

English edition

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I

(Acts whose publication is obligatory)

COMMISSION REGULATION (EC) No 1971/2003
of 10 November 2003
establishing the standard import values for determining the entry price of certain fruit and vegetables

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Commission Regulation (EC) No 3223/94 of 21 December 1994 on detailed rules for the application of the import arrangements for fruit and vegetables ⁽¹⁾, as last amended by Regulation (EC) No 1947/2002 ⁽²⁾, and in particular Article 4(1) thereof,

Whereas:

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

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

HAS ADOPTED THIS REGULATION:

Article 1

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

Article 2

This Regulation shall enter into force on 11 November 2003.

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

Done at Brussels, 10 November 2003.

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

⁽¹⁾ OJ L 337, 24.12.1994, p. 66.

⁽²⁾ OJ L 299, 1.11.2002, p. 17.

ANNEX

to the Commission Regulation of 10 November 2003 establishing the standard import values for determining the entry price of certain fruit and vegetables

(EUR/100 kg)

CN code	Third country code ⁽¹⁾	Standard import value
0702 00 00	052	55,0
	063	93,3
	096	47,8
	204	54,6
	999	62,7
0707 00 05	052	136,3
	220	139,2
	999	137,8
0709 90 70	052	120,2
	204	66,7
	999	93,5
0805 20 10	204	66,9
	512	116,3
	999	91,6
0805 20 30, 0805 20 50, 0805 20 70, 0805 20 90	052	82,9
	464	124,6
	504	97,5
	999	101,7
0805 50 10	052	86,2
	388	67,9
	524	80,9
	528	81,9
	600	88,6
	999	81,1
0806 10 10	052	110,8
	400	228,3
	508	222,8
	999	187,3
0808 10 20, 0808 10 50, 0808 10 90	060	38,7
	064	48,5
	388	67,7
	400	81,1
	404	80,1
	720	63,5
	800	148,1
	804	238,9
	999	95,8
	0808 20 50	052
060		51,4
064		59,9
400		71,1
720		52,4
	999	69,4

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

**COMMISSION REGULATION (EC) No 1972/2003
of 10 November 2003**

on transitional measures to be adopted in respect of trade in agricultural products on account of the accession of the Czech Republic, Estonia, Cyprus, Latvia, Lithuania, Hungary, Malta, Poland, Slovenia and Slovakia

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to the Treaty of Accession of the Czech Republic, Estonia, Cyprus, Latvia, Lithuania, Hungary, Malta, Poland, Slovenia and Slovakia, and in particular Article 2(3) thereof,

Having regard to the Act of Accession of the Czech Republic, Estonia, Cyprus, Latvia, Lithuania, Hungary, Malta, Poland, Slovenia and Slovakia, and in particular Article 41, first paragraph, thereof,

Whereas:

(1) Transitional measures should be adopted in order to avoid the risk of deflection of trade, affecting the common organisation of agricultural markets due to the accession of 10 new States to the European Union on 1 May 2004.

(2) In accordance with the rules set out in Commission Regulation (EC) No 800/1999 of 15 April 1999 laying down common detailed rules for the application of the system of export refunds on agricultural products⁽¹⁾, as last amended by Regulation (EC) No 500/2003⁽²⁾, products are not entitled to refund unless they have left the customs territory of the Community within 60 days of acceptance of the export declaration. The obligation to leave the customs territory of the Community within 60 days of acceptance of the export declaration is also a primary requirement for releasing the security linked to the licence under Commission Regulation (EC) No 1291/2000 of 9 June 2000 laying down common detailed rules for the application of the system of import and export licences and advance fixing certificates for agricultural products⁽³⁾, as last amended by Regulation (EC) No 325/2003⁽⁴⁾. Since the internal borders will be removed upon accession, products exported from the Community of Fifteen must have left the customs territory of the Community by 30 April 2004 at the latest in all cases, including where the export declaration has been accepted less than 60 days before the date of accession.

(3) Trade deflections liable to disrupt the market organisations often involve products moved artificially with a view to enlargement and do not form part of the normal stocks of the State concerned. Surplus stocks may also result from national production. Provisions should, therefore, be made for deterrent charges to be levied on surplus stocks in the new Member States.

