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I

(Acts whose publication is obligatory)

COMMISSION REGULATION (EC) No 84/2004
of 19 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 20 January 2004.

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

Done at Brussels, 19 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 19 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 | 102,5 |
| | 204 | 41,5 |
| | 212 | 137,2 |
| | 999 | 93,7 |
| 0707 00 05 | 052 | 116,1 |
| | 204 | 122,9 |
| | 220 | 244,4 |
| | 999 | 161,1 |
| 0709 10 00 | 220 | 34,5 |
| | 999 | 34,5 |
| 0709 90 70 | 052 | 100,7 |
| | 204 | 60,5 |
| | 999 | 80,6 |
| 0805 10 10, 0805 10 30, 0805 10 50 | 052 | 48,0 |
| | 204 | 56,1 |
| | 212 | 59,9 |
| | 220 | 40,1 |
| | 421 | 33,9 |
| | 524 | 22,1 |
| | 999 | 43,4 |
| 0805 20 10 | 052 | 81,1 |
| | 204 | 90,6 |
| | 999 | 85,9 |
| 0805 20 30, 0805 20 50, 0805 20 70, 0805 20 90 | 052 | 83,7 |
| | 204 | 91,7 |
| | 464 | 99,7 |
| | 600 | 69,6 |
| | 624 | 71,8 |
| | 999 | 83,3 |
| 0805 50 10 | 052 | 60,4 |
| | 600 | 75,5 |
| | 999 | 68,0 |
| 0808 10 20, 0808 10 50, 0808 10 90 | 052 | 63,0 |
| | 060 | 42,4 |
| | 400 | 85,9 |
| | 404 | 96,8 |
| | 720 | 65,4 |
| | 999 | 70,7 |
| 0808 20 50 | 060 | 60,2 |
| | 400 | 90,2 |
| | 720 | 34,4 |
| | 999 | 61,6 |

⁽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 85/2004
of 15 January 2004
laying down the marketing standard for apples

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 2200/96 of 28 October 1996 on the common organisation of the market in fruit and vegetables ⁽¹⁾, and in particular Article 2(2),

Whereas:

(1) Apples are among the products listed in Annex I to Regulation (EC) No 2200/96 for which standards must be adopted. Commission Regulation (EC) No 1619/2001 of 6 August 2001, laying down the marketing standard for apples and pears and amending Regulation (EEC) No 920/89 ⁽²⁾, lays down a marketing standard common to apples and pears.

(2) In the interest of clarity, the Working Party on standardisation of perishable produce and quality development of the United Nations Economic Commission for Europe (UN/ECE) decided that the rules on apples should be separated from those on pears. In addition, it decided to update the UN/ECE standard FFV-50 concerning marketing and commercial quality control of apples with regards to the provisions concerning quality and sizing. In the interest of preserving transparency on the world market, Regulation (EC) No 1619/2001 should be repealed and two new marketing standards for apples and pears respectively, should be adopted accordingly.

(3) The main maturity criteria laid down by Regulation (EC) No 1619/2001 is the definition of a minimum size for apples. In view of the recent technical developments concerning methods for measuring firmness and sugar contents as well as emerging new markets for small-sized mature apples, the minimum size for apples applicable in the Community should be reduced, new maturity criteria such as sugar content and firmness ensuring that such a reduction of the minimum size does not imply fruits insufficiently mature and/or developed are placed on the market.

(4) More work being needed for the precise definition of these new criteria, taking into account the varietal characteristics as to the size of apples, the implementation of the reduction of the minimum size should be delayed until 1 August 2005 and provisional measures concerning sizing should be laid down until then

(5) Application of these new standards should remove products of unsatisfactory quality from the market, bring production into line with consumer requirements and facilitate trade based on fair competition, thereby helping to improve profitability.

(6) The standards are applicable at all marketing stages. Long-distance transport, storage over a certain period and the various processes the products undergo may cause some degree of deterioration owing to the biological development of the products or their perishable nature. Account should be taken of such deterioration when applying the standard at the marketing stages following dispatch.

(7) As products in the 'Extra' class have to be particularly carefully sorted and packaged, only lack of freshness and turgidity is to be taken into account in their case.

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

HAS ADOPTED THIS REGULATION:

Article 1

The marketing standard for apples, falling within CN code ex 0808 10, shall be as set out in the Annex.

The standard shall apply at all marketing stages under the conditions laid down in Regulation (EC) No 2200/96.

⁽¹⁾ OJ L 297, 21.11.1996, p. 1. Regulation as last amended by Commission Regulation (EC) No 47/2003 (OJ L 7, 11.1.2003, p. 64).

⁽²⁾ OJ L 215, 9.8.2001, p. 3. Regulation amended by Regulation (EC) No 46/2003 (OJ L 7, 11.1.2003, p. 61).

However, at stages following dispatch, products may show in relation to the requirements of the standard:

- a slight lack of freshness and turgidity,
- for products graded in classes other than the 'Extra' class, slight deterioration due to their development and their tendency to perish.

Article 2

Until 31 July 2005, the following provisions apply with regards to sizing:

- (a) when size is determined by diameter, a minimum diameter is required in all classes as follows:

| | Extra | I | II |
|--|-------|-------|-------|
| Large fruited varieties ⁽¹⁾ | 70 mm | 65 mm | 65 mm |
| Other varieties | 60 mm | 55 mm | 55 mm |

⁽¹⁾ The non-exhaustive list of large fruited varieties is given in the appendix to the Annex.

- (b) when size is determined by weight, a minimum weight is required in all classes as follows:

| | Extra | I | II |
|--|-------|-------|-------|
| Large fruited varieties ⁽¹⁾ | 140 g | 110 g | 110 g |
| Other varieties | 90 g | 80 g | 80 g |

⁽¹⁾ The non-exhaustive list of large fruited varieties is given in the appendix to the Annex.

Article 3

Regulation (EEC) No 1619/2001 is deleted.

Article 4

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

The second and third subparagraph of point III of the Annex only apply as from 1 August 2005.

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

Done at Brussels, 15 January 2004.

For the Commission

Franz FISCHLER

Member of the Commission

ANNEX

STANDARD FOR APPLES

I. DEFINITION OF PRODUCE

This standard applies to apples of varieties (cultivars) grown from *Malus domestica* Borkh., to be supplied fresh to the consumer, apples for industrial processing being excluded.

II. PROVISIONS CONCERNING QUALITY

The purpose of the standard is to define the quality requirements of apples, after preparation and packaging.

A. Minimum requirements

In all classes, subject to the special provisions for each class and the tolerances allowed, apples must be:

- intact,
- sound, produce affected by rotting or deterioration such as to make it unfit for consumption is excluded,
- clean, practically free of any visible foreign matter,
- practically free from pests,
- practically free from damage caused by pests,
- free of abnormal external moisture,
- free of any foreign smell and/or taste.

In addition, they must have been carefully picked.

The development and condition of the apples must be such as to enable them:

- to continue their maturing process and to reach the degree of maturity required in relation to the varietal characteristics ⁽¹⁾ ⁽²⁾,
- to withstand transport and handling, and
- to arrive in satisfactory condition at the place of destination.

B. Classification

Apples are classified in three classes defined below.

(i) 'Extra' class

Apples in this class must be of superior quality. In shape, size and colouring, they must be characteristic of the variety ⁽³⁾ and with the stalk which must be intact.

The flesh must be perfectly sound.

They must be free from defects with the exception of very slight superficial defects provided these do not affect the general appearance of the produce, the quality, the keeping quality and presentation in the package.

(ii) Class I

Apples in this class must be of good quality. In shape, size and colouring, they must be characteristic of the variety ⁽³⁾.

The flesh must be perfectly sound.

The following slight defects, however, may be allowed provided these do not affect the general appearance of the produce, the quality, the keeping quality and presentation in the package:

- a slight defect in shape,
- a slight defect in development,

⁽¹⁾ Due to varietal characteristics of the Fuji variety and its mutants concerning maturity at harvest, radial watercore is permitted provided it is contained within the vascular bundles of each fruit.

⁽²⁾ To that end, they must show satisfactory soluble solids content and degree of firmness.

⁽³⁾ The criteria for colouring and russetting are given in the appendix to this standard, as well as a non-exhaustive list of the varieties concerned by each criteria.

- a slight defect in colouring,
- slight skin defects which must not extend over more than:
 - 2 cm in length for defects of elongated shape,
 - 1 cm² of total surface area for other defects, with the exception of scab (*Venturia inaequalis*), which must not extend over more than 0,25 cm² of total surface area,
 - slight bruising not exceeding 1 cm² of total surface area and not discoloured.

The stalk may be missing, provided the break is clean and the adjacent skin is not damaged.

(iii) *Class II*

This class includes apples which do not qualify for inclusion in the higher classes but satisfy the minimum requirements specified above ⁽¹⁾.

The flesh must be free from major defects.

The following defects are allowed provided the fruit retains its essential characteristics as regards the quality, the keeping quality and presentation:

- defects in shape,
- defects in development,
- defects in colouring,
- skin defects which must not extend over more than:
 - 4 cm in length for defects of elongated shape,
 - 2,5 cm² of total surface area for other defects, with the exception of scab (*Venturia inaequalis*), which must not extend over more than 1 cm² of total surface area,
 - slight bruising not exceeding 1,5 cm² of total surface area which may be slightly discoloured.

III. PROVISIONS CONCERNING SIZING

Size is determined either by maximum diameter of the equatorial section or by weight.

When size is determined by diameter, the minimum diameter required for each class is as follows:

| | Extra | Class I | Class II |
|--|-------|---------|----------|
| Large fruited varieties ⁽¹⁾ | 65 mm | 60 mm | 60 mm |
| Other varieties | 60 mm | 55 mm | 50 mm |

⁽¹⁾ The non-exhaustive list of large fruited varieties is given in the appendix to this standard.

When size is determined by weight, the minimum weight required for each class is as follows:

| | Extra | Class I | Class II |
|--|-------|---------|----------|
| Large fruited varieties ⁽¹⁾ | 110 g | 90 g | 90 g |
| Other varieties | 90 g | 80 g | 70 g |

⁽¹⁾ The non-exhaustive list of large fruited varieties is given in the appendix to this standard.

To ensure there is uniformity of size within a package:

- for fruit sized according to diameter, the difference in diameter between fruit in the same package shall be limited to:
 - 5 mm for 'Extra' class fruit and for Class I and II fruit packed in rows and layers ⁽²⁾,
 - 10 mm for Class I fruit packed loose in the package or sales package ⁽³⁾;

⁽¹⁾ The criteria for colouring and russetting are given in the appendix to this standard, as well as a non-exhaustive list of the varieties concerned by each criteria.

⁽²⁾ However, for apples of the varieties Bramley's Seedling (Bramley, Triomphe de Kiel) and Horneburger, the difference in diameter may amount to 10 mm.

