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I

(Acts whose publication is obligatory)

**COMMISSION REGULATION (EC) No 2027/2003
of 18 November 2003
establishing the standard import values for determining the entry price of certain fruit and
vegetables**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

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

Whereas:

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

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

HAS ADOPTED THIS REGULATION:

Article 1

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

Article 2

This Regulation shall enter into force on 19 November 2003.

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

Done at Brussels, 18 November 2003.

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

⁽¹⁾ OJ L 337, 24.12.1994, p. 66.

⁽²⁾ OJ L 299, 1.11.2002, p. 17.

ANNEX

to the Commission Regulation of 18 November 2003 establishing the standard import values for determining the entry price of certain fruit and vegetables

(EUR/100 kg)		
CN code	Third country code ⁽¹⁾	Standard import value
0702 00 00	052	81,9
	096	49,6
	204	50,8
	999	60,8
0707 00 05	052	142,3
	999	142,3
0709 90 70	052	130,9
	204	68,0
	999	99,5
0805 20 10	204	54,1
	999	54,1
0805 20 30, 0805 20 50, 0805 20 70, 0805 20 90	052	83,1
	388	66,8
	464	137,4
	999	95,8
0805 50 10	052	84,6
	388	49,1
	528	81,9
	600	75,1
	999	72,7
0806 10 10	052	128,4
	400	223,1
	504	216,9
	508	218,0
	999	196,6
0808 10 20, 0808 10 50, 0808 10 90	052	60,5
	060	38,5
	064	48,1
	096	84,1
	388	117,0
	400	84,5
	404	86,6
	720	52,4
	800	153,0
	999	80,5
0808 20 50	052	105,1
	060	53,5
	064	60,8
	400	87,9
	720	48,7
	999	71,2

⁽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 2028/2003
of 18 November 2003**

**derogating from Regulation (EC) No 2375/2002 opening and providing for the administration of
Community tariff quotas for common wheat of a quality other than high quality from third
countries**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 1766/92 of 30 June 1992 on the common organisation of the market in cereals⁽¹⁾, as last amended by Regulation (EC) No 1104/2003⁽²⁾, and in particular Article 12(1) thereof,

Having regard to Council Decision 2003/253/EC of 19 December 2002 concerning the conclusion of an Agreement in the form of an Exchange of Letters between the European Community and Canada pursuant to Article XXVIII of GATT 1994 for the modification of concessions with respect to cereals provided for in EC Schedule CXL annexed to the GATT 1994⁽³⁾, and in particular Article 2 thereof,

Having regard to Council Decision 2003/254/EC of 19 December 2002 on the conclusion of an Agreement in the form of an Exchange of Letters between the European Community and the United States of America relating to the modification of concessions with respect to cereals provided for in EC Schedule CXL to the GATT 1994⁽⁴⁾, and in particular Article 2 thereof,

Whereas:

- (1) Commission Regulation (EC) No 2375/2002⁽⁵⁾, as last amended by Regulation (EC) No 1111/2003⁽⁶⁾, opens and provides for the administration of a Community tariff quota for poor- and medium-quality common wheat from third countries. Article 3(1) of that Regulation lays down that the annual import quota of 2 981 600 tonnes is to be divided into three subquotas: 572 000 tonnes for the United States, 38 000 tonnes for Canada and 2 371 600 tonnes for other third countries.
- (2) Since the beginning of the third quarter of 2003, the take-up of subquota III, covering most imports of poor- and medium-quality wheat onto the Community market, has slowed down considerably compared with the beginning of 2003. This is because of a large fall in Russian and Ukrainian cereal exports following very large falls in production during the 2003/04 marketing year.