(4) It is necessary to prevent goods in respect of which export refunds were paid before 1 May 2004 from benefiting from a second refund when exported to third countries after 30 April 2004.

(5) The measures provided for in this Regulation are necessary and appropriate and should be applied in uniform fashion.

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

HAS ADOPTED THIS REGULATION:

Article 1

Definitions

For the purposes of this Regulation:

- (a) 'Community of Fifteen' means the Community as constituted on 30 April 2004;
- (b) 'new Member States' means the Czech Republic, Estonia, Cyprus, Latvia, Lithuania, Hungary, Malta, Poland, Slovenia and Slovakia;
- (c) 'enlarged Community' means the Community as constituted on 1 May 2004;
- (d) 'products' means agricultural products and/or goods not included in Annex I of the EC Treaty;
- (e) 'production refund' means the refund granted pursuant to Article 7 of Council Regulation (EEC) No 1766/92⁽⁵⁾ or Article 7 of Council Regulation (EC) No 3072/95⁽⁶⁾ or Article 7 of Council Regulation (EC) No 1260/2001⁽⁷⁾.

⁽¹⁾ OJ L 102, 17.4.1999, p. 11.

⁽²⁾ OJ L 74, 20.3.2003, p. 19.

⁽³⁾ OJ L 152, 24.6.2000, p. 1.

⁽⁴⁾ OJ L 47, 21.2.2003, p. 21.

⁽⁵⁾ OJ L 181, 1.7.1992, p. 21.

⁽⁶⁾ OJ L 329, 30.12.1995, p. 18.

⁽⁷⁾ OJ L 178, 30.6.2001, p. 1.

Article 2

Exports from the Community of Fifteen

Where, for the products intended for export from the Community of Fifteen to one of the new Member States for which an export declaration has been accepted by 30 April 2004 at the latest, the conditions set out in Article 3 of Regulation (EC) No 800/1999 have not been complied with by that date, the beneficiary shall reimburse any refund received in accordance with Article 52 of that Regulation.

Article 3

Suspensive regime

1. This Article shall apply by way of derogation from Annex IV, Chapter 5, to the Act of Accession and from Articles 20 and 214 of Council Regulation (EEC) No 2913/92 of 12 October 1992 establishing the Community Customs Code ⁽¹⁾.

2. Products listed in Article 4(5), which before 1 May 2004 have been in free circulation in the Community of Fifteen or in a new Member State and on 1 May 2004 are in temporary storage or under one of the customs treatments or procedures referred to in Article 4(15)(b) and (16)(b) to (g) of Regulation (EEC) No 2913/92 in the enlarged Community, or which are in transport after having been the subject of export formalities within the enlarged Community shall be charged with the *erga omnes* import duty rate applicable on the date of release for free circulation.

The first subparagraph shall not apply to products exported from the Community of Fifteen if the importer gives evidence that no export refund has been sought for the products of the country of export. Upon the importer's request, the exporter shall arrange to obtain an endorsement by the competent authority on the export declaration that an export refund has not been sought for the products of the country of export.

3. Products listed in Article 4(5) coming from third countries which are under inward processing referred to in Article 4(16)(d) or temporary admission referred to in Article 4(16)(f) of Regulation (EEC) No 2913/92 in a new Member State on 1 May 2004 and which are released for free circulation on or after that date, shall be charged with the import duty applicable on the date of release for free circulation to products coming from third countries.

Article 4

Charges on goods in free circulation

1. Without prejudice to Annex IV, Chapter 4, to the Act of Accession, and where stricter legislation does not apply at national level, the new Member States shall levy charges on holders of surplus stocks at 1 May 2004 of products in free circulation.

2. In order to determine the surplus stock of each holder, the new Member States shall take into account, in particular:

- (a) averages of stocks available in the years preceding accession;
- (b) the pattern of trade in the years preceding accession;
- (c) the circumstances in which stocks were built up.

The notion surplus stocks applies to products imported into the new Member States or originating from the new Member States. The notion surplus stocks applies also to products intended for the market of the new Member States.

The recording of the stocks shall be performed on the basis of the Combined Nomenclature applicable on 1 May 2004.

3. The amount of the charge referred to in paragraph 1 shall be determined by the *erga omnes* import duty rate applicable on 1 May 2004. The revenue of the charge collected by national authorities shall be assigned to the national budget of the new Member State.