⁽³⁾ However, for apples of the varieties Bramley's Seedling (Bramley, Triomphe de Kiel) and Horneburger, the difference in diameter may amount to 20 mm.

- for fruit sized according to weight, the difference in weight between fruit in the same package shall be limited to:
 - 20 % of the average individual fruit weight in the package for 'Extra' class fruit and for Class I and II fruit packed in rows and layers,
 - 25 % of the average individual fruit weight in the package for Class I fruit packed loose in the package or sales package.

There is no sizing uniformity limit for Class II fruit packed loose in the package or sales package.

IV. PROVISIONS CONCERNING TOLERANCES

Tolerances in respect of quality and size shall be allowed in each package for produce not satisfying the requirements of the class indicated.

A. Quality tolerances

(i) 'Extra' class

5 % by number or weight of apples not satisfying the requirements of the class, but meeting those of Class I or, exceptionally, coming within the tolerances of that class.

(ii) Class I

10 % by number or weight of apples not satisfying the requirements of the class, but meeting those of Class II, or exceptionally, coming within the tolerances of that class.

(iii) Class II

10 % by number or weight of apples satisfying neither the requirements of the class nor the minimum requirements, with the exception of produce affected by rotting or any other deterioration rendering it unfit for consumption.

Within this tolerance, a maximum of 2 % number or weight of fruit is allowed which shows the following defects:

- serious attacks of cork (bitter pit) or water-core,
- slight damage or unhealed cracks,
- very slight traces of rot,
- presence of internal feeding pests and/or damage to the flesh caused by pests.

B. Size tolerances

For all classes:

10 % by number or weight of fruit not corresponding to the size immediately above or below that marked on the package, with, for fruit classified in the smallest grade allowed a maximum variation of:

- 5 mm below the minimum diameter when size is determined by diameter,
- 10 g below the minimum weight when size is determined by weight.

V. PROVISIONS CONCERNING PRESENTATION

A. Uniformity

The contents of each package must be uniform and contain only apples of the same origin, variety, quality and size (if sized) and the same degree of ripeness.

In the case of the 'Extra' class, uniformity also applies to colouring.

Sales packages of a net weight not exceeding 5 kg may contain mixtures of apples of different varieties, provided they are uniform in quality and, for each variety concerned, in origin, size (if sized) and degree of ripeness.

Notwithstanding the preceding provisions in this point, products covered by this Regulation may be mixed, in sales packages of a net weight of three kilograms or less, with different types of fresh fruit and vegetables on the conditions laid down by Commission Regulation (EC) No 48/2003 ⁽¹⁾.

The visible part of the contents of the package must be representative of the entire contents.

⁽¹⁾ OJ L 7, 11.1.2003, p. 65.

B. Packaging

The apples must be packed in such a way as to protect the produce properly. In particular, sales packages of a net weight exceeding 3 kg shall be sufficiently rigid to ensure proper protection of the produce.

The materials used inside the package must be new, clean and of a quality such as to avoid causing any external or internal damage to the produce. The use of materials, particularly of paper or stamps bearing trade specifications is allowed provided the printing or labelling has been done with non-toxic ink or glue.

Packages must be free of all foreign matter.

C. Presentation

For 'Extra' class, fruit must be packed in layers.

VI. PROVISIONS CONCERNING MARKING

Each package must bear the following particulars, in letters grouped on the same side, legibly and indelibly marked, and visible from the outside.

A. Identification

Packer and/or dispatcher, name and address or officially issued or accepted code mark. However, in the case where a code mark is used, the reference 'packer and/or dispatcher (or equivalent abbreviations)' has to be indicated in close connection with the code mark.

B. Nature of produce

- 'Apples' if the contents are not visible from the outside
- Name of the variety or varieties where appropriate.
- In the case of sales packages containing a mixture of apples of different varieties, names of each of the different varieties in the package.

C. Origin of produce

Country of origin and, optionally, district where grown, or national, regional or local place name

- In the case of sales packages containing a mixture of varieties of apples of different origins, the indication of each country of origin shall appear next to the name of the variety concerned.

D. Commercial specifications

- Class
- Size or, for fruit packed in layers, number of units.

If identification is by the size, this should be expressed:

- (a) for produce subject to the uniformity rules, as minimum and maximum diameters or minimum and maximum weight;
- (b) for produce not subject to the uniformity rules, the diameter or the weight of the smallest fruit in the package followed by 'and over' or '+' or equivalent denomination or, where applicable, followed by the diameter or weight of the largest fruit.

E. Official control mark (optional)

Appendix

1. Colouring criteria, colouring groups and codes

| Colouring group | A (Red varieties) | B (Mixed red colouring varieties) | C (Striped slightly coloured varieties) | D (Other varieties) |
|-----------------|---|---|---|------------------------------------|
| | Total surface area of red colouring characteristic of the variety | Total surface area of mixed red colouring characteristic of the variety | Total surface area of slightly red coloured, blushed or striped characteristic of the variety | |
| Extra class | 3/4 | 1/2 | 1/3 | No requirement as to red colouring |
| Class I | 1/2 | 1/3 | 1/10 | |
| Class II | 1/4 | 1/10 | — | |

2. Russetting criteria

— **Group R:** Varieties for which russetting is a characteristic of the skin and is not a defect if it corresponds to the typical appearance of the variety.

— For varieties not marked with an 'R' in the list below, russetting is allowed within the following limits:

| | 'Extra' class | Class I | Class II | Tolerance for Class II |
|--|---|--|---|---|
| (i) Brown patches | — not outside the stem cavity | — may go slightly beyond the stem or pistil cavities | — may go beyond the stem or pistil cavities | — fruit not seriously detracting from the appearance and condition of the package |
| | — not rough | — not rough | — slightly rough | |
| (ii) Russetting | | Maximum surface area of the fruit permitted | | |
| — thin net-like russetting (not contrasting strongly with the general colouring of the fruit) | — slight and isolated traces of russetting not altering the general appearance of the fruit or of the package | 1/5 | 1/2 | — fruit not seriously detracting from the appearance and condition of the package |
| — heavy | — none | 1/20 | 1/3 | — fruit not seriously detracting from the appearance and condition of the package |
| — cumulative defects (with the exception of the brown patches which are excluded from these cumulative defects). In no case may thin russetting and heavy russetting taken together exceed a maximum of: | — | 1/5 | 1/2 | — fruit not seriously detracting from the appearance and condition of the package |

3. Size criteria:

Group L: large fruited apple varieties mentioned in the second subparagraph of title III of the present standard.

4. Non-exhaustive list of apple varieties classified according to their colouring, russetting and size criteria:

Fruits of varieties that are not part of the list must be graded according to their varietal characteristics.

Some of the varieties listed in the following may be marketed under trade names for which trademark protection has been sought or obtained in one or more countries. The first and second column of the table hereunder do not intend to include such trade names. References to known trademarks have been included in the third column for information only.

| Variety | Synonyms | Tradenames | Colour group | Russetting | Size |
|--|----------------------------------|------------------|--------------|------------|------|
| African Red | | African Carmine™ | B | | |
| Akane | Tohoku 3 | Primerouge® | B | | |
| Alborz Seedling | | | C | | |
| Aldas | | | B | | L |
| Alice | | | B | | |
| Alkmene | Early Windsor | | C | | |
| Alwa | | | B | | |
| Angold | | | C | | L |
| Apollo | Beauty of Blackmoor | | C | | L |
| Arkcharm | Arkansas No 18 A 18 | | C | | L |
| Arlet | | | B | R | |
| Aroma | | | C | | |
| Red coloured mutants of Aroma, for example Aroma Amorosa | | | B | | |
| Auksis | | | B | | |
| Belfort | Pella | | B | | |
| Belle de Boskoop and mutants | | | D | R | L |
| Belle fleur double | | | D | | L |
| Berlepsch | Freiherr von Berlepsch | | C | | |
| Berlepsch rouge | Red Berlepsch Roter Berlepsch | | B | | |
| Blushed Golden | | | | | L |
| Bohemia | | | B | | L |
| Boskoop rouge | Red Boskoop Roter Boskoop | | B | R | L |

| Variety | Synonyms | Tradenames | Colour group | Russetting | Size |
|--|-----------------------------|-----------------|--------------|------------|------|
| Braeburn | | | B | | L |
| Red coloured mutants of Braeburn, for example: | | | A | | L |
| Hidala | | Hilwell® | | | |
| Joburn | | Aurora™ | | | |
| | | Red Braeburn™ | | | |
| | | Southern Rose™ | | | |
| Lochbuie Red Braeburn | | Redfield® | | | |
| Mahana Red | | Eve™ | | | |
| Mariri Red | | Red Braeburn™ | | | |
| | | Southern Rose™ | | | |
| Redfield | | Red Braeburn™ | | | |
| Royal Braeburn | | Southern Rose™ | | | |
| Bramley's Seedling | Bramley Triomphe de Kiel | | D | | L |
| Brettacher Sämling | | | D | | L |
| Calville (group of...) | | | D | | L |
| Cardinal | | | B | | |
| Carola | Kalco | | C | | L |
| Caudle | | Cameo™ | B | | |
| Charden | | | D | | L |
| Charles Ross | | | D | | L |
| Civni | | Rubens® | B | | |
| Coromandel Red | Corodel | | A | | |
| Cortland | | | B | | L |
| Cox's orange pippin and mutants | Cox Orange | | C | R | |
| Red coloured mutants of Cox's Orange Pippin for example: | | | B | R | |
| Cherry Cox | | | | | |
| Crimson Bramley | | | | | L |
| Cripps Pink | | Pink Lady® | C | | |
| Cripps Red | | Sundowner™ | C (1) | | |
| Dalili | | Ambassy® | C | | L |
| Dalinbel | | | B | | |
| Delblush | | Tentation® | D | | L |
| Delcorf and mutants, for example: | | Delbarestivale® | C | | L |
| Dalili | | | | | |
| Monidel | | Ambassy® | | | |

| Variety | Synonyms | Tradenames | Colour group | Russetting | Size |
|---|--------------------|---|--------------|------------|------|
| Delgollune | | Delbard Jubilé® | B | | L |
| Delicious ordinaire | Ordinary Delicious | | B | | |
| Deljeni | | Primgold® | D | | L |
| Delikates | | | B | | |
| Delor | | | C | | L |
| Discovery | | | C | | |
| Dunn's Seedling | | | D | R | |
| Dykmanns Zoet | | | C | | |
| Egremont Russet | | | D | R | |
| Elan | | | D | | L |
| Elise | Red Delight | Roblos® | A | | L |
| Ellison's orange | Ellison | | C | | L |
| Elstar and mutants, for example Daliter Elshof Elstar Armhold Elstar Reinhardt Red coloured mutants of Elstar, for example: Bel-El Daliest Goedhof Red Elstar Valstar | | Elton™ Red Elswout™ Elista™ Elnica™ | C B | | |
| Empire | | | A | | |
| Falstaff | | | C | | |
| Fiesta | Red Pippin | | C | | |
| Florina | | Querina® | B | | L |
| Fortune | | | D | R | |
| Fuji and mutants | | | B | | L |
| Gala Red coloured mutants of Gala, for example: Annaglo Baigent Galaxy Mitchgala Obrogala Regala Regal Prince Tenroy | | Brookfield® Mondial Gala® Gala Must® Royal Gala® | C A | | |
| Garcia | | | D | | L |
| Ginger Gold | | | D | | L |

