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I

(Acts whose publication is obligatory)

**COMMISSION REGULATION (EC) No 453/2004
of 11 March 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 12 March 2004.

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

Done at Brussels, 11 March 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 the Commission Regulation of 11 March 2004 establishing the standard import values for determining the entry price of certain fruit and vegetables

(EUR/100 kg)

CN code	Third country code ⁽¹⁾	Standard import value
0702 00 00	052	97,7
	204	79,4
	212	121,4
	999	99,5
0707 00 05	052	146,2
	204	26,1
	999	86,2
0709 10 00	220	80,1
	999	80,1
0709 90 70	052	106,5
	204	59,7
	999	83,1
0805 10 10, 0805 10 30, 0805 10 50	052	50,6
	204	47,6
	212	60,6
	220	46,4
	400	45,5
	624	63,2
	999	52,3
0805 50 10	052	53,0
	999	53,0
0808 10 20, 0808 10 50, 0808 10 90	060	50,8
	388	104,8
	400	102,6
	404	93,6
	508	78,3
	512	90,0
	524	71,2
	528	95,1
	720	72,9
	800	99,6
	999	85,9
0808 20 50	060	66,7
	388	78,9
	512	64,4
	528	79,7
	720	70,3
	999	72,0

⁽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 454/2004
of 11 March 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 abovementioned Regulation according to destination.

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

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

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

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

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

- (7) Commission Regulation (EEC) No 896/84 ⁽¹⁾ laid down additional provisions concerning the granting of refunds on the change from one milk year to another; those provisions provide for the possibility of varying refunds according to the date of manufacture of the products.
- (8) For the calculation of the refund for processed cheese provision must be made where casein or caseinates are added for that quantity not to be taken into account.
- (9) With a view to enlargement on 1 May 2004 and to encourage the gradual alignment of prices in the new Member States on the Community level, all remaining refunds for exports to the new Member States should be abolished.
- (10) The consolidation of the maximum quantities for export within the limits set in the WTO Agreement will be more binding on the accession of the new Member States. In order to ensure the satisfactory management and optimum use of the maximum quantities for export, steps should therefore be taken to reduce or abolish the refunds for certain destinations, in particular those located in or close to the geographical area of the Community where the level of prices for milk products no longer justify the present level of refund rates, despite the collection of import duty in some of those countries.
- (11) The policy of some non-member countries is to prevent disturbance on the internal market by applying frontier measures. The refunds for certain milk products exported to those destinations should be differentiated in order to reduce the risk of such measures being applied.
- (12) It follows from applying the rules set out above to the present situation on the market in milk and in particular to quotations or prices for milk products within the Community and on the world market that the refund should be as set out in the Annex to this Regulation.
- (13) The 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 12 March 2004.

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

Done at Brussels, 11 March 2004.

For the Commission
Franz FISCHLER
Member of the Commission

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

ANNEX

to the Commission Regulation of 11 March 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	1,911	0402 21 19 9300	L01	EUR/100 kg	—
0401 10 90 9000	970	EUR/100 kg	1,911		L02	EUR/100 kg	65,14
0401 20 11 9100	970	EUR/100 kg	0,000		A01	EUR/100 kg	83,61
0401 20 11 9500	970	EUR/100 kg	2,953	0402 21 19 9500	L01	EUR/100 kg	—
0401 20 19 9100	970	EUR/100 kg	0,000		L02	EUR/100 kg	67,98
0401 20 19 9500	970	EUR/100 kg	2,953		A01	EUR/100 kg	87,27
0401 20 91 9000	970	EUR/100 kg	3,737	0402 21 19 9900	L01	EUR/100 kg	—
0401 20 99 9000	970	EUR/100 kg	0,000		L02	EUR/100 kg	72,45
0401 30 11 9400	970	EUR/100 kg	8,624		A01	EUR/100 kg	93,00
0401 30 11 9700	970	EUR/100 kg	12,95	0402 21 91 9100	L01	EUR/100 kg	—
0401 30 19 9700	970	EUR/100 kg	0,00		L02	EUR/100 kg	72,90
0401 30 31 9100	L01	EUR/100 kg	—		A01	EUR/100 kg	93,58
	L02	EUR/100 kg	22,02	0402 21 91 9200	L01	EUR/100 kg	—
	A01	EUR/100 kg	31,46		L02	EUR/100 kg	73,33
0401 30 31 9400	L01	EUR/100 kg	—		A01	EUR/100 kg	94,13
	L02	EUR/100 kg	34,40	0402 21 91 9350	L01	EUR/100 kg	—
	A01	EUR/100 kg	49,14		L02	EUR/100 kg	74,08
0401 30 31 9700	L01	EUR/100 kg	—		A01	EUR/100 kg	95,09
	L02	EUR/100 kg	37,94	0402 21 91 9500	L01	EUR/100 kg	—
	A01	EUR/100 kg	54,20		L02	EUR/100 kg	79,62
0401 30 39 9100	L01	EUR/100 kg	—		A01	EUR/100 kg	102,20
	L02	EUR/100 kg	22,02	0402 21 99 9100	L01	EUR/100 kg	—
	A01	EUR/100 kg	31,46		L02	EUR/100 kg	72,90
0401 30 39 9400	L01	EUR/100 kg	—		A01	EUR/100 kg	93,58
	L02	EUR/100 kg	34,40	0402 21 99 9200	L01	EUR/100 kg	—
	A01	EUR/100 kg	49,14		L02	EUR/100 kg	73,33
0401 30 39 9700	L01	EUR/100 kg	—		A01	EUR/100 kg	94,13
	L02	EUR/100 kg	37,94	0402 21 99 9300	L01	EUR/100 kg	—
	A01	EUR/100 kg	54,20		L02	EUR/100 kg	74,08
0401 30 91 9100	L01	EUR/100 kg	—		A01	EUR/100 kg	95,09
	L02	EUR/100 kg	43,24	0402 21 99 9400	L01	EUR/100 kg	—
	A01	EUR/100 kg	61,77		L02	EUR/100 kg	78,19
0401 30 91 9500	A00	EUR/100 kg	0,00		A01	EUR/100 kg	100,37
0401 30 99 9100	L01	EUR/100 kg	—	0402 21 99 9500	L01	EUR/100 kg	—
	L02	EUR/100 kg	43,24		L02	EUR/100 kg	79,62
	A01	EUR/100 kg	61,77		A01	EUR/100 kg	102,20
0401 30 99 9500	L01	EUR/100 kg	—	0402 21 99 9600	L01	EUR/100 kg	—
	L02	EUR/100 kg	63,55		L02	EUR/100 kg	85,23
	A01	EUR/100 kg	90,78	0402 21 99 9700	L01	EUR/100 kg	—
0402 10 11 9000	L01	EUR/100 kg	—		L02	EUR/100 kg	88,41
	L02	EUR/100 kg	45,15		A01	EUR/100 kg	113,49
	A01	EUR/100 kg	54,50	0402 21 99 9900	L01	EUR/100 kg	—
0402 10 19 9000	L01	EUR/100 kg	—		L02	EUR/100 kg	92,09
	L02	EUR/100 kg	45,15		A01	EUR/100 kg	118,21
	A01	EUR/100 kg	54,50	0402 29 15 9200	L01	EUR/kg	—
0402 10 91 9000	L01	EUR/kg	—		L02	EUR/kg	0,4515
	L02	EUR/kg	0,4515		A01	EUR/kg	0,5450
	A01	EUR/kg	0,5450	0402 29 15 9300	L01	EUR/kg	—
0402 10 99 9000	L01	EUR/kg	—		L02	EUR/kg	0,6514
	L02	EUR/kg	0,4515		A01	EUR/kg	0,8361
	A01	EUR/kg	0,5450	0402 29 15 9500	L01	EUR/kg	—
0402 21 11 9200	L01	EUR/100 kg	—		L02	EUR/kg	0,6798
	L02	EUR/100 kg	45,15		A01	EUR/kg	0,8727
	A01	EUR/100 kg	54,50	0402 29 15 9900	L01	EUR/kg	—
0402 21 11 9300	L01	EUR/100 kg	—		L02	EUR/kg	0,7245
	L02	EUR/100 kg	65,14		A01	EUR/kg	0,9300
	A01	EUR/100 kg	83,61	0402 29 19 9300	L01	EUR/kg	—
0402 21 11 9500	L01	EUR/100 kg	—		L02	EUR/kg	0,6514
	L02	EUR/100 kg	67,98		A01	EUR/kg	0,8361
	A01	EUR/100 kg	87,27	0402 29 19 9500	L01	EUR/kg	—
0402 21 11 9900	L01	EUR/100 kg	—		L02	EUR/kg	0,6798
	L02	EUR/100 kg	72,45		A01	EUR/kg	0,8727
	A01	EUR/100 kg	93,00				
0402 21 17 9000	L01	EUR/100 kg	—				
	L02	EUR/100 kg	45,15				
	A01	EUR/100 kg	54,50				