4. In order to ensure that the charge referred to in paragraph 1 is correctly applied, the new Member States shall, without delay, carry out an inventory of stocks available as at 1 May 2004. For this purpose the new Member State shall notify the Commission of the quantity of products in surplus stocks, except of those quantities in public stocks as referred to in Article 5, by 31 July 2004 at the latest.

5. This Article shall apply to products covered by the following CN codes:

— in the case of Cyprus:

0204 43 10, 0206 29 91, 0408 11 80, 1602 32 11, 0402 10, 0402 21, 0405 10, 0405 20 10, 0405 20 30, 0405 90, 0406, 0703 20 00, 0711 51 00, 1001, 1002, 1003, 1004, 1005, 1006 10, 1006 20, 1006 30, 1006 40, 1007, 1008, 1101, 1102, 1103, 1104, 1107, 1108, 1509, 1510, 1517, 1702 30 ⁽²⁾, 1702 40 ⁽³⁾, 1702 90 ⁽⁴⁾, 1901 90 99, 2003 10 20, 2003 10 30, 2106 90 98 ⁽⁵⁾,

— in the case of the Czech Republic:

0201 30 00, 0202 30 90, 0206 29 91, 0203 11 10, 0203 21 10, 0207 14 10, 0207 14 60, 0207 14 70, 0207 27 10, 0408 11 80, 0408 91 80, 1602 32 11, 0402 10, 0402 21, 0405 10, 0405 20 10, 0405 20 30, 0405 90, 0406, 0703 20 00, 0711 51 00, 1001, 1002, 1003, 1004, 1005, 1006 10, 1006 20, 1006 30, 1006 40, 1007, 1008, 1101, 1102, 1103, 1104, 1107, 1108, 1509, 1510, 1517, 1702 30 ⁽²⁾, 1702 40 ⁽³⁾, 1702 90 ⁽⁴⁾, 1806 20, 1901 90 99, 2003 10 20, 2003 10 30, 2008 20, 2009 11, 2009 12, 2009 19, 2009 40, 2106 90 98 ⁽⁵⁾,

⁽²⁾ Except of 1702 30 10.

⁽³⁾ Except of 1702 40 10.

⁽⁴⁾ Limited to 1702 90 10, 1702 90 50, 1702 90 75, 1702 90 79.

⁽⁵⁾ Only for goods with a milk content of more than 40 %.

⁽¹⁾ OJ L 302, 19.10.1992, p. 1.

— in the case of Estonia:

0201 30 00, 0202 30 90, 0204 30 00, 0204 43 10, 0206 29 91, 0203 11 10, 0203 21 10, 0207 14 10, 0207 14 50, 0207 14 60, 0207 14 70, 0207 27 10, 0402 10, 0402 21, 0405 10, 0405 20 10, 0405 20 30, 0405 90, 0406, 0703 20 00, 0711 51 00, 1001, 1002, 1003, 1004, 1005, 1006 10, 1006 20, 1006 30, 1006 40, 1007, 1008, 1101, 1102, 1103, 1104, 1107, 1108, 1509, 1510, 1517, 1702 30 ⁽¹⁾, 1702 40 ⁽²⁾, 1702 90 ⁽³⁾, 1806 20, 1901 90 99, 2003 10 20, 2003 10 30, 2009 11, 2009 12, 2009 19, 2009 40, 2009 71, 2009 79, 2106 90 98 ⁽⁴⁾,

— in the case of Hungary:

0201 30 00, 0202 30 90, 0204 30 00, 0204 43 10, 0206 29 91, 0203 11 10, 0203 21 10, 0207 14 10, 0207 14 60, 0207 14 70, 0402 10, 0402 21, 0405 10, 0405 90, 0406, 0703 20 00, 0711 51 00, 1001, 1002, 1003, 1004, 1005, 1006 10, 1006 20, 1006 30, 1006 40, 1007, 1008, 1101, 1102 10, 1102 20, 1103, 1104, 1107, 1108, 1509, 1510, 1517, 1702 30 ⁽¹⁾, 1702 40 ⁽²⁾, 1702 90 ⁽³⁾, 1806 20, 2003 10 20, 2003 10 30, 2106 90 98 ⁽⁴⁾,

— in the case of Latvia:

