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I

(Acts whose publication is obligatory)

COUNCIL REGULATION (EC) No 1294/2004**of 12 July 2004****amending Regulation (EC) No 1600/1999 imposing a definitive anti-dumping duty on imports of stainless steel wire with a diameter of 1 mm or more originating in India**

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 384/96 of 22 December 1995 on protection against dumped imports from countries not members of the European Community⁽¹⁾ (the basic Regulation), and in particular Article 11(4) thereof,

Having regard to Council Regulation (EC) No 2026/97⁽²⁾ of 6 October 1997 on protection against subsidised imports from countries not members of the European Community, and in particular Article 20 thereof,

Having regard to the proposal submitted by the Commission after consulting the Advisory Committee,

Whereas:

A. PREVIOUS PROCEDURES

- (1) The Council, by Regulation (EC) No 1600/1999⁽³⁾, imposed a definitive anti-dumping duty on imports of stainless steel wire having a diameter of 1 mm or more (the product concerned) falling within CN code ex 7223 00 19 originating in India. The measures took the form of an *ad valorem* duty ranging between 0 % and 55,6 %.
- (2) The Council, by Regulation (EC) No 1599/1999⁽⁴⁾, imposed at the same time a definitive countervailing duty on imports of the same product originating in India. The measures took the form of an *ad valorem* duty ranging between 0 % and 35,4 % for individual exporters, with a rate of 48,8 % for non-cooperating exporters.

B. CURRENT PROCEDURE**1. Request for a new exporter review**

- (3) Subsequent to the imposition of definitive measures, the Commission received a request for the initiation of a 'new exporter' review of Regulation (EC) No 1600/1999, pursuant to Article 11(4) of the basic Regulation, from one Indian producer, VSL Wires Limited (the

applicant). The applicant claimed that it was not related to any other exporters of the product concerned in India. Furthermore, it claimed that it had not exported the product concerned during the original period of investigation (i.e. from 1 April 1997 to 31 March 1998), but had exported the product concerned to the Community after that period. On the basis of the above, it requested that an individual duty rate be established for it, in case dumping would be found.

2. Initiation of a review

- (4) The Commission examined the evidence submitted by the applicant and considered it sufficient to justify the initiation of a review in accordance with the provisions of Article 11(4) of the basic Regulation. After consultation of the Advisory Committee and after the Community industry concerned had been given the opportunity to comment, the Commission initiated, by Commission Regulation (EC) No 1225/2003⁽⁵⁾, a 'new exporter' review of Regulation (EC) No 1600/1999 with regard to the applicant and commenced its investigation. At the same time, the anti-dumping duty in force was repealed with regard to imports of the product concerned produced and exported to the Community by the applicant, and those imports were made subject to registration pursuant to Articles 11(4) and 14(5) of the basic Regulation.
- (5) At the same time and on the same grounds, following a request from the applicant, the Commission initiated an accelerated review of Regulation (EC) No 1599/1999⁽⁶⁾ pursuant to Article 20 of Regulation (EC) No 2026/97.

3. Product concerned

- (6) The product covered by the current review is the same product as that under consideration in Regulation (EC) No 1600/1999, namely stainless steel wire having a diameter of 1 mm or more, containing by weight 2,5 % or more of nickel, excluding wire containing by weight 28 % or more but no more than 31 % of nickel and 20 % or more but no more than 22 % of chromium.

⁽¹⁾ OJ L 56, 6.3.1996, p. 1. Regulation as last amended by Regulation (EC) No 461/2004 (OJ L 77, 13.3.2004, p. 12).

⁽²⁾ OJ L 288, 21.10.1997, p. 1. Regulation as last amended by Regulation (EC) No 461/2004.

⁽³⁾ OJ L 189, 22.7.1999, p. 19.

⁽⁴⁾ OJ L 189, 22.7.1999, p. 1. Regulation as amended by Regulation (EC) No 164/2002 (OJ L 30, 31.1.2002, p. 9).

⁽⁵⁾ OJ L 172, 10.7.2003, p. 6.

⁽⁶⁾ OJ C 161, 10.7.2003, p. 2.

4. Investigation period

- (7) The investigation covered the period from 1 April 2002 to 31 March 2003 (the review investigation period).

neither has it entered into an irrevocable contractual obligation to export a significant quantity to the Community of the product concerned during the review investigation period.

5. Parties concerned

- (8) The Commission officially advised the applicant and the Government of India (GOI) of the initiation of the procedure. Furthermore, it gave other parties directly concerned the opportunity to make their views known in writing and to request a hearing. However, no such views or any request for a hearing was received by the Commission.
- (9) The Commission sent a questionnaire to the applicant and received a full reply within the required deadline. The Commission sought and verified all information it deemed necessary for the purpose of the investigation and carried out a verification visit at the premises of the applicant.

- (14) It was established that the applicant had only realised one sale to the Community which actually took place in August 2001, i.e. after the original investigation period but well before the review investigation period.

- (15) The applicant requested the Commission to extend the review investigation period to cover the period in which the sale mentioned in recital 14 was realised. In this respect, the applicant argued that it had requested the 'new exporter' review in August 2001 and proposed an investigation period from 1 July 2001 to 31 March 2003.

C. SCOPE OF THE REVIEW

- (10) As no request for a review of the findings on injury was made by the applicant, the review was limited to dumping.

In that respect, it should be pointed out that pursuant to Article 6(1) of the basic Regulation, for the purpose of a representative finding, the Commission shall select an investigation period which, in the case of dumping, shall normally cover a period of not less than six months immediately prior to the initiation of the proceeding. The fact that it took almost two years and numerous exchanges of correspondence before the applicant submitted a satisfactory review request does not justify departing from the rule set out in Article 6(1) of the basic Regulation. Moreover, the acceptance of such an extended investigation period, coupled with the fact that it would only cover that export transaction, could lead to a situation where outdated data and accounting information would be used and considerably undermine the accuracy of the findings of the investigation in relation to the current situation of the applicant.

D. RESULTS OF THE INVESTIGATION

- (11) The applicant was able to satisfactorily demonstrate that it was not related, directly or indirectly, to any of the Indian exporting producers subject to the anti-dumping measures in force with regard to the product concerned.
- (12) The investigation confirmed that the applicant had not exported the product concerned during the original investigation period, i.e. from 1 April 1997 to 31 March 1998.
- (13) The Commission examined whether the applicant had exported the product concerned to the Community subsequent to the original investigation period. In this respect, it was established that the applicant has not realised any sales whatsoever to the Community and

Furthermore, it should be noted that, even if such a long review investigation period was selected and the single sale of August 2001 included, this single sale would not constitute a representative basis for the assessment of dumping and the establishment of an individual dumping margin. The single transaction represented only around 0,2% of the applicant's annual production of the product concerned and its price was double the export price of the same product to all other third countries during that period. Consequently, such a sale could not be used for a representative dumping determination for the applicant.

(16) In reply to the questionnaire, the applicant identified a contract that had been signed during the review investigation period, but on spot confirmed that the sale had never been materialized. It is therefore established that the applicant has not entered into an irrevocable obligation to export a significant quantity to the Community and that the applicant's statement of 'intent to continue the export to EC' following the 2001 sale has not been materialized. For the above reasons, it is considered that in the absence of any export transaction to the Community or any irrevocable contractual obligation during the review investigation period, no individual dumping margin can be established for the applicant in accordance with the provisions of Article 11(4) of the basic Regulation. Thus, the dumping margin found in the original investigation for parties not individually investigated, i.e. 76,2% (see recital 23 of Regulation (EC) No 1600/1999), should apply.

E. THE ANTI-DUMPING DUTY

(17) Given that the highest injury elimination level of 55,6% established during the original investigation is lower than the 76,2% dumping margin set for the applicant (see recital 16), the anti-dumping duty rate for the applicant should not be higher than this injury elimination level in accordance with Article 9(4) of the basic Regulation.

(18) Despite the lack of exports to the Community during the review investigation period, an individual countervailing duty rate based on the export subsidy amount (*ad valorem* 14,1%), was calculated for the applicant in the parallel accelerated review of Regulation (EC) No 1599/1999, pursuant to Article 20 of Regulation (EC) No 2026/97 (see recital 5).

(19) In accordance with Article 14(1) of the basic Regulation and Article 24(1) of Regulation (EC) No 2026/97, no product shall be subject to both anti-dumping and countervailing duties for the purpose of dealing with one and the same situation arising from dumping or from export subsidisation.

(20) On the basis of the above, the definitive anti-dumping duty rate imposed for imports into the Community of stainless steel wire with a diameter of 1 mm or more produced and exported by VSL Wires Limited, expressed as a percentage of the CIF Community frontier price (customs duty unpaid) and taking into account the results of the parallel accelerated review of the countervailing measures in force, should be 41,5%, i.e. 55,6%

minus 14,1%. Regulation (EC) No 1600/1999 should therefore be amended accordingly.

F. RETROACTIVE LEVYING OF THE ANTI-DUMPING DUTY

(21) The anti-dumping duty applicable to VSL Wires Limited shall also be levied retroactively on imports which have been subject to registration pursuant to Article 3 of Commission Regulation (EC) No 1225/2003.

G. DISCLOSURE AND DURATION OF THE MEASURES

(22) The Commission informed the applicant and the GOI of the essential facts and considerations on the basis of which it was intended to propose that Regulation (EC) No 1600/1999 be amended. They were also given a reasonable period of time to comment.

(23) In its response to the disclosure, the applicant claimed that the Commission failed to consider other available alternatives for establishing export price and in particular the use of the applicant's export prices to other third countries for the purpose of dumping margin calculations. In this respect, it should be noted that in accordance with Article 2(8) of the basic Regulation, the export price in a dumping calculation shall be the price actually paid or payable for the product when sold for export from the exporting country to the Community. There is no provision whatsoever that the export price can also be established on the basis of exports from the exporting country to destinations other than the Community. The claim should therefore be rejected and the conclusions set out in recitals 11 to 16 confirmed.

(24) This review does not affect the date on which Regulation (EC) No 1600/1999 will expire pursuant to Article 11(2) of the basic Regulation,

HAS ADOPTED THIS REGULATION:

Article 1

The table in Article 1(2) of Regulation (EC) No 1600/1999 is hereby amended by adding the following:

'VSL Wires Limited, G-1/3 MIDC, Tarapur Industrial Area, Boisar District, Thane, Maharashtra, India	41,5	A444'
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Article 2

1. The anti-dumping duty hereby imposed shall also be levied retroactively on imports of the product concerned which have been registered pursuant to Article 3 of Commission Regulation (EC) No 1225/2003.

2. Unless otherwise specified, the provisions in force concerning customs duties shall apply.

Article 3

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, 12 July 2004.

For the Council

The President

B. BOT

COUNCIL REGULATION (EC) No 1295/2004

of 12 July 2004

amending Regulation (EC) No 1599/1999 imposing a definitive countervailing duty on imports of stainless steel wire with a diameter of 1 mm or more originating in India

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 2026/97 of 6 October 1997 on protection against subsidised imports from countries not members of the European Community⁽¹⁾ (the basic Regulation), and in particular Article 20 thereof,

Having regard to the proposal submitted by the Commission after consulting the Advisory Committee,

Whereas:

A. PREVIOUS PROCEDURE

- (1) The Council, by Regulation (EC) No 1599/1999⁽²⁾, imposed a definitive countervailing duty on imports of stainless steel wire having a diameter of 1 mm or more (the product concerned), falling within CN code ex 7223 00 19 and originating in India. The measures took the form of an *ad valorem* duty ranging between 0 % and 35,4 % for individual exporters, with a rate of 48,8 % for non-cooperating exporters.

B. CURRENT PROCEDURE

1. Request for review

- (2) Subsequent to the imposition of definitive measures, the Commission received a request for the initiation of an accelerated review of Regulation (EC) No 1599/1999, pursuant to Article 20 of the basic Regulation, from one Indian producer, VSL Wires Limited (the applicant). The applicant claimed that it was not related to any other exporters of the product concerned in India. Furthermore, it claimed that it had not exported the product concerned during the original period of investigation (i.e. from 1 April 1997 to 31 March 1998), but had exported the product concerned to the Community after that period. On the basis of the above, it requested that an individual duty rate be established for it.

⁽¹⁾ OJ L 288, 21.10.1997, p. 1. Regulation as last amended by Regulation (EC) No 461/2004 (OJ L 77, 13.3.2004, p. 12).

⁽²⁾ OJ L 189, 22.7.1999, p. 1. Regulation as amended by Regulation (EC) No 164/2002 (OJ L 30, 31.1.2002, p. 9).

2. Initiation of an accelerated review

- (3) The Commission examined the evidence submitted by the applicant and considered it sufficient to justify the initiation of a review in accordance with the provisions of Article 20 of the basic Regulation. After consultation of the Advisory Committee and after the Community industry concerned had been given the opportunity to comment, the Commission initiated, by a notice in the *Official Journal of the European Union*⁽³⁾, an accelerated review of Regulation (EC) No 1599/1999 with regard to the company concerned and commenced its investigation.

3. Product concerned

- (4) The product covered by the current review is the same product as that under consideration in Regulation (EC) No 1599/1999, namely stainless steel wire having a diameter of 1 mm or more, containing by weight 2,5 % or more of nickel, excluding wire containing by weight 28 % or more but no more than 31 % of nickel and 20 % or more but no more than 22 % of chromium.

4. Investigation period

- (5) The investigation of subsidisation covered the period from 1 April 2002 to 31 March 2003 (the review investigation period).

5. Parties concerned

- (6) The Commission officially advised the applicant and the Government of India (GOI) of the initiation of the procedure. Furthermore, it gave other parties directly concerned the opportunity to make their views known in writing and to request a hearing. However, no such views or any request for a hearing was received by the Commission.
- (7) The Commission sent a questionnaire to the applicant and received a full reply within the required deadline. The Commission sought and verified all information it deemed necessary for the purpose of the investigation and carried out a verification visit at the premises of the applicant.

C. SCOPE OF THE REVIEW

- (8) As no request for a review of the findings on injury was made in by the applicant, the review was limited to subsidisation.

⁽³⁾ OJ C 161, 10.7.2003, p. 2.

- (9) The Commission examined the same subsidy schemes which were analysed in the original investigation. It also examined whether the applicant had used any subsidy schemes which were alleged to confer benefits in the original complaint but not found to have been used during the original investigation.

It was finally examined whether the applicant had made use of any subsidy schemes which were established after the end of the original investigation period, or had received ad hoc subsidies after this date.

D. RESULTS OF THE INVESTIGATION

1. New exporter qualification

- (10) The applicant was able to satisfactorily demonstrate that it was not related, directly or indirectly, to any of the Indian exporting producers subject to the countervailing measures in force with regard to the product concerned.
- (11) The investigation confirmed that the applicant had not exported the product concerned during the original investigation period, i.e. from 1 April 1997 to 31 March 1998.
- (12) It was established that the applicant had only realised one sale to the Community which actually took place in August 2001, i.e. after the original investigation period but well before the review investigation period.
- (13) In reply to the questionnaire, the applicant identified only one contract that had been signed during the review investigation period, but the on-spot verification confirmed that the sale had never been materialised. Consequently, there was no irrevocable contractual obligation undertaken by the applicant to export to the Community.
- (14) However, it is noted that the company had significant export sales to other countries during the review investigation period which allowed for the calculation of the benefit accruing to export sales from subsidisation, since such benefits accrue regardless of the destination of these sales.

In this respect, the Commission decided to verify all information it deemed necessary for the purpose of the investigation of the accelerated review in order to calculate any amount of countervailable subsidy by allocating such amount over the level of the relevant total turnover of the applicant during the review investigation period.