Product code	Destination	Unit of measurement	Amount of refund	Product code	Destination	Unit of measurement	Amount of refund
0402 29 19 9900	L01	EUR/kg	—	0403 90 59 9340	L01	EUR/100 kg	—
	L02	EUR/kg	0,7245		L02	EUR/100 kg	32,22
	A01	EUR/kg	0,9300		A01	EUR/100 kg	46,03
0402 29 91 9000	L01	EUR/kg	—	0403 90 59 9370	L01	EUR/100 kg	—
	L02	EUR/kg	0,7290		L02	EUR/100 kg	32,22
	A01	EUR/kg	0,9358		A01	EUR/100 kg	46,03
0402 29 99 9100	L01	EUR/kg	—	0403 90 59 9510	L01	EUR/100 kg	—
	L02	EUR/kg	0,7290		L02	EUR/100 kg	32,22
	A01	EUR/kg	0,9358		A01	EUR/100 kg	46,03
0402 29 99 9500	L01	EUR/kg	—	0404 90 21 9120	L01	EUR/100 kg	—
	L02	EUR/kg	0,7819		L02	EUR/100 kg	38,51
	A01	EUR/kg	1,0037		A01	EUR/100 kg	46,49
0402 91 11 9370	L01	EUR/100 kg	—	0404 90 21 9160	L01	EUR/100 kg	—
	L02	EUR/100 kg	5,312		L02	EUR/100 kg	45,15
	A01	EUR/100 kg	7,589		A01	EUR/100 kg	54,50
0402 91 19 9370	L01	EUR/100 kg	—	0404 90 23 9120	L01	EUR/100 kg	—
	L02	EUR/100 kg	5,312		L02	EUR/100 kg	45,15
	A01	EUR/100 kg	7,589		A01	EUR/100 kg	54,50
0402 91 31 9300	L01	EUR/100 kg	—	0404 90 23 9130	L01	EUR/100 kg	—
	L02	EUR/100 kg	6,278		L02	EUR/100 kg	65,14
	A01	EUR/100 kg	8,969		A01	EUR/100 kg	83,61
0402 91 39 9300	L01	EUR/100 kg	—	0404 90 23 9140	L01	EUR/100 kg	—
	L02	EUR/100 kg	6,278		L02	EUR/100 kg	67,98
	A01	EUR/100 kg	8,969		A01	EUR/100 kg	87,27
0402 91 99 9000	L01	EUR/100 kg	—	0404 90 23 9150	L01	EUR/100 kg	—
	L02	EUR/100 kg	26,57		L02	EUR/100 kg	72,45
	A01	EUR/100 kg	37,96		A01	EUR/100 kg	93,00
0402 99 11 9350	L01	EUR/kg	—	0404 90 29 9110	L01	EUR/100 kg	—
	L02	EUR/kg	0,1359		L02	EUR/100 kg	72,90
	A01	EUR/kg	0,1941		A01	EUR/100 kg	93,58
0402 99 19 9350	L01	EUR/kg	—	0404 90 29 9115	L01	EUR/100 kg	—
	L02	EUR/kg	0,1359		L02	EUR/100 kg	73,33
	A01	EUR/kg	0,1941		A01	EUR/100 kg	94,13
0402 99 31 9150	L01	EUR/kg	—	0404 90 29 9125	L01	EUR/100 kg	—
	L02	EUR/kg	0,1410		L02	EUR/100 kg	74,08
	A01	EUR/kg	0,2014		A01	EUR/100 kg	95,09
0402 99 31 9300	L01	EUR/kg	—	0404 90 29 9140	L01	EUR/100 kg	—
	L02	EUR/kg	0,1590		L02	EUR/100 kg	79,62
	A01	EUR/kg	0,2271		A01	EUR/100 kg	102,20
0402 99 31 9500	A00	EUR/kg	0,0000	0404 90 81 9100	L01	EUR/kg	—
0402 99 39 9150	L01	EUR/kg	—		L02	EUR/kg	0,4515
	L02	EUR/kg	0,1410		A01	EUR/kg	0,5450
0402 99 31 9150	A01	EUR/kg	0,2014	0404 90 83 9110	L01	EUR/kg	—
	L01	EUR/100 kg	—		L02	EUR/kg	0,4515
	L02	EUR/100 kg	44,51		A01	EUR/kg	0,5450
0403 90 13 9200	L01	EUR/100 kg	—	0404 90 83 9130	L01	EUR/kg	—
	L02	EUR/100 kg	44,51		L02	EUR/kg	0,6514
	A01	EUR/100 kg	53,73		A01	EUR/kg	0,8361
0403 90 13 9300	L01	EUR/100 kg	—	0404 90 83 9150	L01	EUR/kg	—
	L02	EUR/100 kg	64,56		L02	EUR/kg	0,6798
	A01	EUR/100 kg	82,87		A01	EUR/kg	0,8727
0403 90 13 9500	L01	EUR/100 kg	—	0404 90 83 9170	L01	EUR/kg	—
	L02	EUR/100 kg	67,38		L02	EUR/kg	0,7245
	A01	EUR/100 kg	86,49		A01	EUR/kg	0,9300
0403 90 13 9900	L01	EUR/100 kg	—	0404 90 83 9936	L01	EUR/kg	—
	L02	EUR/100 kg	71,81		L02	EUR/kg	0,1359
	A01	EUR/100 kg	92,17		A01	EUR/kg	0,1941
0403 90 19 9000	L01	EUR/100 kg	—	0405 10 11 9500	L01	EUR/100 kg	—
	L02	EUR/100 kg	72,24		075	EUR/100 kg	147,33
	A01	EUR/100 kg	92,73		L02	EUR/100 kg	121,56
0403 90 33 9400	L01	EUR/kg	—	0405 10 11 9700	A01	EUR/100 kg	163,90
	L02	EUR/kg	0,6456		L01	EUR/100 kg	—
	A01	EUR/kg	0,8287		075	EUR/100 kg	151,01
0403 90 33 9900	L01	EUR/kg	—	0405 10 19 9500	L02	EUR/100 kg	124,60
	L02	EUR/kg	0,7181		A01	EUR/100 kg	168,00
	A01	EUR/kg	0,9217		L01	EUR/100 kg	—
0403 90 51 9100	970	EUR/100 kg	1,911	0405 10 19 9500	075	EUR/100 kg	147,33
0403 90 59 9170	970	EUR/100 kg	12,95		L02	EUR/100 kg	121,56
0403 90 59 9310	L01	EUR/100 kg	—		A01	EUR/100 kg	163,90
	L02	EUR/100 kg	22,02				
	A01	EUR/100 kg	31,46				

