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Contents

I Acts whose publication is obligatory

- Commission Regulation (EC) No 241/2004 of 12 February 2004 establishing the standard import values for determining the entry price of certain fruit and vegetables 1
- ★ **Commission Regulation (EC) No 242/2004 of 12 February 2004 amending Regulation (EC) No 466/2001 as regards inorganic tin in foods ⁽¹⁾** 3
- Commission Regulation (EC) No 243/2004 of 12 February 2004 fixing the export refunds on milk and milk products 5
- Commission Regulation (EC) No 244/2004 of 12 February 2004 on the issue of system B export licences in the fruit and vegetables sector (tomatoes and lemons) 11
- Commission Regulation (EC) No 245/2004 of 12 February 2004 correcting Regulation (EC) No 192/2004 on granting of import licences for cane sugar for the purposes of certain tariff quotas and preferential agreements 12
- Commission Regulation (EC) No 246/2004 of 12 February 2004 fixing the maximum export refund on oats in connection with the invitation to tender issued in Regulation (EC) No 1814/2003 14
- Commission Regulation (EC) No 247/2004 of 12 February 2004 concerning tenders notified in response to the invitation to tender for the import of maize issued in Regulation (EC) No 2315/2003 15
- ★ **Commission Directive 2004/16/EC of 12 February 2004 laying down the sampling methods and the methods of analysis for the official control of the levels of tin in canned foods ⁽¹⁾** 16

I

(Acts whose publication is obligatory)

COMMISSION REGULATION (EC) No 241/2004
of 12 February 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 13 February 2004.

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

Done at Brussels, 12 February 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 12 February 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	86,2
	204	48,6
	212	122,4
	999	85,7
0707 00 05	052	175,4
	204	46,0
	999	110,7
0709 10 00	204	13,5
	220	80,1
	999	46,8
0709 90 70	052	98,3
	204	42,8
	999	70,6
0805 10 10, 0805 10 30, 0805 10 50	052	44,5
	204	52,2
	212	51,7
	220	55,5
	624	56,3
	999	52,0
0805 20 10	204	100,9
	999	100,9
0805 20 30, 0805 20 50, 0805 20 70, 0805 20 90	052	79,9
	204	106,9
	220	73,6
	400	58,9
	464	73,8
	600	73,5
	624	73,2
	999	77,1
0805 50 10	052	66,2
	600	51,3
	999	58,8
0808 10 20, 0808 10 50, 0808 10 90	060	47,9
	400	99,8
	404	111,0
	528	95,0
	720	70,8
	999	84,9
0808 20 50	060	63,8
	388	94,3
	400	88,2
	528	91,9
	720	34,6
	999	74,6

⁽¹⁾ Country nomenclature as fixed by Commission Regulation (EC) No 2020/2001 (OJ L 273, 16.10.2001, p. 6). Code '999' stands for 'of other origin'.

COMMISSION REGULATION (EC) No 242/2004
of 12 February 2004
amending Regulation (EC) No 466/2001 as regards inorganic tin in foods
(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⁾, as last amended by Regulation (EC) No 2174/2003 ⁽³⁾, sets maximum levels for certain contaminants in foodstuffs.
- (2) Commission Directive 91/321/EEC of 14 May 1991 on infant formula and follow-on formula ⁽⁴⁾ as last amended by Directive 2003/14/EC ⁽⁵⁾ provides that infant formulae and follow-on formulae must not contain any substance in such quantity as to endanger the health of infants and young children and that necessary maximum levels for such substances are to be established without delay.
- (3) Commission Directive 96/5/EC of 16 February 1996 on processed cereal-based foods and baby foods for infants and young children ⁽⁶⁾, as last amended by Directive 2003/13/EC ⁽⁷⁾, provides that processed cereal-based foods and baby foods must not contain any substance in such quantity as to endanger the health of infants and young children and that necessary maximum levels for such substances are to be established without delay.
- (4) Some Member States have adopted maximum levels for inorganic tin in foods. In view of the disparities between Member States and the consequent risk of distortion of competition, Community measures are necessary in order to ensure market unity whilst abiding by the principle of proportionality.
- (5) The Scientific Committee on Food concluded in its opinion of 12 December 2001 that levels of inorganic tin of 150 mg/kg in canned beverages and 250 mg/kg in other canned foods may cause gastric irritation in

some individuals. Information is not available to indicate whether or not infants and young children might be at greater risk.

- (6) To protect public health from this acute health risk it is necessary to set maximum levels for inorganic tin in canned foods and canned beverages. Until data becomes available on the sensitivity of infants and young children to inorganic tin in foods, it is necessary on a precautionary basis to protect the health of this vulnerable population group. Lower maximum levels are necessary, which are achievable through the strictly controlled manufacturing and packaging of infant formulae, follow-on formulae, baby foods and processed cereal-based foods for infants and young children.
- (7) Regulation (EC) No 466/2001 should be amended accordingly.
- (8) 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

Annex I to Regulation (EC) No 466/2001 is amended as set out in the Annex to this Regulation.

