COMMISSION REGULATION (EC) No 938/2003
of 28 May 2003
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], as last amended by Commission Regulation (EC) No 509/2002 [2], 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 [3], as last amended by Regulation (EC) No 833/2003 [4], 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 [5], as amended by Commission Regulation (EC) No 680/2002 [6], 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.
[2] OJ L 79, 22.3.2002, p. 15.
[3] OJ L 20, 27.1.1999, p. 8.
[4] OJ L 120, 15.5.2003, p. 18.
[5] OJ L 178, 30.6.2001, p. 1.
[6] OJ L 104, 20.4.2002, p. 26.

(7) Commission Regulation (EEC) No 896/84 [1], as last amended by Regulation (EEC) No 222/88 [2], 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) 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.

(10) The refund on Gouda cheese for export to Croatia should be abolished as a result of negotiations concluded with that country.

(11) 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 29 May 2003.

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

Done at Brussels, 28 May 2003.

For the Commission
Franz FISCHLER
Member of the Commission

[1] OJ L 91, 1.4.1984, p. 71.
[2] OJ L 28, 1.2.1988, p. 1.

ANNEX

to the Commission Regulation of 28 May 2003 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	1,991
0401 10 90 9000	970	EUR/100 kg	1,991
0401 20 11 9100	970	EUR/100 kg	0,000
0401 20 11 9500	970	EUR/100 kg	3,076
0401 20 19 9100	970	EUR/100 kg	0,000
0401 20 19 9500	970	EUR/100 kg	3,076
0401 20 91 9000	970	EUR/100 kg	3,893
0401 20 99 9000	970	EUR/100 kg	0,000
0401 30 11 9400	970	EUR/100 kg	8,983
0401 30 11 9700	970	EUR/100 kg	13,49
0401 30 19 9700	970	EUR/100 kg	0,00
0401 30 31 9100	L06	EUR/100 kg	32,77
0401 30 31 9400	L06	EUR/100 kg	51,19
0401 30 31 9700	L06	EUR/100 kg	56,46
0401 30 39 9100	L06	EUR/100 kg	32,77
0401 30 39 9400	L06	EUR/100 kg	51,19
0401 30 39 9700	L06	EUR/100 kg	56,46
0401 30 91 9100	L06	EUR/100 kg	64,34
0401 30 91 9500	L06	EUR/100 kg	0,00
0401 30 99 9100	L06	EUR/100 kg	64,34
0401 30 99 9500	L06	EUR/100 kg	94,56
0402 10 11 9000	L07	EUR/100 kg	60,00
0402 10 19 9000	L07	EUR/100 kg	60,00
0402 10 91 9000	L07	EUR/kg	0,6000
0402 10 99 9000	L07	EUR/kg	0,6000
0402 21 11 9200	L07	EUR/100 kg	60,00
0402 21 11 9300	L07	EUR/100 kg	92,07
0402 21 11 9500	L07	EUR/100 kg	96,09
0402 21 11 9900	L07	EUR/100 kg	102,40
0402 21 17 9000	L07	EUR/100 kg	60,00
0402 21 19 9300	L07	EUR/100 kg	92,07
0402 21 19 9500	L07	EUR/100 kg	96,09
0402 21 19 9900	L07	EUR/100 kg	102,40
0402 21 91 9100	L07	EUR/100 kg	103,04
0402 21 91 9200	L07	EUR/100 kg	103,64
0402 21 91 9350	L07	EUR/100 kg	104,71
0402 21 91 9500	L07	EUR/100 kg	112,54
0402 21 99 9100	L07	EUR/100 kg	103,04
0402 21 99 9200	L07	EUR/100 kg	103,64