Product code	Destination	Unit of measurement	Amount of refund	Product code	Destination	Unit of measurement	Amount of refund
0405 10 19 9700	L01	EUR/100 kg	—	0406 10 20 9620	L03	EUR/100 kg	—
	075	EUR/100 kg	151,01		L04	EUR/100 kg	37,17
	L02	EUR/100 kg	124,60		075	EUR/100 kg	39,49
	A01	EUR/100 kg	168,00		400	EUR/100 kg	—
0405 10 30 9100	L01	EUR/100 kg	—	0406 10 20 9630	A01	EUR/100 kg	46,46
	075	EUR/100 kg	147,33		L03	EUR/100 kg	—
	L02	EUR/100 kg	121,56		L04	EUR/100 kg	41,50
	A01	EUR/100 kg	163,90		075	EUR/100 kg	44,08
0405 10 30 9300	L01	EUR/100 kg	—	0406 10 20 9640	400	EUR/100 kg	—
	075	EUR/100 kg	151,01		A01	EUR/100 kg	51,86
	L02	EUR/100 kg	124,60		L03	EUR/100 kg	—
	A01	EUR/100 kg	168,00		L04	EUR/100 kg	60,97
0405 10 30 9700	L01	EUR/100 kg	—	0406 10 20 9650	075	EUR/100 kg	64,79
	075	EUR/100 kg	151,01		400	EUR/100 kg	—
	L02	EUR/100 kg	124,60		A01	EUR/100 kg	76,22
	A01	EUR/100 kg	168,00		L03	EUR/100 kg	—
0405 10 50 9300	L01	EUR/100 kg	—	0406 10 20 9660	L04	EUR/100 kg	50,81
	075	EUR/100 kg	151,01		075	EUR/100 kg	53,98
	L02	EUR/100 kg	124,60		400	EUR/100 kg	—
	A01	EUR/100 kg	168,00		A01	EUR/100 kg	63,51
0405 10 50 9500	L01	EUR/100 kg	—	0406 10 20 9830	A00	EUR/100 kg	—
	075	EUR/100 kg	147,33		L03	EUR/100 kg	—
	L02	EUR/100 kg	121,56		L04	EUR/100 kg	18,85
	A01	EUR/100 kg	163,90		075	EUR/100 kg	20,03
0405 10 50 9700	L01	EUR/100 kg	—	0406 10 20 9850	400	EUR/100 kg	—
	075	EUR/100 kg	151,01		A01	EUR/100 kg	23,56
	L02	EUR/100 kg	124,60		L03	EUR/100 kg	—
	A01	EUR/100 kg	168,00		L04	EUR/100 kg	22,85
0405 10 90 9000	L01	EUR/100 kg	—	0406 10 20 9870	075	EUR/100 kg	24,28
	075	EUR/100 kg	156,54		400	EUR/100 kg	—
	L02	EUR/100 kg	129,16		A01	EUR/100 kg	28,57
	A01	EUR/100 kg	174,15		A00	EUR/100 kg	—
0405 20 90 9500	L01	EUR/100 kg	—	0406 10 20 9900	0406 10 20 9900	EUR/100 kg	—
	075	EUR/100 kg	138,14		0406 20 90 9100	EUR/100 kg	—
	L02	EUR/100 kg	113,97		0406 20 90 9913	EUR/100 kg	—
	A01	EUR/100 kg	153,67		L03	EUR/100 kg	—
0405 20 90 9700	L01	EUR/100 kg	—	0406 20 90 9915	L04	EUR/100 kg	42,13
	075	EUR/100 kg	143,65		075	EUR/100 kg	44,76
	L02	EUR/100 kg	118,52		400	EUR/100 kg	15,39
	A01	EUR/100 kg	159,81		A01	EUR/100 kg	52,67
0405 90 10 9000	L01	EUR/100 kg	—	0406 20 90 9917	L03	EUR/100 kg	—
	075	EUR/100 kg	188,80		L04	EUR/100 kg	55,61
	L02	EUR/100 kg	155,79		075	EUR/100 kg	59,09
	A01	EUR/100 kg	210,05		400	EUR/100 kg	20,51
0405 90 90 9000	L01	EUR/100 kg	—	0406 20 90 9919	A01	EUR/100 kg	69,52
	075	EUR/100 kg	151,01		L03	EUR/100 kg	—
	L02	EUR/100 kg	124,60		L04	EUR/100 kg	59,10
	A01	EUR/100 kg	168,00		075	EUR/100 kg	62,80
0406 10 20 9100	A00	EUR/100 kg	—	0406 30 31 9710	400	EUR/100 kg	21,80
0406 10 20 9230	L03	EUR/100 kg	—		A01	EUR/100 kg	73,87
	L04	EUR/100 kg	27,02		L03	EUR/100 kg	—
	075	EUR/100 kg	28,71		L04	EUR/100 kg	66,03
0406 10 20 9290	400	EUR/100 kg	—	0406 20 90 9990	075	EUR/100 kg	70,18
	A01	EUR/100 kg	33,77		400	EUR/100 kg	24,32
	L03	EUR/100 kg	—		A01	EUR/100 kg	82,56
	L04	EUR/100 kg	25,14		A00	EUR/100 kg	—
0406 10 20 9300	075	EUR/100 kg	26,70	0406 30 31 9730	L03	EUR/100 kg	—
	400	EUR/100 kg	—		L04	EUR/100 kg	5,56
	A01	EUR/100 kg	31,42		075	EUR/100 kg	11,05
	L03	EUR/100 kg	—		400	EUR/100 kg	—
0406 10 20 9610	L04	EUR/100 kg	11,03	0406 30 31 9730	A01	EUR/100 kg	13,00
	075	EUR/100 kg	11,71		L03	EUR/100 kg	—
	400	EUR/100 kg	—		L04	EUR/100 kg	8,14
	A01	EUR/100 kg	13,78		075	EUR/100 kg	16,22
0406 10 20 9620	L03	EUR/100 kg	—	0406 30 31 9730	400	EUR/100 kg	—
	L04	EUR/100 kg	36,65		A01	EUR/100 kg	19,08
	075	EUR/100 kg	38,94				
	400	EUR/100 kg	—				
0406 10 20 9630	A01	EUR/100 kg	45,81				
	L03	EUR/100 kg	—				
	L04	EUR/100 kg	36,65				
	075	EUR/100 kg	38,94				
0406 10 20 9640	400	EUR/100 kg	—				
	A01	EUR/100 kg	45,81				
	L03	EUR/100 kg	—				
	L04	EUR/100 kg	36,65				
0406 10 20 9650	075	EUR/100 kg	38,94				
	400	EUR/100 kg	—				
	A01	EUR/100 kg	45,81				
	L03	EUR/100 kg	—				
0406 10 20 9660	L04	EUR/100 kg	36,65				
	075	EUR/100 kg	38,94				
	400	EUR/100 kg	—				
	A01	EUR/100 kg	45,81				
0406 10 20 9830	L03	EUR/100 kg	—				
	L04	EUR/100 kg	36,65				
	075	EUR/100 kg	38,94				
	400	EUR/100 kg	—				
0406 10 20 9850	A01	EUR/100 kg	45,81				
	L03	EUR/100 kg	—				
	L04	EUR/100 kg	36,65				
	075	EUR/100 kg	38,94				
0406 10 20 9870	400	EUR/100 kg	—				
	A01	EUR/100 kg	45,81				
	L03	EUR/100 kg	—				
	L04	EUR/100 kg	36,65				
0406 10 20 9900	075	EUR/100 kg	38,94				
	400	EUR/100 kg	—				
	A01	EUR/100 kg	45,81				
	L03	EUR/100 kg	—				
0406 10 20 9913	L04	EUR/100 kg	36,65				
	075	EUR/100 kg	38,94				
	400	EUR/100 kg	—				
	A01	EUR/100 kg	45,81				
0406 10 20 9915	L03	EUR/100 kg	—				
	L04	EUR/100 kg	36,65				
	075	EUR/100 kg	38,94				
	400	EUR/100 kg	—				
0406 10 20 9917	A01	EUR/100 kg	45,81				
	L03	EUR/100 kg	—				
	L04	EUR/100 kg	36,65				
	075	EUR/100 kg	38,94				
0406 10 20 9919	400	EUR/100 kg	—				
	A01	EUR/100 kg	45,81				
	L03	EUR/100 kg	—				
	L04	EUR/100 kg	36,65				
0406 10 20 9990	075	EUR/100 kg	38,94				
	400	EUR/100 kg	—				
	A01	EUR/100 kg	45,81				
	L03	EUR/100 kg	—				
0406 30 31 9710	L04	EUR/100 kg	36,65				
	075	EUR/100 kg	38,94				
	400	EUR/100 kg	—				
	A01	EUR/100 kg	45,81				
0406 30 31 9730	L03	EUR/100 kg	—				
	L04	EUR/100 kg	36,65				
	075	EUR/100 kg	38,94				
	400	EUR/100 kg	—				
0406 30 31 9730	A01	EUR/100 kg	45,81				
	L03	EUR/100 kg	—				
	L04	EUR/100 kg	36,65				
	075	EUR/100 kg	38,94				
0406 30 31 9730	400	EUR/100 kg	—				
	A01	EUR/100 kg	45,81				
	L03	EUR/100 kg	—				
	L04	EUR/100 kg	36,65				
0406 30 31 9730	075	EUR/100 kg	38,94				
	400	EUR/100 kg	—				
	A01	EUR/100 kg	45,81				
	L03	EUR/100 kg	—				

