

Official Journal

of the European Union

L 313

Volume 47

12 October 2004

English edition

Legislation

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I

(Acts whose publication is obligatory)

COUNCIL REGULATION (EC) No 1754/2004

of 4 October 2004

amending Regulation (EC) No 176/2000 amending Regulation (EC) No 1015/94 imposing a definitive anti-dumping duty on imports of television camera systems originating in Japan

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 384/96 of 22 December 1995 on protection against dumped imports from countries not members of the European Community⁽¹⁾ (the 'basic Regulation'),

Having regard to the proposal submitted by the Commission after consulting the Advisory Committee,

Whereas:

A. PREVIOUS PROCEDURE

- (1) The Council, by Regulation (EC) No 1015/94⁽²⁾, imposed a definitive anti-dumping duty on imports of television camera systems ('TCS') originating in Japan. The Council subsequently confirmed the definitive anti-dumping duty by Regulation (EC) No 2042/2000⁽³⁾, in accordance with Article 11(2) of the basic Regulation.
- (2) In Article 1(3)(e) of Regulation (EC) No 1015/94 and Regulation (EC) No 2042/2000 ('the definitive Regulations'), the Council specifically excluded from the scope of the anti-dumping duty camera systems which are listed in the Annex to the definitive Regulations ('the Annex'), representing high-end professional camera systems technically falling within the product definition under Article 1(2) of the definitive Regulations, but which cannot be regarded as television camera systems.
- (3) One exporting producer, namely Ikegami Tsushinki Co. Ltd. ('Ikegami'), requested by letter, received by the Commission on 15 April 1999, to add certain new models of professional camera systems including their accessories to the Annex and thus to exempt them from the scope of the anti-dumping duties. In January

2000, the Council by Regulation (EC) No 176/2000⁽⁴⁾ (the 'amending Regulation') granted this request and amended Regulation (EC) No 1015/94 accordingly. In accordance with Article 2 of Regulation (EC) No 176/2000, this amendment entered into force the day following that of its publication in the *Official Journal of the European Communities*, i.e. 28 January 2000.

B. PRESENT EXAMINATION

- (4) The Community Institutions received information that it would be appropriate to apply the amending Regulation, in so far as it amended the Annex to Regulation (EC) No 1015/94 retroactively.
- (5) Indeed, one exporting producer, namely Ikegami had to pay the definitive anti-dumping duty for all exports of its professional camera systems subject to the amending Regulation but made prior to the date of entry into force of this Regulation, i.e. prior to 28 January 2000, although these models have subsequently been exempted from the duty in accordance with Article 1(3)(e) of the definitive Regulations.
- (6) In this context, the exporting producer concerned referred also to the prior practice of the Community Institutions, according to which an amendment of the Annex was generally applied retroactively to the date of the request whenever appropriate. Therefore, the exporting producer concerned claimed that the amendment of the Annex pursuant to the amending Regulation should be applied from the date of receipt by the Commission of the relevant request for exemption from the definitive duty, i.e. 15 April 1999 in accordance with the consistent practice of the Community Institutions.
- (7) The Commission examined whether the retroactive application of the amending Regulation would indeed be appropriate. In this respect it was first considered that all professional camera models mentioned in recital (5) have indeed been qualified as professional camera systems. In accordance with Article 1(3)(e) of the definitive Regulations these cameras are exempted from the definitive anti-dumping duty by virtue of their inclusion in the Annex.

⁽¹⁾ OJ L 56, 6.3.1996, p. 1. Regulation as last amended by Regulation (EC) No 461/2004 (OJ L 77, 13.3.2004, p. 12).

⁽²⁾ OJ L 111, 30.4.1994, p. 106. Regulation as last amended by Regulation (EC) No 176/2000 (OJ L 22, 27.1.2000, p. 29).

⁽³⁾ OJ L 244, 29.9.2000, p. 38. Regulation as last amended by Regulation (EC) No 825/2004 (OJ L 127, 29.4.2004, p. 12).

⁽⁴⁾ OJ L 22, 27.1.2000, p. 29.

- (8) It is noted that a professional camera system falling within Article 1(3)(e) of the definitive Regulations is exempted, from the date it has been explicitly included in the Annex by way of amending the definitive Regulations, from the definitive duty. In this context, it is assumed that exporting producers know in advance, i.e. prior to any first exportation into the Community, their cycles of production and whether their new models should qualify as professional cameras within the meaning of Article 1(3)(e), and consequently whether they should be included in the Annex and an application to that effect be made.
- (9) Notwithstanding the above, it was not in the Community Institutions' intention that the definitive anti-dumping duty be applicable to imports of professional camera systems which are eventually found to be exemptible from this duty by the application of Article 1(3)(e). Therefore, where appropriate, the necessity for a retroactive application of a Regulation exempting certain professional camera models has been recognised from the date of the receipt of such a request, which allowed the Community institutions to properly monitor the accuracy of the classifications. This was the case, in particular, where professional camera models have been imported in the Community prior to the entering into force of the Regulation amending the Annex but after the date of the exemption request.
- (10) In the present case, it was shown that Ikegami imported certain professional camera systems, prior to the publication of the amending Regulation, but after it lodged its exemption request, which have subsequently been exempted by the application of Article 1(3)(e) of the definitive Regulations. The amending Regulation entered into force the day after its publication, i.e. on 28 January 2000. However, as mentioned above, it has not been in the Community Institutions' intention that the definitive anti-dumping duties apply to camera systems which are found to be exemptible after a request has been lodged to that effect with the Commission. In fact, the Commission, immediately after the imposition of the definitive measures and the creation of the first Annex in 1994, actually informed the exporting producers concerned that it is intended to reimburse definitive anti-dumping duties paid for imports of professional camera systems eventually found to be falling under Article 1(3)(e) between a fully documented request for exemption and the corresponding publication of the amended Annex. In this context, it was considered that the retroactive application of the amending Regulation, in so far as it amended the Annex to Regulation (EC) No 1015/94 would bring the current situation in line with the consistent practice of the Community Institutions.
- (11) The Community industry and Ikegami were informed accordingly and granted a time period to comment on

the Commission services determination. None of the interested parties objected to the above conclusions.