Article 2

The Commission shall review the maximum levels for inorganic tin as set in points 1 and 2 of the Annex to this Regulation by 1 January 2006 taking into account the progress in scientific and technological knowledge.

Article 3

This Regulation shall enter into force on the 20th day following that of its publication in the *Official Journal of the European Union*.

⁽¹⁾ OJ L 37, 13.2.1993, p. 1.

⁽²⁾ OJ L 77, 16.3.2001, p. 1.

⁽³⁾ OJ L 326, 13.12.2003, p. 12.

⁽⁴⁾ OJ L 175, 4.7.1991, p. 35.

⁽⁵⁾ OJ L 41, 14.2.2003, p. 37.

⁽⁶⁾ OJ L 49, 28.2.1996, p. 17.

⁽⁷⁾ OJ L 41, 14.2.2003, p. 33.

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

Done at Brussels, 12 February 2004.

For the Commission

David BYRNE

Member of the Commission

ANNEX

In Annex I to Regulation (EC) No 466/2001 the following Section 6 is added:

'Section 6: Tin (inorganic)

Product	Maximum level (mg/kg wet weight)	Performance criteria for sampling	Performance criteria for methods of analysis
1. Canned foods other than beverages	200	Commission Directive 2004/16/EC (*)	Directive 2004/16/EC
2. Canned beverages, including fruit juices and vegetable juices	100	Directive 2004/16/EC	Directive 2004/16/EC
3. Canned foods for infants and young children, excluding dried and powdered products:			
3.1. Canned baby foods and processed cereal-based foods for infants and young children ⁽¹⁾	50	Directive 2004/16/EC	Directive 2004/16/EC
3.2. Canned infant formulae and follow-on formulae, including infant milk and follow-on milk ⁽²⁾	50	Directive 2004/16/EC	Directive 2004/16/EC
3.3. Canned dietary foods for special medical purposes ⁽³⁾ intended specifically for infants	50	Directive 2004/16/EC	Directive 2004/16/EC

(*) See page 16 of this Official Journal.

⁽¹⁾ Baby foods and processed cereal-based foods for infants and young children as defined in Article 1 of Directive 96/5/EC. The maximum level refers to the product as sold.

⁽²⁾ Infant formulae and follow-on formulae as defined in Article 1 of Directive 91/321/EEC. The maximum level refers to the product as sold.

⁽³⁾ Dietary foods for special medical purposes as defined in Article 1(2) of Commission Directive 1999/21/EC of 25 March 1999 on dietary foods for special medical purposes (OJ L 91, 7.4.1999, p. 29). The maximum level refers to the product as sold.'

COMMISSION REGULATION (EC) No 243/2004
of 12 February 2004
fixing the export refunds on milk and milk products

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 1255/1999 of 17 May 1999 on the common organisation of the market in milk and milk products ⁽¹⁾, as last amended by Commission Regulation (EC) No 186/2004 ⁽²⁾, and in particular Article 31(3) thereof,

Whereas:

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

(2) Regulation (EC) No 1255/1999 provides that when the refunds on the products listed in Article 1 of the 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 ⁽³⁾, as last amended by Regulation (EC) No 1948/2003 ⁽⁴⁾, the refund granted for milk products containing added sugar is equal to the sum of the two components; one is intended to take account of the quantity of milk products and is calculated by multiplying the basic amount by the milk products content in the product concerned; the other is intended to take account of the quantity of added sucrose and is calculated by multiplying the sucrose content of the entire product by the basic amount of the refund valid on the day of exportation for the products listed in Article 1(1)(d) of Council Regulation (EC) No 1260/2001 of 19 June 2001 on the common organisation of the markets in the sugar sector ⁽⁵⁾, as amended by Commission Regulation (EC) No 39/2004 ⁽⁶⁾, however, this second component is applied only if the added sucrose has been produced using sugar beet or cane harvested in the Community.

⁽¹⁾ OJ L 160, 26.6.1999, p. 48.

⁽²⁾ OJ L 29, 3.2.2004, p. 6.

⁽³⁾ OJ L 20, 27.1.1999, p. 8.

⁽⁴⁾ OJ L 287, 5.11.2003, p. 13.

⁽⁵⁾ OJ L 178, 30.6.2001, p. 1.

⁽⁶⁾ OJ L 6, 10.1.2004, p. 16.

- (7) Commission Regulation (EEC) No 896/84 ⁽¹⁾, as last amended by Regulation (EEC) No 222/88 ⁽²⁾, laid down additional provisions concerning the granting of refunds on the change from one milk year to another; those provisions provide for the possibility of varying refunds according to the date of manufacture of the products.
- (8) For the calculation of the refund for processed cheese provision must be made where casein or caseinates are added for that quantity not to be taken into account.
- (9) It follows from applying the rules set out above to the present situation on the market in milk and in particular to quotations or prices for milk products within the Community and on the world market that the refund should be as set out in the Annex to this Regulation.