2. Subsidisation

- (15) On the basis of the information contained in the applicant's reply to the Commission's questionnaire, the following schemes were investigated:

— Duty Entitlement Passbook Scheme,

— Income Tax Exemption Scheme,

— Export Promotion Capital Goods Scheme,

— Export Processing Zones/Export Oriented Units.

3. Duty Entitlement Passbook Scheme (DEPB)

General

- (16) It was established that the applicant received benefits under this scheme during the review investigation period. It made use of the DEPB on a post-export basis. The detailed description of the scheme is contained in paragraph 4.3 of the Export and Import Policy (Notification No 1/2002-07 of 31 March 2002 of the Ministry of Commerce and Industry of the Government of India).

Under this scheme, any eligible exporter can apply for credits which are calculated as a percentage of the value of exported finished products. Such DEPB rates have been established by the Indian authorities for most products, including the product concerned, on the basis of the Standard Input/Output Norms (SION). A licence stating the amount of credit granted is issued automatically.

DEPB on post-export basis allows for the use of such credits for any subsequent imports (e.g. raw materials or capital goods) except for goods the importation of which is restricted or prohibited. Such imported goods can be sold on the domestic market (subject to sales tax) or used otherwise.

DEPB credits are freely transferable. The DEPB licence is valid for a period of 12 months from the date on which the licence is granted.

- (17) The characteristics of the DEPB have not changed since the original investigation. The scheme is a subsidy contingent in law upon export performance, and it was therefore determined during the original investigation that it is deemed to be specific and countervailable under Article 3(4)(a) of the basic Regulation.

Calculation of the subsidy amount

- (18) It was established that the applicant transferred all the DEPB credits to its related company Viraj Alloys Ltd. The same practice was also followed by three other related Indian companies of the applicant, i.e. Viraj Forgings Ltd, Viraj Impoexpo Ltd and Viraj Profiles Ltd. The investigation confirmed that Viraj Alloys Ltd is the provider of the raw materials of all the previous mentioned companies and used their transferred DEPB credits to make duty-free imports.

Moreover, it was established that exports of the product concerned were made via several related companies. Taking into account that the owners of the applicant control all these related companies through an extensive shareholding system, and that the related companies are involved in certain aspects of the manufacture and distribution of the product concerned, it was considered appropriate to treat all these companies as a single recipient of the benefit.

Therefore, the subsidy amount under the DEPB scheme was based on the amount of the total credit in the licences granted to both the applicant and its related companies. Given that the subsidy was not granted by reference to the quantities exported, the subsidy amount has been allocated over the total export turnover of the applicant and its related companies in accordance with the provisions of Article 7(2) of the basic Regulation.

In conclusion, VSL Wires Limited benefited from this scheme during the review investigation period and obtained subsidies of 12,7%.

4. Income Tax Exemption Scheme (ITES)*General*

- (19) It was established that the applicant received benefits under this scheme and in particular under Section 80HHC of the Indian Income Act.

The Indian Income Tax Act 1961 sets out the basis for exemptions that can be claimed by firms on the collection of taxes. Among the exemptions which can be claimed are those covered by Sections 10A (applicable for companies located in Free Trade Zones), 10B (applicable for companies being Export Oriented Units) and 80HHC (applicable for companies which export goods) of the Act. To benefit from the ITES, a firm has to make the relevant claim when submitting its tax return to the Tax Authorities. The tax year runs from 1 April to 31 March and the tax return must be submitted by 30 November of the following year. In

this case, the review investigation period coincided with the tax and the financial year 1 April 2002 to 31 March 2003.

- (20) The characteristics of the ITES have not changed since the original investigation. It was determined during the original investigation that the ITES is a countervailable subsidy, as the GOI confers a financial contribution to the company by forgoing government revenue in the form of direct taxes on profits from exports which would otherwise be due if the income tax exemptions were not claimed by the company. However, it was found that the ITES under Section 80HHC is gradually being phased out starting from the financial year 2000-2001 until the financial year 2004-2005 when no export profit would be exempted from income tax. During the review investigation period only 50% of profits obtained from exports were exempted from income tax.
- (21) The subsidy is contingent in law upon export performance within the meaning of Article 3(4)(a) of the basic Regulation, since it exempts profits from export sales only, and is therefore deemed to be specific.

Calculation of the subsidy amount

- (22) The benefit to the applicant has been calculated on the basis of the difference between the amount of taxes normally due with and without the benefit of the exemption during the review investigation period. The rate of income tax, including corporate tax plus surcharge, applicable during this period was 36,75%. In order to establish the full benefit to the applicant and given that three companies related to the applicant have also exported the product concerned during the review investigation period (see recital 18), the amount of subsidy has been established taking into account the income tax exemptions under Section 80HHC of the applicant, Viraj Forgings Ltd, Viraj Impoexpo Ltd and Viraj Profiles Ltd. Given that the subsidy was not granted by reference to the quantities exported, the subsidy amount has been allocated over the total export turnover of the applicant and its related companies in accordance with the provisions of Article 7(2) of the basic Regulation. On this basis, it was established that VSL Wires Limited obtained under this scheme subsidies of 1,4%.

5. Export Promotion Capital Goods Scheme (EPCGS)

- (23) It was established that the applicant had not availed itself of the EPCGS.

6. Export Processing Zones (EPZ)/Export Oriented Units (EOU)

- (24) It was established that the applicant was not located in an EPZ and was not an EOU and, therefore, had not availed of the scheme.

7. Other schemes

- (25) It was established that the applicant had neither made use of new subsidy schemes which were established after the end of the original investigation period, nor had it received any ad hoc subsidies after this date.

8. Amount of countervailable subsidies

- (26) Taking account of the definitive findings relating to the various schemes as already set out, the amount of countervailable subsidies for the applicant is as follows:

	DEPB	ITES	Total
VSL Wires Limited	12,7 %	1,4 %	14,1 %

E. AMENDMENT OF THE MEASURES BEING REVIEWED

- (27) Based on the findings made during the investigation, it is considered that imports into the Community of stainless steel wire having a diameter of 1 mm or more produced and exported by VSL Wires Limited should be subject to a level of countervailing duty corresponding to individual amounts of subsidies established for this company during the review investigation period.
- (28) Regulation (EC) No 1599/1999 should therefore be amended accordingly.

F. DISCLOSURE AND DURATION OF THE MEASURES

- (29) The Commission informed the applicant and the GOI of the essential facts and considerations on the basis of which it was intended to propose that Regulation (EC)

No 1599/1999 be amended. They were also given a reasonable period of time to comment.

- (30) In its response to the disclosure, the applicant claimed that the post-export DEPB is a substitution remission/drawback scheme which was wrongly assessed by the Commission in terms of extent of subsidy and amount of countervailable benefit. It argued that the Commission's assessment of the benefits under this scheme was incorrect since only the excess duty drawback could be considered a subsidy and that the practical operations of the system have not been investigated by the Commission.

The Commission has repeatedly concluded (see for example Council Regulation (EC) No 1338/2002⁽¹⁾ and in particular recitals 14 to 20) that post-export DEPB is not a drawback or a substitution drawback scheme as it does not conform to any of the provisions of Annexes I to III of the basic Regulation linked to its Article 2(1)(ii). The scheme lacks a built-in obligation to import only goods that are consumed in the production of the exported goods (Annex II of the basic Regulation) which would ensure that the requirements of Annex I(i) were met. Furthermore, there is no verification system in place to check whether the imports are actually consumed in the production process. It is also not a substitution drawback scheme because the imported goods do not need to be of the same quantity and characteristics as the domestically sourced inputs that were used for export production (Annex III of the basic Regulation). Lastly, exporting producers are eligible for the DEPB benefits regardless of whether they import any inputs at all.

In the case of the applicant, the investigation confirmed that the raw materials were imported duty-free by one of its related companies with the use of the transferred DEPB credits of all related companies obtained from exports of different products. However, no link could be established between each company's credits and the actual imported goods from the sole related company assigned with the task of raw material imports. Furthermore, there was no verification system in place by the GOI to control what imports were actually consumed into what product and by which company. Since the above exception to the subsidy definition does not therefore apply, the countervailable benefit is the amount of the total credit granted under the scheme. For these reasons the claim cannot be accepted.

⁽¹⁾ OJ L 196, 25.7.2002, p. 1. Regulation as amended by Regulation (EC) No 492/2004 (OJ L 80, 18.3.2004, p. 6).

The applicant further claimed that 'the Commission's services failed to offset import duties from the costs, thus, rendering the subsidy calculations incorrect and exaggerated'. In this respect, it should be noted that the applicant was requested in advance and based on the situation described in recital 18 above to submit post-export DEPB credits listings for all its exports made during the review investigation period. The applicant was also requested to submit the same information for all exports made by its related companies for the same period, along with details of any application fees or other costs incurred in order to obtain the credits. However, the applicant has not reported any such details and was not in a position to provide such information during the on-spot verification. Therefore, due to the lack of any relevant information, no adjustment for such costs could be made on the amount of subsidy as established in recital 18.

- (31) This review does not affect the date on which Council Regulation (EC) No 1599/1999 will expire pursuant to Article 18(1) of the basic Regulation,

HAS ADOPTED THIS REGULATION:

Article 1

The table in Article 1(2) of Regulation (EC) No 1599/1999 is hereby amended by adding the following:

'VSL Wires Limited, G-1/3 MIDC, Tarapur Industrial Area, Boisar District, Thane, Maharashtra, India	14,1	A444'
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Article 2

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, 12 July 2004.

For the Council
The President
 B. BOT

COUNCIL REGULATION (EC) No 1296/2004**of 12 July 2004****authorising transfers between the quantitative limits of textiles and clothing products originating in the Socialist Republic of Vietnam**

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community, and in particular Article 133 thereof,

Whereas:

- (1) On 15 December 1992, the European Community and the Socialist Republic of Vietnam initialled an Agreement on trade in textile and clothing products⁽¹⁾ which was approved by Decision 96/477/EC⁽²⁾. That Agreement has been last amended by an Exchange of Letters between the European Community and the Socialist Republic of Vietnam, initialled on 15 February 2003 and provisionally applied from 10 September 2003⁽³⁾.
- (2) Pursuant to Article 9 of that Agreement, certain quantitative limits may be transferred to the following year if they have not been used in the current year.
- (3) In the light of the quota increase provided for under the Exchange of Letters of 15 February 2003, the Socialist Republic of Vietnam, on 10 September 2003, made a

request that the unused quantities of the quota increase for 2003 be transferred to the quantitative limits of quota year 2004.

- (4) As Vietnamese and Community operators could only partially benefit from the quota increase in 2003, it is appropriate to transfer the unused part of these additional quantities to the quota levels of quota year 2004,

HAS ADOPTED THIS REGULATION:

Article 1

Transfers between the quantitative limits for textile goods originating in the Socialist Republic of Vietnam are authorised for the quota year 2004 in accordance with the Annex to this Regulation.

Article 2

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, 12 July 2004.

For the Council
The President
B. BOT

⁽¹⁾ OJ L 410, 31.12.1992, p. 279.

⁽²⁾ OJ L 199, 8.8.1996, p. 1.

⁽³⁾ OJ L 152, 20.6.2003, p. 41.

ANNEX

690 Vietnam					Adjustment Transfers of unused quantities from quota year 2003		
Group	Cate- gory	Unit	Limit 2004	Working level 2004 after implementing normal flexibilities	Unused quantities of 2003	% of total 2003 quota increase	New adjusted working level 2004
IB	4	pcs	16 531 000	17 870 677	2 722 278	55,7%	20 592 955
IB	5	pcs	5 482 000	5 926 263	1 621 000	100,0%	7 547 263
IB	6	pcs	8 435 000	9 400 125	136 893	5,5%	9 537 018
IB	7	pcs	4 638 000	5 013 739	1 372 000	100,0%	6 385 739
IB	8	pcs	21 929 000	22 674 787	6 482 000	100,0%	29 156 787
IIB	15	pcs	944 000	956 190	260 435	76,4%	1 216 625
IIB	18	kgs	1 593 000	1 662 790	535 000	100,0%	2 197 790
IIB	26	pcs	2 069 000	2 159 580	696 000	100,0%	2 855 580
IIB	28	pcs	6 391 000	6 670 860	2 147 000	100,0%	8 817 860
IIB	29	pcs	669 000	696 510	249 000	100,0%	945 510
IIB	31	pcs	7 873 000	8 057 050	3 055 000	100,0%	11 112 050
IIB	68	kgs	773 000	783 440	257 000	100,0%	1 040 440
IIB	73	pcs	1 871 000	1 954 510	606 000	100,0%	2 560 510
IIB	76	kgs	2 034 000	2 087 020	392 825	59,5%	2 479 845
IIB	78	kgs	2 024 000	2 118 500	598 000	100,0%	2 716 500
IIB	83	kgs	674 000	705 430	200 000	100,0%	905 430
IIIA	35	kgs	1 082 000	1 130 370	350 000	100,0%	1 480 370
IIIA	41	kgs	1 311 000	1 328 860	244 882	57,2%	1 573 742
IIIB	97	kgs	366 000	370 970	91 681	75,8%	462 651
V	161	kgs	409 000	426 920	138 000	100,0%	564 920

COMMISSION REGULATION (EC) No 1297/2004**of 15 July 2004****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⁾, 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 16 July 2004.

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

Done at Brussels, 15 July 2004.

For the Commission

J. M. SILVA RODRÍGUEZ
Agriculture Director-General

⁽¹⁾ OJ L 337, 24.12.1994, p. 66. Regulation as last amended by Regulation (EC) No 1947/2002 (OJ L 299, 1.11.2002, p. 17).

ANNEX

to Commission Regulation of 15 July 2004 establishing the standard import values for determining the entry price of certain fruit and vegetables

<i>(EUR/100 kg)</i>		
CN code	Third country code ⁽¹⁾	Standard import value
0702 00 00	052	39,9
	096	46,2
	999	43,1
0707 00 05	052	87,2
	999	87,2
0709 90 70	052	85,2
	999	85,2
0805 50 10	382	134,1
	388	60,8
	508	63,6
	524	62,4
	528	53,7
	999	74,9
0808 10 20, 0808 10 50, 0808 10 90	388	84,5
	400	101,4
	404	86,6
	508	73,1
	512	87,1
	524	83,4
	528	80,9
	720	83,6
	804	94,3
	999	86,1
0808 20 50	052	120,3
	388	95,9
	512	93,1
	528	80,3
	999	97,4
0809 10 00	052	202,8
	999	202,8
0809 20 95	052	315,8
	068	222,3
	400	351,5
	404	303,6
	999	298,3
0809 30 10, 0809 30 90	052	173,7
	999	173,7
0809 40 05	388	108,3
	512	91,6
	624	171,4
	999	123,8

⁽¹⁾ Country nomenclature as fixed by Commission Regulation (EC) No 2081/2003 (OJ L 313, 28.11.2003, p. 11). Code '999' stands for 'of other origin'.

COMMISSION REGULATION (EC) No 1298/2004
of 15 July 2004
amending the rates of the refunds applicable to certain milk products exported in the form of goods not covered by Annex I to the Treaty

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 markets in the milk and milk products sector⁽¹⁾, and in particular Article 31(3) thereof,

Whereas:

(1) The rates of the refunds applicable from 25 June 2004 to the products listed in the Annex, exported in the form of goods not covered by Annex I to the Treaty, were fixed by Commission Regulation (EC) No 1162/2004⁽²⁾.