C. CONCLUSION

- (12) Considering the above, the Community Institutions concluded that the retroactive application of the Annex as amended by the amending Regulation is warranted.
- (13) Given the above the Annex as amended by Regulation (EC) No 176/2000 should apply to imports of the following professional camera models produced and exported to the European Community by Ikegami from the date of receipt by the Commission of the relevant request for exemption from the definitive anti-dumping duty for these models, i.e. 15 April 1999:
- camera head HC-400
 - camera head HC-400W
 - viewfinder VF15-46
 - operational control unit RCU-390
 - camera adapter CA-400
 - camera control unit MA-200A,

HAS ADOPTED THIS REGULATION:

Article 1

Article 2 of Regulation (EC) No 176/2000 shall be replaced by the following:

'Article 2

1. This Regulation shall enter into force on the day following that of its publication in the *Official Journal of the European Union*.
2. For the products of Ikegami Tsushinki Co. Ltd. listed below, this Regulation shall apply from 15 April 1999:
 - camera head HC-400
 - camera head HC-400W
 - viewfinder VF15-46
 - operational control unit RCU-390
 - camera adapter CA-400
 - camera control unit MA-200A'.

Article 2

This Regulation shall enter into force on the 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 Luxembourg, 4 October 2004.

For the Council

The President

A. J. DE GEUS

COMMISSION REGULATION (EC) No 1755/2004**of 11 October 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 12 October 2004.

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

Done at Brussels, 11 October 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 11 October 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	66,7
	999	66,7
0707 00 05	052	90,0
	999	90,0
0709 90 70	052	80,7
	999	80,7
0805 50 10	052	62,4
	388	51,5
	524	24,4
	528	44,6
	999	45,7
0806 10 10	052	82,5
	400	168,8
	624	85,8
	999	112,4
0808 10 20, 0808 10 50, 0808 10 90	388	85,2
	400	96,0
	508	97,6
	512	110,5
	524	110,5
	720	37,3
	800	144,6
	804	96,9
0808 20 50	999	97,3
	052	99,1
	388	83,6
	999	91,4

⁽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 1756/2004**of 11 October 2004****specifying the detailed conditions for the evidence required and the criteria for the type and level of the reduction of the plant health checks of certain plants, plant products or other objects listed in Part B of Annex V to Council Directive 2000/29/EC**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Directive 2000/29/EC present a high risk of introduction of organisms harmful to plants or plant products, the reduction should not apply to them.

Having regard to the Treaty establishing the European Community,

Having regard to Council Directive 2000/29/EC of 8 May 2000 on protective measures against the introduction into the Community of organisms harmful to plants or plant products and against their spread within the Community⁽¹⁾, and in particular Article 13a(5)(c) thereof,

Whereas:

- (4) Specific conditions are set out for plants, plant products or other objects which are subject to authorisation of import into the Community under derogation according to the provisions of Article 15(1) of Directive 2000/29/EC. Therefore, the said plants, plant products or other objects should not be subjected to plant health checks at a reduced frequency.
- (5) The measures provided for in this Regulation are in accordance with the opinion of the Standing Committee on Plant Health,

HAS ADOPTED THIS REGULATION:

- (1) Under Directive 2000/29/EC, all consignments of plants, plant products or other objects listed in Part B of Annex V thereof should in principle be subjected to identity and plant health checks before being permitted to enter the Community.

Article 1

This Regulation shall apply to the plant health checks provided for in Article 13a(1)(b)(iii) of Directive 2000/29/EC as regards the plants, plant products or other objects listed in Part B of Annex V to Directive 2000/29/EC originating in a specified country, territory or part thereof (hereinafter the products concerned), with the exception of:

- (2) In order to allow plant health checks to be carried out at a reduced frequency, it is necessary to provide for detailed conditions for the evidence, as referred to in the second subparagraph of Article 13a(2) of Directive 2000/29/EC that the plants, plant products or other objects listed in Part B of Annex V thereto, which are introduced into the Community, meet the conditions sets out in that Directive.
- (3) Since plants intended for planting and plants, plant products or other objects which are subject to measures adopted in accordance with Article 16(3) of

- (a) plants intended for planting;
- (b) any plant, plant product or other object which is subject to authorisation allowing importation into the Community according to the provisions of Article 15(1) of Directive 2000/29/EC;
- (c) any plant, plant product or other object which is subject to temporary measures according to the provisions of Article 16(3) of Directive 2000/29/EC;

⁽¹⁾ OJ L 169, 10.7.2000, p. 1. Directive as last amended by Commission Directive 2004/70/EC (OJ L 127, 29.4.2004, p. 97).

- d) any plant, plant product or other object which is mentioned on the list established pursuant to Article 13a(5)(b) of Directive 2000/29/EC.

Article 2

1. Any Member State may apply to the Commission to have a product concerned subjected to plant health checks at a reduced frequency. The application shall contain the information set out in Annex I.

2. Respecting the conditions in Article 3 and applying the criteria in Article 4, the Commission shall prepare a list of products concerned for which plant health checks may be carried out at a reduced frequency, and specify the level of the reduced frequency.

3. After consultation within the Committee referred to in Article 18 of Directive 2000/29/EC, the Commission shall publish this list.

Article 3

The product concerned may be subject to plant health checks at reduced frequency provided that:

- (a) the average number of consignments over three years of the product concerned introduced into the Community each year is at least 200, and
- (b) the minimum number of consignments of the product concerned for which inspections have been carried out during the previous three years is at least 600, and
- (c) the number of consignments of the product concerned each year which were found infected by the harmful organisms mentioned under point (e) of Annex I is less than 1 % of the total number of consignments of the said product concerned imported into the Community, and
- (d) the application for the products concerned as referred to in Article 2(1) is available at the Commission.