- (3) In addition, following the return to normal wheat production levels in Canada and the United States, those two countries have become more competitive on the Community market at the beginning of the 2003/04 marketing year. Subquota II has now been used up and, on the basis of the principal international price quotations, subquota I will also probably be fully used up by the end of 2003.
- (4) On the internal market, Community production of common wheat has also fallen by around 10 million tonnes compared with the previous marketing year and this cannot be offset by other forage cereals. This situation is causing tensions on the wheat market, particularly as regards animal feed.
- (5) Under these circumstances, in order to ensure full use of all the subquotas, a derogation should be made from Article 3(1) of Regulation (EC) No 2375/2002 to make subquota III available to all third countries until the end of the first year of application of the tariff quota arrangements. There will be no need to require the presentation of a certificate of origin for that subquota.
- (6) The measures provided for in this Regulation are in accordance with the opinion of the Management Committee for Cereals,

HAS ADOPTED THIS REGULATION:

Article 1

1. Notwithstanding Article 3(1)(c) of Regulation (EC) No 2375/2002, subquota III shall be available to all third countries.
2. Article 11 of Regulation (EC) No 2375/2002 shall not apply to imports of common wheat under subquota III.

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 until 31 December 2003.

⁽¹⁾ OJ L 181, 1.7.1992, p. 21.

⁽²⁾ OJ L 158, 27.6.2003, p. 1.

⁽³⁾ OJ L 95, 11.4.2003, p. 36.

⁽⁴⁾ OJ L 95, 11.4.2003, p. 40.

⁽⁵⁾ OJ L 358, 31.12.2002, p. 88.

⁽⁶⁾ OJ L 158, 26.6.2003, p. 21.

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

Done at Brussels, 18 November 2003.

For the Commission
Franz FISCHLER
Member of the Commission

COMMISSION REGULATION (EC) No 2029/2003
of 18 November 2003
on periodical sales by tender of beef held by certain intervention agencies

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⁾, and in particular Article 28(2) thereof,

Whereas:

- (1) The application of intervention measures in respect of beef has resulted in a build-up of stocks in several Member States. In order to prevent storage being prolonged excessively, part of those stocks should be put up for sale by periodical tender.
- (2) The sale should be conducted in accordance with Commission Regulation (EEC) No 2173/79 of 4 October 1979 on detailed rules of application for the disposal of beef bought in by intervention agencies and repealing Regulation (EEC) No 216/69 ⁽²⁾, and in particular Titles II and III thereof.
- (3) In the light of the frequency and nature of tenders under this Regulation it is necessary to derogate from Article 6 and 7 of Regulation (EEC) No 2173/79 with regard to the information and deadlines to be provided by the notice of invitation to tender.
- (4) In order to ensure that the sales by tender are conducted properly and uniformly, measures in addition to those provided for in Article 8(1) of Regulation (EEC) No 2173/79 should be adopted.
- (5) Provisions should be made for derogations from Article 8(2)(b) of Regulation (EEC) No 2173/79 in view of the administrative difficulties which the application of that point is creating in the Member States concerned.
- (6) In order to ensure a proper functioning of the tender arrangements it is necessary to provide for a higher amount of security than the one fixed in Article 15(1) of Regulation (EEC) No 2173/79.
- (7) On the basis of experience gained with regard to the disposal of bone-in intervention beef, it is necessary to reinforce the quality controls of the products before their delivery to the purchasers, in particular to ensure that the products comply with the provisions in Annex III of Commission Regulation (EC) No 562/2000 of 15 March 2000 laying down detailed rules for the application of Council Regulation (EC) No 1254/1999 as regards the buying-in of beef ⁽³⁾.

- (8) The measures provided for in this Regulation are in accordance with the opinion of the Management Committee for Beef and Veal,

HAS ADOPTED THIS REGULATION:

Article 1

1. The following approximate quantities of intervention beef shall be put up for sale:

- 46,1 tonnes of bone-in hindquarters held by the German intervention agency,
- 1,7 tonnes of bone-in hindquarters held by the Spanish intervention agency,
- 0,1 tonnes of boneless beef held by the Spanish intervention agency.

Detailed information concerning quantities is given in Annex I.

2. Subject to the provisions of this Regulation, the sale shall be conducted in accordance with Regulation (EEC) No 2173/79, and in particular Titles II and III thereof.

Article 2

1. Tenders shall be submitted for the following closing dates:

- (a) 24 November 2003;
- (b) 8 December 2003

until the quantities put up for sale are used up.

2. Notwithstanding Articles 6 and 7 of Regulation (EEC) No 2173/79, this Regulation shall serve as a general notice of invitation to tender.