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

HAS ADOPTED THIS REGULATION:

Article 1

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

Article 2

This Regulation shall enter into force on 13 February 2004.

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

Done at Brussels, 12 February 2004.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ L 91, 1.4.1984, p. 71.

⁽²⁾ OJ L 28, 1.2.1988, p. 1.

ANNEX

to the Commission Regulation of 12 February 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 91 39 9300	L07	EUR/100 kg	8,969
0401 10 90 9000	970	EUR/100 kg	1,911	0402 91 99 9000	L07	EUR/100 kg	37,96
0401 20 11 9100	970	EUR/100 kg	0,000	0402 99 11 9350	L07	EUR/kg	0,1941
0401 20 11 9500	970	EUR/100 kg	2,953	0402 99 19 9350	L07	EUR/kg	0,1941
0401 20 19 9100	970	EUR/100 kg	0,000	0402 99 31 9150	L07	EUR/kg	0,2014
0401 20 19 9500	970	EUR/100 kg	2,953	0402 99 31 9300	L07	EUR/kg	0,2271
0401 20 91 9000	970	EUR/100 kg	3,737	0402 99 31 9500	L07	EUR/kg	0,0000
0401 20 99 9000	970	EUR/100 kg	0,000	0402 99 39 9150	L07	EUR/kg	0,2014
0401 30 11 9400	970	EUR/100 kg	8,624	0403 90 11 9000	L07	EUR/100 kg	63,59
0401 30 11 9700	970	EUR/100 kg	12,95	0403 90 13 9200	L07	EUR/100 kg	63,59
0401 30 19 9700	970	EUR/100 kg	0,00	0403 90 13 9300	L07	EUR/100 kg	92,23
0401 30 31 9100	L06	EUR/100 kg	31,46	0403 90 13 9500	L07	EUR/100 kg	96,26
0401 30 31 9400	L06	EUR/100 kg	49,14	0403 90 13 9900	L07	EUR/100 kg	102,58
0401 30 31 9700	L06	EUR/100 kg	54,20	0403 90 19 9000	L07	EUR/100 kg	103,20
0401 30 39 9100	L06	EUR/100 kg	31,46	0403 90 33 9400	L07	EUR/kg	0,9223
0401 30 39 9400	L06	EUR/100 kg	49,14	0403 90 33 9900	L07	EUR/kg	1,0258
0401 30 39 9700	L06	EUR/100 kg	54,20	0403 90 51 9100	970	EUR/100 kg	1,911
0401 30 91 9100	L06	EUR/100 kg	61,77	0403 90 59 9170	970	EUR/100 kg	12,95
0401 30 91 9500	L06	EUR/100 kg	0,00	0403 90 59 9310	L07	EUR/100 kg	31,46
0401 30 99 9100	L06	EUR/100 kg	61,77	0403 90 59 9340	L07	EUR/100 kg	46,03
0401 30 99 9500	L06	EUR/100 kg	90,78	0403 90 59 9370	L07	EUR/100 kg	46,03
0402 10 11 9000	L07	EUR/100 kg	64,50	0403 90 59 9510	L07	EUR/100 kg	46,03
0402 10 19 9000	L07	EUR/100 kg	64,50	0404 90 21 9120	L07	EUR/100 kg	55,02
0402 10 91 9000	L07	EUR/kg	0,6450	0404 90 21 9160	L07	EUR/100 kg	64,50
0402 10 99 9000	L07	EUR/kg	0,6450	0404 90 23 9120	L07	EUR/100 kg	64,50
0402 21 11 9200	L07	EUR/100 kg	64,50	0404 90 23 9130	L07	EUR/100 kg	93,05