Article 4

1. The level of the reduced frequency, as referred to in Article 2(2), shall be based on the following criteria:

- (a) the number of consignments of the product concerned intercepted for the presence of harmful organisms included in the list referred to in point (e) of Annex I;
- (b) the estimated mobility of the harmful organisms included in the list referred to in point (e) of Annex I at the most mobile stage to which the organism could develop on the relevant plant or plant product;
- (c) the number of consignments of the products concerned on which a physical plant health inspection has been carried out;
- (d) any other factor relevant to a determination of the phytosanitary risk from the trade concerned.

2. The type of the reduced frequency shall be expressed as the minimum percentage of plant health checks that may be carried out by the Member States on the products concerned. This minimum percentage applies for each Member State to all consignments consisting of the products concerned imported in its territory.

Article 5

1. Without prejudice to Article 16(1) of Directive 2000/29/EC, for the purpose of monitoring the importation of the products concerned for which plant health checks are carried out pursuant to this Regulation, importing Member States shall supply to the Commission and to the other Member States the information listed in Annex II, by 31 March each year at the latest.

2. On the basis of this information, and in accordance with the provisions of Articles 3 and 4, the Commission shall establish a report and shall assess whether and at which frequency plant health checks for the products concerned may still be carried out at a reduced frequency pursuant to this Regulation.

3. If 1 % of the total number of consignments imported consisting of the product concerned and subject to a reduced frequency pursuant to this Regulation, is found infected by any of the organisms listed in the Annexes I or II to Directive 2000/29/EC, the relevant product concerned shall be considered as no longer eligible as a product for which plant health checks may be carried out at a reduced frequency.

Article 6

When, on the basis of the assessment mentioned in Article 5(2), or the consideration mentioned in Article 5(3), or if evident from more recent notifications of interceptions in the Member States, it appears that the product concerned does not satisfy any longer with the provisions of Article 3, the Commission shall amend the list of products concerned for

which plant health checks may be carried out at a reduced frequency, and publish the said amendment.

Article 7

This Regulation shall be reviewed by 1 January 2007 at the latest.

Article 8

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

It shall apply from 1 January 2005.

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

Done at Brussels, 11 October 2004.

For the Commission

David BYRNE

Member of the Commission

ANNEX I

The information referred to in Article 2 shall contain:

- (a) a description of the products concerned;
- (b) the origin of the products concerned;
- (c) the list of the Member States that import the product concerned;
- (d) the volume of import into the Community of the products concerned, expressed in number of consignments and weight or pieces or units;
- (e) the list of harmful organisms referred to in Annex I or II to Directive 2000/29/EC liable to be carried on the product concerned;
- (f) the number of consignments of the product concerned intercepted for the presence of harmful organisms mentioned under (e);
- (g) the estimated mobility of the harmful organisms mentioned under (e) at the most mobile stage to which the organism could develop on the relevant plant or plant product;
- (h) the number of consignments of the product concerned intercepted for other reasons than the presence of harmful organisms mentioned under (e);
- (i) the number of consignments of the products concerned on which a physical plant health inspection has been carried out.

As regards the information mentioned under points (d), (f), (h) and (i), the dossier shall provide data covering the period of at least three years preceding the year in which it is submitted.

ANNEX II

The information referred to in Article 5(1) shall contain for each of the products concerned:

- (a) the total number of consignments imported;
 - (b) the total number of consignments inspected;
 - (c) the total number and the details of interceptions of harmful organisms listed in Annex I or II to Directive 2000/29/EC related to the consignments imported pursuant to this Directive;
 - (d) the total number of consignments of the products concerned intercepted for other reasons than the presence of harmful organisms mentioned under (c) and the detail thereof.
-

COMMISSION REGULATION (EC) No 1757/2004**of 11 October 2004****opening an invitation to tender for the refund on barley exports to certain third countries**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

time limit and form of transmission for the lodging of tenders with the competent authority.

Having regard to the Treaty establishing the European Community,

- (6) The measures provided for in this Regulation are in accordance with the opinion of the Management Committee for Cereals,

Having regard to Council Regulation (EEC) No 1784/2003 of 29 September 2003 on the common organisation of the market in cereals⁽¹⁾, and in particular the first subparagraph of Article 13(3) thereof,

HAS ADOPTED THIS REGULATION:

Whereas:

Article 1

- (1) Given the present market situation for cereals an invitation to tender for the export refund on barley should be opened in accordance with Article 4 of Commission Regulation (EC) No 1501/95 of 29 June 1995 laying down certain detailed rules for application of Council Regulation (EEC) No 1766/92 covering the granting of export refunds on cereals and the measures to be taken in the event of disturbance in the cereals sector⁽²⁾.

1. Under Article 4 of Regulation (EC) No 1501/95 an invitation to tender for the export refund is hereby opened.

- (2) The tendering procedure rules to be followed when export refunds are set are contained in Regulation (EC) No 1501/95. Among these is a requirement to submit an export licence application and lodge a security. The rate of that security should be set.

2. The invitation covers barley exports to Algeria, Bahrain, Egypt, Iran, Iraq, Israel, Jordan, Kuwait, Lebanon, Libya, Mauritania, Morocco, Oman, Qatar, Saudi Arabia, Syria, Tunisia, the United Arab Emirates and Yemen.

- (3) A specific period of validity must be set for the licences issued under this invitation. The validity should be appropriate to world market requirements for the 2004/2005 marketing year.

3. The invitation shall be open until 23 June 2005. During that period weekly awards shall be made. Quantities and tender submission dates for these shall be set out in the notice of invitation.

- (4) So that all parties are treated equally, all licences issued should have the same period of validity.

The second subparagraph of Article 4(4) of Regulation (EC) No 1501/95 notwithstanding, the time limit for submission of tenders for the first part-award shall be 14 October 2004.

- (5) Satisfactory operation of export tendering procedures requires that a minimum quantity be set and also a

Article 2

Tenders shall not be valid if made for less than 1 000 tonnes.