The intervention agencies concerned shall draw up notices of invitation to tender for each sale, setting out in particular:

- the quantities of beef put up for sale, and
- the deadline and place for the submission of tenders.

3. Particulars of the quantities and the places where the products are stored may be obtained by the parties concerned at the addresses set out in the Annex II. The intervention agencies shall, in addition, display the notices referred to in paragraph 2 at their head offices and may also publish them in other ways.

⁽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 251, 5.10.1979, p. 12. Regulation as last amended by Regulation (EC) No 2417/95 (OJ L 248, 14.10.1995, p. 39).

⁽³⁾ OJ L 68, 16.3.2000, p. 22. Regulation as last amended by Regulation (EC) No 1564/2001 (OJ L 208, 1.8.2001, p. 14).

4. The intervention agencies concerned shall sell first meat which has been in storage for the longest time. However, Member States may in exceptional cases and after having obtained authorisation from the Commission derogate from that obligation.

5. Only tenders reaching the intervention agencies concerned by 12.00 on the relevant closing date for each sale by tender shall be considered.

6. Notwithstanding Article 8(1) of Regulation (EEC) No 2173/79, tenders must be submitted to the intervention agency concerned in sealed envelopes bearing a reference to this Regulation and the relevant date. The sealed envelopes must not be opened by the intervention agency before the deadline for submission, as referred to in paragraph 5, has expired.

7. Notwithstanding Article 8(2)(b) of Regulation (EEC) No 2173/79, tenders shall not specify the store or stores where the products are held.

8. Notwithstanding Article 15(1) of Regulation (EEC) No 2173/79, the security shall be EUR 12 per 100 kilograms.

Article 3

1. Not later than the day following the closing date for the submission of tenders, the Member States shall send the Commission details of tenders received.

2. Following scrutiny of the tenders, a minimum selling price shall be set or no award shall be made.

Article 4

The intervention agency shall send each tenderer the information referred to in Article 11 of Regulation (EEC) No 2173/79 by fax.

Article 5

1. The Member States shall take all necessary measures to ensure that bone-in intervention products delivered to the purchasers are presented in a state which fully complies with Annex III of Regulation (EC) No 562/2000 and in particular the sixth indent of point 2(a) of that Annex.

2. The costs related to the measures referred to in paragraph 1 shall be borne by the Member States and shall, in particular, not be imposed on the purchaser or any other third party.

3. Member States shall notify the Commission ⁽¹⁾, of all cases where a bone-in intervention quarter has been identified as not complying with Annex III as referred to in paragraph 1, specifying the quality and quantity of the quarter as well as the slaughterhouse where it was produced.

Article 6

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 Brussels, 18 November 2003.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ DG Agriculture, D2: fax (32-2) 295 36 13.

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

Estado miembro	Productos ⁽¹⁾	Cantidad aproximada (toneladas)
Medlemsstat	Produkter ⁽¹⁾	Tilnærmet mængde (tons)
Mitgliedstaat	Erzeugnisse ⁽¹⁾	Ungefähre Mengen (Tonnen)
Κράτος μέλος	Προϊόντα ⁽¹⁾	Κατά προσέγγιση ποσότητα (τόνοι)
Member State	Products ⁽¹⁾	Approximate quantity (tonnes)
État membre	Produits ⁽¹⁾	Quantité approximative (tonnes)
Stato membro	Prodotti ⁽¹⁾	Quantità approssimativa (tonnellate)
Lidstaat	Producten ⁽¹⁾	Hoeveelheid bij benadering (ton)
Estado-Membro	Produtos ⁽¹⁾	Quantidade aproximada (toneladas)
Jäsenvaltio	Tuotteet ⁽¹⁾	Arvioitu määrä (tonneina)
Medlemsstat	Produkter ⁽¹⁾	Ungefärlig kvantitet (ton)

a) **Carne con hueso — Kød, ikke udbenet — Fleisch mit Knochen — Εμπρόσθια τέταρτα με κόκαλα — Bone-in beef — Viande avec os — Carni non disossate — Vlees met been — Carne com osso — Luullinen naudanliha — Kött med ben**