Product code	Destination	Unit of measurement	Amount of refund	Product code	Destination	Unit of measurement	Amount of refund
0406 30 31 9910	L03	EUR/100 kg	—	0406 90 23 9900	L03	EUR/100 kg	—
	L04	EUR/100 kg	5,56		L04	EUR/100 kg	64,80
	075	EUR/100 kg	11,05		075	EUR/100 kg	79,17
	400	EUR/100 kg	—		400	EUR/100 kg	—
	A01	EUR/100 kg	13,00		A01	EUR/100 kg	93,15
0406 30 31 9930	L03	EUR/100 kg	—	0406 90 25 9900	L03	EUR/100 kg	—
	L04	EUR/100 kg	8,14		L04	EUR/100 kg	64,36
	075	EUR/100 kg	16,22		075	EUR/100 kg	78,32
	400	EUR/100 kg	—		400	EUR/100 kg	—
	A01	EUR/100 kg	19,08		A01	EUR/100 kg	92,14
0406 30 31 9950	L03	EUR/100 kg	—	0406 90 27 9900	L03	EUR/100 kg	—
	L04	EUR/100 kg	11,84		L04	EUR/100 kg	58,30
	075	EUR/100 kg	23,59		075	EUR/100 kg	70,93
	400	EUR/100 kg	—		400	EUR/100 kg	—
	A01	EUR/100 kg	27,75		A01	EUR/100 kg	83,45
0406 30 39 9500	L03	EUR/100 kg	—	0406 90 31 9119	L03	EUR/100 kg	—
	L04	EUR/100 kg	8,14		L04	EUR/100 kg	53,58
	075	EUR/100 kg	16,22		075	EUR/100 kg	65,29
	400	EUR/100 kg	—		400	EUR/100 kg	12,43
	A01	EUR/100 kg	19,08		A01	EUR/100 kg	76,82
0406 30 39 9700	L03	EUR/100 kg	—	0406 90 33 9119	L03	EUR/100 kg	—
	L04	EUR/100 kg	11,84		L04	EUR/100 kg	53,58
	075	EUR/100 kg	23,59		075	EUR/100 kg	65,29
	400	EUR/100 kg	—		400	EUR/100 kg	12,43
	A01	EUR/100 kg	27,75		A01	EUR/100 kg	76,82
0406 30 39 9930	L03	EUR/100 kg	—	0406 90 33 9919	L03	EUR/100 kg	—
	L04	EUR/100 kg	11,84		L04	EUR/100 kg	48,96
	075	EUR/100 kg	23,59		075	EUR/100 kg	59,89
	400	EUR/100 kg	—		400	EUR/100 kg	—
	A01	EUR/100 kg	27,75		A01	EUR/100 kg	70,45
0406 30 39 9950	L03	EUR/100 kg	—	0406 90 33 9951	L03	EUR/100 kg	—
	L04	EUR/100 kg	13,39		L04	EUR/100 kg	49,46
	075	EUR/100 kg	26,67		075	EUR/100 kg	59,93
	400	EUR/100 kg	—		400	EUR/100 kg	—
	A01	EUR/100 kg	31,37		A01	EUR/100 kg	70,50
0406 30 90 9000	L03	EUR/100 kg	—	0406 90 35 9190	L03	EUR/100 kg	—
	L04	EUR/100 kg	14,04		L04	EUR/100 kg	75,80
	075	EUR/100 kg	27,97		075	EUR/100 kg	92,63
	400	EUR/100 kg	—		400	EUR/100 kg	29,89
	A01	EUR/100 kg	32,91		A01	EUR/100 kg	108,97
0406 40 50 9000	L03	EUR/100 kg	—	0406 90 35 9990	L03	EUR/100 kg	—
	L04	EUR/100 kg	64,53		L04	EUR/100 kg	75,80
	075	EUR/100 kg	68,57		075	EUR/100 kg	92,63
	400	EUR/100 kg	—		400	EUR/100 kg	19,54
	A01	EUR/100 kg	80,67		A01	EUR/100 kg	108,97
0406 40 90 9000	L03	EUR/100 kg	—	0406 90 37 9000	L03	EUR/100 kg	—
	L04	EUR/100 kg	66,27		L04	EUR/100 kg	72,87
	075	EUR/100 kg	70,40		075	EUR/100 kg	88,65
	400	EUR/100 kg	—		400	EUR/100 kg	29,31
	A01	EUR/100 kg	82,83		A01	EUR/100 kg	104,30
0406 90 13 9000	L03	EUR/100 kg	—	0406 90 61 9000	L03	EUR/100 kg	—
	L04	EUR/100 kg	72,87		L04	EUR/100 kg	80,30
	075	EUR/100 kg	88,65		075	EUR/100 kg	98,76
	400	EUR/100 kg	29,31		400	EUR/100 kg	27,82
	A01	EUR/100 kg	104,30		A01	EUR/100 kg	116,19
0406 90 15 9100	L03	EUR/100 kg	—	0406 90 63 9100	L03	EUR/100 kg	—
	L04	EUR/100 kg	75,30		L04	EUR/100 kg	79,89
	075	EUR/100 kg	91,61		075	EUR/100 kg	97,95
	400	EUR/100 kg	30,21		400	EUR/100 kg	31,11
	A01	EUR/100 kg	107,78		A01	EUR/100 kg	115,23
0406 90 17 9100	L03	EUR/100 kg	—				
	L04	EUR/100 kg	75,30				
	075	EUR/100 kg	91,61				
	400	EUR/100 kg	30,21				
	A01	EUR/100 kg	107,78				
0406 90 21 9900	L03	EUR/100 kg	—				
	L04	EUR/100 kg	73,79				
	075	EUR/100 kg	89,56				
	400	EUR/100 kg	21,67				
	A01	EUR/100 kg	105,36				