0402 21 11 9300	L07	EUR/100 kg	93,05	0404 90 23 9140	L07	EUR/100 kg	97,12
0402 21 11 9500	L07	EUR/100 kg	97,12	0404 90 23 9150	L07	EUR/100 kg	103,50
0402 21 11 9900	L07	EUR/100 kg	103,50	0404 90 29 9110	L07	EUR/100 kg	104,14
0402 21 17 9000	L07	EUR/100 kg	64,50	0404 90 29 9115	L07	EUR/100 kg	104,76
0402 21 19 9300	L07	EUR/100 kg	93,05	0404 90 29 9125	L07	EUR/100 kg	105,83
0402 21 19 9500	L07	EUR/100 kg	97,12	0404 90 29 9140	L07	EUR/100 kg	113,74
0402 21 19 9900	L07	EUR/100 kg	103,50	0404 90 81 9100	L07	EUR/kg	0,6450
0402 21 91 9100	L07	EUR/100 kg	104,14	0404 90 83 9110	L07	EUR/kg	0,6450
0402 21 91 9200	L07	EUR/100 kg	104,76	0404 90 83 9130	L07	EUR/kg	0,9305
0402 21 91 9350	L07	EUR/100 kg	105,83	0404 90 83 9150	L07	EUR/kg	0,9712
0402 21 91 9500	L07	EUR/100 kg	113,74	0404 90 83 9170	L07	EUR/kg	1,0350
0402 21 99 9100	L07	EUR/100 kg	104,14	0404 90 83 9936	L07	EUR/kg	0,1941
0402 21 99 9200	L07	EUR/100 kg	104,76	0405 10 11 9500	L05	EUR/100 kg	173,66
0402 21 99 9300	L07	EUR/100 kg	105,83	0405 10 11 9700	L05	EUR/100 kg	178,00
0402 21 99 9400	L07	EUR/100 kg	111,70	0405 10 19 9500	L05	EUR/100 kg	173,66
0402 21 99 9500	L07	EUR/100 kg	113,74	0405 10 19 9700	L05	EUR/100 kg	178,00
0402 21 99 9600	L07	EUR/100 kg	121,76	0405 10 30 9100	L05	EUR/100 kg	173,66
0402 21 99 9700	L07	EUR/100 kg	126,30	0405 10 30 9300	L05	EUR/100 kg	178,00
0402 21 99 9900	L07	EUR/100 kg	131,56	0405 10 30 9700	L05	EUR/100 kg	178,00
0402 29 15 9200	L07	EUR/kg	0,6450	0405 10 50 9300	L05	EUR/100 kg	178,00
0402 29 15 9300	L07	EUR/kg	0,9305	0405 10 50 9500	L05	EUR/100 kg	173,66
0402 29 15 9500	L07	EUR/kg	0,9712	0405 10 50 9700	L05	EUR/100 kg	178,00
0402 29 15 9900	L07	EUR/kg	1,0350	0405 10 90 9000	L05	EUR/100 kg	184,52
0402 29 19 9300	L07	EUR/kg	0,9305	0405 20 90 9500	L05	EUR/100 kg	162,82
0402 29 19 9500	L07	EUR/kg	0,9712	0405 20 90 9700	L05	EUR/100 kg	169,32
0402 29 19 9900	L07	EUR/kg	1,0350	0405 90 10 9000	L05	EUR/100 kg	222,55
0402 29 91 9000	L07	EUR/kg	1,0414	0405 90 90 9000	L05	EUR/100 kg	178,00
0402 29 99 9100	L07	EUR/kg	1,0414	0406 10 20 9100	A00	EUR/100 kg	—
0402 29 99 9500	L07	EUR/kg	1,1170	0406 10 20 9230	L03	EUR/100 kg	—
0402 91 11 9370	L07	EUR/100 kg	7,589		L04	EUR/100 kg	27,02
0402 91 19 9370	L07	EUR/100 kg	7,589		075	EUR/100 kg	28,71
0402 91 31 9300	L07	EUR/100 kg	8,969		400	EUR/100 kg	—
					A01	EUR/100 kg	33,77

