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(Acts whose publication is obligatory)

COMMISSION REGULATION (EC) No 1430/2004
of 10 August 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⁾, and in particular Article 4(1) thereof,

Whereas:

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

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

HAS ADOPTED THIS REGULATION:

Article 1

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

Article 2

This Regulation shall enter into force on 11 August 2004.

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

Done at Brussels, 10 August 2004.

For the Commission

J. M. SILVA RODRÍGUEZ
Agriculture Director-General

⁽¹⁾ OJ L 337, 24.12.1994, p. 66. Regulation as last amended by Regulation (EC) No 1947/2002 (OJ L 299, 1.11.2002, p. 17).

ANNEX

to Commission Regulation of 10 August 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
0709 90 70	052	81,5
	999	81,5
0805 50 10	388	64,6
	508	49,0
	524	66,6
	528	53,8
	999	58,5
0806 10 10	052	109,3
	204	87,5
	220	100,7
	400	172,0
	624	144,6
	628	137,6
	999	125,3
0808 10 20, 0808 10 50, 0808 10 90	388	87,8
	400	95,8
	404	117,3
	508	52,9
	512	84,7
	528	92,0
	720	50,3
	800	167,5
	804	83,8
0808 20 50	999	92,5
	052	114,5
	388	83,0
	528	87,0
0809 30 10, 0809 30 90	999	94,8
	052	149,6
0809 40 05	999	149,6
	066	29,8
	093	41,6
	400	240,6
	624	113,6
	999	106,4

⁽¹⁾ Country nomenclature as fixed by Commission Regulation (EC) No 2081/2003 (OJ L 313, 28.11.2003, p. 11). Code '999' stands for 'of other origin'.

COMMISSION REGULATION (EC) No 1431/2004**of 10 August 2004****opening an invitation to tender for the allocation of A3 export licences for fruit and vegetables
(tomatoes, oranges, table grapes and apples)**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

quantities must be allocated taking account of the perishability of the products concerned.

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 the third subparagraph of Article 35(3) thereof,

Whereas:

(1) Commission Regulation (EC) No 1961/2001 ⁽²⁾ lays down the detailed rules of application for export refunds on fruit and vegetables.

(2) Article 35(1) of Regulation (EC) No 2200/96 provides that, to the extent necessary for economically significant exports, the products exported by the Community may be covered by export refunds, within the limits resulting from agreements concluded in accordance with Article 300 of the Treaty.

(3) Under Article 35(2) of Regulation (EC) No 2200/96, care must be taken to ensure that the trade flows previously brought about by the refund scheme are not disrupted. For this reason and because exports of fruit and vegetables are seasonal in nature, the quantities scheduled for each product should be fixed, based on the agricultural product nomenclature for export refunds established by Commission Regulation (EEC) No 3846/87 ⁽³⁾. These

(4) Article 35(4) of Regulation (EC) No 2200/96 provides that refunds must be fixed in the light of the existing situation and outlook for fruit and vegetable prices on the Community market and supplies available, on the one hand, and, on the other hand, prices on the international market. Account must also be taken of the transport and marketing costs and of the economic aspect of the exports planned.

(5) In accordance with Article 35(5) of Regulation (EC) No 2200/96, prices on the Community market are to be established in the light of the most favourable prices from the export standpoint.

(6) The international trade situation or the special requirements of certain markets may call for the refund on a given product to vary according to its destination.

(7) Tomatoes, oranges, table grapes and apples of classes Extra, I and II of the common quality standards can currently be exported in economically significant quantities.

(8) In order to ensure the best use of available resources and in view of the structure of Community exports, it is appropriate to proceed by an open invitation to tender and to set the indicative refund amount and the scheduled quantities for the period concerned.

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

⁽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 268, 9.10.2001, p. 8. Regulation as last amended by Regulation (EC) No 537/2004 (OJ L 86, 24.3.2004, p. 9).

⁽³⁾ OJ L 366, 24.12.1987, p. 1. Regulation, as last amended by Regulation (EC) No 2180/2003 (OJ L 335, 22.12.2003, p. 1).

HAS ADOPTED THIS REGULATION:

shall not count against the eligible quantities in the Annex hereto.