| Variety | Synonyms | Tradenames | Colour group | Russetting | Size |
|------------------------------|--|--------------|--------------|------------|------|
| Gloster | | | B | | L |
| Goldbohemia | | | D | | L |
| Golden Delicious and mutants | | | D | | L |
| Golden Russet | | | D | R | |
| Golden Supreme | Gradigold Golden Extreme | | D | | L |
| Goldrush | Coop 38 | | D | | L |
| Goldstar | | | D | | L |
| Granny Smith | | | D | | L |
| Gravenstein rouge | Red Gravenstein Roter Gravensteiner | | B | | L |
| Gravensteiner | Gravenstein | | D | | L |
| Greensleeves | | | D | | L |
| Holsteiner Cox and mutants | Holstein | | D | R | |
| Holstein rouge | Red Holstein Roter Holsteiner Cox | | C | R | |
| Honeycrisp | | Honeycrunch® | C | | L |
| Honeygold | | | D | | L |
| Horneburger | | | D | | L |
| Howgate Wonder | Manga | | D | | L |
| Idared | | | B | | L |
| Ingrid Marie | | | B | R | |
| Isbranica | Izbranica | | C | | |
| Jacob Fisher | | | D | | L |
| Jacques Lebel | | | D | | L |
| Jamba | | | C | | L |
| James Grieve and mutants | | | D | | L |
| James Grieve rouge | Red James Grieve | | B | | L |
| Jarka | | | C | | L |
| Jerseymac | | | B | | |
| Jester | | | D | | L |

| Variety | Synonyms | Tradenames | Colour group | Russetting | Size |
|--|--|--|--------------|------------|------|
| Jonagold (?) and mutants, for example: Crown gold Daligo Daliguy Dali Jean Jonagold 2000 Jonabel Jonabres King Jonagold New Jonagold Novajo Schneica Wilmuta | Jonasty Jonamel Excel Fukushima Veulemanns Jonica | | C | | L |
| Jonagored and mutants, for example: Decosta Jomured Jonagold Boerekamp Jomar Jonagored Supra Jonaveld Primo Romagold Rubinstar Red Jonaprince | Van de Poel Surkijn | Early Queen® Marnica® First Red® Wilton's® Red Prince® | A | | L |
| Jonalord | | | C | | |
| Jonathan | | | B | | |
| Julia | | | B | | |
| Jupiter | | | D | | L |
| Karmijn de Sonnaville | | | C | R | L |
| Katy | Katja | | B | | |
| Kent | | | D | R | |
| Kidd's orange red | | | C | R | |
| Kim | | | B | | |
| Koit | | | C | | L |
| Krameri Tuvioun | | | B | | |
| Kukikovskoje | | | B | | |
| Lady Williams | | | B | | L |
| Lane's Prince Albert | | | D | | L |
| Laxton's Superb | Laxtons Superb | | C | R | |
| Ligol | | | B | | L |
| Lobo | | | B | | |
| Lodel | | | A | | |
| Lord Lambourne | | | C | | |

| Variety | Synonyms | Tradenames | Colour group | Russetting | Size |
|-----------------------|------------|------------------|--------------|------------|------|
| Maigold | | | B | | |
| Mc Intosh | | | B | | |
| Meelis | | | B | | L |
| Melba | | | B | | |
| Melodie | | | B | | L |
| Melrose | | | C | | L |
| Meridian | | | C | | |
| Moonglo | | | C | | |
| Morgenduft | Imperatore | | B | | L |
| Mutsu | | Crispin® | D | | L |
| Normanda | | | C | | L |
| Nueva Europa | | | C | | |
| Nueva Orleans | | | B | | L |
| Odin | | | B | | |
| Ontario | | | B | | L |
| Orlovskoje Polosatoje | | | C | | |
| Ozark Gold | | | D | | L |
| Paula Red | | | B | | |
| Pero de Cirio | | | D | | L |
| Piglos | | | B | | L |
| Pikant | | | B | | L |
| Pikkolo | | | C | | |
| Pilot | | | C | | |
| Pimona | | | C | | |
| Pinova | | Corail® | C | | |
| Pirella | | Pirol® | B | | L |
| Piros | | | C | | L |
| Rafzubex | | RubINETTE® Rosso | A | | |
| Rafzubin | | RubINETTE® | C | | |
| Rajka | | | B | | |
| Rambour d'hiver | | | D | | L |
| Rambour Franc | | | B | | |
| Reanda | | | B | | L |
| Rebella | | | C | | L |

| Variety | Synonyms | Tradenames | Colour group | Russetting | Size |
|---|---|------------|--------------|------------|------|
| Red Delicious and mutants, for example: Erovan Fortuna Delicious Oregon Otago Red Chief Red King Red Spur Red York Richared Royal Red Shotwell Delicious Stark Delicious Starking Starkrimson Strakspur Topred Well Spur | Early Red One Oregon Spur Delicious | | A | | L |
| Red Dougherty | | | A | | |
| Red Rome | | | A | | |
| Redkroft | | | A | | |
| Regal | | | A | | |
| Regina | | | B | | L |
| Reglindis | | | C | | L |
| Reine des Reinettes | Goldparmäne Gold Parmoné | | C | | |
| Reineta Encarnada | | | B | | |
| Reinette Rouge du Canada | | | B | | L |
| Reinette d'Orléans | | | D | | L |
| Reinette Blanche du Canada | Reinette du Canada Canada Blanc Kanadarenette | | D | R | L |
| Reinette de France | | | D | | L |
| Reinette de Landsberg | | | D | | L |
| Reinette grise du Canada | Graue Kanadarenette | | D | R | L |
| Relinda | | | C | | |
| Remo | | | B | | |
| Renora | | | B | | L |
| Resi | | | B | | |
| Resista | | | D | | L |
| Retina | | | B | | L |
| Rewena | | | B | | L |

| Variety | Synonyms | Tradenames | Colour group | Russetting | Size |
|-----------------------|--|-----------------|--------------|------------|------|
| Roja de Benejama | Verruga Roja del Valle Clavelina | | A | | |
| Rome Beauty | Belle de Rome Rome | | B | | |
| Rosana | Berner Rosenapfel | | B | | L |
| Royal Beaut | | | A | | L |
| Rubin | | | C | | L |
| Rubinola | | | B | | L |
| Sciearly | | Pacific Beauty™ | A | | |
| Scifresh | | Jazz™ | B | | |
| Sciglo | | Southern Snap™ | A | | |
| Sciray | GS48 | | A | | |
| Scired | | Pacific Queen™ | A | R | |
| Sciros | | Pacific Rose™ | A | | L |
| Selena | | | B | | L |
| Shampion | | | B | | L |
| Sidrunkollane Talioun | | | D | | L |
| Sinap Orlovskij | Orlovski Sinap | | D | | L |
| Snygold | Earlygold | | D | | L |
| Sommerregent | | | C | | |
| Spartan | | | A | | |
| Splendour | | | A | | |
| St. Edmunds Pippin | | | D | R | |
| Stark's Earliest | | | C | | |
| Štaris | Staris | | A | | |
| Sturmer Pippin | | | D | R | |
| Sügisdessert | | | C | | L |
| Sügisjoonik | | | C | | L |
| Summerred | | | B | | |
| Sunrise | | | A | | |
| Sunset | | | D | R | |
| Suntan | | | D | R | L |
| Sweet Caroline | | | C | | L |
| Talvenauding | | | B | | |

| Variety | Synonyms | Tradenames | Colour group | Russeting | Size |
|---------------------------|-----------------|------------|--------------|-----------|------|
| Tellisaare | | | B | | |
| Tiina | | | B | | L |
| Topaz | | | B | | |
| Tydemans' Early Worcester | Tydemans' Early | | B | | L |
| Veteran | | | B | | |
| Vista Bella | Bellavista | | B | | |
| Wealthy | | | B | | |
| Worcester Pearmain | | | B | | |
| York | | | B | | |

(¹) With minimum 20 % for Class I and Class II.

(²) However, for the Jonagold variety at least one-tenth of the surface of the fruit in Class II must be striped with red colouring.

COMMISSION REGULATION (EC) No 86/2004
of 15 January 2004
laying down the marketing standard for pears

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 2200/96 of 28 October 1996 on the common organisation of the market in fruit and vegetables ⁽¹⁾, and in particular Article 2(2),

Whereas:

(1) Pears are among the products listed in Annex I to Regulation (EC) No 2200/96 for which standards must be adopted. Commission Regulation (EC) No 1619/2001 laying down the marketing standard for apples and pears and amending Regulation (EEC) No 920/89 ⁽²⁾ lays down a marketing standard common to apples and pears.

(2) The Working Party on Standardisation of Perishable Produce and Quality Development of the United Nations Economic Commission for Europe (UN/ECE) having decided, in the interest of clarity, that the rules on pears should be separated from those on apples, Regulation (EC) No 1619/2001 has been repealed by Commission Regulation (EC) No 85/2004 of 15 January 2004 laying down the marketing standard for apples ⁽³⁾. A new marketing standards for pears should be adopted accordingly.

(3) Application of these new standards should remove products of unsatisfactory quality from the market, bring production into line with consumer requirements and facilitate trade based on fair competition, thereby helping to improve profitability.

(4) The standards are applicable at all marketing stages. Long-distance transport, storage over a certain period and the various processes the products undergo may cause some degree of deterioration owing to the biolo-

gical development of the products or their perishable nature. Account should be taken of such deterioration when applying the standard at the marketing stages following dispatch.

(5) As products in the 'Extra' class have to be particularly carefully sorted and packaged, only lack of freshness and turgidity is to be taken into account in their case.

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

HAS ADOPTED THIS REGULATION:

Article 1

The marketing standard for pears, falling within CN code ex 0808 20, shall be as set out in the Annex.

The standard shall apply at all marketing stages under the conditions laid down in Regulation (EC) No 2200/96.

However, at stages following dispatch, products may show in relation to the requirements of the standard:

- a slight lack of freshness and turgidity,
- for products graded in classes other than the 'Extra' class, slight deteriorations due to their development and their tendency to perish.

Article 2

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

⁽¹⁾ OJ L 297, 21.11.1996, p. 1. Regulation as last amended by Commission Regulation (EC) No 47/2003 (OJ L 7, 11.1.2003, p. 64).