Product code	Destination	Unit of measurement	Amount of refund	Product code	Destination	Unit of measurement	Amount of refund
0406 10 20 9290	L03	EUR/100 kg	—	0406 20 90 9919	L03	EUR/100 kg	—
	L04	EUR/100 kg	25,14		L04	EUR/100 kg	66,03
	075	EUR/100 kg	26,70		075	EUR/100 kg	70,18
	400	EUR/100 kg	—		400	EUR/100 kg	24,32
	A01	EUR/100 kg	31,42		A01	EUR/100 kg	82,56
0406 10 20 9300	L03	EUR/100 kg	—	0406 20 90 9990	A00	EUR/100 kg	—
	L04	EUR/100 kg	11,03		L03	EUR/100 kg	—
	075	EUR/100 kg	11,71		L04	EUR/100 kg	5,56
	400	EUR/100 kg	—		075	EUR/100 kg	11,05
	A01	EUR/100 kg	13,78		400	EUR/100 kg	—
0406 10 20 9610	L03	EUR/100 kg	—	0406 30 31 9730	A01	EUR/100 kg	13,00
	L04	EUR/100 kg	36,65		L03	EUR/100 kg	—
	075	EUR/100 kg	38,94		L04	EUR/100 kg	8,14
	400	EUR/100 kg	—		075	EUR/100 kg	16,22
	A01	EUR/100 kg	45,81		400	EUR/100 kg	—
0406 10 20 9620	L03	EUR/100 kg	—	0406 30 31 9910	A01	EUR/100 kg	19,08
	L04	EUR/100 kg	37,17		L03	EUR/100 kg	—
	075	EUR/100 kg	39,49		L04	EUR/100 kg	5,56
	400	EUR/100 kg	—		075	EUR/100 kg	11,05
	A01	EUR/100 kg	46,46		400	EUR/100 kg	—
0406 10 20 9630	L03	EUR/100 kg	—	0406 30 31 9930	A01	EUR/100 kg	13,00
	L04	EUR/100 kg	41,50		L03	EUR/100 kg	—
	075	EUR/100 kg	44,08		L04	EUR/100 kg	8,14
	400	EUR/100 kg	—		075	EUR/100 kg	16,22
	A01	EUR/100 kg	51,86		400	EUR/100 kg	—
0406 10 20 9640	L03	EUR/100 kg	—	0406 30 31 9950	A01	EUR/100 kg	19,08
	L04	EUR/100 kg	60,97		L03	EUR/100 kg	—
	075	EUR/100 kg	64,79		L04	EUR/100 kg	11,84
	400	EUR/100 kg	—		075	EUR/100 kg	23,59
	A01	EUR/100 kg	76,22		400	EUR/100 kg	—
0406 10 20 9650	L03	EUR/100 kg	—	0406 30 39 9500	A01	EUR/100 kg	27,75
	L04	EUR/100 kg	50,81		L03	EUR/100 kg	—
	075	EUR/100 kg	53,98		L04	EUR/100 kg	8,14
	400	EUR/100 kg	—		075	EUR/100 kg	16,22
	A01	EUR/100 kg	63,51		400	EUR/100 kg	—
0406 10 20 9660	A00	EUR/100 kg	—	0406 30 39 9700	A01	EUR/100 kg	19,08
0406 10 20 9830	L03	EUR/100 kg	—		L03	EUR/100 kg	—
	L04	EUR/100 kg	18,85		L04	EUR/100 kg	11,84
	075	EUR/100 kg	20,03		075	EUR/100 kg	23,59
	400	EUR/100 kg	—		400	EUR/100 kg	—
0406 10 20 9850	A01	EUR/100 kg	23,56		A01	EUR/100 kg	27,75
	L03	EUR/100 kg	—	0406 30 39 9930	L03	EUR/100 kg	—
	L04	EUR/100 kg	22,85		L04	EUR/100 kg	11,84
	075	EUR/100 kg	24,28		075	EUR/100 kg	23,59
	400	EUR/100 kg	—		400	EUR/100 kg	—
0406 10 20 9870	A01	EUR/100 kg	28,57		A01	EUR/100 kg	27,75
	A00	EUR/100 kg	—	0406 30 39 9950	L03	EUR/100 kg	—
	A00	EUR/100 kg	—		L04	EUR/100 kg	13,39
	A00	EUR/100 kg	—		075	EUR/100 kg	26,67
	L03	EUR/100 kg	—		400	EUR/100 kg	—
0406 20 90 9100	L04	EUR/100 kg	42,13		A01	EUR/100 kg	31,37
	075	EUR/100 kg	44,76	0406 30 90 9000	L03	EUR/100 kg	—
	400	EUR/100 kg	15,39		L04	EUR/100 kg	14,04
	A01	EUR/100 kg	52,67		075	EUR/100 kg	27,97
	A01	EUR/100 kg	52,67		400	EUR/100 kg	—
0406 20 90 9915	L03	EUR/100 kg	—		A01	EUR/100 kg	32,91
	L04	EUR/100 kg	55,61	0406 40 50 9000	L03	EUR/100 kg	—
	075	EUR/100 kg	59,09		L04	EUR/100 kg	64,53
	400	EUR/100 kg	20,51		075	EUR/100 kg	68,57
	A01	EUR/100 kg	69,52		400	EUR/100 kg	—
0406 20 90 9917	L03	EUR/100 kg	—		A01	EUR/100 kg	80,67
	L04	EUR/100 kg	59,10	0406 40 90 9000	L03	EUR/100 kg	—
	075	EUR/100 kg	62,80		L04	EUR/100 kg	66,27
	400	EUR/100 kg	21,80		075	EUR/100 kg	70,40
	A01	EUR/100 kg	73,87		400	EUR/100 kg	—
	L03	EUR/100 kg	—		A01	EUR/100 kg	82,83
	L04	EUR/100 kg	59,10	0406 90 13 9000	L03	EUR/100 kg	—
	075	EUR/100 kg	62,80		L04	EUR/100 kg	72,87
	400	EUR/100 kg	21,80		075	EUR/100 kg	88,65
	A01	EUR/100 kg	73,87		400	EUR/100 kg	29,31
	L03	EUR/100 kg	—		A01	EUR/100 kg	104,30
	L04	EUR/100 kg	59,10				
	075	EUR/100 kg	62,80				
	400	EUR/100 kg	21,80				
	A01	EUR/100 kg	73,87				

