COMMISSION REGULATION (EC) No 351/2004
of 26 February 2004
fixing the export refunds on milk and milk products

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 1255/1999 of 17 May 1999 on the common organisation of the market in milk and milk products [1], and in particular Article 31(3) thereof,

Whereas:

(1) Article 31 of Regulation (EC) No 1255/1999 provides that the difference between prices in international trade for the products listed in Article 1 of that Regulation and prices for those products within the Community may be covered by an export refund within the limits resulting from agreements concluded in accordance with Article 300 of the Treaty.

(2) Regulation (EC) No 1255/1999 provides that when the refunds on the products listed in Article 1 of the abovementioned Regulation, exported in the natural state, are being fixed, account must be taken of:

— the existing situation and the future trend with regard to prices and availabilities of milk and milk products on the Community market and prices for milk and milk products in international trade,

— marketing costs and the most favourable transport charges from Community markets to ports or other points of export in the Community, as well as costs incurred in placing the goods on the market of the country of destination,

— the aims of the common organisation of the market in milk and milk products which are to ensure equilibrium and the natural development of prices and trade on this market,

— the limits resulting from agreements concluded in accordance with Article 300 of the Treaty, and

— the need to avoid disturbances on the Community market, and

— the economic aspect of the proposed exports.

(3) Article 31(5) of Regulation (EC) No 1255/1999 provides that when prices within the Community are being determined account should be taken of the ruling prices which are most favourable for exportation, and that when prices in international trade are being determined particular account should be taken of:

(a) prices ruling on third-country markets;

(b) the most favourable prices in third countries of destination for third-country imports;

(c) producer prices recorded in exporting third countries, account being taken, where appropriate, of subsidies granted by those countries; and

(d) free-at-Community-frontier offer prices.

(4) Article 31(3) of Regulation (EC) No 1255/1999 provides that the world market situation or the specific requirements of certain markets may make it necessary to vary the refund on the products listed in Article 1 of the abovementioned Regulation according to destination.

(5) Article 31(3) of Regulation (EC) No 1255/1999 provides that the list of products on which export refunds are granted and the amount of such refunds should be fixed at least once every four weeks; the amount of the refund may, however, remain at the same level for more than four weeks.

(6) In accordance with Article 16 of Commission Regulation (EC) No 174/1999 of 26 January 1999 on specific detailed rules for the application of Council Regulation (EC) No 804/68 as regards export licences and export refunds on milk and milk products [2], the refund granted for milk products containing added sugar is equal to the sum of the two components; one is intended to take account of the quantity of milk products and is calculated by multiplying the basic amount by the milk products content in the product concerned; the other is intended to take account of the quantity of added sucrose and is calculated by multiplying the sucrose content of the entire product by the basic amount of the refund valid on the day of exportation for the products listed in Article 1(1)(d) of Council Regulation (EC) No 1260/2001 of 19 June 2001 on the common organisation of the markets in the sugar sector [3], however, this second component is applied only if the added sucrose has been produced using sugar beet or cane harvested in the Community.

[1] OJ L 160, 26.6.1999, p. 48. Regulation as last amended by Commission Regulation (EC) No 186/2004 (OJ L 29, 3.2.2004, p. 6).

[2] OJ L 20, 27.1.1999, p. 8. Regulation as last amended by Regulation (EC) No 1948/2003 (OJ L 287, 5.11.2003, p. 13).

[3] OJ L 178, 30.6.2001, p. 1. Regulation as amended by Commission Regulation (EC) No 39/2004 (OJ L 6, 10.1.2004, p. 16).

(7) Commission Regulation (EEC) No 896/84 [1] laid down additional provisions concerning the granting of refunds on the change from one milk year to another; those provisions provide for the possibility of varying refunds according to the date of manufacture of the products.

(8) For the calculation of the refund for processed cheese provision must be made where casein or caseinates are added for that quantity not to be taken into account.

(9) With a view to enlargement on 1 May 2004 and to encourage the gradual alignment of prices in the new Member States on the Community level, all remaining refunds for exports to the new Member States should be abolished.

(10) The consolidation of the maximum quantities for export within the limits set in the WTO Agreement will be more binding on the accession of the new Member States. In order to ensure the satisfactory management and optimum use of the maximum quantities for export, steps should therefore be taken to reduce or abolish the refunds for certain destinations, in particular those located in or close to the geographical area of the Community where the level of prices for milk products no longer justify the present level of refund rates, despite the collection of import duty in some of those countries.

(11) The policy of some non-member countries is to prevent disturbance on the internal market by applying frontier measures. The refunds for certain milk products exported to those destinations should be differentiated in order to reduce the risk of such measures being applied.

