Commission Regulation (EC) No 138/2006 of 26 January 2006 fixing the export refunds on milk and milk products

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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 (EEC) 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.

(7) Commission Regulation (EEC) No 896/84[(4)] 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) In determining the products and destinations eligible for refunds, it is appropriate to take into account that the competitive position of certain Community products does not justify encouragement of exports and that the geographical proximity of certain territories risks facilitating diversion of trade and abuses.

(10) 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.

(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 27 January 2006.

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

Done at Brussels, 26 January 2006.

For the Commission

Mariann FISCHER BOEL

Member of the Commission

Changes to legislation: *There are currently no known outstanding effects for the Commission Regulation (EC) No 138/2006. (See end of Document for details)*

ANNEX

to the Commission Regulation of 26 January 2006
fixing the export refunds on milk and milk products

Product code	Destination	Unit of measurement	Amount of refund
0401 30 31 9100	L01	EUR/100 kg	—
	L02	EUR/100 kg	13,2
	A01	EUR/100 kg	18,86
0401 30 31 9400	L01	EUR/100 kg	—
	L02	EUR/100 kg	20,62
	A01	EUR/100 kg	29,47
0401 30 31 9700	L01	EUR/100 kg	—
	L02	EUR/100 kg	22,75
	A01	EUR/100 kg	32,49
0401 30 39 9100	L01	EUR/100 kg	—
	L02	EUR/100 kg	13,2
	A01	EUR/100 kg	18,86
0401 30 39 9400	L01	EUR/100 kg	—
	L02	EUR/100 kg	20,62
	A01	EUR/100 kg	29,47
0401 30 39 9700	L01	EUR/100 kg	—
	L02	EUR/100 kg	22,75
	A01	EUR/100 kg	32,49
0401 30 91 9100	L01	EUR/100 kg	—
	L02	EUR/100 kg	25,92
	A01	EUR/100 kg	37,04

NB: The product codes and the 'A' series destination codes are set out in Commission Regulation (EEC) No 3846/87 (OJ L 366, 24.12.1987, p. 1), as amended.
The numeric destination codes are set out in Commission Regulation (EC) No 750/2005 (OJ L 126, 19.5.2005, p. 12).
The other destinations are defined as follows:

L01	Ceuta, Melilla, Holy See, the United States of America and the areas of the Republic of Cyprus in which the Government of the Republic of Cyprus does not exercise effective control.
L02	Andorra and Gibraltar.
L03	Ceuta, Melilla, Iceland, Norway, Switzerland, Liechtenstein, Andorra, Gibraltar, Holy See (often referred to as Vatican City), Turkey, Romania, Bulgaria, Croatia, Canada, Australia, New Zealand and the areas of the Republic of Cyprus in which the Government of the Republic of Cyprus does not exercise effective control.
L04	Albania, Bosnia and Herzegovina, Kosovo, Serbia, Montenegro and the former Yugoslav Republic of Macedonia.

0401 30 99 9100	L01	EUR/100 kg	—
	L02	EUR/100 kg	25,92
	A01	EUR/100 kg	37,04
0401 30 99 9500	L01	EUR/100 kg	—
	L02	EUR/100 kg	38,1
	A01	EUR/100 kg	54,43
0402 10 11 9000	L01	EUR/100 kg	—
	068	EUR/100 kg	—
	L02	EUR/100 kg	8,28
	A01	EUR/100 kg	10,0
0402 10 19 9000	L01	EUR/100 kg	—
	068	EUR/100 kg	—
	L02	EUR/100 kg	8,28
	A01	EUR/100 kg	10,0
0402 10 91 9000	L01	EUR/kg	—
	068	EUR/kg	—
	L02	EUR/kg	0,0828
	A01	EUR/kg	0,1
0402 10 99 9000	L01	EUR/kg	—
	068	EUR/kg	—
	L02	EUR/kg	0,0828
	A01	EUR/kg	0,1
0402 21 11 9200	L01	EUR/100 kg	—
	068	EUR/100 kg	—
	L02	EUR/100 kg	8,28
	A01	EUR/100 kg	10,0

NB: The product codes and the 'A' series destination codes are set out in Commission Regulation (EEC) No 3846/87 (OJ L 366, 24.12.1987, p. 1), as amended.
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L04	Albania, Bosnia and Herzegovina, Kosovo, Serbia, Montenegro and the former Yugoslav Republic of Macedonia.