0201 30 00, 0202 30 90, 0204 30 00, 0204 43 10, 0206 29 91, 0207 12 90, 0207 14 10, 0207 14 60, 0207 14 70, 0207 27 10, 0408 11 80, 0408 91 80, 0402 10, 0402 21, 0405 10, 0405 90, 0406, 0703 20 00, 0711 51 00, 1001, 1002, 1003, 1004, 1005, 1006 10, 1006 20, 1006 30, 1006 40, 1007, 1008, 1101, 1102, 1103, 1104, 1107, 1108, 1509, 1510, 1517, 1702 30 ⁽¹⁾, 1702 40 ⁽²⁾, 1702 90 ⁽³⁾, 1806 20, 1901 90 99, 2003 10 20, 2003 10 30, 2009 11, 2009 19, 2106 90 98 ⁽⁴⁾,

— in the case of Lithuania:

0201 30 00, 0202 30 90, 0204 30 00, 0204 43 10, 0206 29 91, 0203 11 10, 0203 21 10, 0207 14 10, 0207 14 60, 0207 14 70, 0207 27 10, 0402 10, 0402 21, 0405 10, 0405 90, 0406, 0703 20 00, 0711 51 00, 1001, 1002, 1003, 1004, 1005, 1006 10, 1006 20, 1006 30, 1006 40, 1007, 1008, 1101, 1102, 1103, 1104, 1107, 1108, 1509, 1510, 1517, 1702 30 ⁽¹⁾, 1702 40 ⁽²⁾, 1702 90 ⁽³⁾, 1901 90 99, 2002 90, 2003 10 20, 2003 10 30, 2008 20, 2009 11, 2009 12, 2009 19, 2009 40, 2106 90 98 ⁽⁴⁾,

— in the case of Malta:

0202 30 90, 0204 30 00, 0204 43 10, 0408 11 80, 0408 91 80, 0206 29 91, 0402 10, 0402 21, 0405 10, 0405 20 10, 0405 20 30, 0405 90, 0406, 0703 20 00, 0711 51 00, 1001, 1002, 1003, 1004, 1005, 1006 10, 1006 20, 1006 30, 1006 40, 1007, 1008, 1101, 1102, 1103, 1104, 1107, 1108, 1509, 1510, 1517, 1702 30 ⁽¹⁾, 1702 40 ⁽²⁾, 1702 90 ⁽³⁾, 1806 20, 2003 10 20, 2003 10 30, 2106 90 98 ⁽⁴⁾,

— in the case of Poland:

0201 30 00, 0202 30 90, 0203 11 10, 0203 21 10, 0204 30 00, 0204 43 10, 0206 29 91, 0402 10, 0402 21, 0405 10, 0405 90, 0406, 0703 20 00, 0711 51 00, 1001, 1002, 1003, 1004, 1005, 1006 10, 1006 20, 1006 30, 1006 40, 1007, 1008, 1101, 1102, 1103, 1104, 1107, 1108, 1509, 1510, 1517, 1702 30 ⁽¹⁾, 1702 40 ⁽²⁾, 1702 90 ⁽³⁾, 2003 10 20, 2003 10 30, 2008 20,

— in the case of Slovakia:

0201 30 00, 0202 30 90, 0206 29 91, 0203 11 10, 0203 21 10, 0207 14 10, 0207 14 60, 0207 14 70, 0207 27 10, 0408 11 80, 0408 91 80, 1602 32 11, 0402 10, 0402 21, 0405 10, 0405 20 10, 0405 20 30, 0405 90, 0406, 0703 20 00, 0711 51 00, 1001, 1002, 1003, 1004, 1005, 1006 10, 1006 20, 1006 30, 1006 40, 1007, 1008, 1101, 1102, 1103, 1104, 1107, 1108, 1509, 1510, 1517, 1702 30 ⁽¹⁾, 1702 40 ⁽²⁾, 1702 90 ⁽³⁾, 1806 20, 1901 90 99, 2003 10 20, 2003 10 30, 2008 20, 2009 11, 2009 12, 2009 19, 2009 40, 2106 90 98 ⁽⁴⁾,

— in the case of Slovenia:

0201 30 00, 0202 30 90, 0204 30 00, 0204 43 10, 0206 29 91, 0203 11 10, 0203 21 10, 0207 12 10, 0207 12 90, 0207 14 10, 0207 14 60, 0207 14 70, 0408 11 80, 0408 91 80, 1602 32 11, 0402 10, 0402 21, 0405 10, 0405 20 10, 0405 20 30, 0405 90, 0406, 0703 20 00, 0711 51 00, 1001, 1002, 1003, 1004, 1005, 1006 10, 1006 20, 1006 30, 1006 40, 1007, 1008, 1101, 1102, 1103, 1104, 1107, 1108, 1509, 1510, 1517, 1702 30 ⁽¹⁾, 1702 40 ⁽²⁾, 1702 90 ⁽³⁾, 2003 10 20, 2003 10 30, 2008 20, 2009 11, 2009 12, 2009 19, 2009 40, 2106 90 98 ⁽⁴⁾.

Where a CN code covers products for which the import duty in paragraph 3 is not the same, the inventory of stocks as referred to in paragraph 4 shall be made for each product or group of products subject to a different import duty.

6. The Commission may add products to the list or remove products from the list set out in paragraph 5.

Article 5

Census of public stocks

By 31 July 2004 at the latest, each new Member State shall communicate the list and the quantities of goods which are in public stocks in that Member State as referred to in Annex IV, Chapter 4 of the Act of Accession.

Article 6

National security stocks

The stocks as referred to in Article 4(4) and Article 5 shall not include national security stocks which may possibly have been constituted by the new Member States. The latter shall inform the Commission of all changes made to national security stocks together with the conditions governing the changes for the purposes of establishing the Community supply balance.

⁽¹⁾ Except of 1702 30 10.

⁽²⁾ Except of 1702 40 10.

⁽³⁾ Limited to 1702 90 10, 1702 90 50, 1702 90 75, 1702 90 79.

⁽⁴⁾ Only for goods with a milk content of more than 40 %.

*Article 7***Measures in the event of non-payment of charges**

If any Member State suspects that the charges provided for in Articles 3 and 4 have not been paid in respect of a product, it shall inform the Member State concerned so as to enable it to take appropriate measures.

*Article 8***Proof of non-payment of refunds/production refund**

Products for which the declaration of export to third countries is accepted by the new Member States during the period from 1 May 2004 to 30 April 2005 may qualify for an export refund or for a refund under one of the procedures referred to in Articles 4 and 5 of Council Regulation (EEC) No 565/80 ⁽¹⁾ provided that it is established that no export refund has already been paid in respect of those products or their constituents.

*Article 9***No double payment of refunds**

No product shall be eligible for more than one export refund. Any product which attracted an export refund shall not be eligible for a production refund when used in the manufacturing of products referred to in Annex I to Commission Regulation (EC) No 1722/93 ⁽²⁾ or in Annex I to Regulation (EC) No 1265/2001 ⁽³⁾.

*Article 10***Entry into force**

This Regulation shall enter into force subject to and on the date of the entry into force of the Treaty of Accession of the Czech Republic, Estonia, Cyprus, Latvia, Lithuania, Hungary, Malta, Poland, Slovenia and Slovakia in the European Union.

It shall apply until 30 April 2007.

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

Done at Brussels, 10 November 2003.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ L 62, 7.3.1980, p. 5.

⁽²⁾ OJ L 159, 1.7.1993, p. 112.

⁽³⁾ OJ L 178, 30.6.2001, p. 63.

COMMISSION REGULATION (EC) No 1973/2003
of 10 November 2003
on the issue of import licences for high-quality fresh, chilled or frozen beef and veal

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Commission Regulation (EC) No 936/97 of 27 May 1997 opening and providing for the administration of tariff quotas for high-quality fresh, chilled and frozen beef and for frozen buffalo meat ⁽¹⁾, as last amended by Regulation (EC) No 649/2003 ⁽²⁾,

Whereas:

- (1) Regulation (EC) No 936/97 provides in Articles 4 and 5 the conditions for applications and for the issue of import licences for meat referred to in Article 2(f).
- (2) Article 2(f) of Regulation (EC) No 936/97 fixes the amount of high-quality fresh, chilled or frozen beef and veal originating in and imported from the United States of America and Canada which may be imported on special terms for the period 1 July 2003 to 30 June 2004 at 11 500 t.