(2) It follows from applying the rules and criteria contained in Regulation (EC) No 1162/2004 to the information at present available to the Commission that the export refunds at present applicable should be altered as shown in the Annex hereto,

HAS ADOPTED THIS REGULATION:

Article 1

The rates of refund fixed by Regulation (EC) No 1162/2004 are hereby altered as shown in the Annex hereto.

Article 2

This Regulation shall enter into force on 16 July 2004.

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

Done at Brussels, 15 July 2004.

For the Commission

Olli REHN

Member of the Commission

⁽¹⁾ OJ L 160, 26.6.1999, p. 48. Regulation as last amended by Regulation (EC) No 1787/2003 (OJ L 270, 21.10.2003, p. 121).

⁽²⁾ OJ L 224, 25.6.2004, p. 9.

ANNEX

Rates of the refunds applicable from 16 July 2004 to certain milk products exported in the form of goods not covered by Annex I to the Treaty

(EUR/100 kg)

CN code	Description	Rate of refund	
		In case of advance fixing of refunds	Other
ex 0402 10 19	Powdered milk, in granules or other solid forms, not containing added sugar or other sweetening matter, with a fat content not exceeding 1,5 % by weight (PG 2):		
	(a) on exportation of goods of CN code 3501	—	—
	(b) on exportation of other goods	20,30	29,00
ex 0402 21 19	Powdered milk, in granules or other solid forms, not containing added sugar or other sweetening matter, with a fat content of 26 % by weight (PG 3):		
	(a) where goods incorporating, in the form of products assimilated to PG 3, reduced-price butter or cream obtained pursuant to Regulation (EC) No 2571/97 are exported	25,23	36,05
	(b) on exportation of other goods	49,00	70,00
ex 0405 10	Butter, with a fat content by weight of 82 % (PG 6):		
	(a) where goods containing reduced-price butter or cream which have been manufactured in accordance with the conditions provided for in Regulation (EC) No 2571/97 are exported	32,20	46,00
	(b) on exportation of goods of CN code 2106 90 98 containing 40 % or more by weight of milk fat	96,78	138,25
	(c) on exportation of other goods	91,70	131,00

COMMISSION REGULATION (EC) No 1299/2004

of 15 July 2004

setting the actual production of olive oil and the unit amount of the production aid for the 2002/2003 marketing year

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation No 136/66/EEC of 22 September 1966 on the establishment of a common organisation of the market in oils and fats⁽¹⁾, and in particular Article 5 thereof,

Having regard to Council Regulation (EEC) No 2261/84 of 17 July 1984 laying down general rules on the granting of aid for the production of olive oil and of aid to olive oil producer organisations⁽²⁾, and in particular Article 17a(2) thereof,

Whereas:

(1) Pursuant to Article 5 of Regulation No 136/66/EEC, the unit production aid must be adjusted in each Member State where actual production exceeds the guaranteed national quantity referred to in paragraph 3 of that Article. With a view to assessing the extent of the overrun in Greece, Spain, France, Italy and Portugal, account should be taken of the estimates for the production of table olives, expressed as olive-oil equivalent using the relevant coefficients referred to, in the case of Greece, in Commission Decision 2001/649/EC⁽³⁾, in the case of Spain, in Commission Decision 2001/650/EC⁽⁴⁾, in the case of France, in Commission Decision 2001/648/EC⁽⁵⁾, in the case of Italy, in Commission Decision 2001/658/EC⁽⁶⁾ and in the case of Portugal, in Commission Decision 2001/670/EC⁽⁷⁾.

(2) Article 17a(1) of Regulation (EEC) No 2261/84 provides that, in order to determine the unit amount of the production aid for olive oil that can be paid in advance, the estimated production for the marketing

year concerned should be determined. That amount must be set at a level that rules out any risk of undue payment to olive growers. The amount also applies to table olives, expressed as olive-oil equivalent. For the 2002/03 marketing year, the estimated production and the unit amount of the production aid that can be paid in advance were laid down in Commission Regulation (EC) No 1794/2003⁽⁸⁾.

(3) In order to determine the actual production for which entitlement to aid is recognised, the individual Member States concerned must inform the Commission by no later than 15 May following each marketing year of the quantity on which the aid is payable in that Member State, in accordance with Article 14(4) of Commission Regulation (EC) No 2366/98⁽⁹⁾. According to that information, the quantity on which the aid is payable for the 2002/03 marketing year is 473 820 tonnes for Greece, 960 716 tonnes for Spain, 3 344 tonnes for France, 686 342 tonnes for Italy and 28 771 tonnes for Portugal.

(4) Confirmation by the Member States that aid is payable on those quantities implies that the controls referred to in Regulations (EEC) No 2261/84 and (EC) No 2366/98 have been carried out. However, setting actual production on the basis of information from the Member States on the quantities on which aid is payable does not prejudice the conclusions that may be drawn from verification of the accuracy of that information under the accounts clearance procedure.

(5) Taking account of the actual production figures, the unit amount of the production aid provided for in Article 5(1) of Regulation No 136/66/EEC payable on the eligible quantities of actual production should also be set.

(6) The measures provided for in this Regulation are in accordance with the opinion of the Management Committee for Oils and Fats,

⁽¹⁾ OJ L 172, 30.9.1966, p. 3025/66. Regulation as last amended by Regulation (EC) No 865/2004 (OJ L 161, 30.4.2004, p. 97).

⁽²⁾ OJ L 208, 3.8.1984, p. 3. Regulation as last amended by Regulation (EC) No 1639/1998 (OJ L 210, 28.7.1998, p. 38).

⁽³⁾ OJ L 229, 25.8.2001, p. 16. Decision as amended by Decision 2001/880/EC (OJ L 326, 11.12.2001, p. 42).

⁽⁴⁾ OJ L 229, 25.8.2001, p. 20. Decision as amended by Decision 2001/883/EC (OJ L 327, 12.12.2001, p. 43).

⁽⁵⁾ OJ L 229, 25.8.2001, p. 12. Decision as amended by Decision 2001/879/EC (OJ L 326, 11.12.2001, p. 41).

⁽⁶⁾ OJ L 231, 29.8.2001, p. 16. Decision as amended by Decision 2001/884/EC (OJ L 327, 12.12.2001, p. 44).

⁽⁷⁾ OJ L 235, 4.9.2001, p. 16. Decision as amended by Decision 2001/878/EC (OJ L 326, 11.12.2001, p. 40).

⁽⁸⁾ OJ L 262, 14.10.2003, p. 11.

⁽⁹⁾ OJ L 293, 31.10.1998, p. 50. Regulation as last amended by Regulation (EC) No 1780/2003 (OJ L 260, 11.10.2003, p. 6).

HAS ADOPTED THIS REGULATION:

Article 1

1. For the 2002/03 marketing year, the actual production to be used to calculate the aid for olive oil as referred to in Article 5 of Regulation No 136/66/EEC shall be:

- 473 820 tonnes for Greece,
- 960 716 tonnes for Spain,
- 3 344 tonnes for France,
- 686 342 tonnes for Italy,
- 28 771 tonnes for Portugal.

2. For the 2002/03 marketing year, the unit amount of the production aid referred to in Article 5 of Regulation No 136/66/EEC payable on the eligible quantities of actual production shall be:

- 118,35 EUR/100 kg for Greece,
- 103,43 EUR/100 kg for Spain,
- 130,40 EUR/100 kg for France,
- 102,85 EUR/100 kg for Italy,
- 130,40 EUR/100 kg for Portugal.

Article 2

This Regulation shall enter into force on the third 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, 15 July 2004.

For the Commission

Franz FISCHLER

Member of the Commission

COMMISSION REGULATION (EC) No 1300/2004
of 15 July 2004
fixing the aid for unginned cotton for the 2003/2004 marketing year

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to the Act of Accession of Greece, and in particular Protocol 4 on cotton⁽¹⁾,

Having regard to Council Regulation (EC) No 1051/2001 of 22 May 2001 on production aid for cotton⁽²⁾, and in particular Article 2(1) thereof,

Whereas:

- (1) Article 2(1) of Regulation (EC) No 1051/2001 lays down that the amount of the production aid for unginned cotton is to be fixed on the basis of the difference between, on the one hand, the guide price established in accordance with Article 3(1) and Article 7 of that Regulation and, on the other, the world market price determined in accordance with Article 4 thereof.
- (2) Article 4(1) of Commission Regulation (EC) No 1591/2001 of 2 August 2001 laying down detailed rules for applying the cotton aid scheme⁽³⁾ provides that the amount of aid for unginned cotton applicable for each period for which a world market price for that product has been determined is to be fixed no later than 30 June of the marketing year concerned.

(3) In accordance with Article 7 of Regulation (EC) No 1051/2001, Commission Regulation (EC) No 1123/2004⁽⁴⁾ fixes actual production of unginned cotton and the resulting reduction in the guide price for the 2003/2004 marketing year.

(4) In accordance with Article 4(1) of Regulation (EC) No 1051/2001, the world market price for unginned cotton was fixed periodically during the 2003/2004 marketing year.

(5) The amount of aid applicable for each period for which a world market price for unginned cotton has been determined should accordingly be fixed for the 2003/2004 marketing year,

HAS ADOPTED THIS REGULATION:

Article 1

For the period from 1 July 2003 to 31 March 2004, the amounts of the aid for unginned cotton corresponding to the world market prices established in the Regulations listed in the Annex are fixed in that Annex from the date of entry into force of the Regulations concerned.

Article 2

This Regulation shall enter into force on the seventh day following 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, 15 July 2004.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ Protocol as last amended by Council Regulation (EC) No 1050/2001 (OJ L 148, 1.6.2001, p. 1).

⁽²⁾ OJ L 148, 1.6.2001, p. 3. Regulation as amended by Regulation (EC) No 1486/2002 (OJ L 223, 20.8.2002, p. 3).

⁽³⁾ OJ L 210, 3.8.2001, p. 10. Regulation as amended by Regulation (EC) No 1486/2002.

⁽⁴⁾ OJ L 218, 18.6.2004, p. 3.

ANNEX

AID FOR UNGINNED COTTON

(EUR/100 kg)

Commission Regulation fixing the world market price for unginne d cotton (EC) No	Aid amount		
	Greece	Spain	Portugal
1170/2003 ⁽¹⁾	63,153	66,342	78,354
1243/2003 ⁽²⁾	62,810	65,999	78,011
1293/2003 ⁽³⁾	62,904	66,093	78,105
1328/2003 ⁽⁴⁾	64,942	68,131	80,143
1366/2003 ⁽⁵⁾	65,259	68,448	80,460
1395/2003 ⁽⁶⁾	63,337	66,526	78,538
1399/2003 ⁽⁷⁾	65,171	68,360	80,372
1424/2003 ⁽⁸⁾	65,318	68,507	80,519
1477/2003 ⁽⁹⁾	65,081	68,270	80,282
1488/2003 ⁽¹⁰⁾	63,348	66,537	78,549
1544/2003 ⁽¹¹⁾	62,697	65,886	77,898
1586/2003 ⁽¹²⁾	63,025	66,214	78,226
1606/2003 ⁽¹³⁾	61,558	64,747	76,759
1640/2003 ⁽¹⁴⁾	59,194	62,383	74,395
1661/2003 ⁽¹⁵⁾	61,367	64,556	76,568
1737/2003 ⁽¹⁶⁾	61,465	64,654	76,666
1781/2003 ⁽¹⁷⁾	61,504	64,693	76,705
1797/2003 ⁽¹⁸⁾	59,292	62,481	74,493
1827/2003 ⁽¹⁹⁾	57,332	60,521	72,533
1849/2003 ⁽²⁰⁾	56,604	59,793	71,805
1888/2003 ⁽²¹⁾	54,776	57,965	69,977
1937/2003 ⁽²²⁾	55,232	58,421	70,433
1974/2003 ⁽²³⁾	54,229	57,418	69,430
2047/2003 ⁽²⁴⁾	56,027	59,216	71,228
2073/2003 ⁽²⁵⁾	58,387	61,576	73,588
2108/2003 ⁽²⁶⁾	57,857	61,046	73,058
2159/2003 ⁽²⁷⁾	59,130	62,319	74,331
2254/2003 ⁽²⁸⁾	61,500	64,689	76,701
2281/2003 ⁽²⁹⁾	59,022	62,211	74,223
2299/2003 ⁽³⁰⁾	59,279	62,468	74,480
47/2004 ⁽³¹⁾	58,655	61,844	73,856
94/2004 ⁽³²⁾	57,840	61,029	73,041
181/2004 ⁽³³⁾	59,194	62,383	74,395
196/2004 ⁽³⁴⁾	61,263	64,452	76,464
207/2004 ⁽³⁵⁾	59,164	62,353	74,365
221/2004 ⁽³⁶⁾	61,319	64,508	76,520
225/2004 ⁽³⁷⁾	59,198	62,387	74,399
233/2004 ⁽³⁸⁾	61,604	64,793	76,805

(EUR/100 kg)

Commission Regulation fixing the world market price for unginne cotton (EC) No	Aid amount		
	Greece	Spain	Portugal
313/2004 ⁽³⁹⁾	61,808	64,997	77,009
374/2004 ⁽⁴⁰⁾	58,721	61,910	73,922
434/2004 ⁽⁴¹⁾	61,470	64,659	76,671
452/2004 ⁽⁴²⁾	62,097	65,286	77,298
523/2004 ⁽⁴³⁾	59,137	62,326	74,338
539/2004 ⁽⁴⁴⁾	61,442	64,631	76,643
598/2004 ⁽⁴⁵⁾	59,226	62,415	74,427

⁽¹⁾ OJ L 162, 1.7.2003, p. 65.⁽²⁾ OJ L 173, 11.7.2003, p. 43.⁽³⁾ OJ L 181, 19.7.2003, p. 23.⁽⁴⁾ OJ L 186, 25.7.2003, p. 33.⁽⁵⁾ OJ L 194, 1.8.2003, p. 51.⁽⁶⁾ OJ L 197, 5.8.2003, p. 10.⁽⁷⁾ OJ L 198, 6.8.2003, p. 7.⁽⁸⁾ OJ L 202, 9.8.2003, p. 9.⁽⁹⁾ OJ L 211, 21.8.2003, p. 17.⁽¹⁰⁾ OJ L 213, 23.8.2003, p. 9.⁽¹¹⁾ OJ L 218, 30.8.2003, p. 45.⁽¹²⁾ OJ L 227, 11.9.2003, p. 11.⁽¹³⁾ OJ L 229, 13.9.2003, p. 18.⁽¹⁴⁾ OJ L 233, 19.9.2003, p. 12.⁽¹⁵⁾ OJ L 234, 20.9.2003, p. 12.⁽¹⁶⁾ OJ L 249, 1.10.2003, p. 35.⁽¹⁷⁾ OJ L 260, 11.10.2003, p. 7.⁽¹⁸⁾ OJ L 262, 14.10.2003, p. 16.⁽¹⁹⁾ OJ L 267, 17.10.2003, p. 20.⁽²⁰⁾ OJ L 269, 21.10.2003, p. 7.⁽²¹⁾ OJ L 277, 28.10.2003, p. 13.⁽²²⁾ OJ L 285, 1.11.2003, p. 25.⁽²³⁾ OJ L 293, 11.11.2003, p. 8.⁽²⁴⁾ OJ L 303, 21.11.2003, p. 16.⁽²⁵⁾ OJ L 311, 27.11.2003, p. 7.⁽²⁶⁾ OJ L 316, 29.11.2003, p. 19.⁽²⁷⁾ OJ L 324, 11.12.2003, p. 22.⁽²⁸⁾ OJ L 333, 20.12.2003, p. 47.⁽²⁹⁾ OJ L 336, 23.12.2003, p. 93. Regulation corrected by Regulation (EC) No 97/2004 (OJ L 15, 22.1.2004, p. 12).⁽³⁰⁾ OJ L 340, 24.12.2003, p. 53. Regulation corrected by Regulation (EC) No 97/2004.⁽³¹⁾ OJ L 6, 10.1.2004, p. 28.⁽³²⁾ OJ L 14, 21.1.2004, p. 9.⁽³³⁾ OJ L 28, 31.1.2004, p. 17.⁽³⁴⁾ OJ L 32, 5.2.2004, p. 7.⁽³⁵⁾ OJ L 34, 6.2.2004, p. 37.⁽³⁶⁾ OJ L 36, 7.2.2004, p. 19.⁽³⁷⁾ OJ L 37, 10.2.2004, p. 7.⁽³⁸⁾ OJ L 39, 11.2.2004, p. 18.⁽³⁹⁾ OJ L 52, 21.2.2004, p. 49.⁽⁴⁰⁾ OJ L 63, 28.2.2004, p. 43.⁽⁴¹⁾ OJ L 7, 10.3.2004, p. 7.⁽⁴²⁾ OJ L 72, 11.3.2004, p. 85.⁽⁴³⁾ OJ L 83, 20.3.2004, p. 9.⁽⁴⁴⁾ OJ L 8, 24.3.2004, p. 20.⁽⁴⁵⁾ OJ L 94, 31.3.2004, p. 43.