Product code	Destination	Unit of measurement	Amount of refund	Product code	Destination	Unit of measurement	Amount of refund
0406 90 63 9900	L03	EUR/100 kg	—	0406 90 86 9100	A00	EUR/100 kg	—
	L04	EUR/100 kg	76,80	0406 90 86 9200	L03	EUR/100 kg	—
	075	EUR/100 kg	94,61		L04	EUR/100 kg	61,79
	400	EUR/100 kg	23,80		075	EUR/100 kg	77,90
	A01	EUR/100 kg	111,30		400	EUR/100 kg	15,15
0406 90 69 9100	A00	EUR/100 kg	—		A01	EUR/100 kg	91,65
0406 90 69 9910	L03	EUR/100 kg	—	0406 90 86 9300	L03	EUR/100 kg	—
	L04	EUR/100 kg	76,80		L04	EUR/100 kg	62,68
	075	EUR/100 kg	94,61		075	EUR/100 kg	78,72
	400	EUR/100 kg	23,80		400	EUR/100 kg	16,61
	A01	EUR/100 kg	111,30		A01	EUR/100 kg	92,61
0406 90 73 9900	L03	EUR/100 kg	—	0406 90 86 9400	L03	EUR/100 kg	—
	L04	EUR/100 kg	66,89		L04	EUR/100 kg	66,59
	075	EUR/100 kg	81,45		075	EUR/100 kg	82,75
	400	EUR/100 kg	25,61		400	EUR/100 kg	18,79
	A01	EUR/100 kg	95,83		A01	EUR/100 kg	97,36
0406 90 75 9900	L03	EUR/100 kg	—	0406 90 86 9900	L03	EUR/100 kg	—
	L04	EUR/100 kg	67,34		L04	EUR/100 kg	73,45
	075	EUR/100 kg	82,34		075	EUR/100 kg	89,82
	400	EUR/100 kg	10,81		400	EUR/100 kg	22,00
	A01	EUR/100 kg	96,86		A01	EUR/100 kg	105,68
0406 90 76 9300	L03	EUR/100 kg	—	0406 90 87 9100	A00	EUR/100 kg	—
	L04	EUR/100 kg	60,72	0406 90 87 9200	L03	EUR/100 kg	—
	075	EUR/100 kg	73,89		L04	EUR/100 kg	51,50
	400	EUR/100 kg	—		075	EUR/100 kg	64,89
	A01	EUR/100 kg	86,93		400	EUR/100 kg	13,55
0406 90 76 9400	L03	EUR/100 kg	—	0406 90 87 9300	A01	EUR/100 kg	76,35
	L04	EUR/100 kg	68,01		L03	EUR/100 kg	—
	075	EUR/100 kg	82,75		L04	EUR/100 kg	57,55
	400	EUR/100 kg	11,25		075	EUR/100 kg	72,30
	A01	EUR/100 kg	97,36		400	EUR/100 kg	15,30
0406 90 76 9500	L03	EUR/100 kg	—	0406 90 87 9400	A01	EUR/100 kg	85,05
	L04	EUR/100 kg	64,70		L03	EUR/100 kg	—
	075	EUR/100 kg	78,05		L04	EUR/100 kg	59,06
	400	EUR/100 kg	11,25		075	EUR/100 kg	73,39
	A01	EUR/100 kg	91,83		400	EUR/100 kg	16,76
0406 90 78 9100	L03	EUR/100 kg	—	0406 90 87 9951	A01	EUR/100 kg	86,34
	L04	EUR/100 kg	62,75		L03	EUR/100 kg	—
	075	EUR/100 kg	77,91		L04	EUR/100 kg	66,79
	400	EUR/100 kg	—		075	EUR/100 kg	81,27
	A01	EUR/100 kg	91,66		400	EUR/100 kg	23,16
0406 90 78 9300	L03	EUR/100 kg	—	0406 90 87 9971	A01	EUR/100 kg	95,62
	L04	EUR/100 kg	66,53		L03	EUR/100 kg	—
	075	EUR/100 kg	80,74		L04	EUR/100 kg	66,79
	400	EUR/100 kg	—		075	EUR/100 kg	81,27
	A01	EUR/100 kg	94,99		400	EUR/100 kg	18,79
0406 90 78 9500	L03	EUR/100 kg	—	0406 90 87 9972	A01	EUR/100 kg	95,62
	L04	EUR/100 kg	65,90		L03	EUR/100 kg	—
	075	EUR/100 kg	79,51		L04	EUR/100 kg	28,46
	400	EUR/100 kg	—		075	EUR/100 kg	34,77
	A01	EUR/100 kg	93,54		400	EUR/100 kg	—
0406 90 79 9900	L03	EUR/100 kg	—	0406 90 87 9973	A01	EUR/100 kg	40,91
	L04	EUR/100 kg	53,80		L03	EUR/100 kg	—
	075	EUR/100 kg	65,72		L04	EUR/100 kg	65,59
	400	EUR/100 kg	—		075	EUR/100 kg	79,80
	A01	EUR/100 kg	77,32		400	EUR/100 kg	13,19
0406 90 81 9900	L03	EUR/100 kg	—		A01	EUR/100 kg	93,88
	L04	EUR/100 kg	68,01				
	075	EUR/100 kg	82,75				
	400	EUR/100 kg	23,15				
	A01	EUR/100 kg	97,36				
0406 90 85 9930	L03	EUR/100 kg	—				
	L04	EUR/100 kg	73,45				
	075	EUR/100 kg	89,82				
	400	EUR/100 kg	28,85				
	A01	EUR/100 kg	105,68				
0406 90 85 9970	L03	EUR/100 kg	—				
	L04	EUR/100 kg	67,34				
	075	EUR/100 kg	82,34				
	400	EUR/100 kg	25,24				
	A01	EUR/100 kg	96,86				
0406 90 85 9999	A00	EUR/100 kg	—				

Product code	Destination	Unit of measurement	Amount of refund	Product code	Destination	Unit of measurement	Amount of refund
0406 90 87 9974	L03	EUR/100 kg	—	0406 90 87 9979	L03	EUR/100 kg	—
	L04	EUR/100 kg	71,18		L04	EUR/100 kg	64,80
	075	EUR/100 kg	86,23		075	EUR/100 kg	79,17
	400	EUR/100 kg	13,19		400	EUR/100 kg	13,19
	A01	EUR/100 kg	101,45		A01	EUR/100 kg	93,15
0406 90 87 9975	L03	EUR/100 kg	—	0406 90 88 9100	A00	EUR/100 kg	—
	L04	EUR/100 kg	72,60	0406 90 88 9300	L03	EUR/100 kg	—
	075	EUR/100 kg	87,19		L04	EUR/100 kg	50,84
	400	EUR/100 kg	17,48		075	EUR/100 kg	63,62
	A01	EUR/100 kg	102,58		400	EUR/100 kg	16,61
					A01	EUR/100 kg	74,85

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 455/2004
of 11 March 2004
amending Regulation (EC) No 466/2001 as regards patulin
(Text with EEA relevance)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 315/93 of 8 February 1993 laying down Community procedures for contaminants in food ⁽¹⁾, and in particular Article 2(3) thereof,

Whereas:

- (1) Commission Regulation (EC) No 466/2001 ⁽²⁾, sets maximum levels for certain contaminants in foodstuffs. Maximum levels have been established for amongst others patulin.
- (2) A maximum level of 10,0 µg/kg has been established for apple juice and solid apple products, including apple compote and apple puree, for infants and young children and other baby food on the condition that a method of analysis would have been validated by an international collaborative ring trial to be performed before 1 November 2003 in order to demonstrate that the level of 10 µg/kg patulin can be reliably determined. In case there was no evidence by 1 November 2003 that the level of 10 µg/kg could be reliably determined, the level of 25 µg/kg would apply.
- (3) A collaborative trial has been organised to provide the evidence that the level of 10,0 µg/kg can be reliably determined. A report indicating that a method can reliably determine levels of patulin in clear apple juice and fruit puree at 10 µg/kg and lower has been provided on 27 October 2003.
- (4) It is appropriate to adopt transitional arrangements for products manufactured and put on the market before the date of application.
- (5) Regulation (EC) No 466/2001 should therefore be amended accordingly.

