COUNCIL REGULATION (EC) No 2322/2003

of 17 December 2003

derogating from Regulation (EC) No 1251/1999 as regards the set-aside requirement for the 2004/05 marketing year

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community, and in particular Articles 36 and 37 thereof,

Having regard to the proposal from the Commission,

Having regard to the opinion of the European Parliament,

Whereas:

(1) The support system for producers of certain arable crops introduced by Regulation (EC) No 1251/1999 [1], provides that, in order to qualify for area payments, producers are to set aside a certain proportion of their arable land.

(2) The cereals market in the Community during the 2003/04 marketing year is characterised by low production due to severe drought in main production regions of the Community. This situation is expected to cause a significant reduction in closing stocks for 2003/04 on the Community market. A normal 2004 harvest would not be expected to lead to a significant increase in stocks. A poor harvest would expose the internal market to potentially serious risks.

(3) For the 2004/05 marketing year, the rate for set-aside should therefore be fixed at a lower level than that set out in the second subparagraph of Article 6(1) of Regulation (EC) No 1251/1999,

HAS ADOPTED THIS REGULATION:

Article 1

By way of derogation from the second subparagraph of Article 6(1) of Regulation (EC) No 1251/1999, the basic rate of compulsory set-aside shall be 5 % for the 2004/05 marketing year.

Article 2

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

2. It shall apply to set-aside for the 2004/05 marketing year.

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

Done at Brussels, 17 December 2003.

For the Council
The President
G. ALEMANNO

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