⁽²⁾ OJ L 215, 9.8.2001, p. 3. Regulation amended by Regulation (EC) No 46/2003 (OJ L 7, 11.1.2003, p. 61).

⁽³⁾ See page 3 of this Official Journal.

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

Done at Brussels, 15 January 2004.

For the Commission

Franz FISCHLER

Member of the Commission

ANNEX

STANDARD FOR PEARS

I. DEFINITION OF PRODUCE

This standard applies to pears of varieties (cultivars) grown from *Pyrus communis* L. to be supplied fresh to the consumer, pears for industrial processing being excluded.

II. PROVISIONS CONCERNING QUALITY

The purpose of the standard is to define the quality requirements of pears, after preparation and packaging.

A. Minimum requirements

In all classes, subject to the special provisions for each class and the tolerances allowed, pears must be:

- intact,
- sound; produce affected by rotting or deterioration such as to make it unfit for consumption is excluded,
- clean, practically free of any visible foreign matter,
- practically free from pests,
- practically free from damage caused by pests,
- free of abnormal external moisture,
- free of any foreign smell and/or taste.

In addition, they must have been carefully picked.

The development and condition of the pears must be such as to enable them:

- to continue their ripening process and to reach the degree of ripeness required in relation to the varietal characteristics,
- to withstand transport and handling and
- to arrive in satisfactory condition at the place of destination.

B. Classification

Pears are classified in three classes defined below.

(i) 'Extra' Class

Pears in this class must be of superior quality. In shape, size and colouring, they must be characteristic of the variety and the stalk must be present and intact.

The flesh must be perfectly sound, and the skin free from rough russetting ⁽¹⁾.

They must be free from defects with the exception of very slight superficial defects provided these do not affect the general appearance of the fruit, the quality, the keeping quality and presentation in the package.

Pears must not be gritty.

(ii) Class I

Pears in this class must be of good quality. In shape, size and colouring, they must be characteristic of the variety.

The flesh must be perfectly sound, and the skin free from rough russetting ⁽¹⁾.

The following slight defects, however, may be allowed provided these do not affect the general appearance of the produce, the quality, the keeping quality and presentation in the package:

- a slight defect in shape,
- a slight defect in development,

⁽¹⁾ This does not apply when this russetting is a characteristic of the variety.

- a slight defect in colouring,
- slight skin defects which must not extend over more than:
 - 2 cm in length for defects of elongated shape,
 - 1 cm² of total surface area for other defects, with the exception of scab (*Venturia pirina* and *V. inaequalis*), which must not extend over more than 0,25 cm² of total surface area,
 - slight bruising not exceeding 1 cm² of total surface area and not discoloured.

The stalk may be slightly damaged.

Pears must not be gritty.

(iii) *Class II*

This class includes pears which do not qualify for inclusion in the higher classes but satisfy the minimum requirements specified above.

The flesh must be free from major defects.

The following defects are allowed provided the fruit retains its essential characteristics as regards the quality, the keeping quality and presentation:

- defects in shape,
- defects in development,
- defects in colouring,
- slight rough russetting ⁽¹⁾,
- skin defects which must not extend over more than:
 - 4 cm in length for defects of elongated shape,
 - 2,5 cm² of total surface area for other defects, with the exception of scab (*Venturia pirina* and *V. inaequalis*), which must not extend over more than 1 cm² of total surface area,
 - slight bruising not exceeding 1 cm² of total surface area which may be slightly discoloured.

III. PROVISIONS CONCERNING SIZING

Size is determined by maximum diameter of the equatorial section.

A minimum size is required for each class as follows:

| | 'Extra' | Class I | Class II |
|--|---------|---------|----------|
| Large fruited varieties ⁽¹⁾ | 60 mm | 55 mm | 55 mm |
| Other varieties | 55 mm | 50 mm | 45 mm |

⁽¹⁾ A non-exhaustive list of large fruited and summer pear varieties is included in the Appendix to this standard

Exceptionally, and for summer pears included in the Appendix to this standard, no minimum size will be laid down for consignments harvested and dispatched between 10 June and 31 July (inclusive) of any year.

To ensure there is uniformity of size within a package, the difference in diameter between fruit in the same package shall be limited to:

- 5 mm for Extra Class fruit and for Class I and II fruit packed in rows and layers,
- 10 mm for Class I fruit packed loose in the package or in sales packages.

There is no sizing uniformity limit for Class II fruit packed loose in the package or in sales packages.

IV. PROVISIONS CONCERNING TOLERANCES

Tolerances in respect of quality and size shall be allowed in each package for produce not satisfying the requirements of the class indicated.

⁽¹⁾ This does not apply when this russetting is a characteristic of the variety.

A. Quality tolerances**(i) 'Extra' Class**

5 per cent by number or weight of pears not satisfying the requirements of the class, but meeting those of Class I or, exceptionally, coming within the tolerances of that class.

(ii) Class I

10 per cent by number or weight of pears not satisfying the requirements of the class, but meeting those of Class II, or exceptionally, coming within the tolerances of that class. However, pears without stalks are not included in this tolerance.

(iii) Class II

10 per cent by number or weight of pears satisfying neither the requirements of the class nor the minimum requirements, with the exception of produce affected by rotting or any other deterioration rendering it unfit for consumption.

Within this tolerance, a maximum of 2 per cent by number or weight of fruit is allowed which shows the following defects:

- slight damage or unhealed cracks,
- very slight traces of rot,
- presence of internal feeding pests and/or damage to the flesh caused by pests.

B. Size tolerances

For all classes:

10 per cent by number or weight of fruit corresponding to the size immediately above or below that marked on the package, with, for fruit classified in the smallest grade allowed a maximum variation of 5 mm below the minimum.

V. PROVISIONS CONCERNING PRESENTATION**A. Uniformity**

The contents of each package must be uniform and contain only pears of the same origin, variety, quality and size (if sized) and the same degree of ripeness.

In the case of the 'Extra' Class, uniformity also applies to colouring.

The visible part of the contents of the package must be representative of the entire contents.

Notwithstanding the preceding provisions in this point, products covered by this Regulation may be mixed, in sales packages of a net weight of three kilograms or less, with different types of fresh fruits and vegetables on the conditions laid down by Commission Regulation (EC) No 48/2003 ⁽¹⁾.

B. Packaging

The pears must be packed in such a way as to protect the produce properly.

The materials used inside the package must be new, clean and of a quality such as to avoid causing any external or internal damage to the produce. The use of materials, particularly of paper or stamps bearing trade specifications is allowed provided the printing or labelling has been done with non-toxic ink or glue.

Packages must be free of all foreign matter.

C. Presentation

'Extra' Class fruit must be packed in layers.

VI. PROVISIONS CONCERNING MARKING

Each package must bear the following particulars, in letters grouped on the same side, legibly and indelibly marked, and visible from the outside:

⁽¹⁾ OJ L 7, 11.1.2003, p. 65.

A. Identification

Packer and/or dispatcher: name and address or officially issued or accepted code mark. However, in the case where a code mark is used, the reference 'packer and/or dispatcher (or equivalent abbreviations)' has to be indicated in close connection with the code mark.

B. Nature of produce

- 'Pears' if the contents are not visible from the outside,
- name of the variety.

C. Origin of produce

Country of origin and, optionally, district where grown, or national, regional or local place name.

D. Commercial specifications

- Class,
- size or, for fruit packed in rows and layers, number of units.

If identification is by the size, this should be expressed:

- (a) for produce subject to the uniformity rules, as minimum and maximum diameters;
- (b) for produce not subject to the uniformity rules, the diameter of the smallest fruit in the package followed by 'and over' or equivalent denomination or, if appropriate, the diameter of the largest fruit in the package.

E. Official control mark (optional)

Appendix

1. SIZE CRITERIA

L = Large fruited variety

SP = Summer pear, for which no minimum size is required in respect of consignments harvested and dispatched between 10 June and 31 July of any year.

2. NON-EXHAUSTIVE LIST OF LARGE FRUITED AND SUMMER PEAR VARIETIES CLASSIFIED ACCORDING TO THEIR SIZE CRITERIA

Small fruited and other varieties which do not appear in the list may be marketed as long as they meet the size requirements for other varieties as described in section III of the standard.

Some of the varieties listed in the following may be marketed under trade names for which trademark protection has been sought or obtained in one or more countries. The first and second columns of the table hereunder do not intend to include such trade names. Reference to known trademarks have been included in the third column for information only.

| Variety | Synonyms | Trade names | Size |
|--------------------------|---|-------------|------|
| Abbé Fétel | Abate Fetel | | L |
| Abugo o Siete en Boca | | | SP |
| Akça | | | SP |
| Alka | | | L |
| Alsa | | | L |
| Amfora | | | L |
| Alexandrine Douillard | | | L |
| Bergamotten | | | SP |
| Beurré Alexandre Lucas | Lucas | | L |
| Beurré Bosc | Bosc, Beurré d'Apremont, Empereur Alexandre, Kaiser Alexandre | | L |
| Beurré Clairgeau | | | L |
| Beurré d'Arenberg | Hardenpont | | L |
| Beurré Giffard | | | SP |
| Beurré précoce Morettini | Morettini | | SP |
| Blanca de Aranjuez | Agua de Aranjuez, Espadona, Blanquilla | | SP |
| Carusella | | | SP |
| Castell | Castell de Verano | | SP |
| Colorée de juillet | Bunte Juli | | SP |
| Comice rouge | | | L |
| Concorde | | | L |
| Condoula | | | SP |

| Variety | Synonyms | Trade names | Size |
|--------------------|--|--------------|------|
| Coscia | Ercolini | | SP |
| Curé | Curato, Pastoren, Del cura de Ouro, Espadon de invierno, Bella de Berry, Lombardia de Rioja, Batall de Campana | | L |
| D'Anjou | | | L |
| Dita | | | L |
| D. Joaquina | Doyenné de juillet | | SP |
| Doyenné d'hiver | Winterdechant | | L |
| Doyenné du comice | Comice, Vereinsdechant | | L |
| Erika | | | L |
| Etrusca | | | SP |
| Flamingo | | | L |
| Forelle | | | L |
| Général Leclerc | | Amber Grace™ | L |
| Gentile | | | SP |
| Golden Russet Bosc | | | L |
| Grand champion | | | L |
| Harrow Delight | | | L |
| Jeanne d'Arc | | | L |
| Josephine | | | L |
| Kieffer | | | L |
| Leonardeta | Mosqueruela, Margallon, Colorada de Alcanadre, Leonarda de Magallon | | SP |
| Lombacad | | Cascade® | L |
| Moscarella | | | SP |
| Mramornaja | Mramornoje | | L |
| Mustafabey | | | SP |
| Packham's Triumph | Williams d'Automne | | L |
| Passe Crassane | Passa Crassana | | L |
| Perita de San Juan | | | SP |
| Pérola | | | SP |
| Pitmaston | Williams Duchesse | | L |
| Précoce de Trévoux | Trévoux | | SP |

| Variety | Synonyms | Trade names | Size |
|-----------------------|---|-------------|------|
| Président Drouard | | | L |
| Rosemarie | | | L |
| Santa Maria | Santa Maria Morettini | | SP |
| Spadoncina | Agua de Verano, Agua de Agosto | | SP |
| Taylors Gold | | | L |
| Triomphe de Vienne | | | L |
| Williams Bon Chrétien | Bon Chrétien, Bartlett, Williams, Summer Bartlett | | L |