(12) It follows from applying the rules set out above to the present situation on the market in milk and in particular to quotations or prices for milk products within the Community and on the world market that the refund should be as set out in the Annex to this Regulation.

(13) The measures provided for in this Regulation are in accordance with the opinion of the Management Committee for Milk and Milk Products,

HAS ADOPTED THIS REGULATION:

Article 1

The export refunds referred to in Article 31 of Regulation (EC) No 1255/1999 on products exported in the natural state shall be as set out in the Annex.

Article 2

This Regulation shall enter into force on 27 February 2004.

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

Done at Brussels, 26 February 2004.

For the Commission
Franz FISCHLER
Member of the Commission

[1] OJ L 91, 1.4.1984, p. 71. Regulation as last amended by Regulation (EEC) No 222/88 (OJ L 28, 1.2.1988, p. 1).

ANNEX

to the Commission Regulation of 26 February 2004 fixing the export refunds on milk and milk products

Product code	Destination	Unit of measurement	Amount of refund
0401 10 10 9000	970	EUR/100 kg	1,911
0401 10 90 9000	970	EUR/100 kg	1,911
0401 20 11 9100	970	EUR/100 kg	0,000
0401 20 11 9500	970	EUR/100 kg	2,953
0401 20 19 9100	970	EUR/100 kg	0,000
0401 20 19 9500	970	EUR/100 kg	2,953
0401 20 91 9000	970	EUR/100 kg	3,737
0401 20 99 9000	970	EUR/100 kg	0,000
0401 30 11 9400	970	EUR/100 kg	8,624
0401 30 11 9700	970	EUR/100 kg	12,95
0401 30 19 9700	970	EUR/100 kg	0,00
0401 30 31 9100	L01	EUR/100 kg	—
	L02	EUR/100 kg	22,02
	A01	EUR/100 kg	31,46
0401 30 31 9400	L01	EUR/100 kg	—
	L02	EUR/100 kg	34,40
	A01	EUR/100 kg	49,14
0401 30 31 9700	L01	EUR/100 kg	—
	L02	EUR/100 kg	37,94
	A01	EUR/100 kg	54,20
0401 30 39 9100	L01	EUR/100 kg	—
	L02	EUR/100 kg	22,02
	A01	EUR/100 kg	31,46
0401 30 39 9400	L01	EUR/100 kg	—
	L02	EUR/100 kg	34,40
	A01	EUR/100 kg	49,14
0401 30 39 9700	L01	EUR/100 kg	—
	L02	EUR/100 kg	37,94
	A01	EUR/100 kg	54,20
0401 30 91 9100	L01	EUR/100 kg	—
	L02	EUR/100 kg	43,24
	A01	EUR/100 kg	61,77
0401 30 91 9500	A00	EUR/100 kg	0,00
0401 30 99 9100	L01	EUR/100 kg	—
	L02	EUR/100 kg	43,24
	A01	EUR/100 kg	61,77
0401 30 99 9500	L01	EUR/100 kg	—
	L02	EUR/100 kg	63,55
	A01	EUR/100 kg	90,78