Product code	Destination	Unit of measurement	Amount of refund	Product code	Destination	Unit of measurement	Amount of refund	
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	—	0406 90 63 9900	L03	EUR/100 kg	—	
	L04	EUR/100 kg	75,30		L04	EUR/100 kg	76,80	
	075	EUR/100 kg	91,61		075	EUR/100 kg	94,61	
	400	EUR/100 kg	30,21		400	EUR/100 kg	23,80	
	A01	EUR/100 kg	107,78		A01	EUR/100 kg	111,30	
0406 90 21 9900	L03	EUR/100 kg	—	0406 90 69 9100	A00	EUR/100 kg	—	
	L04	EUR/100 kg	73,79		0406 90 69 9910	L03	EUR/100 kg	—
	075	EUR/100 kg	89,56			L04	EUR/100 kg	76,80
	400	EUR/100 kg	21,67			075	EUR/100 kg	94,61
	A01	EUR/100 kg	105,36			400	EUR/100 kg	23,80
0406 90 23 9900	L03	EUR/100 kg	—	0406 90 73 9900		A01	EUR/100 kg	111,30
	L04	EUR/100 kg	64,80		L03	EUR/100 kg	—	
	075	EUR/100 kg	79,17		L04	EUR/100 kg	66,89	
	400	EUR/100 kg	—		075	EUR/100 kg	81,45	
	A01	EUR/100 kg	93,15		400	EUR/100 kg	25,61	
0406 90 25 9900	L03	EUR/100 kg	—	0406 90 75 9900	A01	EUR/100 kg	95,83	
	L04	EUR/100 kg	64,36		L03	EUR/100 kg	—	
	075	EUR/100 kg	78,32		L04	EUR/100 kg	67,34	
	400	EUR/100 kg	—		075	EUR/100 kg	82,34	
	A01	EUR/100 kg	92,14		400	EUR/100 kg	10,81	
0406 90 27 9900	L03	EUR/100 kg	—	0406 90 76 9300	A01	EUR/100 kg	96,86	
	L04	EUR/100 kg	58,30		L03	EUR/100 kg	—	
	075	EUR/100 kg	70,93		L04	EUR/100 kg	60,72	
	400	EUR/100 kg	—		075	EUR/100 kg	73,89	
	A01	EUR/100 kg	83,45		400	EUR/100 kg	—	
0406 90 31 9119	L03	EUR/100 kg	—	0406 90 76 9400	A01	EUR/100 kg	86,93	
	L04	EUR/100 kg	53,58		L03	EUR/100 kg	—	
	075	EUR/100 kg	65,29		L04	EUR/100 kg	68,01	
	400	EUR/100 kg	12,43		075	EUR/100 kg	82,75	
	A01	EUR/100 kg	76,82		400	EUR/100 kg	11,25	
0406 90 33 9119	L03	EUR/100 kg	—	0406 90 76 9500	A01	EUR/100 kg	97,36	
	L04	EUR/100 kg	53,58		L03	EUR/100 kg	—	
	075	EUR/100 kg	65,29		L04	EUR/100 kg	64,70	
	400	EUR/100 kg	12,43		075	EUR/100 kg	78,05	
	A01	EUR/100 kg	76,82		400	EUR/100 kg	11,25	
0406 90 33 9919	L03	EUR/100 kg	—	0406 90 78 9100	A01	EUR/100 kg	91,83	
	L04	EUR/100 kg	48,96		L03	EUR/100 kg	—	
	075	EUR/100 kg	59,89		L04	EUR/100 kg	62,75	
	400	EUR/100 kg	—		075	EUR/100 kg	77,91	
	A01	EUR/100 kg	70,45		400	EUR/100 kg	—	
0406 90 33 9951	L03	EUR/100 kg	—	0406 90 78 9300	A01	EUR/100 kg	91,66	
	L04	EUR/100 kg	49,46		L03	EUR/100 kg	—	
	075	EUR/100 kg	59,93		L04	EUR/100 kg	66,53	
	400	EUR/100 kg	—		075	EUR/100 kg	80,74	
	A01	EUR/100 kg	70,50		400	EUR/100 kg	—	
0406 90 35 9190	L03	EUR/100 kg	—	0406 90 78 9500	A01	EUR/100 kg	94,99	
	L04	EUR/100 kg	75,80		L03	EUR/100 kg	—	
	075	EUR/100 kg	92,63		L04	EUR/100 kg	65,90	
	400	EUR/100 kg	29,89		075	EUR/100 kg	79,51	
	A01	EUR/100 kg	108,97		400	EUR/100 kg	—	
0406 90 35 9990	L03	EUR/100 kg	—		A01	EUR/100 kg	93,54	
	L04	EUR/100 kg	75,80					
	075	EUR/100 kg	92,63					
	400	EUR/100 kg	19,54					
	A01	EUR/100 kg	108,97					
0406 90 37 9000	L03	EUR/100 kg	—					
	L04	EUR/100 kg	72,87					
	075	EUR/100 kg	88,65					
	400	EUR/100 kg	29,31					
	A01	EUR/100 kg	104,30					
0406 90 61 9000	L03	EUR/100 kg	—					
	L04	EUR/100 kg	80,30					
	075	EUR/100 kg	98,76					
	400	EUR/100 kg	27,82					
	A01	EUR/100 kg	116,19					