DEUTSCHLAND	— Hinterviertel	46,1
ESPAÑA	— Cuartos traseros	1,7

b) **Carne deshuesada — Udbenet kød — Fleisch ohne Knochen — Κρέατα χωρίς κόκαλα — Boneless beef — Viande désossée — Carni senza osso — Vlees zonder been — Carne desossada — Luuton naudanliha — Benfritt kött**

ESPAÑA	— Babilla de intervención (INT 12)	0,024 ⁽²⁾
	— Falda del costillar de intervención (INT 18)	0,023 ⁽¹⁾
	— Entrecot de intervención (INT 19)	0,041 ⁽¹⁾

⁽¹⁾ Véanse los anexos III y V del Reglamento (CE) n° 562/2000.

⁽²⁾ Se bilag III og V til forordning (EF) nr. 562/2000.

⁽³⁾ Vgl. Anhänge III und V der Verordnung (EG) Nr. 562/2000.

⁽⁴⁾ Βλέπε παραρτήματα III και V του κανονισμού (ΕΚ) αριθ. 562/2000.

⁽⁵⁾ See Annexes III and V to Regulation (EC) No 562/2000.

⁽⁶⁾ Voir annexes III et V du règlement (CE) n° 562/2000.

⁽⁷⁾ Cfr. allegati III e V del regolamento (CE) n. 562/2000.

⁽⁸⁾ Zie de bijlagen III en V van Verordening (EG) nr. 562/2000.

⁽⁹⁾ Ver anexos III e V do Regulamento (CE) n.º 562/2000.

⁽¹⁰⁾ Katso asetuksen (EY) N:o 562/2000 liitteet III ja V.

⁽¹¹⁾ Se bilagorna III och V i förordning (EG) nr 562/2000.

⁽¹²⁾ Para ser vendido en un lote — Salges samlet som én mængde — Zu verkaufen in einer Menge — Προς πώληση σαν μία παρτίδα — To be sold as one lot — À vendre dans un lot — Da vendersi in un unico lotto — Te verkopen als een lot — Para ser vendido em um lote — Myytävä yhtenä eränä — Säljs tillsammans som en enhet.

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

Direcciones de los organismos de intervención — Interventionsorganernes adresser — Anschriften der Interventionsstellen — Διευθύνσεις των οργανισμών παρεμβάσεως — Addresses of the intervention agencies — Adresses des organismes d'intervention — Indirizzi degli organismi d'intervento — Adressen van de interventiebureaus — Endereços dos organismos de intervenção — Interventioelinten osoitteet — Interventionsorganens adresser

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**COMMISSION REGULATION (EC) No 2030/2003
of 18 November 2003**

**fixing representative prices in the poultrymeat and egg sectors and for egg albumin, and amending
Regulation (EC) No 1484/95**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 2771/75 of 29 October 1975 on the common organisation of the market in eggs ⁽¹⁾, as last amended by Regulation (EC) No 806/2003 ⁽²⁾, and in particular Article 5(4) thereof,

Having regard to Council Regulation (EEC) No 2777/75 of 29 October 1975 on the common organisation of the market in poultrymeat ⁽³⁾, as last amended by Regulation (EC) No 806/2003, and in particular Article 5(4) thereof,

Having regard to Council Regulation (EEC) No 2783/75 of 29 October 1975 on the common system of trade for ovalbumin and lactalbumin ⁽⁴⁾, as last amended by Commission Regulation (EC) No 2916/95 ⁽⁵⁾, and in particular Article 3(4) thereof,

Whereas:

- (1) Commission Regulation (EC) No 1484/95 ⁽⁶⁾, as last amended by Regulation (EC) No 1631/2003 ⁽⁷⁾, fixes detailed rules for implementing the system of additional import duties and fixes representative prices in the poultrymeat and egg sectors and for egg albumin.

(2) It results from regular monitoring of the information providing the basis for the verification of the import prices in the poultrymeat and egg sectors and for egg albumin that the representative prices for imports of certain products should be amended taking into account variations of prices according to origin. Therefore, representative prices should be published.

(3) It is necessary to apply this amendment as soon as possible, given the situation on the market.