0402 21 99 9300	L07	EUR/100 kg	104,71
0402 21 99 9400	L07	EUR/100 kg	110,51
0402 21 99 9500	L07	EUR/100 kg	112,54
0402 21 99 9600	L07	EUR/100 kg	120,47
0402 21 99 9700	L07	EUR/100 kg	124,96
0402 21 99 9900	L07	EUR/100 kg	130,16
0402 29 15 9200	L07	EUR/kg	0,6000
0402 29 15 9300	L07	EUR/kg	0,9207
0402 29 15 9500	L07	EUR/kg	0,9609
0402 29 15 9900	L07	EUR/kg	1,0240
0402 29 19 9300	L07	EUR/kg	0,9207
0402 29 19 9500	L07	EUR/kg	0,9609
0402 29 19 9900	L07	EUR/kg	1,0240
0402 29 91 9000	L07	EUR/kg	1,0304
0402 29 99 9100	L07	EUR/kg	1,0304
0402 29 99 9500	L07	EUR/kg	1,1051
0402 91 11 9370	L07	EUR/100 kg	6,804
0402 91 19 9370	L07	EUR/100 kg	6,804
0402 91 31 9300	L07	EUR/100 kg	8,058
0402 91 39 9300	L07	EUR/100 kg	8,058
0402 91 99 9000	L07	EUR/100 kg	39,54
0402 99 11 9350	L07	EUR/kg	0,1734
0402 99 19 9350	L07	EUR/kg	0,1734
0402 99 31 9150	L07	EUR/kg	0,1816
0402 99 31 9300	L07	EUR/kg	0,2366
0402 99 31 9500	L07	EUR/kg	0,0000
0402 99 39 9150	L07	EUR/kg	0,1816
0403 90 11 9000	L07	EUR/100 kg	59,16
0403 90 13 9200	L07	EUR/100 kg	59,16
0403 90 13 9300	L07	EUR/100 kg	91,25
0403 90 13 9500	L07	EUR/100 kg	95,23
0403 90 13 9900	L07	EUR/100 kg	101,49
0403 90 19 9000	L07	EUR/100 kg	102,11
0403 90 33 9400	L07	EUR/kg	0,9125
0403 90 33 9900	L07	EUR/kg	1,0149
0403 90 51 9100	970	EUR/100 kg	1,991
0403 90 59 9170	970	EUR/100 kg	13,49
0403 90 59 9310	L07	EUR/100 kg	32,77
0403 90 59 9340	L07	EUR/100 kg	47,95
0403 90 59 9370	L07	EUR/100 kg	47,95
0403 90 59 9510	L07	EUR/100 kg	47,95
0404 90 21 9120	L07	EUR/100 kg	51,18
0404 90 21 9160	L07	EUR/100 kg	60,00
0404 90 23 9120	L07	EUR/100 kg	60,00
0404 90 23 9130	L07	EUR/100 kg	92,07
0404 90 23 9140	L07	EUR/100 kg	96,09
0404 90 23 9150	L07	EUR/100 kg	102,40
0404 90 29 9110	L07	EUR/100 kg	103,04
0404 90 29 9115	L07	EUR/100 kg	103,64
0404 90 29 9125	L07	EUR/100 kg	104,71
0404 90 29 9140	L07	EUR/100 kg	112,54
0404 90 81 9100	L07	EUR/kg	0,6000
0404 90 83 9110	L07	EUR/kg	0,6000
0404 90 83 9130	L07	EUR/kg	0,9207
0404 90 83 9150	L07	EUR/kg	0,9609
0404 90 83 9170	L07	EUR/kg	1,0240
0404 90 83 9936	L07	EUR/kg	0,1734
0405 10 11 9500	L05	EUR/100 kg	180,49
0405 10 11 9700	L05	EUR/100 kg	185,00
0405 10 19 9500	L05	EUR/100 kg	180,49
0405 10 19 9700	L05	EUR/100 kg	185,00
0405 10 30 9100	L05	EUR/100 kg	180,49
0405 10 30 9300	L05	EUR/100 kg	185,00
0405 10 30 9700	L05	EUR/100 kg	185,00
0405 10 50 9300	L05	EUR/100 kg	185,00
0405 10 50 9500	L05	EUR/100 kg	180,49
0405 10 50 9700	L05	EUR/100 kg	185,00
0405 10 90 9000	L05	EUR/100 kg	191,78
0405 20 90 9500	L05	EUR/100 kg	169,22
0405 20 90 9700	L05	EUR/100 kg	175,98
0405 90 10 9000	L05	EUR/100 kg	235,07
0405 90 90 9000	L05	EUR/100 kg	185,00
0406 10 20 9100	A00	EUR/100 kg	—
0406 10 20 9230	L03	EUR/100 kg	—
	L04	EUR/100 kg	31,53
	400	EUR/100 kg	—
	A01	EUR/100 kg	39,41