COMMISSION REGULATION (EC) No 1301/2004**of 15 July 2004****laying down the reduction coefficient to be applied under the tariff quota for corn opened by
Regulation (EC) No 958/2003**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 1784/2003 of 29 September 2003 on the common organisation of the market in cereals⁽¹⁾,

Having regard to Commission Regulation (EC) No 958/2003 of 3 June 2003, laying down detailed rules for the application of Council Decision 2003/286/EC as regards the concessions in the form of Community tariff quotas on certain cereal products originating in the Republic of Bulgaria and amending Regulation (EC) No 2809/2000⁽²⁾, and in particular Article 2(3),

Whereas:

- (1) Regulation (EC) No 958/2003 opens an annual tariff quota of 275 000 tonnes of corn for the 2004/2005 marketing year.

- (2) The quantities applied for on 12 July 2004, in accordance with Article 2(1) of Regulation (EC) No 958/2003, exceed the quantities available. The extent to which licences may be issued should therefore be determined and a reduction coefficient laid down to be applied to the quantities applied for,

HAS ADOPTED THIS REGULATION:

Article 1

Each application for an import licence for quota 'Bulgaria' for corn lodged and forwarded to the Commission on 12 July 2004 in accordance with Article 2(1) and (2) of Regulation (EC) No 958/2003 shall be accepted at a rate of 39,85507% of the quantity applied for.

Article 2

This Regulation shall enter into force on 16 July 2004.

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

Done at Brussels, 15 July 2004.

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

⁽¹⁾ OJ L 270, 21.10.2003, p. 78.

⁽²⁾ OJ L 136, 4.6.2003, p. 3.

COMMISSION REGULATION (EC) No 1302/2004**of 15 July 2004****fixing the representative prices and the additional import duties for molasses in the sugar sector applicable from 16 July 2004**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 1260/2001 of 19 June 2001 on the common organisation of the market in sugar ⁽¹⁾, and in particular Article 24(4) thereof,

Whereas:

- (1) Commission Regulation (EC) No 1422/95 of 23 June 1995 laying down detailed rules of application for imports of molasses in the sugar sector and amending Regulation (EEC) No 785/68 ⁽²⁾, stipulates that the cif import price for molasses established in accordance with Commission Regulation (EEC) No 785/68 ⁽³⁾, is to be considered the representative price. That price is fixed for the standard quality defined in Article 1 of Regulation (EEC) No 785/68.
- (2) For the purpose of fixing the representative prices, account must be taken of all the information provided for in Article 3 of Regulation (EEC) No 785/68, except in the cases provided for in Article 4 of that Regulation and those prices should be fixed, where appropriate, in accordance with the method provided for in Article 7 of that Regulation.
- (3) Prices not referring to the standard quality should be adjusted upwards or downwards, according to the

quality of the molasses offered, in accordance with Article 6 of Regulation (EEC) No 785/68.

- (4) Where there is a difference between the trigger price for the product concerned and the representative price, additional import duties should be fixed under the terms laid down in Article 3 of Regulation (EC) No 1422/95. Should the import duties be suspended pursuant to Article 5 of Regulation (EC) No 1422/95, specific amounts for these duties should be fixed.
- (5) The representative prices and additional import duties for the products concerned should be fixed in accordance with Articles 1(2) and 3(1) of Regulation (EC) No 1422/95.
- (6) The measures provided for in this Regulation are in accordance with the opinion of the Management Committee for Sugar,

HAS ADOPTED THIS REGULATION:

Article 1

The representative prices and the additional duties applying to imports of the products referred to in Article 1 of Regulation (EC) No 1422/95 are fixed in the Annex hereto.

Article 2

This Regulation shall enter into force on 16 July 2004.

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

Done at Brussels, 15 July 2004.

For the Commission

J. M. SILVA RODRÍGUEZ

Agriculture Director-General

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

⁽²⁾ OJ L 141, 24.6.1995, p. 12. Regulation as amended by Regulation (EC) No 79/2003 (OJ L 13, 18.1.2003, p. 4).

⁽³⁾ OJ L 145, 27.6.1968, p. 12. Regulation as amended by Regulation (EC) No 1422/95 (OJ L 141, 24.6.1995, p. 12).

ANNEX

Representative prices and additional duties for imports of molasses in the sugar sector applicable from 16 July 2004

(EUR)

CN code	Amount of the representative price in 100 kg net of the product in question	Amount of the additional duty in 100 kg net of the product in question	Amount of the duty to be applied to imports in 100 kg net of the product in question because of suspension as referred to in Article 5 of Regulation (EC) No 1422/95 ⁽¹⁾
1703 10 00 ⁽²⁾	8,50	—	0
1703 90 00 ⁽²⁾	9,85	—	0

⁽¹⁾ This amount replaces, in accordance with Article 5 of Regulation (EC) No 1422/95, the rate of the Common Customs Tariff duty fixed for these products.

⁽²⁾ For the standard quality as defined in Article 1 of amended Regulation (EEC) No 785/68.

COMMISSION REGULATION (EC) No 1303/2004**of 15 July 2004****fixing the export refunds on white sugar and raw sugar exported in its unaltered state**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 1260/2001 of 19 June 2001 on the common organisation of the markets in the sugar sector⁽¹⁾, and in particular the second subparagraph of Article 27(5) thereof,

Whereas:

- (1) Article 27 of Regulation (EC) No 1260/2001 provides that the difference between quotations or prices on the world market for the products listed in Article 1(1)(a) of that Regulation and prices for those products within the Community may be covered by an export refund.
- (2) Regulation (EC) No 1260/2001 provides that when refunds on white and raw sugar, undenatured and exported in its unaltered state, are being fixed account must be taken of the situation on the Community and world markets in sugar and in particular of the price and cost factors set out in Article 28 of that Regulation. The same Article provides that the economic aspect of the proposed exports should also be taken into account.
- (3) The refund on raw sugar must be fixed in respect of the standard quality. The latter is defined in Annex I, point II, to Regulation (EC) No 1260/2001. Furthermore, this refund should be fixed in accordance with Article 28(4) of that Regulation. Candy sugar is defined in Commission Regulation (EC) No 2135/95 of 7 September 1995 laying down detailed rules of application for the grant of export refunds in the sugar sector⁽²⁾. The refund thus calculated for sugar containing added flavouring or colouring matter must apply to their sucrose content and, accordingly, be fixed per 1 % of the said content.
- (4) In special cases, the amount of the refund may be fixed by other legal instruments.

- (5) The refund must be fixed every two weeks. It may be altered in the intervening period.
- (6) The first subparagraph of Article 27(5) of Regulation (EC) No 1260/2001 provides that refunds on the products referred to in Article 1 of that Regulation may vary according to destination, where the world market situation or the specific requirements of certain markets make this necessary.
- (7) The significant and rapid increase in preferential imports of sugar from the western Balkan countries since the start of 2001 and in exports of sugar to those countries from the Community seems to be highly artificial.
- (8) To prevent any abuse through the re-import into the Community of sugar products in receipt of an export refund, no refund should be set for all the countries of the western Balkans for the products covered by this Regulation.
- (9) In view of the above and of the present situation on the market in sugar, and in particular of the quotations or prices for sugar within the Community and on the world market, refunds should be set at the appropriate amounts.
- (10) The measures provided for in this Regulation are in accordance with the opinion of the Management Committee for Sugar,

HAS ADOPTED THIS REGULATION:

Article 1

The export refunds on the products listed in Article 1(1)(a) of Regulation (EC) No 1260/2001, undenatured and exported in the natural state, are hereby fixed to the amounts shown in the Annex hereto.

Article 2

This Regulation shall enter into force on 16 July 2004.

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

Done at Brussels, 15 July 2004.

For the Commission

Franz FISCHLER

Member of the Commission

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

⁽²⁾ OJ L 214, 8.9.1995, p. 16.

ANNEX

**REFUNDS ON WHITE SUGAR AND RAW SUGAR EXPORTED WITHOUT FURTHER PROCESSING
APPLICABLE FROM 16 JULY 2004**

Product code	Destination	Unit of measurement	Amount of refund
1701 11 90 9100	S00	EUR/100 kg	39,62 ⁽¹⁾
1701 11 90 9910	S00	EUR/100 kg	40,44 ⁽¹⁾
1701 12 90 9100	S00	EUR/100 kg	39,62 ⁽¹⁾
1701 12 90 9910	S00	EUR/100 kg	40,44 ⁽¹⁾
1701 91 00 9000	S00	EUR/1 % of sucrose × 100 kg product net	0,4307
1701 99 10 9100	S00	EUR/100 kg	43,07
1701 99 10 9910	S00	EUR/100 kg	43,96
1701 99 10 9950	S00	EUR/100 kg	43,96
1701 99 90 9100	S00	EUR/1 % of sucrose × 100 kg of net product	0,4307

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).

The numeric destination codes are set out in Commission Regulation (EC) No 2081/2003 (OJ L 313, 28.11.2003, p. 11).

The other destinations are:

S00: all destinations (third countries, other territories, victualling and destinations treated as exports from the Community) with the exception of Albania, Croatia, Bosnia and Herzegovina, Serbia and Montenegro (including Kosovo, as defined in UN Security Council Resolution 1244 of 10 June 1999), the former Yugoslav Republic of Macedonia, save for sugar incorporated in the products referred to in Article 1(2)(b) of Council Regulation (EC) No 2201/96 (OJ L 297, 21.11.1996, p. 29).

⁽¹⁾ This amount is applicable to raw sugar with a yield of 92%. Where the yield for exported raw sugar differs from 92%, the refund amount applicable shall be calculated in accordance with Article 28(4) of Regulation (EC) No 1260/2001.

COMMISSION REGULATION (EC) No 1304/2004**of 15 July 2004****fixing the maximum export refund for white sugar to certain third countries for the 34rd partial invitation to tender issued within the framework of the standing invitation to tender provided for in Regulation (EC) No 1290/2003**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 1260/2001 of 19 June 2001 on the common organisation of the markets in the sugar sector⁽¹⁾ and in particular the second indent of Article 27(5) thereof,

Whereas:

- (1) Commission Regulation (EC) No 1290/2003 of 18 July 2003 on a standing invitation to tender to determine levies and/or refunds on exports of white sugar⁽²⁾, for the 2003/2004 marketing year, requires partial invitations to tender to be issued for the export of this sugar to certain third countries.
- (2) Pursuant to Article 9(1) of Regulation (EC) No 1290/2003 a maximum export refund shall be fixed,

as the case may be, account being taken in particular of the state and foreseeable development of the Community and world markets in sugar, for the partial invitation to tender in question.

- (3) The measures provided for in this Regulation are in accordance with the opinion of the Management Committee for Sugar,

HAS ADOPTED THIS REGULATION:

Article 1

For the 34rd partial invitation to tender for white sugar issued pursuant to Regulation (EC) No 1290/2003 the maximum amount of the export refund shall be 47,100 EUR/100 kg.

Article 2

This Regulation shall enter into force on 16 July 2004.

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

Done at Brussels, 15 July 2004.

For the Commission

J. M. SILVA RODRÍGUEZ

Director-General for Agriculture

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

⁽²⁾ OJ L 181, 19.7.2003, p. 7. Regulation as amended by Regulation (EC) No 2126/2003 (OJ L 319, 4.12.2003, p. 4).

COMMISSION REGULATION (EC) No 1305/2004

of 15 July 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 above-mentioned 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 above-mentioned 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) 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 Management Committee for Milk and Milk Products has not delivered an opinion within the time limit set by its chairman,

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 16 July 2004.

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

Done at Brussels, 15 July 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, 1.2.1998, p. 1).

ANNEX

to the Commission Regulation of 15 July 2004 fixing the export refunds on milk and milk products

Product code	Destination	Unit of measurement	Amount of refund	Product code	Destination	Unit of measurement	Amount of refund
0401 10 10 9000	970	EUR/100 kg	1,804	0402 21 11 9500	L01	EUR/100 kg	—
0401 10 90 9000	970	EUR/100 kg	1,804		L02	EUR/100 kg	51,17
0401 20 11 9500	970	EUR/100 kg	2,788		A01	EUR/100 kg	65,69
0401 20 19 9500	970	EUR/100 kg	2,788	0402 21 11 9900	L01	EUR/100 kg	—
0401 20 91 9000	970	EUR/100 kg	3,528		L02	EUR/100 kg	54,53
0401 30 11 9400	970	EUR/100 kg	8,141		A01	EUR/100 kg	70,00
0401 30 11 9700	970	EUR/100 kg	12,22	0402 21 17 9000	L01	EUR/100 kg	—
0401 30 31 9100	L01	EUR/100 kg	—		L02	EUR/100 kg	24,03
	L02	EUR/100 kg	20,79		A01	EUR/100 kg	29,00
	A01	EUR/100 kg	29,70	0402 21 19 9300	L01	EUR/100 kg	—
0401 30 31 9400	L01	EUR/100 kg	—		L02	EUR/100 kg	49,04
	L02	EUR/100 kg	32,47		A01	EUR/100 kg	62,93
	A01	EUR/100 kg	46,39	0402 21 19 9500	L01	EUR/100 kg	—
0401 30 31 9700	L01	EUR/100 kg	—		L02	EUR/100 kg	51,17
	L02	EUR/100 kg	35,82		A01	EUR/100 kg	65,69
	A01	EUR/100 kg	51,16	0402 21 19 9900	L01	EUR/100 kg	—
0401 30 39 9100	L01	EUR/100 kg	—		L02	EUR/100 kg	54,53
	L02	EUR/100 kg	20,79		A01	EUR/100 kg	70,00
	A01	EUR/100 kg	29,70	0402 21 91 9100	L01	EUR/100 kg	—
0401 30 39 9400	L01	EUR/100 kg	—		L02	EUR/100 kg	54,87
	L02	EUR/100 kg	32,47		A01	EUR/100 kg	70,43
	A01	EUR/100 kg	46,39	0402 21 91 9200	L01	EUR/100 kg	—
0401 30 39 9700	L01	EUR/100 kg	—		L02	EUR/100 kg	55,19
	L02	EUR/100 kg	35,82		A01	EUR/100 kg	70,85
	A01	EUR/100 kg	51,16	0402 21 91 9350	L01	EUR/100 kg	—
0401 30 91 9100	L01	EUR/100 kg	—		L02	EUR/100 kg	55,76
	L02	EUR/100 kg	40,82		A01	EUR/100 kg	71,58
	A01	EUR/100 kg	58,31	0402 21 91 9500	L01	EUR/100 kg	—
0401 30 99 9100	L01	EUR/100 kg	—		L02	EUR/100 kg	59,93
	L02	EUR/100 kg	40,82		A01	EUR/100 kg	76,93
	A01	EUR/100 kg	58,31	0402 21 99 9100	L01	EUR/100 kg	—
0401 30 99 9500	L01	EUR/100 kg	—		L02	EUR/100 kg	54,87
	L02	EUR/100 kg	59,99		A01	EUR/100 kg	70,43
	A01	EUR/100 kg	85,70	0402 21 99 9200	L01	EUR/100 kg	—
0402 10 11 9000	L01	EUR/100 kg	—		L02	EUR/100 kg	55,19
	L02	EUR/100 kg	24,03		A01	EUR/100 kg	70,85
	A01	EUR/100 kg	29,00	0402 21 99 9300	L01	EUR/100 kg	—
0402 10 19 9000	L01	EUR/100 kg	—		L02	EUR/100 kg	55,76
	L02	EUR/100 kg	24,03		A01	EUR/100 kg	71,58
	A01	EUR/100 kg	29,00	0402 21 99 9400	L01	EUR/100 kg	—
0402 10 91 9000	L01	EUR/kg	—		L02	EUR/100 kg	58,85
	L02	EUR/kg	0,2403		A01	EUR/100 kg	75,55
	A01	EUR/kg	0,2900	0402 21 99 9500	L01	EUR/100 kg	—
0402 10 99 9000	L01	EUR/kg	—		L02	EUR/100 kg	59,93
	L02	EUR/kg	0,2403		A01	EUR/100 kg	76,93
	A01	EUR/kg	0,2900	0402 21 99 9600	L01	EUR/100 kg	—
0402 21 11 9200	L01	EUR/100 kg	—		L02	EUR/100 kg	64,15
	L02	EUR/100 kg	24,03		A01	EUR/100 kg	82,35
	A01	EUR/100 kg	29,00	0402 21 99 9700	L01	EUR/100 kg	—
0402 21 11 9300	L01	EUR/100 kg	—		L02	EUR/100 kg	66,54
	L02	EUR/100 kg	49,04		A01	EUR/100 kg	85,43
	A01	EUR/100 kg	62,93				