- (6) The measures provided for in this Regulation are in accordance with the opinion of the Standing Committee on the Food Chain and Animal Health,

HAS ADOPTED THIS REGULATION:

Article 1

Regulation (EC) No 466/2001 is amended as follows:

1. In Article 7, the following paragraph is added:
'The maximum levels established in point 2.3. Patulin of section 2 (Mycotoxins) of Annex I shall not apply to products which have been lawfully placed on the Community market before 1 November 2003. The burden of proving when the products were placed on the market shall be borne by the food business operator.'
2. Footnote 4 of point 2.3 Patulin of section 2 (Mycotoxins) of Annex I is deleted.
3. The second indent of the point 2.3.4. of section 2 (Mycotoxins) of Annex I shall read:
'— other baby foods other than processed cereal-based foods ⁽⁴⁾'.
4. Footnote 5 of point 2.3 Patulin of section 2 (Mycotoxins) of Annex I becomes footnote 4 and shall read:
'⁽⁴⁾ Baby foods other than processed cereal-based foods as defined in Commission Directive 96/5/EC of 16 February 1996 on processed cereal based foods and baby foods for infants and young children (OJ L 49, 28.2.1996, p. 17) as last amended by Directive 2003/13/EC (OJ L 41, 14.02.2003, p. 33)'.

Article 2

This Regulation shall enter into force on the 20th 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, 11 March 2004.

For the Commission

David BYRNE

Member of the Commission

⁽¹⁾ OJ L 37, 13.2.1993, p. 1.

⁽²⁾ OJ L 77, 16.3.2001, p.1. Regulation as last amended by Regulation (EC) No 1425/2003 (OJ L 203, 12.8.2003, p. 1).

**COMMISSION REGULATION (EC) No 456/2004
of 11 March 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 27 February 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 340/2004 ⁽²⁾.

- (2) It follows from applying the rules and criteria contained in Regulation (EC) No 340/2004 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 340/2004 are hereby altered as shown in the Annex hereto.

Article 2

This Regulation shall enter into force on 12 March 2004.

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

Done at Brussels, 11 March 2004.

For the Commission

Erkki LIIKANEN

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 60, 27.2.2004, p. 4.

ANNEX

Rates of the refunds applicable from 12 March 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 ⁽¹⁾	
		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	38,15	54,50
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	46,66	66,65
	(b) on exportation of other goods	65,10	93,00
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	58,10	83,00
	(b) on exportation of goods of CN code 2106 90 98 containing 40 % or more by weight of milk fat	122,68	175,25
	(c) on exportation of other goods	117,60	168,00

⁽¹⁾ With effect from 1 July 2003 these rates are not applicable to goods not covered by Annex I to the Treaty when exported to the Czech Republic, Estonia, Latvia, Lithuania, Slovakia or Slovenia, and to the goods referred to in Article 1(2) of Regulation (EC) No 999/2003 when exported to Hungary. With effect from 1 November 2003 these rates are not applicable to goods not covered by Annex I to the Treaty when exported to Malta.

**COMMISSION REGULATION (EC) No 457/2004
of 11 March 2004**

**fixing the maximum export refund on oats in connection with the invitation to tender issued in
Regulation (EC) No 1814/2003**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 1766/92 of 30 June 1992 on the common organisation of the market in cereals ⁽¹⁾,

Having regard to Commission Regulation (EC) No 1501/95 of 29 June 1995 laying down certain detailed rules for the application of Council Regulation (EEC) No 1766/92 on the granting of export refunds on cereals and the measures to be taken in the event of disturbance on the market for cereals ⁽²⁾, and in particular Article 4 thereof,

Having regard to Commission Regulation (EC) No 1814/2003 of 15 October 2003 on a special intervention measure for cereals in Finland and Sweden for the marketing year 2003/04 ⁽³⁾, and in particular Article 9 thereof,

Whereas:

- (1) An invitation to tender for the refund for the export of oats produced in Finland and Sweden for export from Finland or Sweden to all third countries except Bulgaria, Cyprus, Estonia, Hungary, Latvia, Lithuania, Malta, Poland, the Czech Republic, Romania, Slovakia and Slovenia was opened pursuant to Regulation (EC) No 1814/2003.

- (2) Article 9 of Regulation (EC) No 1814/2003 provides that the Commission may, on the basis of the tenders notified, in accordance with the procedure laid down in Article 23 of Regulation (EEC) No 1766/92, decide to fix a maximum export refund taking account of the criteria referred to in Article 1 of Regulation (EC) No 1501/95. In that case a contract is awarded to any tenderer whose bid is equal to or lower than the maximum refund.

- (3) The application of the abovementioned criteria to the current market situation for the cereal in question results in the maximum export refund being fixed at the amount specified in Article 1.

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

HAS ADOPTED THIS REGULATION:

Article 1

For tenders notified from 5 to 11 March 2004, pursuant to the invitation to tender issued in Regulation (EC) No 1814/2003, the maximum refund on exportation of oats shall be EUR 22,85/t.

Article 2

This Regulation shall enter into force on 12 March 2004.

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

Done at Brussels, 11 March 2004.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ L 181, 1.7.1992, p. 21. Regulation as last amended by Regulation (EC) No 1104/2003 (OJ L 158, 27.6.2003, p. 1).

⁽²⁾ OJ L 147, 30.6.1995, p. 7. Regulation as last amended by Regulation (EC) No 1431/2003 (OJ L 203, 12.8.2003, p. 16).

⁽³⁾ OJ L 265, 16.10.2003, p. 25.

**COMMISSION REGULATION (EC) No 458/2004
of 11 March 2004**

**fixing the maximum reduction in the duty on sorghum imported in connection with the invitation
to tender issued in Regulation (EC) No 699/2003**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 1766/92 of 30 June 1992 on the common organisation of the market in cereals ⁽¹⁾, and in particular Article 12(1) thereof,

Whereas:

- (1) An invitation to tender for the maximum reduction in the duty on sorghum imported into Spain was opened pursuant to Commission Regulation (EC) No 238/2004 ⁽²⁾.
- (2) Pursuant to Article 5 of Commission Regulation (EC) No 1839/95 ⁽³⁾, the Commission, acting under the procedure laid down in Article 23 of Regulation (EEC) No 1766/92, may decide to fix a maximum reduction in the import duty. In fixing this maximum the criteria provided for in Articles 6 and 7 of Regulation (EC) No 1839/95 must be taken into account. Whereas a contract is awarded to any tenderer whose tender is equal to or less than the maximum reduction in the duty.

(3) The application of the abovementioned criteria to the current market situation for the cereal in question results in the maximum reduction in the import duty being fixed at the amount specified in Article 1.

(4) 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

For tenders notified from 5 to 11 March 2004, pursuant to the invitation to tender issued in Regulation (EC) No 238/2004, the maximum reduction in the duty on sorghum imported shall be 8,75 EUR/t and be valid for a total maximum quantity of 16 000 t.

Article 2

This Regulation shall enter into force on 12 March 2004.

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

Done at Brussels, 11 March 2004.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ L 181, 1.7.1992, p. 21. Regulation as last amended by Regulation (EC) No 1104/2003 (OJ L 158, 27.6.2003, p. 1).

⁽²⁾ OJ L 40, 12.2.2004, p. 23.

⁽³⁾ OJ L 177, 28.7.1995, p. 4. Regulation as last amended by Regulation (EC) No 2235/2000 (OJ L 256, 10.10.2000, p. 13).

COMMISSION REGULATION (EC) No 459/2004
of 11 March 2004
concerning tenders notified in response to the invitation to tender for the import of maize issued
in Regulation (EC) No 2315/2003

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 1766/92 of 30 June 1992 on the common organisation of the market in cereals ⁽¹⁾, and in particular Article 12(1) thereof,

Whereas:

- (1) An invitation to tender for the maximum reduction in the duty on maize imported into Portugal from third countries was opened pursuant to Commission Regulation (EC) No 2315/2003 ⁽²⁾.
- (2) Article 5 of Commission Regulation (EC) No 1839/95 ⁽³⁾, allows the Commission to decide, in accordance with the procedure laid down in Article 23 of Regulation (EEC) No 1766/92 and on the basis of the tenders notified, to make no award.

