finding as referred to in point 4 of the Annex copies of the plant health certificates and their attached documents shall be transmitted with the said notification.

Article 5

The Member States shall adjust the measures which they have adopted with a view to protecting themselves against the introduction and spread of *Pseudomonas solanacearum* (Smith) Smith in such a manner that the measures comply with Articles 1, 2 and 3.

Article 6

Decision 96/301/EC is repealed.

Article 7

This Decision shall be reviewed by 30 September 2004 at the latest.

Article 8

This Decision is addressed to the Member States.

Done at Brussels, 22 December 2003.

For the Commission

David BYRNE

Member of the Commission

ANNEX

For the purpose of the provisions of Article 2, the following emergency measures shall be complied with, in addition to the requirements for potatoes laid down in parts A and B of the Annexes I, II and IV to Directive 2000/29/EC, with the exception of those laid down in Annex IV, part A, section I, point 25.8:

1. (a) the potatoes destined for introduction into the Community shall have been produced in fields located in an approved 'pest-free area' in Egypt as established by the Commission in accordance with Article 2 of this Decision; in respect of any such approved areas and for the purpose of this Decision, the identification of 'area' shall be based on, either a 'sector' (administrative unit already established which covers a group of 'basins') or 'basin' (irrigation unit) and shall be identified by its individual official code number;
- (b) the potatoes specified under (a) shall have been, in Egypt:
 - (i) grown from potatoes, either directly of Community origin or once grown from such potatoes, produced in an approved 'pest-free area' as established under Article 2 of this Decision and which have been officially tested for latent infection, immediately prior to planting, in accordance with the Community test scheme as laid down in Council Directive 98/57/EC⁽¹⁾, and found free from *Pseudomonas solanacearum* (Smith) Smith in such testing;
 - (ii) officially inspected in the field during the growing season for symptoms of potato brown rot caused by *Pseudomonas solanacearum* (Smith) Smith and found free from such symptoms in these inspections and a sample taken of 500 tubers per five feddans (= 2,02 hectares) or 200 tubers per feddan (= 0,41 hectare) or part thereof for smaller fields of potatoes as close as possible to harvest for laboratory examination including an incubation test and visual inspection on cutting of the tubers for symptoms of potato brown rot caused by *Pseudomonas solanacearum* (Smith) Smith and found free from such symptoms in these inspections;
 - (iii) transported to packing stations officially approved by the Egyptian authorities to handle only potatoes eligible for export to the Community during the 2003/04 export season and on arrival at such an approved packing station,
 - accompanied by documents attached to each lorry load at the field of harvest stating the origin, by area as specified in (a), of the load. These documents shall be held at the packing station until after the completion of the export season,
 - officially inspected on samples of cut tubers for symptoms of potato brown rot caused by *Pseudomonas solanacearum* (Smith) Smith and found free from such symptoms in these inspections, at a sampling rate, for 70 kg sacks or equivalent, of 10 % of sacks of 40 tubers inspected per sack and, for 1 or 1,5 tonne sacks, at a sampling rate of 50 % of sacks and 40 tubers inspected per sack. The list of packing stations officially approved by the Egyptian authorities shall have been made available to the Commission prior to 1 January 2004;
 - (iv) after packing of sacks at the packing station, officially inspected on samples of tubers for symptoms of potato brown rot caused by *Pseudomonas solanacearum* (Smith) Smith and found free from such symptoms in these inspections, at a sampling rate of 2 % of sacks per consignment and 30 tubers inspected per sack;
 - (v) immediately prior to export to the Community inspected at the port of dispatch by cutting 200 tubers from each pest-free area in a consignment drawn from at least five bags per pest-free area;
 - (vi) officially tested for latent infection on samples taken from each consignment; during the export season at least one sample per basin or sector and represented in the consignment must be taken, but in any case at least five samples must be taken and submitted for laboratory analysis in accordance with the Community test scheme as laid down in Directive 98/57/EC, and found free from *Pseudomonas solanacearum* (Smith) Smith in such testing;
 - (vii) put on an official holding notice on further treatment in the process of preparation for their shipment to the Community from the relevant basin, if the inspections and/or testing as referred to in (ii), (iii), (iv), (v) and (vi) reveal suspected occurrence of *Pseudomonas solanacearum* (Smith) Smith, until the refutation of the suspected occurrence of *Pseudomonas solanacearum* (Smith) Smith. At the same moment of the imposition of the above holding notice a buffer zone shall be designated around the relevant basin related to the above

⁽¹⁾ OJ L 235, 21.8.1998, p. 1.

suspect finding, unless there is a natural physical barrier (e.g. the desert in the case of pivots). No potatoes shall be exported from the relevant buffer zone until the refutation of the suspected occurrence. The extent of the buffer zone shall take into account the risk of further spreading of *Pseudomonas solanacearum* (Smith) Smith from that approved pest-free area. Information on the identification of the above basin and its buffer zone by their individual official code numbers shall be made available immediately to the Commission, as well as the final results of the examination of the suspected occurrence;