Article 1

1. An invitation to tender for the allocation of A3 export licences is hereby opened. The products concerned, the tender submission period, the indicative refund rates and the scheduled quantities are laid down in the Annex hereto.

3. Notwithstanding Article 5(6) of Regulation (EC) No 1961/2001, the term of validity of the A3 licences shall be two months.

2. The licences issued in respect of food aid as referred to in Article 16 of Commission Regulation (EC) No 1291/2000 ⁽¹⁾

Article 2

This Regulation shall enter into force on 8 September 2004.

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

Done at Brussels, 10 August 2004.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ L 152, 24.6.2000, p. 1.

ANNEX

INVITATION TO TENDER FOR THE ALLOCATION OF A3 EXPORT LICENCES FOR FRUIT AND VEGETABLES (TOMATOES, ORANGES, TABLE GRAPES AND APPLES)**Tender submission period: 8 to 9 September 2004**

Product code ⁽¹⁾	Destination ⁽²⁾	Indicative refund amount (EUR/tonnes net)	Scheduled quantity (tonnes)
0702 00 00 9100	F08	30	2 158
0805 10 10 9100 0805 10 30 9100 0805 10 50 9100	A00	25	6 712
0806 10 10 9100	A00	24	11 203
0808 10 20 9100 0808 10 50 9100 0808 10 90 9100	F04, F09	29	7 334

⁽¹⁾ The product codes are defined in Commission Regulation (EEC) No 3846/87 (OJ L 366, 24.12.1987, p. 1).

⁽²⁾ The 'A' series destination codes are defined in Annex II to Regulation (EEC) No 3846/87. The numeric destination codes are set out in Commission Regulation (EC) No 2081/2003 (OJ L 313, 28.11.2003, p. 11). The other destinations are defined as follows:

F03 All destinations except Switzerland.

F04 Hong Kong, Singapore, Malaysia, Sri Lanka, Indonesia, Thailand, Taiwan, Papua New Guinea, Laos, Cambodia, Vietnam, Japan, Uruguay, Paraguay, Argentina, Mexico, Costa Rica.

F08 All destinations except Bulgaria.

F09 The following destinations:

- Norway, Iceland, Greenland, Faeroe Islands, Romania, Albania, Bosnia and Herzegovina, Croatia, Former Yugoslav Republic of Macedonia, Serbia and Montenegro, Armenia, Azerbaijan, Belarus, Georgia, Kazakhstan, Kyrgyzstan, Moldova, Russia, Tajikistan, Turkmenistan, Uzbekistan, Ukraine, Saudi Arabia, Bahrain, Qatar, Oman, United Arab Emirates (Abu Dhabi, Dubai, Sharjah, Ajman, Umm al Qalwain, Ras al Khaimah and Fujairah), Kuwait, Yemen, Syria, Iran, Jordan, Bolivia, Brazil, Venezuela, Peru, Panama, Ecuador and Colombia,

- African countries and territories except South Africa,

- destinations referred to in Article 36 of Commission Regulation (EC) No 800/1999 (OJ L 102, 17.4.1999, p. 11).

COMMISSION REGULATION (EC) No 1432/2004**of 10 August 2004****amending Regulations (EC) No 2366/98 laying down detailed rules for the application of the system of production aid for olive oil for the 1998/99 to 2003/04 marketing years and (EC) No 2768/98 on the aid scheme for the private storage of olive oil**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 136/66 of 22 September 1966 on the establishment of a common organisation of the market in oils and fats⁽¹⁾, and in particular Articles 5 and 12a thereof,

Having regard to Council Regulation (EC) No 1638/98 of 20 July 1998 amending Regulation No 136/66/EEC on the establishment of a common organisation of the market in oils and fats⁽²⁾, and in particular Article 4 thereof,

Whereas:

- (1) Commission Regulation (EC) No 2366/98⁽³⁾ lays down detailed rules for applying the system of production aid for olive oil provided for in Article 5 of Regulation 136/66/EEC for the 1998/99 to 2003/04 marketing years.
- (2) Since Council Regulation (EC) No 865/2004 of 29 April 2004 on the common organisation of the market in olive oil and table olives and amending Regulation (EEC) No 827/68 amends Article 5 of Regulation 136/66/EEC to continue the existing production aid scheme for the 2004/05 marketing year, application of Regulation (EC) No 2366/98 should be extended to cover that marketing year also.
- (3) Only areas planted to olives before 1 May 1998, areas under replacement olive trees and areas covered by a programme approved by the Commission are eligible for the aid, in accordance with Article 4 of Regulation (EC) No 1638/98. In the case of Cyprus and Malta, the final date is set at 31 December 2001, following an

amendment made by the Act of Accession of the Czech Republic, Estonia, Cyprus, Latvia, Lithuania, Hungary, Malta, Poland, Slovenia and Slovakia. The implementing rules relating to Article 4 of that Regulation should be adapted accordingly.

- (4) Article 5 of Regulation (EC) No 2366/1998 requires olive growers to submit declarations when they plant new trees and Member States to provide the Commission with information on such planting and to impose penalties for infringements. For the purposes of these obligations, the above Article 5 lays down a timetable based, in particular, on the date of entry into force of Regulation (EC) No 2366/1998 and 1 May 1998 as the date from which new planting is excluded from all future aid schemes, unless covered by a programme approved by the Commission. Certain of the dates provided for in Article 5 should be adapted to enable the new producer Member States to apply it, taking account of the final date fixed for Cyprus and Malta.
- (5) Article 12a of Regulation (EC) No 2366/1998 should also be adjusted in order to calculate the production of additional olive trees not eligible for aid during the 2003/04 marketing year.
- (6) Commission Regulation (EC) No 2768/98⁽⁴⁾ lays down special terms for implementing the private storage arrangements for olive oil provided for in Article 12a of Regulation 136/66/EEC until 31 October 2004.
- (7) Since that scheme is to continue for the 2004/05 marketing year, the date referred to in Article 1(2) of Regulation (EC) No 2768/98 should be amended.
- (8) Regulations (EC) Nos 2366/98 and 2768/98 should therefore be amended accordingly.
- (9) The measures provided for in this Regulation are in accordance with the opinion of the Management Committee for Oils and Fats,

⁽¹⁾ OJ L 172, 30.9.1966, p. 3025/66. Regulation as last amended by Regulation (EC) No 865/2004 (OJ L 161, 30.4.2004, p. 97).

⁽²⁾ OJ L 210, 20.7.1998, p. 32. Regulation as last amended by Regulation (EC) No 865/2004.

⁽³⁾ OJ L 293, 31.10.1998, p. 50. Regulation as last amended by Regulation (EC) No 1780/2003 (OJ L 260, 11.10.2003, p. 6).

⁽⁴⁾ OJ L 346, 22.12.1998, p. 14. Regulation as last amended by Regulation (EC) No 763/2003 (OJ L 109, 1.5.2003, p. 12).

HAS ADOPTED THIS REGULATION:

Article 1

Regulation (EC) No 2366/98 is hereby amended as follows:

1. in the title, '2003/04' is replaced by '2004/05';
2. Article 4 is amended as follows:
 - (a) the first subparagraph of paragraph 1 is replaced by the following:

'1. To constitute a basis for the payment of aid to olive growers under the common organisation of the market in oils and fats in force from 1 November 2001, additional olive trees planted after 1 May 1998, except in the case of Cyprus and Malta, for which the date shall be 31 December 2001, must be identified geographically and included in a national or regional programme approved by the Commission under the procedure laid down in Article 38 of Regulation No 136/66/EEC.;
 - (b) the first sentence of the first subparagraph of paragraph 2 is replaced by the following:

'2. For the purposes of Article 4 of Regulation (EC) No 1638/98, "additional olive tree" means an olive tree planted after 1 May 1998, except in the case of Cyprus and Malta, for which the date shall be 31 December 2001, other than one replacing an olive tree grubbed after 1 May 1998, except in the case of Cyprus and Malta, for which the date shall be 31 December 2001.;
3. Article 5 is amended as follows:
 - (a) the following subparagraph is inserted after the first subparagraph:

'However, in the case of Cyprus, Malta and Slovenia, the declaration referred to in the first subparagraph shall be lodged before 1 December 2004 and shall cover new planting from 1 November 1999 to 31 October 2004 for Cyprus and Malta and from 1 November 1995 to 31 October 2004 for Slovenia. The declaration shall be accompanied by documents proving to the satisfaction of the Member State that:

 - either the planting or part thereof was carried out before 31 December 2001 in the case of Cyprus and Malta or before 1 May 1998 in the case of Slovenia,
 - or the planting accompanied by grubbing as referred to in the second indent of the first subparagraph was carried out after 31 December 2001 and before 1 November 2004 in the case of Cyprus and Malta, or after 1 May 1998 and before 1 November 2004 in the case of Slovenia.;

- (b) the first subparagraph of paragraph 2 is replaced by the following:

'2. From 1 November 1998, the olive growers concerned shall lodge prior declarations of intention to plant, indicating the number and location of the olive trees in question and, where applicable, the number and location of olive trees to be grubbed, or which have been grubbed and not replaced after 1 May 1998, except in the case of Cyprus and Malta, for which the date shall be 31 December 2001.;

- (c) Paragraph 4 is replaced by the following:

'4. Member States shall communicate to the Commission the measures taken to monitor the application of paragraphs 2 and 3 and to penalise offenders before 31 October of the marketing year concerned, except in the case of Cyprus, Malta and Slovenia, for which the date shall be 30 June 2005.;

4. the following subparagraphs are added to Article 12a:

'For the 2003/04 marketing year, the estimate of virgin olive oil production of additional olive trees as referred to in the first subparagraph shall be determined by multiplying the average yield per adult olive tree by the sum of:

- the number of additional olive trees planted between 1 May and 31 October 1998, multiplied by 0,90, and
- the number of additional olive trees planted between 1 November 1998 and 31 October 1999, multiplied by 0,70, and
- the number of additional olive trees planted between 1 November 1999 and 31 October 2000, multiplied by 0,35.

For the 2003/04 marketing year, the average yield per adult olive tree shall be calculated by dividing the quantity of virgin olive oil produced, as referred to in Article 12(1)(b), by the sum of:

- the number of olive trees in production planted before 1 May 1998, and
- the number of olive trees in production planted between 1 May and 31 October 1998, multiplied by 0,90, and

- the number of additional olive trees planted between 1 November 1998 and 31 October 1999, multiplied by 0,70, and
 - the number of olive trees in production planted between 1 November 1999 and 31 October 2000, multiplied by 0,35;.
5. in the second subparagraph of Article 14(1), '2003/04' is replaced by '2004/05';
6. Article 27(2) is amended as follows:
- (a) the first subparagraph is replaced by the following:
- '2. The files referred to in paragraph 1, with the exception of the graphical reference database, shall allow direct and immediate consultation of the data of the current and four previous marketing years, except in the case of Cyprus, Malta and Slovenia, for which the data shall relate to the 2004/05 marketing year only;'
- (b) in the fourth subparagraph, the first sentence is replaced by the following:
- 'Without prejudice to the checks to be carried out, in particular cross-checks between files, and the results to be notified, the files shall contain archives of the historical data available for the marketing years prior to those referred to in the first subparagraph and, from 31 October 2001 at the latest, except in the case of Cyprus, Malta and Slovenia, for which the date shall be 1 November 2004, shall allow the information contained in them;'
7. Article 29(1) shall be replaced by the following:
- '1. Where there is insufficient proof or where there is doubt, the Member States shall conduct on-the-spot checks of declarations as provided for in Article 5(1) before 1 November 1999, except in the case of Cyprus, Malta and Slovenia, for which the date shall be 1 June 2005.'

Planting and grubbing operations carried out in the period from 1 May to 31 October 1998, except in the case of Cyprus and Malta, for which the period concerned shall be from 31 December 2001 to 31 October 2004, shall be determined on the basis of all the information to be supplied by the growers, at the request of the competent agency of the Member State, and of the situation found on the spot, particularly as regards the size of trees. Once all the checks have been made, growers shall be given the benefit of the doubt;.