(4) The measures provided for in this Regulation are in accordance with the opinion of the Management Committee for Poultrymeat and Eggs,

HAS ADOPTED THIS REGULATION:

Article 1

Annex I to Regulation (EC) No 1484/95 is hereby replaced by the Annex hereto.

Article 2

This Regulation shall enter into force on 19 November 2003.

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

Done at Brussels, 18 November 2003.

For the Commission

J. M. SILVA RODRÍGUEZ

Agriculture Director-General

⁽¹⁾ OJ L 282, 1.11.1975, p. 49.

⁽²⁾ OJ L 122, 16.5.2003, p. 1.

⁽³⁾ OJ L 282, 1.11.1975, p. 77.

⁽⁴⁾ OJ L 282, 1.11.1975, p. 104.

⁽⁵⁾ OJ L 305, 19.12.1995, p. 49.

⁽⁶⁾ OJ L 145, 29.6.1995, p. 47.

⁽⁷⁾ OJ L 232, 18.9.2003, p. 55.

ANNEX

to the Commission Regulation of 18 November 2003 fixing representative prices in the poultrymeat and egg sectors and for egg albumin, and amending Regulation (EC) No 1484/95

'ANNEX I

CN code	Description	Representative price (EUR/100 kg)	Security referred to in Article 3(3) (EUR/100 kg)	Origin ⁽¹⁾
0207 12 90	Chickens, plucked and drawn, without heads and feet and without necks, hearts, livers and gizzards, known as "65 % chickens", or otherwise presented, frozen	91,8	10	01
0207 14 10	Boneless cuts of fowl of the species <i>Gallus domesticus</i> , frozen	167,2	46	01
		167,8	46	02
		208,2	28	03
		204,0	29	04
0207 27 10	Boneless cuts of turkey, frozen	243,4	16	01
		265,2	10	04
0207 36 15	Boneless cuts of duck and guinea fowl, frozen	269,7	15	05
1602 32 11	Preparations of uncooked fowl of the species <i>Gallus domesticus</i>	196,3	27	01
		193,7	28	02

⁽¹⁾ Origin of imports:

- 01 Brazil
- 02 Thailand
- 03 Argentina
- 04 Chile
- 05 China.'

COMMISSION REGULATION (EC) No 2031/2003
of 18 November 2003
amending the import duties in the cereals sector

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 1766/92 of 30 June 1992 on the common organisation of the market in cereals ⁽¹⁾, as last amended by Regulation (EC) No 1104/2003 ⁽²⁾,

Having regard to Commission Regulation (EC) No 1249/96 of 28 June 1996 laying down detailed rules for the application of Council Regulation (EEC) No 1766/92 as regards import duties in the cereals sector ⁽³⁾, as last amended by Regulation (EC) No 1110/2003 ⁽⁴⁾, and in particular Article 2(1) thereof,

Whereas:

- (1) The import duties in the cereals sector are fixed by Commission Regulation (EC) No 2020/2003 ⁽⁵⁾.

- (2) Article 2(1) of Regulation (EC) No 1249/96 provides that if during the period of application, the average import duty calculated differs by EUR 5 per tonne from the duty fixed, a corresponding adjustment is to be made. Such a difference has arisen. It is therefore necessary to adjust the import duties fixed in Regulation (EC) No 2020/2003,

HAS ADOPTED THIS REGULATION:

Article 1

Annexes I and II to the amended Regulation (EC) No 2020/2003 are hereby replaced by Annexes I and II to this Regulation.

Article 2

This Regulation shall enter into force on 19 November 2003.

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

Done at Brussels, 18 November 2003.

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

⁽¹⁾ OJ L 181, 1.7.1992, p. 21.

⁽²⁾ OJ L 158, 27.6.2003, p. 1.

⁽³⁾ OJ L 161, 29.6.1996, p. 125.

⁽⁴⁾ OJ L 158, 27.6.2003, p. 12.

⁽⁵⁾ OJ L 297, 15.11.2003, p. 32.