- (3) It should be recalled that licences issued pursuant to this Regulation will, throughout the period of validity, be open for use only in so far as provisions on health protection in force permit,

HAS ADOPTED THIS REGULATION:

Article 1

1. All applications for import licences from 1 to 5 November 2003 for high-quality fresh, chilled or frozen beef and veal as referred to in Article 2(f) of Regulation (EC) No 936/97 shall be granted in full.

2. Applications for licences may be submitted, in accordance with Article 5 of Regulation (EC) No 936/97, during the first five days of December 2003 for 5 170,800 t.

Article 2

This Regulation shall enter into force on 11 November 2003.

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

Done at Brussels, 10 November 2003.

For the Commission

J. M. SILVA RODRÍGUEZ

Agriculture Director-General

⁽¹⁾ OJ L 137, 28.5.1997, p. 10.

⁽²⁾ OJ L 95, 11.4.2003, p. 13.

COMMISSION REGULATION (EC) No 1974/2003
of 10 November 2003
determining the world market price for unginning cotton

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Protocol 4 on cotton, annexed to the Act of Accession of Greece, as last amended by Council Regulation (EC) No 1050/2001 ⁽¹⁾,

Having regard to Council Regulation (EC) No 1051/2001 of 22 May 2001 on production aid for cotton ⁽²⁾, and in particular Article 4 thereof,

Whereas:

- (1) In accordance with Article 4 of Regulation (EC) No 1051/2001, a world market price for unginning cotton is to be determined periodically from the price for ginned cotton recorded on the world market and by reference to the historical relationship between the price recorded for ginned cotton and that calculated for unginning cotton. That historical relationship has been established in Article 2(2) of Commission Regulation (EC) No 1591/2001 of 2 August 2001 ⁽³⁾, as amended by Regulation (EC) No 1486/2002 ⁽⁴⁾. Where the world market price cannot be determined in this way, it is to be based on the most recent price determined.
- (2) In accordance with Article 5 of Regulation (EC) No 1051/2001, the world market price for unginning cotton is to be determined in respect of a product of specific characteristics and by reference to the most favourable

offers and quotations on the world market among those considered representative of the real market trend. To that end, an average is to be calculated of offers and quotations recorded on one or more European exchanges for a product delivered cif to a port in the Community and coming from the various supplier countries considered the most representative in terms of international trade. However, there is provision for adjusting the criteria for determining the world market price for ginned cotton to reflect differences justified by the quality of the product delivered and the offers and quotations concerned. Those adjustments are specified in Article 3(2) of Regulation (EC) No 1591/2001.

- (3) The application of the above criteria gives the world market price for unginning cotton determined hereinafter,

HAS ADOPTED THIS REGULATION:

Article 1

The world price for unginning cotton as referred to in Article 4 of Regulation (EC) No 1051/2001 is hereby determined as equalling EUR 36,870/100 kg.

Article 2

This Regulation shall enter into force on 11 November 2003.

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

Done at Brussels, 10 November 2003.

For the Commission

J. M. SILVA RODRÍGUEZ

Agriculture Director-General

⁽¹⁾ OJ L 148, 1.6.2001, p. 1.

⁽²⁾ OJ L 148, 1.6.2001, p. 3.

⁽³⁾ OJ L 210, 3.8.2001, p. 10.

⁽⁴⁾ OJ L 223, 20.8.2002, p. 3.

**COMMISSION REGULATION (EC) No 1975/2003
of 10 November 2003**

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

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

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

Whereas:

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

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

HAS ADOPTED THIS REGULATION:

Article 1

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

Article 2

This Regulation shall enter into force on 11 November 2003.

It shall apply from 12 to 25 November 2003.

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

Done at Brussels, 10 November 2003.

For the Commission

J. M. SILVA RODRÍGUEZ
Agriculture Director-General

⁽¹⁾ OJ L 382, 31.12.1987, p. 22.
⁽²⁾ OJ L 177, 5.7.1997, p. 1.

⁽³⁾ OJ L 72, 18.3.1988, p. 16.
⁽⁴⁾ OJ L 289, 22.10.1997, p. 1.