Article 3

The security referred to in Article 5(3)(a) of Regulation (EC) No 1501/95 shall be EUR 12 per tonne.

⁽¹⁾ OJ L 270, 21.10.2003, p.78.

⁽²⁾ OJ L 147, 30.6.1995, p. 7. Regulation as last amended by Regulation (EC) No 777/2004 (OJ L 123, 27.4.2004, p. 50).

Article 4

1. Article 23(1) of Commission Regulation (EC) No 1291/2000 ⁽¹⁾ notwithstanding, export licences issued in accordance with Article 8(1) of Regulation (EC) No 1501/95 shall, for the purpose of determining their period of validity, be considered to have been issued on the day on which the tender is lodged.

2. Export licences issued under the invitation opened by this Regulation shall be valid from their date of issue as defined in paragraph 1 until the end of the fourth month following.

Article 5

Member States shall forward tenders lodged to the Commission within one-and-a-half hours of expiry of the weekly time limit

for lodging them stated in the notice of invitation, using the form set out in the Annex.

If no tenders are lodged Member States shall inform the Commission accordingly by the same time as indicated in the first paragraph.

The times set for lodging tenders shall be in Belgian time.

Article 6

This Regulation shall enter into force on the day following 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, 11 October 2004.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ L 152, 24.6.2000, p. 1.

ANNEX

Specimen form (*)**Award of the refund on barley exports to certain third countries**

(Regulation (EC) No 1757/2004)

(Time limit for submission of tenders)

1	2	3
Tenderer	Quantity (tonnes)	Export refund rate (EUR/tonne)
1		
2		
3		
etc.		

(*) To be sent to the following e-mail address:
AGRI-C1-REVENTE-MARCHE-UE@cec.eu.int

COMMISSION REGULATION (EC) No 1758/2004
of 8 October 2004
prohibiting fishing for common sole by vessels flying the flag of France

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 2847/93 of 12 October 1993 establishing a control system applicable to the common fisheries policy⁽¹⁾, and in particular Article 21(3) thereof,

Whereas:

- (1) Council Regulation (EC) No 2287/2003 of 19 December 2003 fixing for 2004 the fishing opportunities and associated fishing conditions for certain fish stocks and groups of fish stocks, applicable in Community waters and, for Community vessels, in waters where limitations in catch are required, lays down quotas for common sole for 2004⁽²⁾.
- (2) In order to ensure compliance with the provisions relating to the quantity limits on catches of stocks subject to quotas, the Commission must fix the date by which catches made by vessels flying the flag of a Member State are deemed to have exhausted the quota allocated.

- (3) According to the information received by the Commission, catches of common sole in the waters of ICES division VIIe by vessels flying the flag of France or registered in France have exhausted the quota allocated for 2004. France has prohibited fishing for this stock from 12 August 2004. This date should be adopted in this Regulation also,

HAS ADOPTED THIS REGULATION:

Article 1

Catches of common sole in the waters of ICES division VIIe by vessels flying the flag of France or registered in France are hereby deemed to have exhausted the quota allocated to France for 2004.

Fishing for common sole in the waters of ICES division VIIe by vessels flying the flag of France or registered in France is hereby prohibited, as are the retention on board, transshipment and landing of this stock caught by the above vessels after the date of application of this Regulation.

Article 2

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

It shall apply from 12 August 2004.

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

Done at Brussels, 8 October 2004.

For the Commission
Jörgen HOLMQUIST
Director-General for Fisheries

⁽¹⁾ OJ L 261, 20.10.1993, p. 1. Regulation as last amended by Regulation (EC) No 1954/2003 (OJ L 289, 7.11.2003, p. 1).

⁽²⁾ OJ L 344, 31.12.2003, p. 1. Regulation as last amended by Regulation (EC) No 1691/2004 (OJ L 305, 1.10.2004, p. 3).

COMMISSION REGULATION (EC) No 1759/2004

of 11 October 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⁾, 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⁽²⁾, 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 12 October 2004.

It shall apply from 13 to 26 October 2004.

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

Done at Brussels, 11 October 2004.

For the Commission

J. M. SILVA RODRÍGUEZ

Agriculture Director-General

⁽¹⁾ OJ L 382, 31.12.1987, p. 22. Regulation as last amended by Regulation (EC) No 1300/97 (OJ L 177, 5.7.1997, p. 1).

⁽²⁾ OJ L 72, 18.3.1988, p. 16. Regulation as last amended by Regulation (EC) No 2062/97 (OJ L 289, 22.10.1997, p. 1).

ANNEX

to the Commission Regulation of 11 October 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 13 to 26 October 2004

Community producer price	Uniflorous (bloom) carnations	Multiflorous (spray) carnations	Large-flowered roses	Small-flowered roses
	14,89	11,72	16,78	12,40
Community import prices	Uniflorous (bloom) carnations	Multiflorous (spray) carnations	Large-flowered roses	Small-flowered roses
Israel	—	—	—	—
Morocco	—	—	—	—
Cyprus	—	—	—	—
Jordan	—	—	—	—
West Bank and Gaza Strip	—	—	—	—

COMMISSION DIRECTIVE 2004/103/EC

of 7 October 2004

on identity and plant health checks of plants, plant products or other objects, listed in Part B of Annex V to Council Directive 2000/29/EC, which may be carried out at a place other than the point of entry into the Community or at a place close by and specifying the conditions related to these checks

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Directive 2000/29/EC of 8 May 2000 on protective measures against the introduction into the Community of organisms harmful to plants or plant products and against their spread within the Community⁽¹⁾, and in particular Articles 13c(2)(d) and 13c(2)(e) and the fourth and fifth subparagraphs of Article 13c(4) thereof,

Whereas:

- (1) Pursuant to Directive 2000/29/EC, plants, plant products or other objects listed in Part B of Annex V, thereto, coming from third countries, should in principle be subjected to identity and plant health checks at the point of entry into the Community, or at a place close by.
- (2) In case of transit of non-Community goods these identity and plant health checks may also be carried out on the premises of the official body of destination or at any other place close by; in certain other cases, these checks may be carried out at the place of destination, such as a place of production, as long as specific guarantees and documents as regards the transport of plants, plant products or other objects are provided.
- (3) It is necessary to specify the cases in which identity and plant health checks may be carried out at the place of destination.
- (4) To ensure that there is no risk of harmful organisms spreading during transport, provisions or specific guarantees and documents, as regards the transport, should be laid down.
- (5) Minimum conditions for the carrying out of the identity and plant health checks should be laid down as regards technical requirements applicable to the responsible official bodies in charge of the inspection at places of destination as well as regards facilities, tools and equipment enabling the said responsible official bodies to carry out identity and plant health checks.
- (6) It is necessary to lay down detailed rules concerning the cooperation between official responsible bodies and customs offices, including the model forms of documents to be used in that cooperation, the means

of transmission of these documents and the procedures for exchange of information.

- (7) The measures provided for in this Directive are in accordance with the opinion of the Standing Committee on Plant Health,

HAS ADOPTED THIS DIRECTIVE:

Article 1

1. This Directive shall apply to plants, plant products or other objects coming from third countries, listed in Part B of Annex V to Directive 2000/29/EC (hereinafter referred to as 'products concerned'). In the cases and circumstances defined by this Directive, Member States may lay down that those inspections referred to in Article 13a(1)(b)(ii) and (iii) of Directive 2000/29/EC on the products concerned may be carried out at another place. In the case of transit of non-Community goods referred to in Article 13c(2)(c) of Directive 2000/29/EC, the inspection may take place at the premises of the official body of destination, or at any place close by, when the conditions referred to in paragraph 2 are met. In cases referred to in Article 13c(2)(d) of Directive 2000/29/EC, the inspection may take place at the place of destination such as a place of production, when the conditions referred to in paragraph 2 are met.

2. The conditions referred to in paragraph 1 shall be:

- (a) when the official bodies of the point of entry and of destination, decide, where appropriate by agreement between the responsible official bodies of the Member States, that identity checks and plant health checks (hereinafter referred to as 'checks') could more meticulously be carried out at a place other than the point of entry into the Community or at a place close by

and

- (b) when any importer or other person responsible for the places or the premises where the checks are to be carried out (hereinafter referred to as 'the applicant') of a consignment composed of the products concerned has the approval, through an approval procedure defined in Article 2(2) for checks to be carried out at 'an approved place of inspection' which is either:

— in the case of transit of non-Community goods referred to in Article 13c(2)(c) of Directive 2000/29/EC, at

— the premises of the official body of destination, or

⁽¹⁾ OJ L 169, 10.7.2000, p. 1. Directive as last amended by Commission Directive 2004/70/EC (OJ L 127, 29.4.2004, p. 97).

— a place close by those premises and designated or approved by the customs authorities and by the responsible official body, or

— in the cases referred to in Article 13c(2)(d) of Directive 2000/29/EC, at

— a place of destination approved by the official body and the customs authorities responsible for the area where that place of destination is located

and

(c) when specific guarantees and documents as regards the transport of a consignment composed of the products concerned (hereinafter referred to as 'the consignment'), to the approved place of inspection are met, and, where appropriate, minimum conditions concerning the storage of these products on these places of inspection are fulfilled.

3. The specific guarantees, documents and minimum conditions referred to in paragraph 2(c) shall be:

(a) the packaging of the consignment or the means of transport used for this consignment shall be closed or sealed in such a way that the products concerned cannot cause infestation or infection during their transport to the approved place of inspection and will be such that their identity will remain unchanged. In duly reasoned cases the relevant official bodies of the Member States may allow consignments which are not closed or sealed, provided that the products concerned cannot cause infestation or infection during their transport to the approved place of inspection;

(b) the consignment shall be sent to the approved place of inspection. No change of the place of inspection is allowed, except following approval by the relevant official bodies of the point of entry and of the requested destination, and the customs authorities responsible for the area where the requested place of inspection is located;

(c) the consignment shall be accompanied by a 'Plant health movement document', without prejudice to the certificates prescribed in Article 13(1) of Directive 2000/29/EC, and contain the required information in accordance with the model in the Annex to this Directive; the document shall be completed by typing or in handwritten legible capital letters or by electronic means in agreement with the relevant official bodies of point of entry and of destination and shall be in at least one of the official languages of the Community;

(d) the relevant headings of the document referred to in paragraph 3(c) shall be filled in and signed by the importer of the consignment under the supervision of the relevant official body of point of entry;

(e) in the cases referred to in paragraph 2(b), second indent, the storage of the consignment at the approved place of inspection shall be such that it is separated from both

Community goods and from consignments infested or suspected to be infested by harmful organisms.

Article 2

1. Member States shall ensure that an approval procedure be established as specified in paragraphs 2, 3 and 4 to evaluate, and where appropriate to approve, the suitability in phytosanitary terms, of carrying out checks at places proposed as approved places of inspection.

2. The procedure referred to in paragraph 1 shall indicate that, if the checks are to be carried out at approved places of inspection, any applicant shall apply to the responsible official bodies in charge of carrying out such checks, requesting that checks be carried out at places mentioned in the request.

3. The application shall include a technical dossier supplying the information necessary for evaluating the suitability of proposed places as an approved place of inspection, and covering, in particular:

(a) information relating to the products concerned intended to be imported and the places in which the imported products concerned will be stored or kept awaiting the final results of the checks, and in particular how separation referred to in Article 1(3)(e) is to be secured, and

(b) where appropriate, when the products concerned are intended for a person to whom the status of 'authorised consignee' was granted and fulfil the conditions laid down in Article 406 of Commission Regulation (EEC) No 2454/93⁽¹⁾ or when the places concerned are subject to an authorisation as referred to in Article 497 of the said Regulation, relevant evidence thereof.