Product code	Destination	Unit of measurement	Amount of refund	Product code	Destination	Unit of measurement	Amount of refund
0406 90 79 9900	L03	EUR/100 kg	—	0406 90 87 9400	L03	EUR/100 kg	—
	L04	EUR/100 kg	53,80		L04	EUR/100 kg	59,06
	075	EUR/100 kg	65,72		075	EUR/100 kg	73,39
	400	EUR/100 kg	—		400	EUR/100 kg	16,76
	A01	EUR/100 kg	77,32		A01	EUR/100 kg	86,34
0406 90 81 9900	L03	EUR/100 kg	—	0406 90 87 9951	L03	EUR/100 kg	—
	L04	EUR/100 kg	68,01		L04	EUR/100 kg	66,79
	075	EUR/100 kg	82,75		075	EUR/100 kg	81,27
	400	EUR/100 kg	23,15		400	EUR/100 kg	23,16
	A01	EUR/100 kg	97,36		A01	EUR/100 kg	95,62
0406 90 85 9930	L03	EUR/100 kg	—	0406 90 87 9971	L03	EUR/100 kg	—
	L04	EUR/100 kg	73,45		L04	EUR/100 kg	66,79
	075	EUR/100 kg	89,82		075	EUR/100 kg	81,27
	400	EUR/100 kg	28,85		400	EUR/100 kg	18,79
	A01	EUR/100 kg	105,68		A01	EUR/100 kg	95,62
0406 90 85 9970	L03	EUR/100 kg	—	0406 90 87 9972	L03	EUR/100 kg	—
	L04	EUR/100 kg	67,34		L04	EUR/100 kg	28,46
	075	EUR/100 kg	82,34		075	EUR/100 kg	34,77
	400	EUR/100 kg	25,24		400	EUR/100 kg	—
	A01	EUR/100 kg	96,86		A01	EUR/100 kg	40,91
0406 90 85 9999	A00	EUR/100 kg	—	0406 90 87 9973	L03	EUR/100 kg	—
0406 90 86 9100	A00	EUR/100 kg	—		L04	EUR/100 kg	65,59
0406 90 86 9200	L03	EUR/100 kg	—		075	EUR/100 kg	79,80
	L04	EUR/100 kg	61,79		400	EUR/100 kg	13,19
	075	EUR/100 kg	77,90		A01	EUR/100 kg	93,88
	400	EUR/100 kg	15,15	0406 90 87 9974	L03	EUR/100 kg	—
	A01	EUR/100 kg	91,65		L04	EUR/100 kg	71,18
0406 90 86 9300	L03	EUR/100 kg	—		075	EUR/100 kg	86,23
	L04	EUR/100 kg	62,68		400	EUR/100 kg	13,19
	075	EUR/100 kg	78,72		A01	EUR/100 kg	101,45
	400	EUR/100 kg	16,61	0406 90 87 9975	L03	EUR/100 kg	—
	A01	EUR/100 kg	92,61		L04	EUR/100 kg	72,60
0406 90 86 9400	L03	EUR/100 kg	—		075	EUR/100 kg	87,19
	L04	EUR/100 kg	66,59		400	EUR/100 kg	17,48
	075	EUR/100 kg	82,75		A01	EUR/100 kg	102,58
	400	EUR/100 kg	18,79	0406 90 87 9979	L03	EUR/100 kg	—
	A01	EUR/100 kg	97,36		L04	EUR/100 kg	64,80
0406 90 86 9900	L03	EUR/100 kg	—		075	EUR/100 kg	79,17
	L04	EUR/100 kg	73,45		400	EUR/100 kg	13,19
	075	EUR/100 kg	89,82		A01	EUR/100 kg	93,15
	400	EUR/100 kg	22,00	0406 90 88 9100 0406 90 88 9300	A00	EUR/100 kg	—
	A01	EUR/100 kg	105,68		L03	EUR/100 kg	—
0406 90 87 9100	A00	EUR/100 kg	—		L04	EUR/100 kg	50,84
0406 90 87 9200	L03	EUR/100 kg	—		075	EUR/100 kg	63,62
	L04	EUR/100 kg	51,50		400	EUR/100 kg	16,61
	075	EUR/100 kg	64,89		A01	EUR/100 kg	74,85
	400	EUR/100 kg	13,55				
	A01	EUR/100 kg	76,35				
0406 90 87 9300	L03	EUR/100 kg	—				
	L04	EUR/100 kg	57,55				
	075	EUR/100 kg	72,30				
	400	EUR/100 kg	15,30				
	A01	EUR/100 kg	85,05				