Product code	Destination	Unit of measurement	Amount of refund	Product code	Destination	Unit of measurement	Amount of refund	
0402 21 99 9900	L01	EUR/100 kg	—	0402 99 31 9300	L01	EUR/kg	—	
	L02	EUR/100 kg	69,32		L02	EUR/kg	0,1501	
	A01	EUR/100 kg	88,97		A01	EUR/kg	0,2144	
0402 29 15 9200	L01	EUR/kg	—	0402 99 39 9150	L01	EUR/kg	—	
	L02	EUR/kg	0,2403		L02	EUR/kg	0,1316	
	A01	EUR/kg	0,2900		A01	EUR/kg	0,1880	
0402 29 15 9300	L01	EUR/kg	—	0403 90 11 9000	L01	EUR/100 kg	—	
	L02	EUR/kg	0,4904		L02	EUR/100 kg	23,69	
	A01	EUR/kg	0,6293		A01	EUR/100 kg	28,59	
0402 29 15 9500	L01	EUR/kg	—	0403 90 13 9200	L01	EUR/100 kg	—	
	L02	EUR/kg	0,5117		L02	EUR/100 kg	23,69	
	A01	EUR/kg	0,6569		A01	EUR/100 kg	28,59	
0402 29 15 9900	L01	EUR/kg	—	0403 90 13 9300	L01	EUR/100 kg	—	
	L02	EUR/kg	0,5453		L02	EUR/100 kg	48,59	
	A01	EUR/kg	0,7000		A01	EUR/100 kg	62,37	
0402 29 19 9300	L01	EUR/kg	—	0403 90 13 9500	L01	EUR/100 kg	—	
	L02	EUR/kg	0,4904		L02	EUR/100 kg	50,72	
	A01	EUR/kg	0,6293		A01	EUR/100 kg	65,10	
0402 29 19 9500	L01	EUR/kg	—	0403 90 13 9900	L01	EUR/100 kg	—	
	L02	EUR/kg	0,5117		L02	EUR/100 kg	54,05	
	A01	EUR/kg	0,6569		A01	EUR/100 kg	69,37	
0402 29 19 9900	L01	EUR/kg	—	0403 90 19 9000	L01	EUR/100 kg	—	
	L02	EUR/kg	0,5453		L02	EUR/100 kg	54,38	
	A01	EUR/kg	0,7000		A01	EUR/100 kg	69,80	
0402 29 91 9000	L01	EUR/kg	—	0403 90 33 9400	L01	EUR/kg	—	
	L02	EUR/kg	0,5487		L02	EUR/kg	0,4859	
	A01	EUR/kg	0,7043		A01	EUR/kg	0,6237	
0402 29 99 9100	L01	EUR/kg	—	0403 90 33 9900	L01	EUR/kg	—	
	L02	EUR/kg	0,5487		L02	EUR/kg	0,5405	
	A01	EUR/kg	0,7043		A01	EUR/kg	0,6937	
0402 29 99 9500	L01	EUR/kg	—	0403 90 51 9100	970	EUR/100 kg	1,804	
	L02	EUR/kg	0,5885		0403 90 59 9170	970	EUR/100 kg	12,22
	A01	EUR/kg	0,7555			0403 90 59 9310	L01	EUR/100 kg
0402 91 11 9370	L01	EUR/100 kg	—	L02			EUR/100 kg	20,79
	L02	EUR/100 kg	4,958	A01	EUR/100 kg		29,70	
	A01	EUR/100 kg	7,083	0403 90 59 9340	L01	EUR/100 kg	—	
0402 91 19 9370	L01	EUR/100 kg	—		L02	EUR/100 kg	30,42	
	L02	EUR/100 kg	4,958		A01	EUR/100 kg	43,45	
	A01	EUR/100 kg	7,083	0403 90 59 9370	L01	EUR/100 kg	—	
0402 91 31 9300	L01	EUR/100 kg	—		L02	EUR/100 kg	30,42	
	L02	EUR/100 kg	5,859		A01	EUR/100 kg	43,45	
	A01	EUR/100 kg	8,371	0403 90 59 9510	L01	EUR/100 kg	—	
0402 91 39 9300	L01	EUR/100 kg	—		L02	EUR/100 kg	30,42	
	L02	EUR/100 kg	5,859		A01	EUR/100 kg	43,45	
	A01	EUR/100 kg	8,371	0404 90 21 9120	L01	EUR/100 kg	—	
0402 91 99 9000	L01	EUR/100 kg	—		L02	EUR/100 kg	20,49	
	L02	EUR/100 kg	25,08		A01	EUR/100 kg	24,74	
	A01	EUR/100 kg	35,83	0404 90 21 9160	L01	EUR/100 kg	—	
0402 99 11 9350	L01	EUR/kg	—		L02	EUR/100 kg	24,03	
	L02	EUR/kg	0,1268		A01	EUR/100 kg	29,00	
	A01	EUR/kg	0,1812	0404 90 23 9120	L01	EUR/100 kg	—	
0402 99 19 9350	L01	EUR/kg	—		L02	EUR/100 kg	24,03	
	L02	EUR/kg	0,1268		A01	EUR/100 kg	29,00	
	A01	EUR/kg	0,1812	0404 90 23 9130	L01	EUR/100 kg	—	
0402 99 31 9150	L01	EUR/kg	—		L02	EUR/100 kg	49,04	
	L02	EUR/kg	0,1316		A01	EUR/100 kg	62,93	
	A01	EUR/kg	0,1880					

Product code	Destination	Unit of measurement	Amount of refund	Product code	Destination	Unit of measurement	Amount of refund
0404 90 23 9140	L01	EUR/100 kg	—	0405 10 30 9300	L01	EUR/100 kg	—
	L02	EUR/100 kg	51,17		075	EUR/100 kg	122,98
	A01	EUR/100 kg	65,69		L02	EUR/100 kg	97,16
0404 90 23 9150	L01	EUR/100 kg	—	0405 10 30 9700	A01	EUR/100 kg	131,00
	L02	EUR/100 kg	54,53		L01	EUR/100 kg	—
	A01	EUR/100 kg	70,00		075	EUR/100 kg	122,98
0404 90 29 9110	L01	EUR/100 kg	—	0405 10 50 9300	L02	EUR/100 kg	97,16
	L02	EUR/100 kg	54,87		A01	EUR/100 kg	131,00
	A01	EUR/100 kg	70,43		L01	EUR/100 kg	—
0404 90 29 9115	L01	EUR/100 kg	—	0405 10 50 9500	075	EUR/100 kg	122,98
	L02	EUR/100 kg	55,19		L02	EUR/100 kg	97,16
	A01	EUR/100 kg	70,85		A01	EUR/100 kg	131,00
0404 90 29 9125	L01	EUR/100 kg	—	0405 10 50 9700	L01	EUR/100 kg	—
	L02	EUR/100 kg	55,76		075	EUR/100 kg	119,99
	A01	EUR/100 kg	71,58		L02	EUR/100 kg	94,80
0404 90 29 9140	L01	EUR/100 kg	—	0405 10 90 9000	A01	EUR/100 kg	127,81
	L02	EUR/100 kg	59,93		L01	EUR/100 kg	—
	A01	EUR/100 kg	76,93		075	EUR/100 kg	122,98
0404 90 81 9100	L01	EUR/kg	—	0405 20 90 9500	L02	EUR/100 kg	97,16
	L02	EUR/kg	0,2403		A01	EUR/100 kg	131,00
	A01	EUR/kg	0,2900		L01	EUR/100 kg	—
0404 90 83 9110	L01	EUR/kg	—	0405 20 90 9700	075	EUR/100 kg	127,49
	L02	EUR/kg	0,2403		L02	EUR/100 kg	100,71
	A01	EUR/kg	0,2900		A01	EUR/100 kg	135,79
0404 90 83 9130	L01	EUR/kg	—	0405 90 10 9000	L01	EUR/100 kg	—
	L02	EUR/kg	0,4904		075	EUR/100 kg	155,77
	A01	EUR/kg	0,6293		L02	EUR/100 kg	123,06
0404 90 83 9150	L01	EUR/kg	—	0405 90 90 9000	A01	EUR/100 kg	165,93
	L02	EUR/kg	0,5117		L01	EUR/100 kg	—
	A01	EUR/kg	0,6569		075	EUR/100 kg	124,60
0404 90 83 9170	L01	EUR/kg	—	0406 10 20 9100	L02	EUR/100 kg	98,43
	L02	EUR/kg	0,5453		A01	EUR/100 kg	132,71
	A01	EUR/kg	0,7000		A00	EUR/100 kg	—
0404 90 83 9936	L01	EUR/kg	—	0406 10 20 9230	L03	EUR/100 kg	—
	L02	EUR/kg	0,1268		L04	EUR/100 kg	19,49
	A01	EUR/kg	0,1812		400	EUR/100 kg	—
0405 10 11 9500	L01	EUR/100 kg	—	0406 10 20 9290	A01	EUR/100 kg	24,36
	075	EUR/100 kg	119,99		L03	EUR/100 kg	—
	L02	EUR/100 kg	94,80		L04	EUR/100 kg	18,13
	A01	EUR/100 kg	127,81		400	EUR/100 kg	—
	L02	EUR/100 kg	97,16		A01	EUR/100 kg	22,66
0405 10 11 9700	L01	EUR/100 kg	—	0406 10 20 9300	L03	EUR/100 kg	—
	075	EUR/100 kg	122,98		L04	EUR/100 kg	7,95
	L02	EUR/100 kg	97,16		400	EUR/100 kg	—
	A01	EUR/100 kg	131,00		A01	EUR/100 kg	9,94
	L02	EUR/100 kg	97,16				
0405 10 19 9500	L01	EUR/100 kg	—				
	075	EUR/100 kg	119,99				
	L02	EUR/100 kg	94,80				
	A01	EUR/100 kg	127,81				
	L02	EUR/100 kg	94,80				
0405 10 19 9700	L01	EUR/100 kg	—				
	075	EUR/100 kg	122,98				
	L02	EUR/100 kg	97,16				
	A01	EUR/100 kg	131,00				
	L02	EUR/100 kg	97,16				
0405 10 30 9100	L01	EUR/100 kg	—				
	075	EUR/100 kg	119,99				
	L02	EUR/100 kg	94,80				
	A01	EUR/100 kg	127,81				
	L02	EUR/100 kg	94,80				

Product code	Destination	Unit of measurement	Amount of refund	Product code	Destination	Unit of measurement	Amount of refund
0406 10 20 9610	L03	EUR/100 kg	—	0406 30 31 9930	L03	EUR/100 kg	—
	L04	EUR/100 kg	26,43		L04	EUR/100 kg	5,87
	400	EUR/100 kg	—		400	EUR/100 kg	—
0406 10 20 9620	A01	EUR/100 kg	33,05	0406 30 31 9950	A01	EUR/100 kg	13,76
	L03	EUR/100 kg	—		L03	EUR/100 kg	—
	L04	EUR/100 kg	26,81		L04	EUR/100 kg	8,54
0406 10 20 9630	400	EUR/100 kg	—	0406 30 39 9500	400	EUR/100 kg	—
	A01	EUR/100 kg	33,51		A01	EUR/100 kg	20,01
	L03	EUR/100 kg	—		L03	EUR/100 kg	—
0406 10 20 9640	L04	EUR/100 kg	29,94	0406 30 39 9700	L04	EUR/100 kg	5,87
	400	EUR/100 kg	—		400	EUR/100 kg	—
	A01	EUR/100 kg	37,41		A01	EUR/100 kg	13,76
0406 10 20 9650	L03	EUR/100 kg	—	0406 30 39 9930	L03	EUR/100 kg	—
	L04	EUR/100 kg	43,98		L04	EUR/100 kg	8,54
	400	EUR/100 kg	—		400	EUR/100 kg	—
0406 10 20 9830	A01	EUR/100 kg	54,98	0406 30 39 9950	A01	EUR/100 kg	20,01
	L03	EUR/100 kg	—		L03	EUR/100 kg	—
	L04	EUR/100 kg	36,65		L04	EUR/100 kg	9,66
0406 10 20 9850	400	EUR/100 kg	—	0406 30 90 9000	400	EUR/100 kg	—
	A01	EUR/100 kg	45,81		A01	EUR/100 kg	22,63
	L03	EUR/100 kg	—		L03	EUR/100 kg	—
0406 20 90 9100	L04	EUR/100 kg	13,60	0406 40 50 9000	L04	EUR/100 kg	10,13
	400	EUR/100 kg	—		400	EUR/100 kg	—
	A01	EUR/100 kg	17,00		A01	EUR/100 kg	23,74
0406 20 90 9913	L03	EUR/100 kg	—	0406 40 90 9000	L03	EUR/100 kg	—
	L04	EUR/100 kg	30,39		L04	EUR/100 kg	47,80
	400	EUR/100 kg	5,48		400	EUR/100 kg	—
0406 20 90 9915	A01	EUR/100 kg	37,99	0406 90 13 9000	A01	EUR/100 kg	59,75
	L03	EUR/100 kg	—		L03	EUR/100 kg	—
	L04	EUR/100 kg	40,11		L04	EUR/100 kg	52,57
0406 20 90 9917	400	EUR/100 kg	7,30	0406 90 15 9100	400	EUR/100 kg	10,44
	A01	EUR/100 kg	50,14		A01	EUR/100 kg	75,24
	L03	EUR/100 kg	—		L03	EUR/100 kg	—
0406 20 90 9919	L04	EUR/100 kg	42,63	0406 90 17 9100	L04	EUR/100 kg	54,32
	400	EUR/100 kg	7,77		400	EUR/100 kg	10,76
	A01	EUR/100 kg	53,28		A01	EUR/100 kg	77,75
0406 30 31 9710	L03	EUR/100 kg	—	0406 90 17 9100	L03	EUR/100 kg	—
	L04	EUR/100 kg	47,63		L04	EUR/100 kg	54,32
	400	EUR/100 kg	8,66		400	EUR/100 kg	10,76
0406 30 31 9730	A01	EUR/100 kg	59,55	0406 90 17 9100	A01	EUR/100 kg	77,75
	L03	EUR/100 kg	—		L03	EUR/100 kg	—
	L04	EUR/100 kg	4,01		L04	EUR/100 kg	54,32
0406 30 31 9770	400	EUR/100 kg	—	0406 90 17 9100	400	EUR/100 kg	10,76
	A01	EUR/100 kg	9,37		A01	EUR/100 kg	77,75
	L03	EUR/100 kg	—		L03	EUR/100 kg	—
0406 30 31 9910	L04	EUR/100 kg	5,87	0406 90 17 9100	L04	EUR/100 kg	54,32
	400	EUR/100 kg	—		400	EUR/100 kg	10,76
	A01	EUR/100 kg	13,76		A01	EUR/100 kg	77,75
0406 30 31 9910	L03	EUR/100 kg	—	0406 90 17 9100	L03	EUR/100 kg	—
	L04	EUR/100 kg	4,01		L04	EUR/100 kg	54,32
	400	EUR/100 kg	—		400	EUR/100 kg	10,76
0406 30 31 9910	A01	EUR/100 kg	9,37	0406 90 17 9100	A01	EUR/100 kg	77,75
	L03	EUR/100 kg	—		L03	EUR/100 kg	—
	L04	EUR/100 kg	4,01		L04	EUR/100 kg	54,32
0406 30 31 9910	400	EUR/100 kg	—	0406 90 17 9100	400	EUR/100 kg	10,76
	A01	EUR/100 kg	9,37		A01	EUR/100 kg	77,75
	L03	EUR/100 kg	—		L03	EUR/100 kg	—