4. Member States shall ensure that the application referred to in paragraph 2 shall be recorded and that the responsible official bodies shall:

(a) examine the information supplied in the application;

(b) evaluate the suitability for carrying out checks at the proposed places of inspection, which should fulfil minimum requirements which are at least those laid down in paragraph 3(b) and (c) of the Annex to Commission Directive 98/22/EC⁽²⁾, or any further requirements which the Member States may impose in a non-discriminatory manner and which are justified in order to allow efficient inspections;

(c) respond to the applicant by either:

(i) indicating that the application is acceptable and that the places concerned are designated as approved place of inspection, or

(ii) indicating that the application is not acceptable and the reason therefore.

5. Member States shall keep and make available to the Commission and to the Member States on request, the updated list of the approved places of inspection.

⁽¹⁾ OJ L 253, 11.10.1993, p. 1. Regulation as last amended by Regulation (EC) No 2286/2003 (OJ L 343, 31.12.2003, p. 1).

⁽²⁾ OJ L 126, 28.4.1998, p. 26.

6. Member States shall ensure that the responsible official bodies shall take the necessary measures if it is found that there are elements which would militate against the proper functioning of carrying out checks at the approved places of inspection situated in their territory.

Member States shall notify the Commission and the Member States concerned of all significant cases of non-compliance with the conditions which apply to an approved place of inspection.

Article 3

Member States shall ensure that the importer of the consignments for which it was decided that checks of these consignments may be carried out at an approved place of inspection, shall be subject to the following obligations, without prejudice to those already laid down in Commission Directive 92/90/EEC⁽¹⁾:

- (a) the importer shall notify the introduction of the products concerned sufficiently in advance to the relevant official body of destination, which notification shall contain in particular:
 - (i) the name, address and the location of the approved place of inspection;
 - (ii) the scheduled date and time of arrival at the approved place of inspection of the products concerned;
 - (iii) if available, the individual serial number of the Plant health movement document referred to in Article 1(3)(c);
 - (iv) if available, the date and place at which the Plant health movement document referred to in Article 1(3)(c) was drawn up;
 - (v) the name, the address and the official registration number of the importer;
 - (vi) the reference number of the phytosanitary certificate and/or phytosanitary certificate for re-export, or any other required phytosanitary document;
- (b) the importer shall notify to the relevant official body of destination any changes as regards the information supplied pursuant to subparagraph (a).

Article 4

Member States shall ensure that the checks of the products concerned carried out at the approved place of inspection satisfy minimum conditions which are at least those laid down in paragraphs 1, 2 and 3(a) of the Annex to Directive 98/22/EC, or any further requirements which the Member States may impose in a non-discriminatory manner and which are justified in order to allow efficient inspections.

Article 5

Member States may lay down additional requirements deemed necessary to designate a proposed place as an approved place of inspection.

Article 6

1. Member States shall ensure cooperation, where applicable, between:

- (a) the official body of point of entry and the official body of destination
- and
- (b) the official body of point of entry and the customs office of point of entry
- and
- (c) the official body of destination and the customs office of destination
- and
- (d) the official body of point of entry and the customs office of destination

by means of exchange of relevant information on the plants, plant products or other objects intended to be imported, their packaging and means of transport in written or electronic form using the Plant health movement document referred to in Article 1(3)(c).

2. If the point of entry into the Community of the products concerned and the approved place of inspection are situated in different Member States, the consignment may be sent to and the checks may be carried out at an approved place of inspection on the basis of an agreement between the responsible official bodies of the Member States concerned. Evidence of the agreement between the responsible official bodies of the Member States concerned shall be recorded on the Plant health movement document.

3. After the products have been inspected at the approved place of inspection, the official body of destination shall certify on the Plant health movement document, using a service stamp and a date, that the relevant identity and plant health checks referred to in Article 13a(1)(b)(ii) and (iii) of Directive 2000/29/EC have been carried out. The final outcome of these checks shall be shown in the box headed 'Decision'. This provision applies, *mutatis mutandis*, if the documentary checks referred to in Article 13c(2)(a) of Directive 2000/29/EC have also been complied with.

4. If the outcome of the checks referred to in paragraph 3 is 'Release', the consignment and the accompanying Plant health movement document shall be presented to the customs authorities responsible for the area of the 'approved place of inspection' enabling the consignment to be placed under the relevant customs procedure referred to in Article 13(1) of Directive 2000/29/EC. The Plant health movement document shall no longer be required to accompany the consignment and this document or a copy thereof shall be kept for at least one year by the official body of point of destination.

⁽¹⁾ OJ L 344, 26.11.1992, p. 38.

5. If the outcome of the checks referred to in paragraph 3 leads to the obligation to move the products concerned within the Community to a destination outside the Community, they shall remain under Customs supervision until the re-export of the products has taken place.

Article 7

This Directive shall be reviewed by 1 January 2007 at the latest.

Article 8

1. Member States shall adopt and publish by 31 December 2004 at the latest the laws, regulations and administrative provisions necessary to comply with this Directive. They shall forthwith communicate to the Commission the text of those provisions and a correlation table between those provisions and this Directive.

They shall apply those provisions from 1 January 2005.

When Member States adopt those provisions, they shall contain a reference to this Directive or be accompanied by such a

reference on the occasion of their official publication. Member States shall determine how such a reference is to be made.

2. Member States shall communicate to the Commission the text of the main provisions of national law, which they adopt in the field covered by this Directive.

Article 9

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

Article 10

This Directive is addressed to the Member States.

Done at Brussels, 7 October 2004.

For the Commission

David BYRNE

Member of the Commission

(4) When appropriate, give details on agreement between Member States' official services, either on a case-by-case agreement or on the basis of a longer-term agreement.