ANNEX I

Import duties for the products covered by Article 10(2) of Regulation (EEC) No 1766/92

CN code	Description	Import duty ⁽¹⁾ (EUR/tonne)
1001 10 00	Durum wheat high quality	0,00
	medium quality	0,00
	low quality	0,00
1001 90 91	Common wheat seed	0,00
ex 1001 90 99	Common high quality wheat other than for sowing	0,00
1002 00 00	Rye	13,67
1005 10 90	Maize seed other than hybrid	34,52
1005 90 00	Maize other than seed ⁽²⁾	34,52
1007 00 90	Grain sorghum other than hybrids for sowing	13,67

⁽¹⁾ For goods arriving in the Community via the Atlantic Ocean or via the Suez Canal (Article 2(4) of Regulation (EC) No 1249/96), the importer may benefit from a reduction in the duty of:

— EUR 3 per tonne, where the port of unloading is on the Mediterranean Sea, or

— EUR 2 per tonne, where the port of unloading is in Ireland, the United Kingdom, Denmark, Sweden, Finland or the Atlantic coasts of the Iberian peninsula.

⁽²⁾ The importer may benefit from a flat-rate reduction of EUR 24 per tonne, where the conditions laid down in Article 2(5) of Regulation (EC) No 1249/96 are met.

ANNEX II

Factors for calculating duties

(period from 14 November to 17 November 2003)

1. Averages over the two-week period preceding the day of fixing:

Exchange quotations	Minneapolis	Chicago	Minneapolis	Minneapolis	Minneapolis	Minneapolis
Product (% proteins at 12 % humidity)	HRS2. 14 %	YC3	HAD2	Medium quality (*)	Low quality (**)	US barley 2
Quotation (EUR/t)	136,70 (****)	81,00	175,12 (***)	165,12 (***)	145,12 (***)	114,67 (***)
Gulf premium (EUR/t)	—	18,11	—	—	—	—
Great Lakes premium (EUR/t)	18,72	—	—	—	—	—

(*) A discount of 10 EUR/t (Article 4(3) of Regulation (EC) No 1249/96).

(**) A discount of 30 EUR/t (Article 4(3) of Regulation (EC) No 1249/96).

(***) Fob Duluth.

(****) Premium of 14 EUR/t incorporated (Article 4(3) of Regulation (EC) No 1249/96).

2. Averages over the two-week period preceding the day of fixing:

Freight/cost: Gulf of Mexico–Rotterdam: 24,83 EUR/t; Great Lakes–Rotterdam: 30,13 EUR/t.

3. Subsidy within the meaning of the third paragraph of Article 4(2) of Regulation (EC) No 1249/96: 0,00 EUR/t (HRW2)
0,00 EUR/t (SRW2).

II

(Acts whose publication is not obligatory)

COMMISSION

COMMISSION DECISION

of 14 November 2003

conferring management of aid on implementing agencies for preaccession measures in agriculture and rural development in the Republic of Poland in the preaccession period

(2003/802/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

as last amended by the Annual Financing Agreement for 2003, signed on 4 June 2003 which finally entered into force on 10 June 2003.

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 1266/1999 of 21 June 1999 on coordinating aid to the applicant countries in the framework of the preaccession strategy and amending Regulation (EEC) No 3906/89⁽¹⁾, and in particular Article 12(2) thereof,

(3) A Sapard agency has been appointed by the competent authority of the Republic of Poland for the implementation of some of the measures defined in the Sapard. The Ministry of Finance, National Fund, has been appointed for the financial functions it is due to perform in the framework of the implementation of the Sapard.

Having regard to the Council Regulation (EC) No 1268/1999 of 21 June 1999 on Community support for preaccession measures for agriculture and rural development in the applicant countries of central and eastern Europe in the preaccession period⁽²⁾, as last amended by Regulation (EC) No 696/2003⁽³⁾, and in particular Article 4(5) and (6) thereof,

(4) On the basis of a case-by-case analysis of the national and sectorial programme/project management capacity, financial control procedures and structures regarding public finance, as provided for in Article 12(2) of Regulation (EC) No 1266/1999, the Commission adopted Decision 2002/539/EC of 2 July 2002 conferring management of aid on implementing agencies for preaccession measures in agriculture and rural development in the Republic of Poland in the preaccession period⁽⁵⁾ with regard to certain measures provided for in the Sapard.