Product code	Destination	Unit of measurement	Amount of refund	Product code	Destination	Unit of measurement	Amount of refund
0406 90 21 9900	L03	EUR/100 kg	—	0406 90 69 9910	L03	EUR/100 kg	—
	L04	EUR/100 kg	53,23		L04	EUR/100 kg	55,40
	400	EUR/100 kg	7,72		400	EUR/100 kg	8,48
	A01	EUR/100 kg	76,00		A01	EUR/100 kg	80,28
0406 90 23 9900	L03	EUR/100 kg	—	0406 90 73 9900	L03	EUR/100 kg	—
	L04	EUR/100 kg	46,74		L04	EUR/100 kg	48,25
	400	EUR/100 kg	—		400	EUR/100 kg	9,12
	A01	EUR/100 kg	67,19		A01	EUR/100 kg	69,13
0406 90 25 9900	L03	EUR/100 kg	—	0406 90 75 9900	L03	EUR/100 kg	—
	L04	EUR/100 kg	46,43		L04	EUR/100 kg	48,58
	400	EUR/100 kg	—		400	EUR/100 kg	3,85
	A01	EUR/100 kg	66,46		A01	EUR/100 kg	69,87
0406 90 27 9900	L03	EUR/100 kg	—	0406 90 76 9300	L03	EUR/100 kg	—
	L04	EUR/100 kg	42,05		L04	EUR/100 kg	43,80
	400	EUR/100 kg	—		400	EUR/100 kg	—
	A01	EUR/100 kg	60,20		A01	EUR/100 kg	62,70
0406 90 31 9119	L03	EUR/100 kg	—	0406 90 76 9400	L03	EUR/100 kg	—
	L04	EUR/100 kg	38,65		L04	EUR/100 kg	49,06
	400	EUR/100 kg	4,43		400	EUR/100 kg	4,01
	A01	EUR/100 kg	55,41		A01	EUR/100 kg	70,23
0406 90 33 9119	L03	EUR/100 kg	—	0406 90 76 9500	L03	EUR/100 kg	—
	L04	EUR/100 kg	38,65		L04	EUR/100 kg	46,67
	400	EUR/100 kg	4,43		400	EUR/100 kg	4,01
	A01	EUR/100 kg	55,41		A01	EUR/100 kg	66,24
0406 90 33 9919	L03	EUR/100 kg	—	0406 90 78 9100	L03	EUR/100 kg	—
	L04	EUR/100 kg	35,31		L04	EUR/100 kg	45,26
	400	EUR/100 kg	—		400	EUR/100 kg	—
	A01	EUR/100 kg	50,82		A01	EUR/100 kg	66,12
0406 90 33 9951	L03	EUR/100 kg	—	0406 90 78 9300	L03	EUR/100 kg	—
	L04	EUR/100 kg	35,68		L04	EUR/100 kg	47,99
	400	EUR/100 kg	—		400	EUR/100 kg	—
	A01	EUR/100 kg	50,85		A01	EUR/100 kg	68,53
0406 90 35 9190	L03	EUR/100 kg	—	0406 90 78 9500	L03	EUR/100 kg	—
	L04	EUR/100 kg	54,67		L04	EUR/100 kg	47,54
	400	EUR/100 kg	10,64		400	EUR/100 kg	—
	A01	EUR/100 kg	78,60		A01	EUR/100 kg	67,47
0406 90 35 9990	L03	EUR/100 kg	—	0406 90 79 9900	L03	EUR/100 kg	—
	L04	EUR/100 kg	54,67		L04	EUR/100 kg	38,81
	400	EUR/100 kg	6,96		400	EUR/100 kg	—
	A01	EUR/100 kg	78,60		A01	EUR/100 kg	55,78
0406 90 37 9000	L03	EUR/100 kg	—	0406 90 81 9900	L03	EUR/100 kg	—
	L04	EUR/100 kg	52,57		L04	EUR/100 kg	49,06
	400	EUR/100 kg	10,44		400	EUR/100 kg	8,24
	A01	EUR/100 kg	75,24		A01	EUR/100 kg	70,23
0406 90 61 9000	L03	EUR/100 kg	—	0406 90 85 9930	L03	EUR/100 kg	—
	L04	EUR/100 kg	57,92		L04	EUR/100 kg	52,98
	400	EUR/100 kg	9,91		400	EUR/100 kg	10,28
	A01	EUR/100 kg	83,81		A01	EUR/100 kg	76,23
0406 90 63 9100	L03	EUR/100 kg	—	0406 90 85 9970	L03	EUR/100 kg	—
	L04	EUR/100 kg	57,63		L04	EUR/100 kg	48,58
	400	EUR/100 kg	11,08		400	EUR/100 kg	8,99
	A01	EUR/100 kg	83,12		A01	EUR/100 kg	69,87
0406 90 63 9900	L03	EUR/100 kg	—	0406 90 86 9100	L03	EUR/100 kg	—
	L04	EUR/100 kg	55,40		L04	EUR/100 kg	48,58
	400	EUR/100 kg	8,48		400	EUR/100 kg	8,99
	A01	EUR/100 kg	80,28		A01	EUR/100 kg	69,87
0406 90 69 9100	A00	EUR/100 kg	—	0406 90 86 9100	A00	EUR/100 kg	—

Product code	Destination	Unit of measurement	Amount of refund	Product code	Destination	Unit of measurement	Amount of refund	
0406 90 86 9200	L03	EUR/100 kg	—	0406 90 87 9971	L03	EUR/100 kg	—	
	L04	EUR/100 kg	44,57		L04	EUR/100 kg	48,18	
	400	EUR/100 kg	5,39		400	EUR/100 kg	6,69	
	A01	EUR/100 kg	66,11		A01	EUR/100 kg	68,97	
0406 90 86 9300	L03	EUR/100 kg	—	0406 90 87 9972	L03	EUR/100 kg	—	
	L04	EUR/100 kg	45,22		L04	EUR/100 kg	20,53	
	400	EUR/100 kg	5,92		400	EUR/100 kg	—	
	A01	EUR/100 kg	66,80		A01	EUR/100 kg	29,51	
0406 90 86 9400	L03	EUR/100 kg	—	0406 90 87 9973	L03	EUR/100 kg	—	
	L04	EUR/100 kg	48,03		L04	EUR/100 kg	47,31	
	400	EUR/100 kg	6,69		400	EUR/100 kg	4,70	
	A01	EUR/100 kg	70,23		A01	EUR/100 kg	67,72	
0406 90 86 9900	L03	EUR/100 kg	—	0406 90 87 9974	L03	EUR/100 kg	—	
	L04	EUR/100 kg	52,98		L04	EUR/100 kg	51,35	
	400	EUR/100 kg	7,84		400	EUR/100 kg	4,70	
	A01	EUR/100 kg	76,23		A01	EUR/100 kg	73,18	
0406 90 87 9100	A00	EUR/100 kg	—	0406 90 87 9975	L03	EUR/100 kg	—	
0406 90 87 9200	L03	EUR/100 kg	—		L04	EUR/100 kg	52,36	
	L04	EUR/100 kg	37,15		400	EUR/100 kg	6,23	
	400	EUR/100 kg	4,83		A01	EUR/100 kg	74,00	
	A01	EUR/100 kg	55,07	0406 90 87 9979	L03	EUR/100 kg	—	
0406 90 87 9300	L03	EUR/100 kg	—		L04	EUR/100 kg	46,74	
	L04	EUR/100 kg	41,51		400	EUR/100 kg	4,70	
	400	EUR/100 kg	5,45		A01	EUR/100 kg	67,19	
	A01	EUR/100 kg	61,35	0406 90 88 9100	A00	EUR/100 kg	—	
0406 90 87 9400	L03	EUR/100 kg	—		0406 90 88 9300	L03	EUR/100 kg	—
	L04	EUR/100 kg	42,60			L04	EUR/100 kg	36,67
	400	EUR/100 kg	5,97				400	EUR/100 kg
	A01	EUR/100 kg	62,28	A01			EUR/100 kg	53,99
0406 90 87 9951	L03	EUR/100 kg	—					
	L04	EUR/100 kg	48,18					
	400	EUR/100 kg	8,25					
	A01	EUR/100 kg	68,97					

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 2081/2003 (OJ L 313, 28.11.2003, p. 11).

The other destinations are defined as follows:

L01 Holy See, Malta, Estonia, Latvia, Lithuania, Poland, Czech Republic, Slovakia, Hungary, Slovenia, Cyprus and the United States of America,

L02 Andorra and Gibraltar,

L03 Ceuta, Melilla, Iceland, Norway, Switzerland, Liechtenstein, Andorra, Gibraltar, Holy See (often referred to as Vatican City), Malta, Turkey, Estonia, Latvia, Lithuania, Poland, Czech Republic, Slovakia, Hungary, Romania, Bulgaria, Slovenia, Croatia, Canada, Cyprus, Australia and New Zealand,

L04 Albania, Bosnia and Herzegovina, Serbia and Montenegro and the Former Yugoslav Republic of Macedonia.

'970' includes the exports referred to in Articles 36(1)(a) and (c) and 44(1)(a) and (b) of Commission Regulation (EC) No 800/1999 (OJ L 102, 17.4.1999, p. 11) and exports under contracts with armed forces stationed on the territory of a Member State which do not come under its flag.

COMMISSION REGULATION (EC) No 1306/2004**of 15 July 2004****fixing the maximum export refund for butter in the framework of the standing invitation to tender provided for in Regulation (EC) No 581/2004**

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 the third subparagraph of Article 31(3) thereof,

Whereas:

- (1) Commission Regulation (EC) No 581/2004 of 26 March 2004 opening a standing invitation to tender for export refunds concerning certain types of butter⁽²⁾ provides for a permanent tender.
- (2) Pursuant to Article 5 of Commission Regulation (EC) No 580/2004 of 26 March 2004 establishing a tender procedure concerning export refunds for certain milk products⁽³⁾ and following an examination of the

tenders submitted in response to the invitation to tender, it is appropriate to fix a maximum export refund for the tendering period ending on 14 July 2004.

- (3) The Management Committee for Milk and Milk Products has not delivered an opinion within the time limit set by its chairman,

HAS ADOPTED THIS REGULATION:

Article 1

For the permanent tender opened by Regulation (EC) No 581/2004, for the tendering period ending on 14 July 2004, the maximum amount of refund for the products referred to in Article 1(1) of that Regulation shall be as shown in the Annex to this Regulation.

Article 2

This Regulation shall enter into force on 16 July 2004.

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

Done at Brussels, 15 July 2004.

For the Commission

Franz FISCHLER

Member of the Commission

⁽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 90, 27.3.2004, p. 64.

⁽³⁾ OJ L 90, 27.3.2004, p. 58.

ANNEX

(EUR/100 kg)

Product	Export refund Code	Maximum amount of export refund	
		For export to the destination referred to in the first indent of Article 1(1) of Regulation (EC) No 581/2004	For export to the destinations referred to in the second indent of Article 1(1) of Regulation (EC) No 581/2004
Butter	ex 0405 10 19 9500	—	138,50
Butter	ex 0405 10 19 9700	133,00	142,00
Butteroil	ex 0405 90 10 9000	165,80	178,80

COMMISSION REGULATION (EC) No 1307/2004**of 15 July 2004****fixing the maximum export refund for skimmed milk powder in the framework of the standing invitation to tender provided for in Regulation (EC) No 582/2004**

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 the third subparagraph of Article 31(3) thereof,

Whereas:

- (1) Commission Regulation (EC) No 582/2004 of 26 March 2004 opening a standing invitation to tender for export refunds for skimmed milk powder⁽²⁾ provides for a permanent tender.
- (2) Pursuant to Article 5 of Commission Regulation (EC) No 580/2004 of 26 March 2004 establishing a tender procedure concerning export refunds for certain milk products⁽³⁾ and following an examination of the tenders submitted in response to the invitation to

tender, it is appropriate to fix a maximum export refund for the tendering period ending on 14 July 2004.

- (3) The Management Committee for Milk and Milk Products has not delivered an opinion within the time limit set by its chairman,

HAS ADOPTED THIS REGULATION:

Article 1

For the permanent tender opened by Regulation (EC) No 582/2004, for the tendering period ending on 14 July 2004, the maximum amount of refund for the product and destinations referred to in Article 1(1) of that Regulation shall be 34,00 EUR/100 kg.

Article 2

This Regulation shall enter into force on 16 July 2004.

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

Done at Brussels, 15 July 2004.

For the Commission

Franz FISCHLER

Member of the Commission

⁽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 90, 27.3.2004, p. 67.

⁽³⁾ OJ L 90, 27.3.2004, p. 58.

COMMISSION REGULATION (EC) No 1308/2004
of 15 July 2004
fixing production refunds on cereals and rice

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 1784/2003 of 29 September 2003, on the common organisation of the market in cereals⁽¹⁾, and in particular Article 7(3) thereof,

Having regard to Council Regulation (EC) No 3072/95 of 22 December 1995 on the common organisation of the market in rice⁽²⁾, and in particular Article 8(e) thereof,

Whereas:

(1) Commission Regulation (EEC) No 1722/93 of 30 June 1993 laying down detailed rules for the application of Council Regulations (EEC) No 1766/92 and (EEC) No 1418/76 concerning production refunds in the cereals and rice sectors respectively⁽³⁾ lays down the conditions for granting production refunds. The basis for calculating the refund is laid down in Article 3 of that Regulation. The refund thus calculated, differentiated where necessary for potato starch, must be fixed once a month and may be amended if the price of maize and/or wheat changes significantly.