COMMISSION REGULATION (EC) No 87/2004**of 19 January 2004****applying a reduction coefficient to refund certificates for goods not covered by Annex I to the Treaty, as provided for by Article 8(5) of Regulation (EC) No 1520/2000**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 3448/93 of 6 December 1993 laying down the trade arrangements applicable to certain goods resulting from the processing of agricultural products ⁽¹⁾, as last amended by Regulation (EC) No 2580/2000 ⁽²⁾,

Having regard to Commission Regulation (EC) No 1520/2000 of 13 July 2000 laying down common detailed rules for the application of the system of granting export refunds on certain agricultural products exported in the form of goods not covered by Annex I to the Treaty and the criteria for fixing the amount of such refunds ⁽³⁾, as last amended by Regulation (EC) No 740/2003 ⁽⁴⁾, and in particular Article 8(5) thereof,

Whereas:

- (1) Member States' notifications pursuant to Article 8(2) of Regulation (EC) No 1520/2000 indicate that the total amount of applications received reaches EUR 820 520 350 while the available amount for the

tranche of refund certificates for use from 1 February 2004 as referred to in Article 8(4) of Regulation (EC) No 1520/2000 is EUR 63 313 512.

- (2) A reduction coefficient shall be calculated on the basis of Article 8(3) and (4) of Regulation (EC) No 1520/2000. Such coefficient should therefore be applied to amounts requested in the form of refund certificates for use from 1 February 2004 as established in Article 8(6) of Regulation (EC) No 1520/2000,

HAS ADOPTED THIS REGULATION:

Article 1

The amounts for applications of refund certificates for use from 1 February 2004 are subject to a reduction coefficient of 0,923.

Article 2

This Regulation shall enter into force on 20 January 2004.

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

Done at Brussels, 19 January 2004.

For the Commission

Erkki LIIKANEN

Member of the Commission

⁽¹⁾ OJ L 318, 20.12.1993, p. 18.

⁽²⁾ OJ L 298, 25.11.2000, p. 5.

⁽³⁾ OJ L 177, 15.7.2000, p. 1.

⁽⁴⁾ OJ L 106, 29.4.2003, p. 12.

**COMMISSION REGULATION (EC) No 88/2004
of 19 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 20 January 2004.

It shall apply from 21 January to 3 February 2004.

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

Done at Brussels, 19 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 19 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 21 January to 3 February 2004

| Community producer price | Uniflorous (bloom) carnations | Multiflorous (spray) carnations | Large-flowered roses | Small-flowered roses |
|--------------------------|----------------------------------|------------------------------------|----------------------|----------------------|
| | 15,01 | 11,66 | 40,52 | 16,72 |
| Community import prices | Uniflorous (bloom) carnations | Multiflorous (spray) carnations | Large-flowered roses | Small-flowered roses |
| Israel | — | — | — | — |
| Morocco | — | — | — | — |
| Cyprus | — | — | — | — |
| Jordan | — | — | — | — |
| West Bank and Gaza Strip | 7,24 | — | — | — |

II

(Acts whose publication is not obligatory)

COUNCIL

COUNCIL DECISION

of 22 December 2003

appointing a Finnish member of the European Economic and Social Committee

(2004/62/EC, Euratom)

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community, and in particular Article 259 thereof,

Having regard to the Treaty establishing the European Atomic Energy Community, and in particular Article 167 thereof,

Having regard to Council Decision 2002/758/EC, Euratom of 17 September 2002 appointing the members of the Economic and Social Committee for the period from 21 September 2002 to 20 September 2006 ⁽¹⁾,

Whereas a member's seat on that Committee has fallen vacant following the resignation of Mr Martti REUNA, of which the Council was informed on 14 April 2003;

Having regard to the nominations submitted by the Finnish Government,

Having obtained the opinion of the Commission of the European Union,

HAS DECIDED AS FOLLOWS:

Sole Article

Ms Leila KURKI is hereby appointed a member of the European Economic and Social Committee in place of Mr Martti REUNA for the remainder of the latter's term of office, which runs until 20 September 2006.

Done at Brussels, 22 December 2003.

For the Council

The President

A. MATTEOLI

⁽¹⁾ OJ L 253, 21.9.2002, p. 9.

COMMISSION

COMMISSION DECISION

of 23 December 2003

amending Decision 2003/467/EC as regards the declaration that certain provinces of Italy are free of bovine brucellosis and enzootic bovine leukosis

(notified under document number C(2003) 5063)

(Text with EEA relevance)

(2004/63/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Directive 64/432/EEC of 26 June 1964 on health problems affecting intra-Community trade in bovine animals and swine ⁽¹⁾, and in particular Annex A(II)(7) and Annex D(I)(E) thereto,

Whereas:

- (1) The lists of regions of Member States declared free of bovine brucellosis and enzootic bovine leukosis are set out in Commission Decision 2003/467/EC of 25 June 2003 establishing the official tuberculosis, brucellosis and enzootic-bovine-leukosis free status of certain Member States and regions of Member States as regards bovine herds ⁽²⁾.
- (2) Italy submitted to the Commission documentation demonstrating compliance with the appropriate conditions provided for in Directive 64/432/EEC as regards the provinces of Cremona, Lodi and Pavia in the Region of Lombardia in order that those provinces may be declared officially free of brucellosis as regards bovine herds.
- (3) Italy also submitted to the Commission documentation demonstrating compliance with the appropriate conditions provided for in Directive 64/432/EEC as regards the provinces of Milano, Lodi and Cremona in the Region of Lombardia and the provinces of Arezzo, Firenze, Grosseto, Livorno, Lucca, Pisa, Pistoia, Prato, and Siena in the Region of Toscana, in order that those provinces may be declared officially free of enzootic bovine leukosis as regards bovine herds.

- (4) Following evaluation of the documentation submitted by Italy, the provinces of Cremona, Lodi and Pavia in the Region of Lombardia should be declared officially free of bovine brucellosis and the provinces of Milano, Lodi and Cremona in the Region of Lombardia and the provinces of Arezzo, Firenze, Grosseto, Livorno, Lucca, Pisa, Pistoia, Prato, and Siena in the Region of Toscana should be declared officially free of enzootic bovine leukosis.
- (5) Decision 2003/467/EC should therefore be amended accordingly.
- (6) The measures provided for in this Decision are in accordance with the opinion of the Standing Committee on the Food Chain and Animal Health,

HAS ADOPTED THIS DECISION:

Article 1

Annexes II and III to Decision 2003/467/EC are amended in accordance with the Annex to this Decision.

Article 2

This Decision is addressed to the Member States.

Done at Brussels, 23 December 2003.

For the Commission

David BYRNE

Member of the Commission

⁽¹⁾ OJ L 121, 29.7.1964, p.1977/64. Directive as last amended by the Act of Accession of 2003.

⁽²⁾ OJ L 156, 25.6.2003, p. 74.

ANNEX

Annexes II and III to Decision 2003/467/EC are amended as follows:

1. In Annex II, Chapter 2 is replaced by the following:

'CHAPTER 2**OFFICIALLY BRUCELLOSIS-FREE REGIONS OF MEMBER STATES**

In Italy:

- Region Emilia-Romagna: Provinces of Bologna, Ferrara, Forli-Cesena, Modena, Parma, Piacenza, Ravenna, Reggio Emilia, Rimini
- Region Lombardia: Provinces of Bergamo, Como, Cremona, Lecco, Lodi, Mantova, Pavia, Sondrio, Varese
- Region Marche: Province of Ascoli Piceno
- Region Sardinia: Provinces of Cagliari, Nuoro, Oristano, Sassari
- Region Trentino-Alto Adige: Provinces of Bolzano, Trento

In Portugal:

- Autonomous Region of Azores: Islands of Pico, Graciosa, Flores, Corvo

In the United Kingdom:

- Great Britain: England, Scotland, Wales'.

2. In Annex III, Chapter 2 is replaced by the following:

'CHAPTER 2**OFFICIALLY ENZOOTIC-BOVINE-LEUKOSIS-FREE REGIONS OF MEMBER STATES**

In Italy:

- Region Emilia-Romagna: Provinces of Bologna, Ferrara, Forli-Cesena, Modena, Parma, Piacenza, Ravenna, Reggio Emilia, Rimini
 - Region Lombardia: Provinces of Bergamo, Brescia, Como, Cremona, Lecco, Lodi, Mantova, Milano, Sondrio, Varese
 - Region Marche: Province of Ascoli Piceno
 - Region Toscana: Provinces of Arezzo, Firenze, Grosseto, Livorno, Lucca, Pisa, Pistoia, Prato, Siena
 - Region Trentino-Alto Adige: Provinces of Bolzano, Trento
 - Region Val d'Aosta: Province of Aosta'
-

COMMISSION DECISION**of 30 December 2003****amending Decision 2003/566/EC on the financial contribution towards carrying out the operations planned by the Member States in 2003 in implementing the control, inspection and surveillance systems applicable to the common fisheries policy***(notified under document number C(2003) 5221)***(Only the Spanish, Danish, German, Greek, English, French, Italian, Dutch, Portuguese, Finnish and Swedish texts are authentic)****(2004/64/EC)**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Decision 2001/431/EC of 28 May 2001 on a financial contribution by the Community to certain expenditure incurred by the Member States in implementing the control, inspection and surveillance systems applicable to the common fisheries policy ⁽¹⁾, and in particular Article 13 thereof,

Whereas:

- (1) Commission Decision 2003/566/EC of 28 July 2003 on the eligibility of expenditure to be incurred by certain Member States in 2003 in implementing the surveillance and control systems applicable to the common fisheries policy ⁽²⁾ provides for a Community financial contribution towards certain expenditure incurred by Member States.
- (2) It has transpired that the amounts relating to the expenditure incurred by Italy and the maximum Community contribution for putting in place the mechanisms and IT networks laid down in Annex I to Decision 2003/566/EC were not correct; these amounts should therefore be amended.
- (3) For the sake of clarity, Annex I to Decision 2003/566/EC should be replaced.