0402 10 11 9000	L01	EUR/100 kg	—
	L02	EUR/100 kg	45,15
	A01	EUR/100 kg	64,50
0402 10 19 9000	L01	EUR/100 kg	—
	L02	EUR/100 kg	45,15
	A01	EUR/100 kg	64,50
0402 10 91 9000	L01	EUR/kg	—
	L02	EUR/kg	0,4515
	A01	EUR/kg	0,6450
0402 10 99 9000	L01	EUR/kg	—
	L02	EUR/kg	0,4515
	A01	EUR/kg	0,6450
0402 21 11 9200	L01	EUR/100 kg	—
	L02	EUR/100 kg	45,15
	A01	EUR/100 kg	64,50
0402 21 11 9300	L01	EUR/100 kg	—
	L02	EUR/100 kg	65,14
	A01	EUR/100 kg	93,05
0402 21 11 9500	L01	EUR/100 kg	—
	L02	EUR/100 kg	67,98
	A01	EUR/100 kg	97,12
0402 21 11 9900	L01	EUR/100 kg	—
	L02	EUR/100 kg	72,45
	A01	EUR/100 kg	103,50
0402 21 17 9000	L01	EUR/100 kg	—
	L02	EUR/100 kg	45,15
	A01	EUR/100 kg	64,50
0402 21 19 9300	L01	EUR/100 kg	—
	L02	EUR/100 kg	65,14
	A01	EUR/100 kg	93,05
0402 21 19 9500	L01	EUR/100 kg	—
	L02	EUR/100 kg	67,98
	A01	EUR/100 kg	97,12
0402 21 19 9900	L01	EUR/100 kg	—
	L02	EUR/100 kg	72,45
	A01	EUR/100 kg	103,50
0402 21 91 9100	L01	EUR/100 kg	—
	L02	EUR/100 kg	72,90
	A01	EUR/100 kg	104,14
0402 21 91 9200	L01	EUR/100 kg	—
	L02	EUR/100 kg	73,33
	A01	EUR/100 kg	104,76
0402 21 91 9350	L01	EUR/100 kg	—
	L02	EUR/100 kg	74,08
	A01	EUR/100 kg	105,83
0402 21 91 9500	L01	EUR/100 kg	—
	L02	EUR/100 kg	79,62
	A01	EUR/100 kg	113,74
0402 21 99 9100	L01	EUR/100 kg	—
	L02	EUR/100 kg	72,90
	A01	EUR/100 kg	104,14
0402 21 99 9200	L01	EUR/100 kg	—
	L02	EUR/100 kg	73,33
	A01	EUR/100 kg	104,76
0402 21 99 9300	L01	EUR/100 kg	—
	L02	EUR/100 kg	74,08
	A01	EUR/100 kg	105,83
0402 21 99 9400	L01	EUR/100 kg	—
	L02	EUR/100 kg	78,19
	A01	EUR/100 kg	111,70
0402 21 99 9500	L01	EUR/100 kg	—
	L02	EUR/100 kg	79,62
	A01	EUR/100 kg	113,74
0402 21 99 9600	L01	EUR/100 kg	—
	L02	EUR/100 kg	85,23
	A01	EUR/100 kg	121,76
0402 21 99 9700	L01	EUR/100 kg	—
	L02	EUR/100 kg	88,41
	A01	EUR/100 kg	126,30
0402 21 99 9900	L01	EUR/100 kg	—
	L02	EUR/100 kg	92,09
	A01	EUR/100 kg	131,56
0402 29 15 9200	L01	EUR/kg	—
	L02	EUR/kg	0,4515
	A01	EUR/kg	0,6450
0402 29 15 9300	L01	EUR/kg	—
	L02	EUR/kg	0,6514
	A01	EUR/kg	0,9305
0402 29 15 9500	L01	EUR/kg	—
	L02	EUR/kg	0,6798
	A01	EUR/kg	0,9712
0402 29 15 9900	L01	EUR/kg	—
	L02	EUR/kg	0,7245
	A01	EUR/kg	1,0350
0402 29 19 9300	L01	EUR/kg	—
	L02	EUR/kg	0,6514
	A01	EUR/kg	0,9305
0402 29 19 9500	L01	EUR/kg	—
	L02	EUR/kg	0,6798
	A01	EUR/kg	0,9712