(2) The production refunds fixed in this Regulation should be adjusted by the coefficients listed in the Annex II to Regulation (EEC) No 1722/93 to establish the exact amount to be paid.

(3) The Management Committee for Cereals has not delivered an opinion within the time limit set by its chairman,

HAS ADOPTED THIS REGULATION:

Article 1

The refund per tonne of starch referred to in Article 3(2) of Regulation (EEC) No 1722/93, is hereby fixed at:

- (a) EUR 00,00/tonne for starch from maize, wheat, barley, oats, rice or broken rice;
- (b) EUR 9,62/tonne for potato starch.

Article 2

This Regulation shall enter into force on 16 July 2004.

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

Done at Brussels, 15 July 2004.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ L 270, 21.10.2003, p. 78.

⁽²⁾ OJ L 329, 30.12.1995, p. 18. Regulation as last amended by Commission Regulation (EC) No 411/2002 (OJ L 62, 5.3.2002, p. 27).

⁽³⁾ OJ L 159, 1.7.1993, p. 112. Regulation as last amended by Regulation (EC) No 216/2004 (OJ L 36, 7.2.2004, p. 13).

COMMISSION REGULATION (EC) No 1309/2004**of 15 July 2004****fixing the import duties in the cereals sector applicable from 16 July 2004**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 1784/2003 of 29 September 2003 on the common organisation of the market in cereals ⁽¹⁾,

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 ⁽²⁾, and in particular Article 2(1) thereof,

Whereas:

- (1) Article 10 of Regulation (EC) No 1784/2003 provides that the rates of duty in the Common Customs Tariff are to be charged on import of the products referred to in Article 1 of that Regulation. However, in the case of the products referred to in paragraph 2 of that Article, the import duty is to be equal to the intervention price valid for such products on importation and increased by 55 %, minus the cif import price applicable to the consignment in question. However, that duty may not exceed the rate of duty in the Common Customs Tariff.
- (2) Pursuant to Article 10(3) of Regulation (EC) No 1784/2003, the cif import prices are calculated on the basis of the representative prices for the product in question on the world market.

- (3) Regulation (EC) No 1249/96 lays down detailed rules for the application of Regulation (EC) No 1784/2003 as regards import duties in the cereals sector.
- (4) The import duties are applicable until new duties are fixed and enter into force.
- (5) In order to allow the import duty system to function normally, the representative market rates recorded during a reference period should be used for calculating the duties.
- (6) Application of Regulation (EC) No 1249/96 results in import duties being fixed as set out in Annex I to this Regulation,

HAS ADOPTED THIS REGULATION:

Article 1

The import duties in the cereals sector referred to in Article 10(2) of Regulation (EC) No 1784/2003 shall be those fixed in Annex I to this Regulation on the basis of the information given in Annex II.

Article 2

This Regulation shall enter into force on 16 July 2004.

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

Done at Brussels, 15 July 2004.

For the Commission

J. M. SILVA RODRÍGUEZ
Agriculture Director-General

⁽¹⁾ OJ L 270, 21.10.2003, p. 78.

⁽²⁾ OJ L 161, 29.6.1996, p. 125. Regulation as last amended by Regulation (EC) No 1110/2003 (OJ L 158, 27.6.2003, p. 12).

ANNEX I

Import duties for the products covered by Article 10(2) of Regulation (EC) No 1784/2003 applicable from 16 July 2004

CN code	Description	Import duty ⁽¹⁾ (EUR/tonne)
1001 10 00	Durum wheat high quality	0,00
	medium quality	0,00
	low quality	8,40
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	27,42
1005 10 90	Maize seed other than hybrid	55,08
1005 90 00	Maize other than seed ⁽²⁾	55,08
1007 00 90	Grain sorghum other than hybrids for sowing	37,51

⁽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/t, where the port of unloading is on the Mediterranean Sea, or

— EUR 2/t, where the port of unloading is in Ireland, the United Kingdom, Denmark, Estonia, Latvia, Lithuania, Poland, Finland, Sweden or the Atlantic coasts of the Iberian peninsula.

⁽²⁾ The importer may benefit from a flat-rate reduction of EUR 24/t, 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 30.6.-14.7.2004

1. Averages over the reference period referred to in Article 2(2) of Regulation (EC) No 1249/96:

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)	129,85 (**)	80,55	151,53 (***)	141,53 (***)	121,53 (***)	102,51 (***)
Gulf premium (EUR/t)	—	9,01	—			—
Great Lakes premium (EUR/t)	10,41	—	—			—

(*) 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).

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

(****) Fob Duluth.

2. Averages over the reference period referred to in Article 2(2) of Regulation (EC) No 1249/96:

Freight/cost: Gulf of Mexico–Rotterdam: 22,48 EUR/t; Great Lakes–Rotterdam: 27,10 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).

COMMISSION REGULATION (EC) No 1310/2004

of 15 July 2004

on import licences in respect of beef and veal products originating in Botswana, Kenya, Madagascar, Swaziland, Zimbabwe and Namibia

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

bovine, ovine and caprine animals and swine, fresh meat or meat products from third countries⁽⁴⁾,

Having regard to the Treaty establishing the European Community,

HAS ADOPTED THIS REGULATION:

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⁾,

Article 1

The following Member States shall issue on 21 July 2004 import licences for beef and veal products, expressed as boned meat, originating in certain African, Caribbean and Pacific States, in respect of the following quantities and countries of origin:

Having regard to Council Regulation (EC) No 2286/2002 of 10 December 2002 on the arrangements applicable to agricultural products and goods resulting from the processing of agricultural products originating in the African, Caribbean and Pacific States (ACP States) and repealing Regulation (EC) No 1706/98⁽²⁾, and in particular Article 5 thereof,

United Kingdom:

Having regard to Commission Regulation (EC) No 2247/2003 of 19 December 2003 laying down detailed rules for the application in the beef and veal sector of Council Regulation (EC) No 2286/2002 on the arrangements applicable to agricultural products and certain goods resulting from the processing of agricultural products originating in the African, Caribbean and Pacific States (ACP States)⁽³⁾, and in particular Article 5 thereof,

- 500 t originating in Botswana,
- 20 t originating in Swaziland,
- 1 000 t originating in Namibia;

Whereas:

Germany:

(1) Article 1 of Regulation (EC) No 2247/2003 provides for the possibility of issuing import licences for beef and veal products originating in Botswana, Kenya, Madagascar, Swaziland, Zimbabwe and Namibia. However, imports must take place within the limits of the quantities specified for each of these exporting non-member countries.

- 1 100 t originating in Botswana,
- 450 t originating in Namibia.

Article 2

(2) The applications for import licences submitted between 1 and 10 July 2004, expressed in terms of boned meat, in accordance with Regulation (EC) No 2247/2003, do not exceed, in respect of products originating from Botswana, Kenya, Madagascar, Swaziland, Zimbabwe and Namibia, the quantities available from those States. It is therefore possible to issue import licences in respect of the quantities applied for.

Licence applications may be submitted, pursuant to Article 3(2) of Regulation (EC) No 2247/2003, during the first 10 days of August 2004 for the following quantities of boned beef and veal:

(3) The quantities in respect of which licences may be applied for from 1 August 2004 should be fixed within the scope of the total quantity of 52 100 t.

Botswana:	13 876 t,
Kenya:	142 t,
Madagascar:	7 579 t,
Swaziland:	3 254 t,
Zimbabwe:	9 100 t,
Namibia:	7 885 t.

(4) This Regulation is without prejudice to Council Directive 72/462/EEC of 12 December 1972 on health and veterinary inspection problems upon importation of

Article 3

This Regulation shall enter into force on 21 July 2004.

⁽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 348, 21.12.2002, p. 5.

⁽³⁾ OJ L 333, 20.12.2003, p. 37. Regulation as last amended by Regulation (EC) No 1118/2004 (OJ L 217, 17.6.2004, p. 10).

⁽⁴⁾ OJ L 302, 31.12.1972, p. 28. Directive as last amended by Regulation (EC) No 807/2003 (OJ L 122, 16.5.2003, p. 36).

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

Done at Brussels, 15 July 2004.

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

COMMISSION REGULATION (EC) No 1311/2004

of 15 July 2004

fixing the export refunds on rice and broken rice and suspending the issue of export licences

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 3072/95 of 22 December 1995 on the common organisation of the market in rice⁽¹⁾, and in particular the second subparagraph of Article 13(3) and (15) thereof,

Whereas:

(1) Article 13 of Regulation (EC) No 3072/95 provides that the difference between quotations or prices on the world market 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.

(2) Article 13(4) of Regulation (EC) No 3072/95, provides that when refunds are being fixed account must be taken of the existing situation and the future trend with regard to prices and availabilities of rice and broken rice on the Community market on the one hand and prices for rice and broken rice on the world market on the other. The same Article provides that it is also important to ensure equilibrium and the natural development of prices and trade on the rice market and, furthermore, to take into account the economic aspect of the proposed exports and the need to avoid disturbances of the Community market with limits resulting from agreements concluded in accordance with Article 300 of the Treaty.

(3) Commission Regulation (EEC) No 1361/76⁽²⁾ lays down the maximum percentage of broken rice allowed in rice for which an export refund is fixed and specifies the percentage by which that refund is to be reduced where the proportion of broken rice in the rice exported exceeds that maximum.

(4) As the standing invitations to tender for the export refunds on rice have ended for this year, refunds in ordinary law for this product need no longer be fixed. Account should be taken of this when the refunds are fixed.

(5) Article 13(5) of Regulation (EC) No 3072/95 defines the specific criteria to be taken into account when the export refund on rice and broken rice is being calculated.

(6) The world market situation or the specific requirements of certain markets may make it necessary to vary the refund for certain products according to destination.

(7) A separate refund should be fixed for packaged long grain rice to accommodate current demand for the product on certain markets.

(8) The refund must be fixed at least once a month; whereas it may be altered in the intervening period.

(9) It follows from applying these rules and criteria to the present situation on the market in rice and in particular to quotations or prices for rice and broken rice within the Community and on the world market, that the refund should be fixed as set out in the Annex hereto.

(10) For the purposes of administering the volume restrictions resulting from Community commitments in the context of the WTO, the issue of export licences with advance fixing of the refund should be restricted.

(11) 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

The export refunds on the products listed in Article 1 of Regulation (EC) No 3072/95 with the exception of those listed in paragraph 1(c) of that Article, exported in the natural state, shall be as set out in the Annex hereto.

Article 2

The issue of export licences with advance fixing of the refund is hereby suspended.

Article 3

This Regulation shall enter into force on 16 July 2004.

⁽¹⁾ OJ L 329, 30.12.1995, p. 18. Regulation as last amended by Commission Regulation (EC) No 411/2002 (OJ L 62, 5.3.2002, p. 27).

⁽²⁾ OJ L 154, 15.6.1976, p. 11.

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

Done at Brussels, 15 July 2004.

For the Commission
Franz FISCHLER
Member of the Commission

ANNEX

to the Commission Regulation of 15 July 2004 fixing the export refunds on rice and broken rice and suspending the issue of export licences

Product code	Destination	Unit of measurement	Amount of refunds ⁽¹⁾	Product code	Destination	Unit of measurement	Amount of refunds ⁽¹⁾
1006 20 11 9000	R01	EUR/t	0	1006 30 65 9900	R01	EUR/t	0
1006 20 13 9000	R01	EUR/t	0		066	EUR/t	0
1006 20 15 9000	R01	EUR/t	0		A97	EUR/t	0
1006 20 17 9000	—	EUR/t	—	1006 30 67 9100	021 and 023	EUR/t	0
1006 20 92 9000	R01	EUR/t	0		066	EUR/t	0
1006 20 94 9000	R01	EUR/t	0	1006 30 67 9900	066	EUR/t	0
1006 20 96 9000	R01	EUR/t	0	1006 30 92 9100	R01	EUR/t	0
1006 20 98 9000	—	EUR/t	—		R02	EUR/t	0
1006 30 21 9000	R01	EUR/t	0		R03	EUR/t	0
1006 30 23 9000	R01	EUR/t	0		066	EUR/t	0
1006 30 25 9000	R01	EUR/t	0		A97	EUR/t	0
1006 30 27 9000	—	EUR/t	—		021 and 023	EUR/t	0
1006 30 42 9000	R01	EUR/t	0	1006 30 92 9900	R01	EUR/t	0
1006 30 44 9000	R01	EUR/t	0		A97	EUR/t	0
1006 30 46 9000	R01	EUR/t	0		066	EUR/t	0
1006 30 48 9000	—	EUR/t	—	1006 30 94 9100	R01	EUR/t	0
1006 30 61 9100	R01	EUR/t	0		R02	EUR/t	0
	R02	EUR/t	0		R03	EUR/t	0
	R03	EUR/t	0		066	EUR/t	0
	066	EUR/t	0		A97	EUR/t	0
	A97	EUR/t	0		021 and 023	EUR/t	0
	021 and 023	EUR/t	0	1006 30 94 9900	R01	EUR/t	0
1006 30 61 9900	R01	EUR/t	0		A97	EUR/t	0
	A97	EUR/t	0		066	EUR/t	0
1006 30 63 9100	R01	EUR/t	0	1006 30 96 9100	R01	EUR/t	0
	R02	EUR/t	0		R02	EUR/t	0
	R03	EUR/t	0		R03	EUR/t	0
	066	EUR/t	0		066	EUR/t	0
	A97	EUR/t	0		A97	EUR/t	0
	021 and 023	EUR/t	0		021 and 023	EUR/t	0
1006 30 63 9900	R01	EUR/t	0	1006 30 96 9900	R01	EUR/t	0
	066	EUR/t	0		A97	EUR/t	0
	A97	EUR/t	0		066	EUR/t	0
1006 30 65 9100	R01	EUR/t	0	1006 30 98 9100	021 and 023	EUR/t	0
	R02	EUR/t	0	1006 30 98 9900	—	EUR/t	—
	R03	EUR/t	0	1006 40 00 9000	—	EUR/t	—
	066	EUR/t	0				
	A97	EUR/t	0				
	021 and 023	EUR/t	0				

⁽¹⁾ The procedure laid down in Article 8(3) of Regulation (EC) No 1342/2003 applies to licences applied for under that Regulation for quantities according to the destination:

destination R01: 0 t,
destinations R02 and R03: 0 t,
destinations 021 and 023: 0 t,
destination 066: 0 t,
destination A97: 0 t.

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 2081/2003 (OJ L 313, 28.11.2003, p. 11).

The other destinations are defined as follows:

R01 Switzerland, Liechtenstein, communes of Livigno and Campione d'Italia.

R02 Morocco, Algeria, Tunisia, Egypt, Israel, Lebanon, Libya, Syria, Ex-Spanish Sahara, Jordan, Iraq, Iran, Yemen, Kuwait, United Arab Emirates, Oman, Bahrain, Qatar, Saudi Arabia, Eritrea, West Bank/Gaza Strip, Norway, Faroe Islands, Iceland, Russia, Belarus, Bosnia and Herzegovina, Croatia, Serbia and Montenegro, former Yugoslav Republic of Macedonia, Albania, Bulgaria, Georgia, Armenia, Azerbaijan, Moldova, Ukraine, Kazakhstan, Turkmenistan, Uzbekistan, Tajikistan, Kyrgyzstan.