- (4) The measures provided for in this Decision are in accordance with the opinion of the Management Committee for Fisheries and Aquaculture,

HAS ADOPTED THIS DECISION:

Article 1

Annex I to Decision 2003/566/EC is hereby replaced by Annex I to this Decision.

Article 2

This Decision is addressed to the Kingdom of Belgium, the Kingdom of Denmark, the Federal Republic of Germany, the Hellenic Republic, the Kingdom of Spain, the French Republic, Ireland, the Italian Republic, the Kingdom of the Netherlands, the Republic of Austria, the Portuguese Republic, the Republic of Finland, the Kingdom of Sweden and the United Kingdom of Great Britain and Northern Ireland.

Done at Brussels, 30 December 2003.

For the Commission

Franz FISCHLER

Member of the Commission⁽¹⁾ OJ L 154, 9.6.2001, p. 22.⁽²⁾ OJ L 192, 31.7.2003, p. 44.

ANNEX

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

(EUR)

| Estado miembro Medlemsstat Mitgliedstaat Κράτος μέλος Member State État membre Stato membro Lidstaat Estado-Membro Jäsenvaltio Medlemsstat | Gastos subvencionables Støtteberettigede udgifter Erstattungsfähige Ausgaben Επιλέξιμες δαπάνες Eligible expenditure Dépenses admissibles Spese ammissibili In aanmerking komende uitgaven Despesas elegíveis Hyväksyttävät menot Bidragsberättigande kostnader | Contribución max. de la Comunidad Fællesskabets max. fin. bidrag Max. Gemeinschaftsbeitrag Μέγιστη κοινοτική συμμετοχή Max. Community contribution Participation communautaire maximale Contributo max. della Comunità Maximale bijdrage van de Gemeenschap Contribuição máxima da Comunidade Yhteisön osuus enintään Gemenskapens maximala bidrag |
|--|---|--|
| BELGIË/BELGIQUE | 24 790 | 12 395 |
| DANMARK | 640 000 | 320 000 |
| DEUTSCHLAND | 360 000 | 180 000 |
| ΕΛΛΑΣ | 1 500 000 | 750 000 |
| ESPAÑA | 923 812 | 461 906 |
| FRANCE | 153 000 | 76 500 |
| IRELAND | 615 552 | 307 776 |
| ITALIA | 1 755 953 | 877 977 |
| NEDERLAND | 443 732 | 221 866 |
| ÖSTERREICH | 0 | 0 |
| PORTUGAL | 74 820 | 37 410 |
| SUOMI | 900 000 | 450 000 |
| SVERIGE | 316 904 | 158 452 |
| UNITED KINGDOM | 527 662 | 263 831 |
| Total/I alt/Σύνολο/Totale/Totaal/ Yhteensä/Totalt | 8 236 225 | 4 118 113' |

COMMISSION DECISION

of 30 December 2003

on the financial contribution towards carrying out certain operations planned by the Member States in 2003 to implement the control, inspection and surveillance systems applicable to the common fisheries policy (second instalment)

(notified under document number C(2003) 5228)

(Only the Spanish, Danish, German, Greek, English, French, Italian, Dutch, Portuguese, Finnish and Swedish texts are authentic)

(2004/65/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Decision 2001/431/EC of 28 May 2001 on a financial contribution by the Community to certain expenditure incurred by the Member States in implementing the control, inspection and surveillance systems applicable to the common fisheries policy ⁽¹⁾, and in particular Article 13 thereof,

Whereas:

(1) Belgium, Denmark, Germany, Greece, Spain, France, Ireland, Italy, the Netherlands, Austria, Portugal, Finland, Sweden and the United Kingdom have forwarded to the Commission their fisheries control programmes for the period from 1 January 2001 to 31 December 2003 together with applications for a financial contribution towards the expenditure to be incurred in carrying out the programmes. The Member States have submitted updated applications for 2003.

(2) Certain expenditure relating to 2003 has already been the subject of Commission Decision 2003/566/EC of 28 July 2003 on the financial contribution towards carrying out the operations planned by the Member States in 2003 in implementing the control, inspection and surveillance systems applicable to the common fisheries policy ⁽²⁾.

(3) In view of the available appropriations, a financial contribution can be made to investments in implementing pilot projects for sending information by electronic means, remote sensing, modernising vessels and aircraft used for inspecting fishing activities and installing the mechanisms and IT networks necessary for exchanges of information on these controls.

(4) The rate of the Community contribution for each operation, the conditions on which the expenditure is reimbursed and, for each Member State and each operation, the total amount of eligible expenditure for the second instalment for 2003 should be laid down.

(5) Under Article 15 of Decision 2001/431/EC, the Member States must implement their scheduled expenditure within one year of the legal and financial commitment. This commitment must be made at the latest within the calendar year following the year of notification of the Commission Decision.

(6) Under Article 17(1) of Decision 2001/431/EC, Member States must submit their applications for reimbursement of expenditure to the Commission no later than 31 May of the year following that in which it is incurred.

(7) The measures provided for in this Decision are in accordance with the opinion of the Management Committee for Fisheries and Aquaculture,

HAS ADOPTED THIS DECISION:

Article 1

This Decision establishes for 2003 the amount of certain eligible expenditure for each Member State, the rates of the Community financial contribution and the conditions on which the contribution may be granted, provided the eligible expenditure is actually used to implement the control programmes.

Article 2

Expenditure incurred in implementing pilot projects for sending information by electronic means and for remote sensing shall qualify for a maximum financial contribution of 100 % of the eligible expenditure within the limits laid down in Annex I.

Article 3

Expenditure incurred in modernising vessels and aircraft actually used for control, inspection and surveillance of fishing activities shall qualify for a maximum financial contribution of 35 % of the eligible expenditure within the limits laid down in Annex II.

⁽¹⁾ OJ L 154, 9.6.2001, p. 22.

⁽²⁾ OJ L 192, 31.7.2003, p. 44.

Article 4

Expenditure incurred in putting in place the mechanisms and IT networks necessary for exchanges of information linked to control shall qualify for a maximum financial contribution of 50 % of the eligible expenditure within the limits laid down in Annex III.

Article 5

Member States shall submit their applications for reimbursement of the expenditure referred to in this Decision to the Commission by 31 May 2006 at the latest.

Article 6

Applications for reimbursement and advances expressed in currencies other than the euro shall be converted into euro at the rate for the month in which they reach the Commission.

Article 7

This Decision is addressed to the Kingdom of Belgium, the Kingdom of Denmark, the Federal Republic of Germany, the Hellenic Republic, the Kingdom of Spain, the French Republic, Ireland, the Italian Republic, the Kingdom of the Netherlands, the Republic of Austria, the Portuguese Republic, the Republic of Finland, the Kingdom of Sweden and the United Kingdom of Great Britain and Northern Ireland.

Done at Brussels, 30 December 2003.

For the Commission

Franz FISCHLER

Member of the Commission

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

(EUR)

| Estado miembro Medlemsstat Mitgliedstaat Κράτος μέλος Member State État membre Stato membro Lidstaat Estado-Membro Jäsenvaltio Medlemsstat | Gastos nacionales Nationale udgifter Einzelstaatliche Ausgaben Εθνικές δαπάνες National expenditure Dépenses nationales Spese nazionali Nationale uitgaven Despesas nacionais Kansalliset menot Nationella utgifter | Contribución max. de la Comunidad Fællesskabets max. fin. bidrag Max. Gemeinschaftsbeitrag Μέγιστη κοινοτική συμμετοχή Max. Community contribution Participation communautaire maximale Contributo max. della Comunità Maximale bijdrage van de Gemeenschap Contribuição máxima da Comunidade Yhteisön osuus enintään Gemenskapens maximala bidrag |
|--|---|--|
| BELGIË/BELGIQUE | 0 | 0 |
| DANMARK | 0 | 0 |
| DEUTSCHLAND | 0 | 0 |
| ΕΛΛΑΣ | 150 000 | 150 000 |
| ESPAÑA | 0 | 0 |
| FRANCE | 0 | 0 |
| IRELAND | 0 | 0 |
| ITALIA | 0 | 0 |
| NEDERLAND | 100 000 | 100 000 |
| ÖSTERREICH | 0 | 0 |
| PORTUGAL | 0 | 0 |
| SUOMI | 0 | 0 |
| SVERIGE | 0 | 0 |
| UNITED KINGDOM | 0 | 0 |
| Total/I alt/Σύνολο/Totale/Totaal/ Yhteensä/Totalt | 250 000 | 250 000 |

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

(EUR)

| Estado miembro Medlemsstat Mitgliedstaat Κράτος μέλος Member State État membre Stato membro Lidstaat Estado-Membro Jäsenvaltio Medlemsstat | Gastos nacionales Nationale udgifter Einzelstaatliche Ausgaben Εθνικές δαπάνες National expenditure Dépenses nationales Spese nazionali Nationale uitgaven Despesas nacionais Kansalliset menot Nationella utgifter | Contribución max. de la Comunidad Fællesskabets max. fin. bidrag Max. Gemeinschaftsbeitrag Μέγιστη κοινοτική συμμετοχή Max. Community contribution Participation communautaire maximale Contributo max. della Comunità Maximale bijdrage van de Gemeenschap Contribuição máxima da Comunidade Yhteisön osuus enintään Gemenskapens maximala bidrag |
|--|---|--|
| BELGIË/BELGIQUE | 116 510 | 40 779 |
| DANMARK | 0 | 0 |
| DEUTSCHLAND | 350 000 | 122 500 |
| ΕΛΛΑΣ | 0 | 0 |
| ESPAÑA | 0 | 0 |
| FRANCE | 233 881 | 81 858 |
| IRELAND | 350 416 | 122 646 |
| ITALIA | 0 | 0 |
| NEDERLAND | 0 | 0 |
| ÖSTERREICH | 0 | 0 |
| PORTUGAL | 0 | 0 |
| SUOMI | 0 | 0 |
| SVERIGE | 0 | 0 |
| UNITED KINGDOM | 15 990 | 5 597 |
| Total/I alt/Σύνολο/Totale/Totaal/ Yhteensä/Totalt | 1 066 797 | 373 380 |