II

(Acts whose publication is not obligatory)

COMMISSION

COMMISSION DECISION

of 29 September 2004

recognising in principle the completeness of the dossiers submitted for detailed examination in view of the possible inclusion of proquinazid, IKI-220 (flonicamid) and gamma-cyhalothrin in Annex I to Council Directive 91/414/EEC

(notified under document number C(2004) 3384)

(Text with EEA relevance)

(2004/686/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Directive 91/414/EEC of 15 July 1991 concerning the placing of plant-protection on the market ⁽¹⁾, and in particular Article 6(3) thereof,

Whereas:

- (1) Directive 91/414/EEC provides for the development of a Community list of active substances authorised for incorporation in plant protection products.
- (2) A dossier for the active substance proquinazid was submitted by DuPont (UK) Ltd. to the authorities of the United Kingdom on 9 January 2004 with an application to obtain its inclusion in Annex I to Directive 91/414/EEC. For IKI-220 (flonicamid) a dossier was submitted by ISK Biosciences Europe SA to the French authorities on 23 December 2003 with an application to obtain its inclusion in Annex I to Directive 91/414/EEC. For gamma-cyhalothrin a dossier was submitted by Pytech Chemicals GmbH to the authorities of the United Kingdom on 4 November 2003 with an application to obtain its inclusion in Annex I to Directive 91/414/EEC.
- (3) The authorities of the United Kingdom and France have indicated to the Commission that, on preliminary examination, the dossiers for the active substances concerned appear to satisfy the data and information requirements set out in Annex II to Directive 91/414/EEC. The dossiers

submitted appear also to satisfy the data and information requirements set out in Annex III to Directive 91/414/EEC in respect of one plant protection product containing the active substance concerned. In accordance with Article 6(2) of Directive 91/414/EEC, the dossiers were subsequently forwarded by the respective applicants to the Commission and other Member States, and were referred to the Standing Committee on the Food Chain and Animal Health.

- (4) By this Decision it should be formally confirmed at Community level that the dossiers are considered as satisfying in principle the data and information requirements provided for in Annex II and, for at least one plant protection product containing the active substance concerned, the requirements set out in Annex III to Directive 91/414/EEC.
- (5) This Decision should not prejudice the right of the Commission to request the applicant to submit further data or information in order to clarify certain points in the dossier.
- (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

Without prejudice to Article 6(4) of Directive 91/414/EEC, the dossiers concerning the active substances identified in the Annex to this Decision, which were submitted to the Commission and the Member States with a view to obtaining the inclusion of those substances in Annex I to that Directive, satisfy in principle the data and information requirements set out in Annex II to that Directive.

⁽¹⁾ OJ L 230, 19.8.1991, p. 1. Directive as last amended by Commission Directive 2004/71 (OJ L 127, 29.4.2004, p. 104).

The dossiers also satisfy the data and information requirements set out in Annex III to that Directive in respect of one plant protection product containing the active substance, taking into account the uses proposed.

Article 2

The rapporteur Member States shall pursue the detailed examination for the dossiers concerned and shall report the conclusions of their examinations accompanied by any recommendations on the inclusion or non-inclusion of the active substance concerned in Annex I of Directive 91/414/EEC and any conditions related thereto to the European Commission as soon as possible and at the latest within a period of one year

from the date of publication of this Decision in the *Official Journal of the European Union*.

Article 3

This Decision is addressed to the Member States.

Done at Brussels, 29 September 2004.

For the Commission

David BYRNE

Member of the Commission

ANNEX

Active substances concerned by this Decision

No	Common name, CIPAC identification number	Applicant	Date of application	Rapporteur Member State
1	Proquinazid CIPAC-No: 764	DuPont (UK) Ltd	9.1.2004	UK
2	IKI-220 (flonicamid) CIPAC-No not yet allocated	ISK Biosciences Europe SA	23.12.2003	FR
3	Gamma-cyhalothrin CIPAC-No not yet allocated	Pytech Chemicals GmbH	4.11.2003	UK

COMMISSION DECISION

of 6 October 2004

fixing, for the 2004/2005 marketing year and in respect of a certain number of hectares, an indicative financial allocation by Member State for the restructuring and conversion of vineyards under Council Regulation (EC) No 1493/1999

(notified under document number C(2004) 3661)

(2004/687/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

States must take due account of the proportion of the Community vineyard area in the Member State concerned.

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 1493/1999 of 17 May 1999 on the common organisation of the market in wine⁽¹⁾, and in particular Article 14(1) thereof,

Whereas:

(1) The rules for the restructuring and conversion of vineyards are laid down in Regulation (EC) No 1493/1999 and Commission Regulation (EC) No 1227/2000 of 31 May 2000 laying down detailed rules for the application of Council Regulation (EC) No 1493/1999 on the common organisation of the market in wine, as regards production potential⁽²⁾.

(2) The detailed rules on financial planning and participation in financing the restructuring and conversion scheme laid down in Regulation (EC) No 1227/2000 stipulate that the references to a given financial year refer to the payments actually made by the Member States between 16 October and the following 15 October.

(3) In accordance with Article 14(3) of Regulation (EC) No 1493/1999, the financial allocation between Member

(4) For the purposes of implementing Article 14(4) of Regulation (EC) No 1493/1999, the financial allocations should be made in respect of a certain number of hectares.

(5) Under Article 13(3) of Regulation (EC) No 1493/1999, the Community contribution to the costs of restructuring and conversion is higher in regions classified as Objective 1 in accordance with Council Regulation (EC) No 1260/1999 of 21 June 1999 laying down general provisions on the Structural Funds⁽³⁾.

(6) Account must be taken of the compensation for the loss of income incurred by the wine growers during the period when the vineyard is not yet in production.

(7) In accordance with Article 17(5) of Regulation (EC) No 1227/2000, where expenditure actually incurred by a Member State in a given financial year is less than 75 % of the initial allocation, the expenditure to be recognised for the following financial year, and the corresponding total area, are to be reduced by a third of the difference between this threshold and the actual expenditure incurred during the financial year in question. This provision applies in the 2004/2005 wine year to Greece, whose expenditure in respect of 2004 amounts to 71.47 % of its initial allocation.