(3) On the basis of the criteria laid down in Articles 6 and 7 of Regulation (EC) No 1839/95 a maximum reduction in the duty should not be fixed.

(4) 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

No action shall be taken on the tenders notified from 5 to 11 March 2004 in response to the invitation to tender for the reduction in the duty on imported maize issued in Regulation (EC) No 2315/2003.

Article 2

This Regulation shall enter into force on 12 March 2004.

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

Done at Brussels, 11 March 2004.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ L 181, 1.7.1992, p. 21. Regulation as last amended by Regulation (EC) No 1104/2003 (OJ L 158, 27.6.2003, p. 1).

⁽²⁾ OJ L 342, 30.12.2003, p. 34.

⁽³⁾ OJ L 177, 28.7.1995, p. 4. Regulation as last amended by Regulation (EC) No 2235/2000 (OJ L 256, 10.10.2000, p. 13).

II

(Acts whose publication is not obligatory)

COUNCIL

COUNCIL DECISION

of 8 March 2004

amending Decision 2003/479/EC concerning the rules applicable to national experts and military staff on secondment to the General Secretariat of the Council

(2004/240/EC)

THE COUNCIL OF THE EUROPEAN UNION,

HAS DECIDED AS FOLLOWS:

Having regard to the Treaty on European Union, and in particular Article 28(1) thereof,

Having regard to the Treaty establishing the European Community, and in particular Article 207(2) thereof,

Having regard to Decision 2003/479/EC,

Whereas:

- (1) Article 15(7) of Decision 2003/479/EC provides that the daily and monthly allowances shall be adjusted each year without retroactive effect on the basis of the adaptation of the basic salaries of Community officials in Brussels and Luxembourg.
- (2) The Council, through Regulations (EC, Euratom) No 2148/03 of 5 December 2003 correcting with effect from 1 July 2002 the remuneration and pensions of officials and other servants of the European Communities ⁽¹⁾ and (EC, Euratom) No 2182/03 of 8 December 2003 adjusting with effect from 1 January 2004 the remuneration and pensions of officials and other servants of the European Communities and the weightings applied thereto ⁽²⁾, has adopted an adjustment of 3,4 % and 1 % respectively of the remuneration and pensions of Community officials,

⁽¹⁾ OJ L 323, 10.12.2003, p. 1.

⁽²⁾ OJ L 327, 16.12.2003, p. 3.

Article 1

Article 15 of Decision 2003/479/EC is hereby amended as follows:

1. paragraph 1 shall be replaced by the following:

'1. A SNE shall be entitled to a daily subsistence allowance throughout the period of secondment. Where the distance between the place of residence and the place of secondment is 150 km or less, the daily allowance shall be EUR 27,96. Where the distance is more than 150 km, the daily allowance shall be EUR 111,83;'

2. paragraph 2 shall be replaced by the following:

'2. If the SNE has not received removal expenses from either the GSC or from the employer, an additional monthly allowance shall be paid as shown in the table below:

Distance between place of recruitment and place of secondment (km)	Amount in euro
0-150	0
> 150	71,89
> 300	127,80
> 500	207,68
> 800	335,48
> 1 300	527,18
> 2 000	631,03

This allowance shall be paid monthly in arrears;'

3. paragraph 4 shall be replaced by the following:

‘4. SNEs who during the three years ending six months before the secondment habitually resided or pursued their principal professional activity at a location situated at a distance of 150 km or less from the place of secondment shall receive a daily subsistence allowance of EUR 27,96. For the purpose of this provision, circumstances arising from work done by SNEs for a State other than that of the place of secondment or for an international organisation shall not be taken into account.’

Article 2

This Decision shall take effect on the first day of the month following its adoption.

Done at Brussels, 8 March 2004.

For the Council

The President

D. AHERN

COMMISSION

COMMISSION DECISION

of 5 March 2004

amending Decisions 92/260/EEC and 93/197/EEC as regards the temporary admission and imports into the European Union of registered horses from South Africa

(notified under document number C(2004) 668)

(Text with EEA relevance)

(2004/241/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Directive 90/426/EEC of 26 June 1990 on animal health conditions governing the movement and import from third countries of equidae ⁽¹⁾, and in particular Article 15(a) and Article 16 thereof,

Whereas:

- (1) Commission Decision 92/260/EEC ⁽²⁾ lays down the animal health conditions and veterinary certification for temporary admission of registered horses. It sets out a specimen animal health certificate for the temporary admission of registered horses into the European Union from South Africa.
- (2) Commission Decision 93/197/EEC ⁽³⁾ lays down the animal health conditions and veterinary certification for imports of registered equidae and equidae for breeding and production. It sets out a specimen animal health certificate for imports into the European Union of registered horses from South Africa.
- (3) Commission Decision 97/10/EC ⁽⁴⁾ applies to the regionalisation of South Africa in respect of the temporary admission and imports into the Community of registered horses. The additional guarantees laid down in Decision 97/10/EC have recently been amended by Commission Decision 2004/117/EC.
- (4) In the interests of consistency the requirements for information on the African horse sickness vaccination status of the certified horses set out in the specimen animal health certificates provided for in Decisions 92/260/EEC and 93/197/EEC should be aligned to the additional guarantees provided for in Decision 97/10/EC.
- (5) Decisions 92/260/EEC and 93/197/EEC should therefore be amended accordingly.
- (6) The measures provided for in this Decision are in accordance with the opinion of the Standing Committee on the Food Chain and Animal Health,

⁽¹⁾ OJ L 224, 18.8.1990, p. 42. Directive as last amended by Regulation (EC) No 806/2003 (OJ L 122, 16.5.2003, p. 1).

⁽²⁾ OJ L 130, 15.5.1992, p. 67. Decision as last amended by Decision 2004/117/EC (OJ L 36, 7.2.2004, p. 20).

⁽³⁾ OJ L 86, 6.4.1993, p. 16. Decision as last amended by Decision 2004/117/EC.

⁽⁴⁾ OJ L 3, 7.1.1997, p. 9. Decision as last amended by Decision 2004/117/EC.

HAS ADOPTED THIS DECISION:

Article 1

Point (g) in Section III of the specimen animal health certificate F set out in Annex II to Decision 92/260/EEC is replaced by the following:

- ‘(g) does not come from the territory of a country ⁽¹⁾ considered, in accordance with EC legislation, as infected with African horse sickness and was either:
- not vaccinated against African horse sickness ⁽³⁾,
 - or
 - was vaccinated against African horse sickness on ⁽⁵⁾, at least 80 days prior to pre-export isolation ⁽³⁾ ⁽⁴⁾.’

Article 2

Point (g) in Section III of the specimen health certificate F set out in Annex II to Decision 93/197/EEC is replaced by the following:

- ‘(g) does not come from the territory of a country ⁽¹⁾ considered, in accordance with EC legislation, as infected with African horse sickness and was either:
- not vaccinated against African horse sickness ⁽³⁾,
 - or
 - was vaccinated against African horse sickness on ⁽⁵⁾, at least 80 days prior to pre-export isolation ⁽³⁾ ⁽⁴⁾.’

Article 3

This Decision is addressed to the Member States.

Done at Brussels, 5 March 2004.