ANNEX

to the Commission Regulation of 10 November 2003 fixing Community producer and import prices for carnations and roses with a view to the application of the arrangements governing imports of certain floricultural products originating in Cyprus, Israel, Jordan, Morocco and the West Bank and the Gaza Strip

(EUR/100 pieces)

Period: from 12 to 25 November 2003

Community producer price	Uniflorous (bloom) carnations	Multiflorous (spray) carnations	Large-flowered roses	Small-flowered roses
	22,18	14,74	32,49	14,05
Community import prices	Uniflorous (bloom) carnations	Multiflorous (spray) carnations	Large-flowered roses	Small-flowered roses
Israel	—	—	10,75	7,40
Morocco	18,00	17,00	—	—
Cyprus	—	—	—	—
Jordan	—	—	—	—
West Bank and Gaza Strip	—	—	—	—

**COMMISSION REGULATION (EC) No 1976/2003
of 10 November 2003**

**suspending the preferential customs duties and re-establishing the Common Customs Tariff duty
on imports of uniflorous (bloom) carnations originating in Morocco**

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 1975/2003 ⁽⁵⁾ fixes the Community producer and import prices for carnations and roses for the application of the import arrangements.
- (4) Commission Regulation (EEC) No 700/88 ⁽⁶⁾, as last amended by Regulation (EC) No 2062/97 ⁽⁷⁾, lays down the detailed rules for the application of the arrangements.

- (5) On the basis of prices recorded pursuant to Regulations (EEC) No 4088/87 and (EEC) No 700/88, it must be concluded that the conditions laid down in Article 2(2) of Regulation (EEC) No 4088/87 for suspension of the preferential customs duty are met for uniflorous (bloom) carnations originating in Morocco. The Customs duty should be re-established.
- (6) The quota for the products in question covers the period 15 October 2003 to 31 May 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 Morocco, 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 11 November 2003.

⁽¹⁾ OJ L 382, 31.12.1987, p. 22.

⁽²⁾ OJ L 177, 5.7.1997, p. 1.

⁽³⁾ OJ L 109, 19.4.2001, p. 2.

⁽⁴⁾ OJ L 28, 4.2.2003, p. 30.

⁽⁵⁾ See page 9 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, 10 November 2003.

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

II

(Acts whose publication is not obligatory)

COMMISSION

COMMISSION DECISION

of 6 November 2003

on a Community financial contribution to cover expenditure incurred by France, Portugal and Finland for the purpose of combating organisms harmful to plants or plant products

(notified under document number C(2003) 4027)

(Only the French, Portuguese, Finnish and Swedish texts are authentic)

(2003/787/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⁾ ('the Directive'), as amended by Commission Directive 2003/47/EC⁽²⁾, and in particular Article 23 thereof,

Whereas:

(1) Pursuant to the Directive, a financial contribution from the Community may be granted to Member States to cover expenditure relating directly to the necessary measures which have been taken or are planned to be taken for the purpose of combating harmful organisms introduced from third countries or from other areas in the Community, in order to eradicate or, if that is not possible, to contain them.

(2) France, Portugal and Finland have each established a programme of actions to eradicate organisms harmful to plants introduced in their territories. These programmes specify the objectives to be achieved, the measures carried out, their duration and their cost. They have applied for the allocation of a Community financial contribution to these programmes within the time limit

set out in the Directive and in accordance with Commission Regulation (EC) No 1040/2002 of 14 June 2002 establishing detailed rules for the implementation of the provisions relating to the allocation of a financial contribution from the Community for plant-health control and repealing Regulation (EC) No 2051/97⁽³⁾ ('the Regulation').

(3) The expenditure which France, Portugal and Finland have incurred, and which is taken into account in this Decision, relates directly to the matters specified in Article 23(2)(a) and (b) of the Directive.

(4) The technical information provided for by France, Portugal and Finland has enabled the Commission to analyse the situation accurately and comprehensively; the information has also been considered by the Standing Committee on Plant Health. The Commission has concluded that the conditions for the granting of a financial contribution in Article 23 of the Directive have been met.

(5) Accordingly, it is appropriate to provide a Community financial contribution to cover the expenditure on these programmes.

(6) The Community financial contribution may cover up to 50 % of eligible expenditure. Excluding the programme for which degression has to be applied in accordance with Article 23(5), third subparagraph, of the Directive, the Community financial contribution for the purposes of this Decision should be 50 %.

⁽¹⁾ OJ L 169, 10.7.2000, p. 1.