⁽¹⁾ OJ L 179, 14.7.1999, p. 1. Regulation as last amended by Commission Regulation (EC) No 1795/2003 (OJ L 262, 14.10.2003, p.13).

⁽²⁾ OJ L 143, 16.6.2000, p. 1. Regulation as last amended by Regulation (EC) No 1389/2004 (OJ L 255, 31.7.2004, p. 7).

⁽³⁾ OJ L 161, 26.6.1999, p. 1. Regulation as last amended by Regulation (EC) No 1105/2003 (OJ L 158, 27.6.2003, p. 3).

- (8) In accordance with Article 14(2) of Regulation (EC) No 1493/1999, the initial allocation is adapted in view of real expenditure and on the basis of revised expenditure forecasts submitted by the Member States, taking account of the objective of the scheme and subject to the funds available,

2004/2005 marketing year shall be as set out in the Annex hereto.

Article 2

This Decision is addressed to the Member States.

HAS ADOPTED THIS DECISION:

Done at Brussels, 6 October 2004.

Article 1

The financial allocations by Member State, in respect of a certain number of hectares, for the restructuring and conversion of vineyards under Regulation (EC) No 1493/1999 for the

For the Commission

Franz FISCHLER

Member of the Commission

ANNEX

Indicative financial allocations for 2004/2005

Member State	Area (ha)	Financial allocation (EUR)
Czech Republic	189	1 743 010
Germany	1 971	12 671 756
Greece	1 360	9 704 037
Spain	19 379	145 492 269
France	13 541	107 042 204
Italy	14 529	103 020 889
Cyprus	196	2 378 955
Luxembourg	14	112 000
Hungary	1 261	10 086 046
Malta	17	171 637
Austria	1 271	7 224 984
Portugal	6 987	44 532 820
Slovenia	172	2 919 879
Slovakia	801	2 899 514
TOTAL	61 688	450 000 000

COMMISSION DECISION

of 6 October 2004

fixing, for the 2004 financial year and in respect of a certain number of hectares, the definitive financial allocations by Member State for the restructuring and conversion of vineyards under Council Regulation (EC) No 1493/1999

(notified under document number C(2004) 3663)

(2004/688/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 1493/1999 of 17 May 1999 on the common organisation of the market in wine⁽¹⁾, and in particular Article 14(2) thereof,

Whereas:

(1) The rules for the restructuring and conversion of vineyards are laid down in Regulation (EC) No 1493/1999 and Commission Regulation (EC) No 1227/2000 of 31 May 2000 laying down detailed rules for the application of Council Regulation (EC) No 1493/1999 on the common organisation of the market in wine, as regards production potential⁽²⁾.

(2) The detailed rules on financial planning and participation in financing the restructuring and conversion scheme laid down in Regulation (EC) No 1227/2000 stipulate that the references to a given financial year refer to the payments actually made by the Member States between 16 October and the following 15 October.

(3) In accordance with Article 14(1) of Regulation (EC) No 1493/1999, the Commission makes initial allocations to Member States each year on the basis of objective criteria, taking into account particular situations and needs and the efforts to be undertaken in the light of the objective of the scheme.

(4) The Commission has fixed the indicative financial allocations for 2003/2004 in Decision 2003/628/EC⁽³⁾.

(5) Under Article 17(1) and (3) of Regulation (EC) No 1227/2000, expenditure incurred and validated by the Member States is limited to the amount allocated to them as laid down in Decision 2003/628/EC. This limit applies in 2004 to Germany and Italy as regards validated expenditure which is respectively reduced by EUR 125 227 and EUR 182 679 in order to limit their total expenditure to their initial allocations, and to Portugal, as regards expenditure incurred, which is reduced by EUR 140.

(6) Under Article 16(1)(c) of Regulation (EC) No 1227/2000, Member States may submit a further request in the current financial year. Under Article 17(3) of that Regulation, this request is accepted on a pro-rata basis for those Member States that have spent their initial allocation, using the appropriations available after deducting the amounts notified in accordance with Article 16(1)(a) and (b) and corrected, where appropriate, under Article 17(1) and (3) from the total amount allocated to the Member States. This provision applies in 2004 to Spain, France, Italy, Austria and Portugal,

⁽¹⁾ OJ L 179, 14.7.1999, p. 1. Regulation last amended by Commission Regulation (EC) No 1795/2003 (OJ L 262, 14.10.2003, p. 13).

⁽²⁾ OJ L 143, 16.6.2000, p. 1. Regulation last amended by Regulation (EC) No 1389/2004 (OJ L 255, 31.7.2004, p. 7).

⁽³⁾ OJ L 217, 29.8.2003, p. 73.

HAS ADOPTED THIS DECISION:

Article 2

This Decision is addressed to the Member States.

Article 1

Done at Brussels, 6 October 2004.

The definitive financial allocations to the Member States for the 2003/2004 wine year, in respect of a number of hectares, for the restructuring and conversion of vineyards under Regulation (EC) No 1493/1999, for the period in the 2004 financial year, shall be as set out in the Annex to this Decision.

For the Commission
Franz FISCHLER
Member of the Commission

ANNEX

Definitive financial allocations for the 2003/2004 marketing year (2004 financial year)

Member State	Area (ha)	Financial allocation (EUR)
Germany	2 198	13 989 772
Greece	1 519	7 176 037
Spain	22 482	152 001 024
France	21 058	111 840 613
Italy	17 990	120 341 710
Luxembourg	10	81 856
Austria	1 837	7 798 847
Portugal	4 854	29 967 725
TOTAL	71 948	443 197 584

CORRIGENDA**Corrigendum to Commission Regulation (EC) No 1735/2004 of 5 October 2004 establishing unit values for the determination of the customs value of certain perishable goods***(Official Journal of the European Union L 310 of 7 October 2004)*

On page 4, in the Annex, for code 1.30 'Onions (other than seed)':

The entry for GBP should read '26,59'.