Whereas:

(1) The special accession programme for agriculture and rural development for the Republic of Poland (hereinafter 'Sapard') was approved by Commission Decision of 18 October 2000⁽⁴⁾, and as last amended by Commission Decision of 1 August 2003 in accordance with Article 4(5) of Regulation (EC) No 1268/1999.

(2) The government of Poland and the Commission, acting on behalf of the European Community, signed on 25 January 2001 the Multiannual Financing Agreement laying down the technical, legal and administrative framework for the execution of the Sapard programme,

(5) The Commission has since undertaken a further analysis under Article 12(2) of Regulation (EC) No 1266/1999 in respect of Measure 4 'Diversification of economic activities in rural areas' (hereinafter 'Measure 4') as provided for in the Sapard. The Commission considers that, also with regard to that measure, the Republic of Poland complies with the provisions of Articles 4 to 6 and of the Annex to Commission Regulation (EC) No 2222/2000 of 7 June 2000 laying down financial rules for the

⁽¹⁾ OJ L 161, 26.6.1999, p. 68.

⁽²⁾ OJ L 161, 26.6.1999, p. 87.

⁽³⁾ OJ L 99, 17.4.2003, p. 24.

⁽⁴⁾ C(2000) 3040.

⁽⁵⁾ OJ L 173, 3.7.2002, p. 41.

application of Council Regulation (EC) No 1268/1999 on Community support for preaccession measures for agriculture and rural development in the applicant countries of central and eastern Europe in the preaccession period ⁽¹⁾, as last amended by Regulation (EC) No 188/2003 ⁽²⁾, and with the minimum conditions set out in the Annex to Regulation (EC) No 1266/1999.

- (6) It is therefore appropriate to waive the *ex ante* approval requirement provided for in Article 12(1) of Regulation (EC) No 1266/1999 and to confer, with regard to Measure 4, on the Agency for Restructuring and Modernisation of Agriculture, and on the National Fund in the Republic of Poland, the management of aid on a decentralised basis.
- (7) Since the verifications carried out by the Commission for Measure 4 are based on a system that is not yet fully operating with regard to all relevant elements, however, it is appropriate to confer the management of the Sapard on the Agency for Restructuring and Modernisation of Agriculture, and on the National Fund, according to Article 3(2) of Regulation (EC) No 2222/2000, on a provisional basis.
- (8) Full conferral of management of the Sapard is only envisaged after further verifications to ensure that the system operates satisfactorily have been carried out and after any recommendations which the Commission may issue with regard to the conferral of management of aid on the Agency for Restructuring and Modernisation of Agriculture, and on the National Fund, have been implemented.
- (9) On 27 October 2003 the Polish Authorities proposed the rules for eligibility of expenditure in accordance with Article 4(1) of Section B of the Multiannual Financing Agreement. The Commission is called upon to take a decision in this respect,

HAS DECIDED AS FOLLOWS:

Article 1

The requirement of *ex ante* approval by the Commission of project selection and contracting for Measure 4 by the Republic of Poland provided for in Article 12(1) of Regulation (EC) No 1266/1999 is hereby waived.

Article 2

Management of the Sapard is conferred on a provisional basis on:

1. the Agency for Restructuring and Modernisation of Agriculture in its role as Sapard agency of the Republic of Poland, located at Al. Jana Pawła II nr 70, PL — 00 175 Warsaw, for the implementation of Measure 4 of the Sapard as defined in the programme for agricultural and rural development that was approved by the abovementioned Commission Decision; and
2. the National Fund within the Ministry of Finance of the Republic of Poland, located at ul. Świętokrzyska 12, PL — 00 916 Warsaw, for the financial functions it is due to perform in the framework of the implementation of the Sapard for Measure 4 for the Republic of Poland.

Article 3

Without prejudice to any decision granting aid under the Sapard to individual beneficiaries, the rules for eligibility of expenditures concerning Measure 4 as proposed by the Republic of Poland in the operational manual sent to the Commission on 27 October 2003 and registered in the Commission under number AGR A/36434 shall apply.

Done at Brussels, 14 November 2003.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ L 253, 7.10.2000, p. 5.

⁽²⁾ OJ L 27, 1.2.2003, p. 14.