Product code	Destination	Unit of measurement	Amount of refund
0402 29 19 9900	L01	EUR/kg	—
	L02	EUR/kg	0,7245
	A01	EUR/kg	1,0350
0402 29 91 9000	L01	EUR/kg	—
	L02	EUR/kg	0,7290
	A01	EUR/kg	1,0414
0402 29 99 9100	L01	EUR/kg	—
	L02	EUR/kg	0,7290
	A01	EUR/kg	1,0414
0402 29 99 9500	L01	EUR/kg	—
	L02	EUR/kg	0,7819
	A01	EUR/kg	1,1170
0402 91 11 9370	L01	EUR/100 kg	—
	L02	EUR/100 kg	5,312
	A01	EUR/100 kg	7,589
0402 91 19 9370	L01	EUR/100 kg	—
	L02	EUR/100 kg	5,312
	A01	EUR/100 kg	7,589
0402 91 31 9300	L01	EUR/100 kg	—
	L02	EUR/100 kg	6,278
	A01	EUR/100 kg	8,969
0402 91 39 9300	L01	EUR/100 kg	—
	L02	EUR/100 kg	6,278
	A01	EUR/100 kg	8,969
0402 91 99 9000	L01	EUR/100 kg	—
	L02	EUR/100 kg	26,57
	A01	EUR/100 kg	37,96
0402 99 11 9350	L01	EUR/kg	—
	L02	EUR/kg	0,1359
	A01	EUR/kg	0,1941
0402 99 19 9350	L01	EUR/kg	—
	L02	EUR/kg	0,1359
	A01	EUR/kg	0,1941
0402 99 31 9150	L01	EUR/kg	—
	L02	EUR/kg	0,1410
	A01	EUR/kg	0,2014
0402 99 31 9300	L01	EUR/kg	—
	L02	EUR/kg	0,1590
	A01	EUR/kg	0,2271
0402 99 31 9500	A00	EUR/kg	0,0000
0402 99 39 9150	L01	EUR/kg	—
	L02	EUR/kg	0,1410
	A01	EUR/kg	0,2014
0403 90 11 9000	L01	EUR/100 kg	—
	L02	EUR/100 kg	44,51
	A01	EUR/100 kg	63,59
0403 90 13 9200	L01	EUR/100 kg	—
	L02	EUR/100 kg	44,51
	A01	EUR/100 kg	63,59
0403 90 13 9300	L01	EUR/100 kg	—
	L02	EUR/100 kg	64,56
	A01	EUR/100 kg	92,23
0403 90 13 9500	L01	EUR/100 kg	—
	L02	EUR/100 kg	67,38
	A01	EUR/100 kg	96,26
0403 90 13 9900	L01	EUR/100 kg	—
	L02	EUR/100 kg	71,81
	A01	EUR/100 kg	102,58
0403 90 19 9000	L01	EUR/100 kg	—
	L02	EUR/100 kg	72,24
	A01	EUR/100 kg	103,20
0403 90 33 9400	L01	EUR/kg	—
	L02	EUR/kg	0,6456
	A01	EUR/kg	0,9223
0403 90 33 9900	L01	EUR/kg	—
	L02	EUR/kg	0,7181
	A01	EUR/kg	1,0258
0403 90 51 9100	970	EUR/100 kg	1,911
0403 90 59 9170	970	EUR/100 kg	12,95
0403 90 59 9310	L01	EUR/100 kg	—
	L02	EUR/100 kg	22,02
	A01	EUR/100 kg	31,46
0403 90 59 9340	L01	EUR/100 kg	—
	L02	EUR/100 kg	32,22
	A01	EUR/100 kg	46,03
0403 90 59 9370	L01	EUR/100 kg	—
	L02	EUR/100 kg	32,22
	A01	EUR/100 kg	46,03
0403 90 59 9510	L01	EUR/100 kg	—
	L02	EUR/100 kg	32,22
	A01	EUR/100 kg	46,03
0404 90 21 9120	L01	EUR/100 kg	—
	L02	EUR/100 kg	38,51
	A01	EUR/100 kg	55,02
0404 90 21 9160	L01	EUR/100 kg	—
	L02	EUR/100 kg	45,15
	A01	EUR/100 kg	64,50
0404 90 23 9120	L01	EUR/100 kg	—
	L02	EUR/100 kg	45,15
	A01	EUR/100 kg	64,50
0404 90 23 9130	L01	EUR/100 kg	—
	L02	EUR/100 kg	65,14
	A01	EUR/100 kg	93,05
0404 90 23 9140	L01	EUR/100 kg	—
	L02	EUR/100 kg	67,98
	A01	EUR/100 kg	97,12
0404 90 23 9150	L01	EUR/100 kg	—
	L02	EUR/100 kg	72,45
	A01	EUR/100 kg	103,50
0404 90 29 9110	L01	EUR/100 kg	—
	L02	EUR/100 kg	72,90
	A01	EUR/100 kg	104,14
0404 90 29 9115	L01	EUR/100 kg	—
	L02	EUR/100 kg	73,33
	A01	EUR/100 kg	104,76
0404 90 29 9125	L01	EUR/100 kg	—
	L02	EUR/100 kg	74,08
	A01	EUR/100 kg	105,83
0404 90 29 9140	L01	EUR/100 kg	—
	L02	EUR/100 kg	79,62
	A01	EUR/100 kg	113,74
0404 90 81 9100	L01	EUR/kg	—
	L02	EUR/kg	0,4515
	A01	EUR/kg	0,6450
0404 90 83 9110	L01	EUR/kg	—
	L02	EUR/kg	0,4515
	A01	EUR/kg	0,6450
0404 90 83 9130	L01	EUR/kg	—
	L02	EUR/kg	0,6514
	A01	EUR/kg	0,9305
0404 90 83 9150	L01	EUR/kg	—
	L02	EUR/kg	0,6798
	A01	EUR/kg	0,9712
0404 90 83 9170	L01	EUR/kg	—
	L02	EUR/kg	0,7245
	A01	EUR/kg	1,0350
0404 90 83 9936	L01	EUR/kg	—
	L02	EUR/kg	0,1359
	A01	EUR/kg	0,1941
0405 10 11 9500	L01	EUR/100 kg	—
	075	EUR/100 kg	156,10
	L02	EUR/100 kg	121,56
	A01	EUR/100 kg	173,66
0405 10 11 9700	L01	EUR/100 kg	—
	075	EUR/100 kg	160,00
	L02	EUR/100 kg	124,60
	A01	EUR/100 kg	178,00
0405 10 19 9500	L01	EUR/100 kg	—
	075	EUR/100 kg	156,10
	L02	EUR/100 kg	121,56
	A01	EUR/100 kg	173,66