- (viii) harvested, handled and bagged separately, including reasonably separate use of machinery, basin by basin, wherever possible, and in any case area by area as specified in (a);
 - (ix) prepared in lots, each of which shall be made up exclusively of potatoes which were harvested in one single area as specified in (a);
 - (x) clearly labelled on each bag, under the control of the competent Egyptian authorities, with an indelible indication of the relevant official code number as given in the list of 'approved pest-free areas' compiled under Article 2 of this Decision, and of the relevant lot number;
 - (xi) accompanied by the official phytosanitary certificate required under Article 13(1)(ii) of Directive 2000/29/EC indicating the lot number(s) under the section 'Distinguishing marks', and the official code number(s), as referred to in (x) under the section 'Additional declaration'; the lot number of the lot from which a sample has been taken for the purpose specified in (vi), as well as the official statement that the testing has been carried out, shall also be indicated in that section;
 - (xii) exported by an officially registered exporter, the name or trademark of which shall be indicated on each consignment. The list of officially registered exporters established by the competent Egyptian authorities shall have been made available to the Commission prior to 1 January 2004;
- (c) the points of entry authorised for the introduction of relevant potatoes and the name and address of the responsible official body in charge of each point shall have been notified by the Member States to the Commission, which will inform the other Member States and Egypt thereof;
- (d) the responsible official body in charge of the point of entry shall have been notified in advance of the likely time of arrival of consignments of potatoes as well as of the amount thereof;
2. At the point of entry, the potatoes shall be subjected to the inspections required pursuant to Article 13a(1)(b) of Directive 2000/29/EC, and such inspections, shall be done on cut tubers of samples of at least 200 tubers each, taken from each lot in a consignment, or if the lot exceeds 25 tonnes, from every 25 tonnes or part thereof in such a lot.

Each lot of the said consignment shall remain under official control and may not be marketed or used until it has been established that the presence of *Pseudomonas solanacearum* (Smith) Smith was not suspected or detected in those examinations. In addition, in cases where typical or suspect symptoms of *Pseudomonas solanacearum* (Smith) Smith are detected in a lot, all remaining lots in the said consignment and lots in other consignments which originate from the same area shall be held under official control until the presence of *Pseudomonas solanacearum* (Smith) Smith has been confirmed or refuted in the said lot.

If typical or suspect symptoms of *Pseudomonas solanacearum* (Smith) Smith are detected in the said examinations, the confirmation or refutation of *Pseudomonas solanacearum* (Smith) Smith shall be determined by testing in accordance with the said Community test scheme. If *Pseudomonas solanacearum* (Smith) Smith is confirmed the lot from which the sample has been taken shall be subjected to one of the following measures, either:

- (i) refusal or permission to send products to a destination outside the Community; or
- (ii) destruction,

and all remaining lots in the consignment from the same area shall be tested in accordance with point 3.

3. In addition to the inspections referred to in point 2, testing for latent infection in accordance with the said Community test scheme shall be done on samples taken from each area as specified in point 1(a); during the export season at least one sample from each sector or basin per area as referred to in paragraph 1a shall be taken at a rate of 200 tubers per sample from a single lot. The sample selected for latent infection shall also be subjected to an inspection of the cut tubers. For each sample tested and confirmed positive there should be retention and appropriate conservation of any remaining potato extract.

Each lot from which the samples have been taken shall remain under official control and may not be marketed or used until it has been established that the presence of *Pseudomonas solanacearum* (Smith) Smith was not confirmed in the said testing. If *Pseudomonas solanacearum* (Smith) Smith is confirmed the lot from which the sample has been taken shall be subjected to one of the following measures, either:

- (i) refusal or permission to send products to a destination outside the Community; or
- (ii) destruction.

4. In the case of both suspect and confirmed findings of *Pseudomonas solanacearum* (Smith) Smith the Member States shall notify the Commission and Egypt immediately thereof; the notification of a suspect finding shall be on the basis of a positive result in the rapid screening test(s) as specified in Annex II, section I, point 1 and section II or screening test(s) as specified in Annex II, section I, point 2 and section III of the said Community test scheme.
 5. The Commission shall ensure that it receives information of the details and the results of visual inspections referred to in points 1(b)(ii), (iii), (iv) and (v) and of the testing referred to in paragraph 1(b)(vi). The list of approved pest-free areas shall be adjusted by the Commission according to these results and to the findings made under points 2 and 3; in relation to a suspect notification made under point 4 the list of 'approved pest-free areas' shall be adjusted by means of the imposition of a holding notice on further exports to the Community of potatoes related to the above suspect notification originating in the basin in the relevant approved pest-free area until refutation of the suspect finding of *Pseudomonas solanacearum* (Smith) Smith.

On receipt of the notification made by the Commission of the above adjusted list of approved pest-free areas, a buffer zone shall be designated by the Egyptian authorities as referred to in point 1(b)(vii). Information on the identification of the above buffer zone by the individual official code number(s) shall be made available immediately to the Commission and the Member States. In absence of such information within three working days of the suspected occurrence, the Commission shall adjust the list of approved pest-free areas by excluding on any further exports for the remaining period of the import season 2003/04 from the entire sector in which the basin related to the above suspect notification is situated.
 6. Member States shall lay down appropriate labelling requirements, including the Egyptian origin, with the aim of preventing the potatoes from being planted and appropriate measures for the disposal of waste after packaging or processing of the potatoes to prevent any spread of *Pseudomonas solanacearum* (Smith) Smith as a result of possible latent infection.
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