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

(EUR)

| Estado miembro Medlemsstat Mitgliedstaat Κράτος μέλος Member State État membre Stato membro Lidstaat Estado-Membro Jäsenvaltio Medlemsstat | Gastos nacionales Nationale udgifter Einzelstaatliche Ausgaben Εθνικές δαπάνες National expenditure Dépenses nationales Spese nazionali Nationale uitgaven Despesas nacionais Kansalliset menot Nationella utgifter | Contribución max. de la Comunidad Fællesskabets max. fin. bidrag Max. Gemeinschaftsbeitrag Μέγιστη κοινοτική συμμετοχή Max. Community contribution Participation communautaire maximale Contributo max. della Comunità Maximale bijdrage van de Gemeenschap Contribuição máxima da Comunidade Yhteisön osuus enintään Gemenskapens maximala bidrag |
|--|---|--|
| BELGIË/BELGIQUE | 0 | 0 |
| DANMARK | 0 | 0 |
| DEUTSCHLAND | 0 | 0 |
| ΕΛΛΑΣ | 0 | 0 |
| ESPAÑA | 0 | 0 |
| FRANCE | 0 | 0 |
| IRELAND | 0 | 0 |
| ITALIA | 0 | 0 |
| NEDERLAND | 0 | 0 |
| ÖSTERREICH | 0 | 0 |
| PORTUGAL | 0 | 0 |
| SUOMI | 0 | 0 |
| SVERIGE | 450 000 | 225 000 |
| UNITED KINGDOM | 0 | 0 |
| Total/I alt/Σύνολο/Totale/Totaal/ Yhteensä/Totalt | 450 000 | 225 000 |

COMMISSION DECISION

of 30 December 2003

amending Decision 2003/126/EC as regards the financial assistance for two Community reference laboratories in the field of veterinary public health (biological risks) in Spain and the United Kingdom for the year 2003

(notified under document number C(2003) 5231)

(Only the Spanish and English texts are authentic)

(2004/66/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

HAS ADOPTED THIS DECISION:

Having regard to the Treaty establishing the European Community,

Having regard to Council Decision 90/424/EEC of 26 June 1990 on expenditure in the veterinary field ⁽¹⁾, and, in particular, Article 28(2) thereof,

Article 1

Whereas:

Decision 2003/126/EC, is amended as follows:

- (1) Commission Decision 2003/126/EC on financial aid from the Community for the operation of certain Community reference laboratories in the field of veterinary public health (biological risks) for the year 2003 ⁽²⁾, grants Community financial aid to them to carry out certain functions and duties.
- (2) The Laboratorio de biotoxinas marinas del Area de sanidad, Vigo, Spain informed the Commission that EUR 33 000 will not be used in the year 2003. Therefore the annual budget should be reduced accordingly.
- (3) In the framework of the normal tasks of the Community reference laboratory for TSEs, Weybridge, United Kingdom (CRL), the Commission has asked the CRL to carry out a comparative testing of the three rapid TSE tests originally evaluated in 1999. Since this specific comparative testing was not foreseen in the annual budget of 2003, the annual budget should be increased accordingly to allow the CRL to perform this testing.
- (4) Rules laid down in Commission Regulation (EC) No 324/2003 of 20 February 2003 establishing the eligibility criteria for the expenditure of the Community reference laboratories receiving financial assistance under Article 28 of Decision 90/424/EEC and establishing the procedures for the submission of expenditure and the conduct of audits ⁽³⁾ should apply.
- (5) Decision 2003/126/EC should be amended accordingly.
- (6) The measures provided for in this Decision are in accordance with the opinion of the Standing Committee on the Food Chain and Animal Health,

1. Article 4(2) is replaced by:

'2. The financial assistance is hereby set at a maximum of EUR 77 000 for the period 1 January 2003 to 31 December 2003.'

2. Article 6(2) is replaced by:

'2. The financial assistance is hereby set at a maximum of EUR 556 500 for the period 1 January 2003 to 31 December 2003.'

Within the maximum referred to in the first subparagraph and without prejudice to the time limits laid down in Article 2 of Commission Regulation (EC) No 324/2003, an amount of EUR 170 000 shall be reserved for the project to the development of guidelines for evaluation of BSE status of countries using surveillance data in conjunction with exposure risk assessment and shall be granted to the Community reference laboratory for TSEs subject to:

- (a) forwarding monthly intermediate reports on the progress of the project;
- (b) forwarding a final report by 30 September 2003 at the latest;
- (c) forwarding a final summary report, including the software for conducting evaluations accompanied by justifying evidence as to the costs incurred, by 31 December 2003.

Within the maximum referred to in the first subparagraph and without prejudice to the time limits laid down in Article 2 of Commission Regulation (EC) No 324/2003, an amount of EUR 26 500 shall be reserved to conduct a comparative testing of the three rapid tests approved in 1999 and shall be granted to the Community reference laboratory for TSEs subject to forwarding a summary report accompanied by justifying evidence as to the costs incurred.'

⁽¹⁾ OJ L 224, 18.8.1990, p. 19. Decision as last amended by Regulation (EC) No 806/2003 (OJ L 122, 16.5.2003, p. 1).

⁽²⁾ OJ L 50, 25.2.2003, p. 25. Decision as amended by Decision 2003/332/EC (OJ L 116, 13.5.2003, p. 26.).

⁽³⁾ OJ L 47, 21.2.2003, p. 14.

Article 2

This Decision is addressed to the Kingdom of Spain and the United Kingdom of Great Britain and Northern Ireland.

Done at Brussels, 30 December 2003.

For the Commission

David BYRNE

Member of the Commission

COMMISSION DECISION**of 6 January 2004****amending for the second time Decision 2000/807/EC to take into account the revised regions in the Netherlands***(notified under document number C(2003) 5312)***(Text with EEA relevance)****(2004/67/EC)**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Directive 82/894/EEC of 21 December 1982 on the notification of animal diseases within the Community ⁽¹⁾ and in particular Article 5 thereof,

Whereas:

- (1) Commission Decision 2000/807/EC ⁽²⁾ lays down the codified form and the codes for the notification of animal diseases pursuant to Directive 82/894/EEC.
- (2) During the development of their animal disease eradication plans, the Netherlands has adjusted the regions of their country. The boundaries of the new regions have been laid down, so as to make them easier to control in the case of an outbreak. The adjustment of the regions in the Netherlands affects the Animal Disease Notification System (ADNS) set out in Decision 2000/807/EC. The new regions (compartments) should therefore replace the current ones in the ADNS.
- (3) Decision 2000/807/EC should therefore be amended accordingly.
- (4) In order to protect confidentiality of the transmitted information, the Annex to this Decision should not be published.

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

HAS ADOPTED THIS DECISION:

Article 1

Annex V to Decision 2000/807/EC is amended in accordance with the Annex to this Decision.

Article 2

This Decision shall apply from 1 January 2004.

Article 3

This Decision is addressed to the Member States.

Done at Brussels, 6 January 2004.

For the Commission

David BYRNE

Member of the Commission

⁽¹⁾ OJ L 378, 31.12.1982, p. 58. Directive as last amended by Regulation (EC) No 807/2003 (OJ L 122, 16.5.2003, p. 36).

⁽²⁾ OJ L 326, 22.12.2000, p. 80. Decision as amended by Decision 2002/807/EC (OJ L 279, 17.10.2002, p. 50).

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

COUNCIL FRAMEWORK DECISION 2004/68/JHA
of 22 December 2003
on combating the sexual exploitation of children and child pornography

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on European Union, and in particular Article 29, Article 31(1)(e) and Article 34(2)(b) thereof,

Having regard to the proposal from the Commission ⁽¹⁾,

Having regard to the opinion of the European Parliament ⁽²⁾,

Whereas:

- (1) The Action Plan of the Council and the Commission on how best to implement the provisions of the Treaty of Amsterdam on an area of freedom, security and justice ⁽³⁾, the conclusions of the Tampere European Council and the Resolution of the European Parliament of 11 April 2000 include or call for legislative action against sexual exploitation of children and child pornography, including common definitions, charges and penalties.
- (2) Council Joint Action 97/154/JHA of 24 February 1997 concerning action to combat trafficking in human beings and sexual exploitation of children ⁽⁴⁾ and Council Decision 2000/375/JHA of 29 May 2000 to combat child pornography on the Internet ⁽⁵⁾ need to be followed by further legislative action addressing the divergence of legal approaches in the Member States and contributing to the development of efficient judicial and law enforcement cooperation against sexual exploitation of children and child pornography.
- (3) The European Parliament, in its Resolution of 30 March 2000 on the Commission Communication on the implementation of measures to combat child sex tourism, reiterates that child sex tourism is a criminal act closely linked to those of sexual exploitation of children and of child pornography, and requests the Commission to submit to the Council a proposal for a framework Decision establishing minimum rules relating to the constituent elements of these criminal acts.
- (4) Sexual exploitation of children and child pornography constitute serious violations of human rights and of the fundamental right of a child to a harmonious upbringing and development.

- (5) Child pornography, a particularly serious form of sexual exploitation of children, is increasing and spreading through the use of new technologies and the Internet.
- (6) The important work performed by international organisations must be complemented by that of the European Union.
- (7) It is necessary that serious criminal offences such as the sexual exploitation of children and child pornography be addressed by a comprehensive approach in which the constituent elements of criminal law common to all Member States, including effective, proportionate and dissuasive sanctions, form an integral part together with the widest possible judicial cooperation.
- (8) In accordance with the principles of subsidiarity and proportionality, this framework Decision confines itself to the minimum required in order to achieve those objectives at European level and does not go beyond what is necessary for that purpose.
- (9) Penalties must be introduced against the perpetrators of such offences which are sufficiently stringent to bring sexual exploitation of children and child pornography within the scope of instruments already adopted for the purpose of combating organised crime, such as Council Joint Action 98/699/JHA of 3 December 1998 on money laundering, the identification, tracing, freezing, seizing and confiscation of the instrumentalities and the proceeds from crime ⁽⁶⁾ and Council Joint Action 98/733/JHA of 21 December 1998 on making it a criminal offence to participate in a criminal organisation in the Member States of the European Union ⁽⁷⁾.
- (10) The specific characteristics of the combat against the sexual exploitation of children must lead Member States to lay down effective, proportionate and dissuasive sanctions in national law. Such sanctions should also be adjusted in line with the activity carried on by legal persons.

⁽¹⁾ OJ C 62 E, 27.2.2001, p. 327.

⁽²⁾ OJ C 53 E, 28.2.2002, p. 108.

⁽³⁾ OJ C 19, 23.1.1999, p. 1.

⁽⁴⁾ OJ L 63, 4.3.1997, p. 2.

⁽⁵⁾ OJ L 138, 9.6.2000, p. 1.

⁽⁶⁾ OJ L 333, 9.12.1998, p. 1. Joint Action as amended by framework Decision 2001/500/JHA (OJ L 182, 5.7.2001, p. 1).

⁽⁷⁾ OJ L 351, 29.12.1998, p. 1.