R03 Colombia, Ecuador, Peru, Bolivia, Chile, Argentina, Uruguay, Paraguay, Brazil, Venezuela, Canada, Mexico, Guatemala, Honduras, El Salvador, Nicaragua, Costa Rica, Panama, Cuba, Bermuda, South Africa, Australia, New Zealand, Hong Kong SAR, Singapore, A40 except the Netherlands Antilles, Aruba, Turks and Caicos Islands, A11 except Suriname, Guyana, Madagascar.

II

(Acts whose publication is not obligatory)

COUNCIL

COUNCIL DECISION

of 11 May 2004

on the position to be taken by the Community regarding an agreement concerning the monetary relations with the Principality of Andorra

(2004/548/EC)

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community, and in particular Article 111(3) thereof,

Having regard to the recommendation from the Commission,

Having regard to the opinion of the European Central Bank,

Whereas:

- (1) Pursuant to Council Regulation (EC) No 974/98 of 3 May 1998 on the introduction of the euro⁽¹⁾, the euro replaced the currency of each participating Member State as from 1 January 1999.
- (2) The Community has competence, as from the same date, in monetary and foreign exchange regime matters in Member States adopting the euro.
- (3) The Council is responsible for determining the arrangements for the negotiation and conclusion of agreements concerning monetary or foreign exchange regime matters.
- (4) The Community has concluded monetary agreements with Monaco⁽²⁾, the Vatican City⁽³⁾ and San Marino⁽⁴⁾. These countries had concluded earlier monetary agreements with France or with Italy, before the introduction of the euro.
- (5) The Principality of Andorra (hereinafter referred to as Andorra) does not have an official currency, nor has it concluded a monetary agreement with any Member State or third country. Spanish and French banknotes and coins were originally used *de facto* in Andorra, and were replaced by euro banknotes and coins as from 1 January 2002.

(6) On 15 July 2003 Andorra formally requested the conclusion of a monetary agreement with the Community.

(7) Given the close economic relations between Andorra and the Community, it is appropriate that an agreement between the Community and Andorra should include provisions regarding euro banknotes and coins, the legal status of the euro in Andorra, and also access to the euro area payment systems. Since the euro is already in use in Andorra, it should be agreed that Andorra is to use the euro as its official currency and that it will grant legal tender status to euro banknotes and coins issued by the European System of Central Banks and Member States which have adopted the euro.

(8) The euro becoming Andorra's official currency does not create any right for Andorra to issue banknotes or coins, whether denominated in euro or in another denomination, or to issue monetary surrogates, unless the monetary agreement contains explicit provisions to this effect. Andorra currently issues collector coins denominated in diner and the possibility to continue this practice will be examined.

(9) It is important that Andorra ensure that Community rules on banknotes and coins denominated in euro are applicable in Andorra. Euro banknotes and coins need proper protection against fraud and counterfeiting. It is also important that Andorra should take all the necessary measures and cooperate with the Community in this area.

⁽¹⁾ OJ L 139, 11.5.1998, p. 1. Regulation as last amended by Regulation (EC) No 2596/2000 (OJ L 300, 29.11.2000, p. 2).

⁽²⁾ OJ L 142, 31.5.2002, p. 59.

⁽³⁾ OJ C 299, 25.10.2001, p. 1. Agreement as last amended by Council Decision 2003/738/EC (OJ L 267, 17.10.2003, p. 27).

⁽⁴⁾ OJ C 209, 27.7.2001, p. 1.

(10) Andorra should undertake to implement all relevant measures forming part of the Community framework for banking and financial regulations, including the prevention of money laundering, the prevention of fraud and counterfeiting of non-cash means of payment, and statistical reporting requirements. The application of such measures will contribute, *inter alia*, to establishing comparable and equitable conditions between financial institutions situated in the euro area and those located in Andorra.

(11) The European Central Bank (ECB) and the national central banks may engage in all types of banking transactions in relation to financial institutions located in third countries. The ECB and the national central banks may, on appropriate conditions, allow financial institutions in third countries access to their payment systems. Agreement between the Community and Andorra should not impose any obligations on the ECB or on any national central bank.

(12) The Commission should be empowered to conduct the negotiations with Andorra. Andorra's neighbouring countries, Spain and France, should be fully associated with the negotiations, and the ECB should be fully associated within its field of competence.

(13) This Decision covers solely the agreement to be established between Andorra and the Community on monetary matters, to the exclusion of other matters requiring to be taken up in separate agreements. Andorra has been invited to agree to equivalent measures in certain areas, in particular as regards the taxation of the income from savings. The Council will examine, in the light of progress made on the negotiation and the initialling of the savings tax agreement, and on the basis of a recommendation from the Commission, whether the necessary conditions have been fulfilled for the opening of negotiations on the monetary agreement.

(14) The Commission should submit the draft agreement to the Economic and Financial Committee for its opinion. The draft agreement should further be submitted to the Council if Spain and France, or the ECB, or the Economic and Financial Committee, is of the opinion that this is necessary,

HAS ADOPTED THIS DECISION:

Article 1

The Commission shall inform Andorra of the Community's preparedness to conclude an agreement on monetary matters with Andorra at the earliest possible date and shall propose negotiations for such an agreement.

Article 2

The position to be taken by the Community in the negotiations with Andorra for an agreement on the matters referred to below shall be based on the principles laid down in Articles 3 to 6.

Article 3

1. Andorra shall be entitled to use the euro as its official currency.

2. Andorra shall be entitled to grant legal tender status to euro banknotes and coins.

Article 4

1. Andorra shall undertake not to issue any banknotes, coins or monetary surrogates of any kind unless the conditions for such issuance have been agreed with the Community.

2. However, the possibility of Andorra continuing to issue gold and silver collector coins denominated in diner will be examined.

Article 5

1. Andorra shall undertake to conform to Community rules on euro banknotes and coins.

2. Andorra shall undertake to cooperate closely with the Community with regard to the protection of euro banknotes and coins against fraud and counterfeiting and to adopt rules implementing the Community acts in this domain.

Article 6

1. Andorra shall undertake to adopt all appropriate measures, through equivalent actions or direct transpositions, for the application of all relevant Community banking and financial legislation, in particular legislation relating to the activity and supervision of the institutions concerned, and also for the application of all relevant Community legislation on the prevention of money laundering, on the prevention of fraud and counterfeiting of non-cash means of payment and on statistical reporting requirements.

2. Financial institutions located in the territory of Andorra may have access to the payment and settlement systems within the euro area under appropriate conditions to be laid down in the agreement on monetary matters and to be determined in agreement with the ECB.

Article 7

The Commission shall, on behalf of the Community, conduct the negotiations with Andorra on the matters referred to in Articles 3 to 6. Spain and France shall be fully associated with the negotiations. The ECB shall be fully associated with those negotiations falling within its field of competence.

Article 8

The negotiations on an agreement on monetary matters shall be opened as soon as the Council has agreed, acting by a qualified majority on a recommendation from the Commission, that the necessary conditions for the opening of such negotiations have been fulfilled.

The prior initialling by both parties of the agreement on the taxation of income from savings, as well as the undertaking by Andorra to conclude such agreement before a date to be agreed with the Community, shall form part of those conditions.

If the agreement on the taxation of savings has not been concluded by Andorra before the agreed date, the negotiations on the monetary agreement shall be suspended until such conclusion has taken place.

Article 9

The Commission shall submit the draft agreement to the Economic and Financial Committee for opinion.

The Commission shall be entitled to conclude the agreement on behalf of the Community unless Spain or France, or the ECB, or the Economic and Financial Committee, is of the opinion that the agreement should be submitted to the Council.

Article 10

This Decision is addressed to the Commission.

Done at Brussels, 11 May 2004.

For the Council

The President

C. McCREEVY

COUNCIL DECISION
of 12 July 2004
appointing a new member of the Commission of the European Communities
(2004/549/EC)

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community, and in particular the second paragraph of Article 215 thereof,

Whereas:

In a letter dated 6 July 2004, Mr Erkki LIIKANEN resigned, with effect from midnight on 11 July 2004, from his post as a member of the Commission. He should be replaced for the remainder of his term of office,

HAS DECIDED AS FOLLOWS:

Article 1

Mr Olli REHN is hereby appointed a member of the Commission for the period from 12 July 2004 to 31 October 2004.

Article 2

This Decision shall take effect on 12 July 2004.

Article 3

This Decision shall be published in the *Official Journal of the European Union*.

Done at Brussels, 12 July 2004.

For the Council
The President
B. BOT

COMMISSION

COMMISSION DECISION

of 13 July 2004

amending Decision 2003/828/EC as regards movements of animals vaccinated against bluetongue from protection zones

(notified under document number C(2004) 1925)

(Text with EEA relevance)

(2004/550/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Directive 2000/75/EC of 20 November 2000 laying down specific provisions for the control and eradication of bluetongue⁽¹⁾, and in particular Article 9(1)(c) thereof,

Whereas:

- (1) Commission Decision 2003/828/EC of 25 November 2003 on protection and surveillance zones in relation to bluetongue⁽²⁾ was adopted in the light of the bluetongue situation prevailing in the affected regions of the Community. That Decision demarcates protection and surveillance zones (the restricted zones) corresponding to specific epidemiological situations and lays down the conditions for providing exemptions from the exit ban laid down in Directive 2000/75/EC (the exit ban) on movements of animals in and from those zones.
- (2) A Symposium on bluetongue was organised by the Office International des Epizooties (OIE, World Organisation for Animal Health) from 26 to 29 October 2003. One of the conclusions of that Symposium was that animals may move from an infected zone to a bluetongue-free zone without posing a risk of virus spread if they have been vaccinated at least one month prior to the date of movement, provided that the vaccine used covers all serotypes present in the area of origin.
- (3) Taking into account that conclusion, the conditions for movements of vaccinated animals laid down in Decision 2003/828/EC were amended, on the basis of the situation prevailing during the last quarter of 2003, by Decision 2004/34/EC in order to allow such movements without requiring the cessation of the virus circulation in the area of origin or of the vector activity in the area of destination. Nevertheless, as a precaution, Decision 2003/828/EC, as amended by Decision 2004/34/EC, provided that possibility only for domestic movements from areas where the vaccination had been completed according to the programme adopted by the competent authority of the Member State concerned.
- (4) After the third vaccination campaign which was conducted during winter 2003 to 2004 and the general reduction of the virus circulation in all the restricted zones concerned, it is now possible to consider general conditions for national movements of vaccinated animals from any restricted zones without taking into consideration the residual virus circulation in the area of origin. Nevertheless, as a precaution, animals should come from herds vaccinated according to the programme adopted by the competent authority of the Member State concerned and the vector surveillance programme in an epidemiologically relevant area of destination should have proved no adult *Culicoides imicola* activity.
- (5) Article 3(1) of Decision 2003/828/EC provides for exemptions from the exit ban for domestic movements of animals, their sperm, ova and embryos and applies to certain restricted zones in France and Italy. It is appropriate to correct a clerical error concerning the omission of Spain from Article 3(1) of that Decision.

⁽¹⁾ OJ L 327, 22.12.2000, p. 74.

⁽²⁾ OJ L 311, 27.11.2003, p. 41. Decision as amended by Decision 2004/34/EC (OJ L 7, 13.1.2004, p. 47).

- (6) Decision 2003/828/EC should therefore be amended accordingly.
- (7) The measures provided for in this Decision are in accordance with the opinion of the Standing Committee on the Food Chain and Animal Health,
- (a) the animals originate from a herd vaccinated according to the programme adopted by the competent authority;
- (b) the animals have been vaccinated more than 30 days and less than one year before the date of dispatch against the serotype(s) present or possibly present in an epidemiologically relevant area of origin;

HAS ADOPTED THIS DECISION:

Article 1

Decision 2003/828/EC is amended as follows:

1. in Article 3, paragraphs 1 and 2 are replaced by the following:

‘1. Domestic dispatches of animals, their sperm, ova and embryos, from a restricted zone set out in Annex I shall be exempted from the exit ban provided that the animals, their sperm, ova and embryos comply with the conditions set out in Annex II or, in the case of Spain, France and Italy, that they comply with paragraph 2 or in the case of Greece that they comply with paragraph 3.

2. In Spain, France and Italy, domestic dispatches as provided for in paragraph 1 shall be exempted from the exit ban by the competent authority if:

- (c) the vector surveillance programme in an epidemiologically relevant area of destination has proved no adult *Culicoides imicola* activity.’;

2. Annex I is replaced by the text in the Annex to this Decision.

Article 2

This Decision shall apply from 5 August 2004.

Article 3

This Decision is addressed to the Member States.

Done at Brussels, 13 July 2004.

For the Commission

David BYRNE

Member of the Commission

ANNEX

'ANNEX I

(Restricted zones: geographic areas where protection and surveillance zones shall be established by the Member States)

Zone A (serotypes 2 and 9 and, to a lesser extent, 4 and 16)**Italy**

Abruzzo: Chieti, all Municipalities belonging to the Local Health Unit of Avezzano-Sulmona
Basilicata: Matera, and Potenza
Calabria: Catanzaro, Cosenza, Crotona, Reggio Calabria, Vibo Valentia
Campania: Caserta, Benevento, Avellino, Napoli, Salerno
Lazio: Frosinone, Latina
Molise: Isernia, Campobasso
Puglia: Foggia, Bari, Lecce, Taranto, Brindisi
Sicilia: Agrigento, Catania, Caltanissetta, Enna, Messina, Palermo, Ragusa, Siracusa and Trapani

Malta (*)**Zone B (serotype 2)****Italy**

Abruzzo: L'Aquila with the exception of all Municipalities belonging to the Local Health Unit of Avezzano-Sulmona
Lazio: Viterbo, Roma, Rieti
Marche: Ascoli Piceno, Macerata
Toscana: Massa Carrara, Pisa, Grosseto, Livorno
Umbria: Terni and Perugia

Zone C (serotypes 2 and 4 and, to a lesser extent, 16)**Spain**

Islas Baleares

France

Corse du sud, Haute-Corse

Italy

Sardinia: Cagliari, Nuoro, Sassari, Oristano

Zone D**Greece**

The entire Greek territory with the exception of prefectorates listed in Zone E

Zone E**Greece**

Dodekanisi, Samos, Chios and Lesvos prefectorates

Cyprus (*)

(*) Transitional animal health status for Cyprus and Malta, pending the analysis of epidemiological data; status to be reviewed at the latest by 1 May 2007.

NOTICE TO READERS

In view of the situation which has arisen following enlargement, some editions of the Official Journal of 30 April 2004 have been published, in a simplified manner, in the 11 official languages of that date.

It has been decided to republish, as corrigenda and in the Official Journal's traditional presentation, Acts which appear in those Official Journals.

It is for this reason that Official Journals which contain only those corrigenda have been published in the 11 pre-enlargement language versions. The translations of Acts in the languages of the new Member States will be published in a special edition of the *Official Journal of the European Union* comprising texts of the institutions and the European Central Bank adopted prior to 1 May 2004.

Given below is a list of the Official Journals published on 30 April and their corresponding corrigenda.

OJ of 30 April 2004	Corrected OJ
L 139	L 226 of 25 June
L 144	L 199 of 7 June
L 146	L 225 of 25 June
L 149	L 215 of 16 June
L 150	L 185 of 24 May
L 151	L 208 of 10 June
L 152	L 216 of 16 June
L 153	L 231 of 30 June
L 154	L 189 of 27 May
L 155	L 193 of 1 June
L 156	L 202 of 7 June
L 157	L 195 of 2 June
L 158	L 229 of 29 June
L 159	L 184 of 24 May
L 160	L 212 of 12 June
L 161	L 206 of 9 June
L 164	L 220 of 21 June
L 165	L 191 of 28 May
L 166	L 200 of 7 June
L 167	L 201 of 7 June