8. the third indent in the second subparagraph of Article 30(1) is replaced by the following:

'— 20 % from 2000/01 to 2004/05;'

9. the third paragraph of Article 32 is replaced by the following:

'Before 1 January of the 1999/2000, 2000/01, 2001/02, 2002/03 and 2003/04 marketing years, and before 1 June of the 2004/05 marketing year, producer Member States shall present a summary report of the number of checks carried out under Articles 28, 29 and 30, the number of cases where adjustment was required, with an indication of the information or quantities concerned, and the penalties imposed or under consideration, along with a brief assessment of the control arrangements set up and any difficulties encountered.'

Article 2

In Article 1(2) of Regulation (EC) No 2768/98, '31 October 2004' is replaced by '31 October 2005'.

Article 3

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

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

Done at Brussels, 10 August 2004.

For the Commission

Franz FISCHLER

Member of the Commission

COMMISSION REGULATION (EC) No 1433/2004**of 10 August 2004****on the issue of import licences for high-quality fresh, chilled or frozen beef and veal**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 1254/1999 of 17 May 1999 on the common organisation of the market in beef and veal ⁽¹⁾,

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

Whereas:

- (1) Regulation (EC) No 936/97 provides in Articles 4 and 5 the conditions for applications and for the issue of import licences for meat referred to in Article 2(f).
- (2) Article 2(f) of Regulation (EC) No 936/97 fixes the amount of high-quality fresh, chilled or frozen beef and veal meeting the definition laid down therein which may be imported on special terms for the period 1 July 2004 to 30 June 2005 at 11 500 t.

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

HAS ADOPTED THIS REGULATION:

Article 1

1. All applications for import licences from 1 to 5 August 2004 for high-quality fresh, chilled or frozen beef and veal as referred to in Article 2(f) of Regulation (EC) No 936/97 shall be granted in full.

2. Applications for licences may be submitted, in accordance with Article 5 of Regulation (EC) No 936/97, during the first five days of September 2004 for 2 605,450 t.

Article 2

This Regulation shall enter into force on 11 August 2004.

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

Done at Brussels, 10 August 2004.

For the Commission

J. M. SILVA RODRÍGUEZ

Agriculture Director-General

⁽¹⁾ OJ L 160, 26.6.1999, p. 21. Regulation as last amended by Regulation (EC) No 1782/2003 (OJ L 270, 21.10.2003, p. 1).

⁽²⁾ OJ L 137, 28.5.1997, p. 10. Regulation as last amended by Regulation (EC) No 1118/2004 (OJ L 217, 17.6.2004, p. 10).

COMMISSION REGULATION (EC) No 1434/2004
of 10 August 2004
determining the world market price for unginned cotton

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

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

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

Whereas:

- (1) In accordance with Article 4 of Regulation (EC) No 1051/2001, a world market price for unginned cotton is to be determined periodically from the price for ginned cotton recorded on the world market and by reference to the historical relationship between the price recorded for ginned cotton and that calculated for unginned cotton. That historical relationship has been established in Article 2(2) of Commission Regulation (EC) No 1591/2001 of 2 August 2001 laying down detailed rules for applying the cotton aid scheme⁽³⁾. Where the world market price cannot be determined in this way, it is to be based on the most recent price determined.
- (2) In accordance with Article 5 of Regulation (EC) No 1051/2001, the world market price for unginned cotton is to be determined in respect of a product of specific characteristics and by reference to the most favourable offers and quotations on the world market among those considered representative of the real market trend. To that end, an average is to be calculated

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

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

HAS ADOPTED THIS REGULATION:

Article 1

The world price for unginned cotton as referred to in Article 4 of Regulation (EC) No 1051/2001 is hereby determined as equalling 19,450 EUR/100 kg.

Article 2

This Regulation shall enter into force on 11 August 2004.

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

Done at Brussels, 10 August 2004.

For the Commission

J. M. SILVA RODRÍGUEZ

Agriculture Director-General

⁽¹⁾ OJ L 148, 1.6.2001, p. 1.

⁽²⁾ OJ L 148, 1.6.2001, p. 3.

⁽³⁾ OJ L 210, 3.8.2001, p. 10. Regulation as amended by Regulation (EC) No 1486/2002 (OJ L 223, 20.8.2002, p. 3).