For the Commission

David BYRNE

Member of the Commission

COMMISSION DECISION
of 11 March 2004
concerning protection measures in relation to highly pathogenic avian influenza in Canada

(notified under document number C(2004) 849)

(Text with EEA relevance)

(2004/242/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Directive 91/496/EEC/EEC of 15 July 1991 laying down the principles governing the organisation of veterinary checks on animals entering the Community from third countries and amending Directives 89/662/EEC, 90/425/EEC and 90/675/EEC ⁽¹⁾, and in particular Article 18(1) thereof,

Having regard to Council Directive 97/78/EC of 18 December 1997 laying down the principles governing the organisation of veterinary checks on products entering the Community from third countries ⁽²⁾, and in particular Article 22(1) thereof,

Whereas:

- (1) Avian influenza is a highly contagious viral disease in poultry and birds, which can quickly take epizootic proportions liable to present a serious threat to animal and public health and to reduce sharply the profitability of poultry farming.
- (2) There is a risk that the disease agent might be introduced via international trade in live poultry and poultry products.
- (3) On 9 March 2004 Canada has confirmed one outbreak of highly pathogenic avian influenza in a poultry flock in the State of British Columbia (Fraser Valley).
- (4) The detected avian influenza virus strain is of subtype H7N3 and therefore different from the strain currently causing the epidemic in Asia. Current knowledge suggests that the risk for public health in relation to this subtype is inferior to the risk of the strain circulating in Asia, which is an H5N1 virus subtype.
- (5) However, in view of the animal health risk of disease introduction into the Community, it is appropriate as an immediate measure to suspend imports of live poultry, ratites, farmed and wild feathered game birds and hatching eggs of these species from Canada.

(6) In accordance with Commission Decision 2000/666/EC ⁽³⁾ importation of birds other than poultry is authorised from all member countries of the OIE (World Organisation for Animal Health) subject to animal health guarantees provided by the country of origin, and to strict post-import quarantine measures in the Member States.

(7) However, the importation of birds other than poultry, and also of pet birds accompanying their owners into the Community from Canada should be suspended as an additional measure in order to exclude any possible risk for disease occurrence in quarantine stations under the authority of the Member States.

(8) Furthermore the importation into the Community from Canada should be suspended for fresh meat of poultry, ratites, wild and farmed feathered game, meat preparations and meat products consisting of, or containing meat of those species, obtained from birds slaughtered after 17 February 2004 and of eggs for human consumption.

(9) Commission Decision 97/222/EC ⁽⁴⁾, lays down the list of third countries from which Member States may authorise the importation of meat products, and establishes treatment regimes in order to prevent the risk of disease transmission via such products. The treatment that must be applied to the product depends on the health status of the country of origin, in relation to the species the meat is obtained from; in order to avoid an unnecessary burden on trade, imports of poultry meat products originating in Canada treated to a temperature of at least 70 °C throughout the product should continue to be authorised.

(10) Sanitary control measures applicable to such products allow the exclusion from the scope of this Decision of channelled imports of raw material for the manufacture of animal feedingstuffs and pharmaceutical or technical products.

⁽¹⁾ OJ L 268, 24.9.1991, p. 56; Directive as amended by Directive 91/43/EC (OJ L 162, 1.7.1996, p. 1).

⁽²⁾ OJ L 24, 30.1.1998, p. 9.

⁽³⁾ OJ L 278, 31.10.2000, p. 26, as last amended by Decision 2002/279/EC (OJ L 99, 16.4.2002, p. 17).

⁽⁴⁾ OJ L 98, 4.4.1997, p. 39, as last amended by Decision 2004/118/EC (OJ L 36, 7.2.2004, p. 34).

- (11) Canada has signed an Agreement with the European Community on sanitary measures to protect public and animal health in trade in live animals and animal products ⁽¹⁾.
- (12) As soon as Canada has communicated further information on the disease situation and the control measures taken in this respect the measures taken on Community level in relation to this outbreak should be reviewed.
- (13) The revision of the Decision should take into account the regionalisation measures proposed by the veterinary authorities of Canada in accordance with the provisions in the Veterinary Agreement.
- (14) The provisions of this Decision will be reviewed at the meeting of the Standing Committee on the Food Chain and Animal Health scheduled for 22 March 2004,

HAS ADOPTED THIS DECISION:

Article 1

Member States shall suspend the importation from the territory of Canada of:

- live poultry, ratites, farmed and wild feathered game and hatching eggs of these species,
- birds other than poultry including pet birds accompanying their owners, and of
- eggs for human consumption.

Article 2

Member States shall suspend the importation from the territory of Canada of:

- fresh meat of poultry, ratites, farmed and wild feathered game, and of
- meat preparations and meat products consisting of, or containing meat of those species.

Article 3

1. By derogation from Article 2, Member States shall authorise the importation of the products covered by this Article which have been obtained from birds slaughtered before 17 February 2004.

2. In the veterinary certificates accompanying consignments of the products mentioned in paragraph 1 the following words as appropriate to the species shall be included:

‘Fresh poultrymeat/Fresh ratite meat/Fresh meat of wild feathered game/Fresh meat of farmed feathered game/meat product consisting of, or containing meat of poultry, ratites, farmed or wild feathered game meat/meat preparation consisting of, or containing meat of poultry, ratites, farmed or wild feathered game meat (*) obtained from birds slaughtered before 17 February 2004 and in accordance with Article 3 (1) of Decision 2004/242/EC.

(*) Delete as appropriate.’

3. By derogation from Article 2, Member States shall authorise the importation of meat products consisting of, or containing meat of poultry, ratites, farmed and wild feathered game, when the meat of these species has undergone one of the specific treatments referred to under points B, C or D in part IV of the Annex to Commission Decision 97/222/EC.

Article 4

The Member States shall amend the measures they apply to imports so as to bring them into compliance with this Decision and they shall give immediate appropriate publicity to the measures adopted. They shall immediately inform the Commission thereof.

Article 5

This Decision shall be reviewed in the light of the disease evolution and information supplied by the veterinary authorities of Canada.

Article 6

This Decision shall apply until 6 April 2004.

Article 7

This Decision is addressed to the Member States.

Done at Brussels, 11 March 2004.

For the Commission

David BYRNE

Member of the Commission

⁽¹⁾ Council Decision 1999/201/EC of 14 December 1998 published in the OJ L 71, 18.3.1999, p. 3.

DECISION No 2/2004**of 10 February 2004**

of the Committee established under the Agreement between the European Community and the Swiss Confederation on Mutual Recognition in relation to Conformity Assessment on the removal of Conformity Assessment Bodies from the Chapter for measuring instruments and prepackages and from the Chapter for electrical equipment and electromagnetic compatibility

(2004/243/EC)

THE COMMITTEE,

Having regard to the Agreement between the European Community and the Swiss Confederation on Mutual Recognition in relation to Conformity Assessment (the Agreement) signed on 21 June 1999, and in particular Article 10.4(b) and 11 thereof,

Whereas the Agreement entered into force on 1 June 2002,

Whereas the Committee is to take a decision to remove a Conformity Assessment Body or Bodies under a Sectoral Chapter of the Annex 1 of the Agreement,

HAS DECIDED AS FOLLOWS:

1. The Conformity Assessment Body in Annex A is removed from the list of EC Conformity Assessment Bodies under the Sectoral Chapter for electrical equipment and electro-magnetic compatibility in Annex 1 of the Agreement.
2. The Conformity Assessment Bodies in Annex B are removed from the list of Swiss Conformity Assessment Bodies under the Sectoral Chapter for measuring instruments and prepackages in Annex 1 of the Agreement.
3. This Decision, done in duplicate, shall be signed by the Co-Chairs or other persons authorised to act on behalf of the Parties. This Decision shall be effective from the date of the later of these signatures.

Done at Bern, 10 February 2004.

On behalf of the Swiss Confederation

Heinz HERTIG

Done at Brussels, 2 February 2004.

On behalf of the European Community

Joanna KIOUSSI

ANNEX A

Conformity Assessment Body removed from the list of EC Conformity Assessment Bodies recognised under Chapter 9 on electrical equipment and electromagnetic compatibility in Annex 1 of the Agreement:

- CEIS (Centro de Ensayos, Innovacion y Servicios)

ANNEX B

Conformity Assessment Bodies removed from the list of Swiss Conformity Assessment Bodies recognised under Chapter 11 on measuring instruments and prepackages in Annex 1 of the Agreement:

- Industrielle Werke Basel IWB
- Mettler Toledo GmbH
- Wohlgroth AG
- Schweiz. Vereinigung für Qualitäts- und Management-Systeme (SQS)