⁽²⁾ OJ L 138, 5.6.2003, p. 47.

⁽³⁾ OJ L 157, 15.6.2002, p. 38.

- (7) The programme notified by Portugal has already been the subject of Community contributions under Commission Decisions 2001/811/EC ⁽¹⁾ and 2002/889/EC ⁽²⁾. An extension of the period in which eradication measures have to take place, as set out in Article 23(5), third subparagraph, of the Directive, has been granted to this existing programme, as the examination of the situation has led to the conclusion that the objective of these eradication measures is likely to be achieved within a reasonable period. The Community financial contribution for this programme has been progressively reduced in accordance with Article 23(5), third subparagraph.
- (8) The contribution referred to in Article 2 of this Decision is without prejudice to further actions taken or to be taken and necessary for the achievement of the objective of eradication or control of the relevant harmful organisms.
- (9) This Decision is without prejudice to the outcome of the verification by the Commission under Article 24 of the Directive on whether the introduction of the relevant harmful organism has been caused by inadequate examinations or inspections and the consequences of such verification.
- (10) In accordance with Article 3(2) of Council Regulation (EC) No 1258/1999 ⁽³⁾, veterinary and plant-health measures undertaken in accordance with Community rules shall be financed under the Guarantee Section of the European Agricultural Guidance and Guarantee Fund. Financial control of these measures comes under Articles 8 and 9 of the above Regulation, without prejudice to the provisions of Regulation (EC) No 1040/2002 and Article 23(8) and (9) of the Directive.
- (11) The measures provided in this Decision are in accordance with the opinion of the Standing Committee on Plant Health,

HAS ADOPTED THIS DECISION:

Article 1

The allocation of a Community financial contribution to cover expenditure incurred by France, Portugal and Finland relating directly to necessary measures as specified in Article 23(2) of

Directive 2000/29/EC and taken for the purpose of combating the organisms concerned by the eradication programmes listed in the Annex to this Decision, is hereby approved.

Article 2

1. The total amount of the financial contribution referred to in Article 1 is EUR 858 454.
2. The maximum amounts of the Community financial contribution for each eradication programme and for each year of implementation of the eradication programme shall be as indicated in the Annex to this Decision.
3. The resulting maximum Community financial contribution for the concerned Member States shall be as follows:
 - EUR 259 104 to France,
 - EUR 518 007 to Portugal,
 - EUR 81 343 to Finland.

Article 3

Subject to the verifications by the Commission under Article 24 of Directive 2000/29/EC, the Community financial contribution as set out in the Annex shall be paid only when:

- (a) evidence of the measures taken has been given to the Commission through appropriate documentation, in accordance with the provisions laid down in the Regulation, in particular Article 1(2) and Article 2 thereof;
- (b) a request for payment of the Community financial contribution has been submitted by the Member State concerned to the Commission, in accordance with the provisions laid down in Article 5 of Regulation (EC) No 1040/2002.

Article 4

This Decision is addressed to the French Republic, the Portuguese Republic and the Finnish Republic.

Done at Brussels, 6 November 2003.

For the Commission

David BYRNE

Member of the Commission

⁽¹⁾ OJ L 306, 23.11.2001, p. 25.

⁽²⁾ OJ L 311, 14.11.2002, p. 16.

⁽³⁾ OJ L 160, 26.6.1999, p. 103.

ANNEX

ERADICATION PROGRAMMES

Section I: Programmes whose Community financial contribution corresponds to 50 % of eligible expenditure

Member State	Harmful organisms combated	Affected plants	Year	Eligible expenditure (in EUR)	Maximum Community contribution (in EUR) Per programme
France	<i>Diabrotica virgifera</i>	Maize	2002 and 2003	518 209	259 104
Finland	<i>Liriomyza huidobrensis</i>	Various vegetables and ornamental plants	2002	162 687	81 343

Section II: Programmes whose Community financial contribution rates differ, in application of degressivity

Member State	Harmful organisms combated	Affected plants	Year	a	Eligible expenditure (in EUR)	Rate	Maximum Community contribution (in EUR)
Portugal	<i>Bursaphelenchus xylophilus</i>	Pinus trees	2002	4	1 363 177	38	518 007
Total Community contribution (in EUR)							858 454

Legend:

a: Year of implementation of the eradication programme.