- (11) Victims who are children should be questioned according to their age and stage of development for the purpose of investigation and prosecution of offences falling under this framework Decision.
- (12) This framework Decision is without prejudice to the powers of the Community.
- (13) This framework Decision should contribute to the fight against sexual exploitation of children and child pornography by complementing the instruments adopted by the Council, such as Joint Action 96/700/JHA of 29 November 1996 establishing an incentive and exchange programme for persons responsible for combating trade in human beings and sexual exploitation of children ⁽¹⁾, Joint Action 96/748/JHA of 16 December 1996 extending the mandate given to the Europol Drugs Unit ⁽²⁾, Joint Action 98/428/JHA of 29 June 1998 on the creation of a European Judicial Network ⁽³⁾, Joint Action 96/277/JHA of 22 April 1996 concerning a framework for the exchange of liaison magistrates to improve judicial cooperation between the Member States of the European Union ⁽⁴⁾, and Joint Action 98/427/JHA of 29 June 1998 on good practice in mutual legal assistance in criminal matters ⁽⁵⁾, as well as acts adopted by the European Council and the Council, such as Decision No 276/1999/EC of the European Parliament and of the Council of 25 January 1999 adopting a multiannual Community action plan on promoting safer use of the Internet by combating illegal and harmful content on global networks ⁽⁶⁾, and Decision No 293/2000/EC of the European Parliament and of the Council of 24 January 2000 adopting a programme of Community action (the Daphne programme) (2000 to 2003) on preventive measures to fight violence against children, young persons and women ⁽⁷⁾,
- (ii) a real person appearing to be a child involved or engaged in the conduct mentioned in (i); or
- (iii) realistic images of a non-existent child involved or engaged in the conduct mentioned in (i);
- (c) 'computer system' shall mean any device or group of interconnected or related devices, one or more of which, pursuant to a programme, perform automatic processing of data;
- (d) 'legal person' shall mean any entity having such status under the applicable law, except for States or other public bodies in the exercise of State authority and for public international organisations.

Article 2

Offences concerning sexual exploitation of children

Each Member State shall take the necessary measures to ensure that the following intentional conduct is punishable:

- (a) coercing a child into prostitution or into participating in pornographic performances, or profiting from or otherwise exploiting a child for such purposes;
- (b) recruiting a child into prostitution or into participating in pornographic performances;
- (c) engaging in sexual activities with a child, where
- (i) use is made of coercion, force or threats;
- (ii) money or other forms of remuneration or consideration is given as payment in exchange for the child engaging in sexual activities; or
- (iii) abuse is made of a recognised position of trust, authority or influence over the child.

HAS ADOPTED THIS FRAMEWORK DECISION:

Article 1

Definitions

For the purposes of this framework Decision:

- (a) 'child' shall mean any person below the age of 18 years;
- (b) 'child pornography' shall mean pornographic material that visually depicts or represents:
- (i) a real child involved or engaged in sexually explicit conduct, including lascivious exhibition of the genitals or the pubic area of a child; or

⁽¹⁾ OJ L 322, 12.12.1996, p. 7.

⁽²⁾ OJ L 342, 31.12.1996, p. 4.

⁽³⁾ OJ L 191, 7.7.1998, p. 4.

⁽⁴⁾ OJ L 105, 27.4.1996, p. 1.

⁽⁵⁾ OJ L 191, 7.7.1998, p. 1.

⁽⁶⁾ OJ L 33, 6.2.1999, p. 1.

⁽⁷⁾ OJ L 34, 9.2.2000, p. 1.

Article 3

Offences concerning child pornography

1. Each Member State shall take the necessary measures to ensure that the following intentional conduct whether undertaken by means of a computer system or not, when committed without right is punishable:

- (a) production of child pornography;
- (b) distribution, dissemination or transmission of child pornography;
- (c) supplying or making available child pornography;
- (d) acquisition or possession of child pornography.

2. A Member State may exclude from criminal liability conduct relating to child pornography:

- (a) referred to in Article 1(b)(ii) where a real person appearing to be a child was in fact 18 years of age or older at the time of the depiction;
- (b) referred to in Article 1(b)(i) and (ii) where, in the case of production and possession, images of children having reached the age of sexual consent are produced and possessed with their consent and solely for their own private use. Even where the existence of consent has been established, it shall not be considered valid, if for example superior age, maturity, position, status, experience or the victim's dependency on the perpetrator has been abused in achieving the consent;
- (c) referred to in Article 1(b)(iii), where it is established that the pornographic material is produced and possessed by the producer solely for his or her own private use, as far as no pornographic material as referred to in Article 1(b)(i) and (ii) has been used for the purpose of its production, and provided that the act involves no risk for the dissemination of the material.

Article 4

Instigation, aiding, abetting and attempt

- 1. Each Member State shall take the necessary measures to ensure that the instigation of, or aiding or abetting in the commission of an offence referred to in Articles 2 and 3 is punishable.
- 2. Each Member State shall take the necessary measures to ensure that attempts to commit the conduct referred to in Article 2 and Article 3(1)(a) and (b), are punishable.

Article 5

Penalties and aggravating circumstances

- 1. Subject to paragraph 4, each Member State shall take the necessary measures to ensure that the offences referred to in Articles 2, 3 and 4 are punishable by criminal penalties of a maximum of at least between one and three years of imprisonment.
- 2. Subject to paragraph 4, each Member State shall take the necessary measures to ensure that the following offences are punishable with criminal penalties of a maximum of at least between five and ten years of imprisonment:

- (a) the offences referred to in Article 2(a), consisting in 'coercing a child into prostitution or into participating in pornographic performances', and the offences referred to in Article 2(c)(i);

- (b) the offences referred to in Article 2(a), consisting in 'profiting from or otherwise exploiting a child for such purposes', and the offences referred to in Article 2(b), in both cases as far as they refer to prostitution, where at least one of the following circumstances may apply:

- the victim is a child below the age of sexual consent under national law,
- the offender has deliberately or by recklessness endangered the life of the child,
- the offences involve serious violence or caused serious harm to the child,
- the offences are committed within the framework of a criminal organisation within the meaning of Joint Action 98/733/JHA, irrespective of the level of the penalty referred to in that Joint Action;

- (c) the offences referred to in Article 2(a), consisting in 'profiting from or otherwise exploiting a child for such purposes', and the offences referred to in Article 2(b), in both cases as far as they refer to pornographic performances, Article 2(c)(ii) and (iii), Article 3(1)(a), (b) and (c), where the victim is a child below the age of sexual consent under national law and at least one of the circumstances referred to under the second, third and fourth indent under point (b) of this paragraph may apply.

- 3. Each Member State shall take the necessary measures to ensure that a natural person, who has been convicted of one of the offences referred to in Articles 2, 3 or 4, may, if appropriate, be temporarily or permanently prevented from exercising professional activities related to the supervision of children.

- 4. Each Member State may provide for other sanctions, including non-criminal sanctions or measures, concerning conduct relating to child pornography referred to in Article 1(b)(iii).

Article 6

Liability of legal persons

- 1. Each Member State shall take the necessary measures to ensure that legal persons can be held liable for an offence referred to in Articles 2, 3 and 4 committed for their benefit by any person, acting either individually or as part of an organ of the legal person, who has a leading position within the legal person, based on:

- (a) a power of representation of the legal person;
- (b) an authority to take decisions on behalf of the legal person; or

(c) an authority to exercise control within the legal person.

2. Apart from the cases provided for in paragraph 1, each Member State shall take the necessary measures to ensure that legal persons can be held liable where the lack of supervision or control by a person referred to in paragraph 1 have rendered possible the commission of an offence referred to in Articles 2, 3 and 4 for the benefit of that legal person by a person under its authority.

3. Liability of legal persons under paragraphs 1 and 2 shall not exclude criminal proceedings against natural persons who are perpetrators, instigators or accessories in an offence referred to in Articles 2, 3 and 4.

Article 7

Sanctions on legal persons

1. Each Member State shall take the necessary measures to ensure that a legal person held liable pursuant to Article 6(1) is punishable by effective, proportionate and dissuasive sanctions, which shall include criminal or non-criminal fines and may include other sanctions such as:

- (a) exclusion from entitlement to public benefits or aid;
- (b) temporary or permanent disqualification from the practice of commercial activities;
- (c) placing under judicial supervision;
- (d) a judicial winding-up order; or
- (e) temporary or permanent closure of establishments which have been used for committing the offence.

2. Each Member State shall take the necessary measures to ensure that a legal person held liable pursuant to Article 6(2) is punishable by effective, proportionate and dissuasive sanctions or measures.

Article 8

Jurisdiction and prosecution

1. Each Member State shall take the necessary measures to establish its jurisdiction over the offences referred to in Articles 2, 3 and 4 where:

- (a) the offence is committed in whole or in part within its territory;
- (b) the offender is one of its nationals; or
- (c) the offence is committed for the benefit of a legal person established in the territory of that Member State.

2. A Member State may decide that it will not apply, or that it will apply only in specific cases or circumstances, the jurisdiction rules set out in paragraphs 1(b) and 1(c) where the offence is committed outside its territory.

3. A Member State which, under its laws, does not extradite its own nationals shall take the necessary measures to establish its jurisdiction over and to prosecute, where appropriate, an offence referred to in Articles 2, 3 and 4 when it is committed by one of its own nationals outside its territory.

4. Member States shall inform the General Secretariat of the Council and the Commission accordingly where they decide to apply paragraph 2, where appropriate with an indication of the specific cases or circumstances in which the decision applies.

5. Each Member State shall ensure that its jurisdiction includes situations where an offence under Article 3 and, insofar as it is relevant, under Article 4, is committed by means of a computer system accessed from its territory, whether or not the computer system is on its territory.

6. Each Member State shall take the necessary measures to enable the prosecution, in accordance with national law, of at least the most serious of the offences referred to in Article 2 after the victim has reached the age of majority.

Article 9

Protection of and assistance to victims

1. Member States shall establish that investigations into or prosecution of offences covered by this framework Decision shall not be dependent on the report or accusation made by a person subjected to the offence, at least in cases where Article 8(1)(a) applies.

2. Victims of an offence referred to in Article 2 should be considered as particularly vulnerable victims pursuant to Article 2(2), Article 8(4) and Article 14(1) of Council framework Decision 2001/220/JHA of 15 March 2001 on the standing of victims in criminal proceedings ⁽¹⁾.

3. Each Member State shall take all measures possible to ensure appropriate assistance for the victim's family. In particular, each Member State shall, where appropriate and possible, apply Article 4 of that framework Decision to the family referred therein.

Article 10

Territorial scope

This framework Decision shall apply to Gibraltar.

⁽¹⁾ OJ L 82, 22.3.2001, p. 1.

*Article 11***Repeal of Joint Action 97/154/JHA**

Joint Action 97/154/JHA is hereby repealed.

*Article 12***Implementation**

1. Member States shall take the necessary measures to comply with this framework Decision by 20 January 2006 at the latest.
2. By 20 January 2006 the Member States shall transmit to the General Secretariat of the Council and to the Commission the text of the provisions transposing into their national legislation the obligations imposed on them under this framework Decision. By 20 January 2008 on the basis of a report established using this information and a written report from the

Commission, the Council shall assess the extent to which the Member States have complied with the provisions of this framework Decision.

*Article 13***Entry into force**

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

Done at Brussels, 22 December 2003.

For the Council

The President

A. MATTEOLI