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:

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, Croatia, Canada, Cyprus, Australia and New Zealand,

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

L05 all destinations except Poland, Estonia, Latvia, Lithuania, Hungary, the Czech Republic, Slovakia and the United States of America,

L06 all destinations except Estonia, Latvia, Lithuania, Hungary and the United States of America,

L07 all destinations except Estonia, Latvia, Lithuania, Hungary, the Czech Republic, Slovakia and the United States of America,

'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 244/2004**of 12 February 2004****on the issue of system B export licences in the fruit and vegetables sector (tomatoes and lemons)**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 2200/96 of 28 October 1996 on the common organisation of the market in fruit and vegetables ⁽¹⁾, as last amended by Commission Regulation (EC) No 47/2003 ⁽²⁾,Having regard to Commission Regulation (EC) No 1961/2001 of 8 October 2001 on detailed rules for implementing Council Regulation (EC) No 2200/96 as regards export refunds on fruit and vegetables ⁽³⁾, as last amended by Regulation (EC) No 1176/2002 ⁽⁴⁾, and in particular Article 6(6) thereof,

Whereas:

- (1) Commission Regulation (EC) No 2214/2003 ⁽⁵⁾ fixes the indicative quantities for which system B export licences may be issued.
- (2) In the light of the information available to the Commission today, there is a risk that the indicative quantities laid down for the current export period for tomatoes

and lemons will shortly be exceeded. This overrun will prejudice the proper working of the export refund scheme in the fruit and vegetables sector.

- (3) To avoid this situation, applications for system B licences for tomatoes and lemons after 12 February 2004 should be rejected until the end of the current export period,

HAS ADOPTED THIS REGULATION:

Article 1

Applications for system B export licences for tomatoes and lemons submitted pursuant to Article 1 of Regulation (EC) No 2214/2003, export declarations for which are accepted after 12 February and before 16 March 2004, are hereby rejected.

Article 2

This Regulation shall enter into force on 13 February 2004.

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

Done at Brussels, 12 February 2004.

For the Commission

J. M. SILVA RODRÍGUEZ

Agriculture Director-General

⁽¹⁾ OJ L 297, 21.11.1996, p. 1.

⁽²⁾ OJ L 7, 11.1.2003, p. 64.

⁽³⁾ OJ L 268, 9.10.2001, p. 8.

⁽⁴⁾ OJ L 170, 29.6.2002, p. 69.

⁽⁵⁾ OJ L 332, 19.12.2003, p. 7.

COMMISSION REGULATION (EC) No 245/2004
of 12 February 2004
correcting Regulation (EC) No 192/2004 on granting of import licences for cane sugar for the
purposes of certain tariff quotas and preferential agreements

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⁾,

Having regard to Council Regulation (EC) No 1095/96 of 18 June 1996 on the implementation of the concessions set out in Schedule CXL drawn up in the wake of the conclusion of the GATT XXIV.6 negotiations ⁽²⁾,

Having regard to Commission Regulation (EC) No 1159/2003 of 30 June 2003 laying down detailed rules of application for the 2003/04, 2004/05 and 2005/06 marketing years for the import of cane sugar under certain tariff quotas and preferential agreements and amending Regulations (EC) No 1464/95 and (EC) No 779/96 ⁽³⁾, and in particular Article 5(3) thereof,

Whereas:

- (1) Commission Regulation (EC) No 192/2004 ⁽⁴⁾ lays down the quantities for which licences applied for between 26 and 30 January 2004 can be issued.

- (2) The Annex to Regulation (EC) No 192/2004 incorrectly states that the special preferential sugar quota for imports originating in India has been reached. A check of the applications for import licences shows that quantities of sugar are still available in respect of that quota.
- (3) Regulation (EC) No 192/2004 must be corrected as a result.
- (4) This correction should apply from the date of entry into force of Regulation (EC) No 192/2004,

HAS ADOPTED THIS REGULATION:

Article 1

The Annex to Regulation (EC) No 192/2004 is replaced by the Annex to this Regulation.

Article 2

This Regulation shall enter into force on the day of its publication in the *Official Journal of the European Union*.

It shall apply from 4 February 2004.

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

Done at Brussels, 12 February 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 146, 20.6.1996, p. 1.

⁽³⁾ OJ L 162, 1.7.2003, p. 25. Regulation as last amended by Regulation (EC) No 96/2004 (OJ L 15, 22.1.2004, p. 3).

⁽⁴⁾ OJ L 30, 4.2.2004, p. 4.

ANNEX

‘Corrected Annex as regards the quantities to be supplied in respect of the applications submitted from 26 to 30 January 2004

ACP — INDIA preferential sugar

Title II of Regulation (EC) No 1159/2003

2003/04 marketing year

Country	Week of 26 to 30 January 2004: percentage of requested quantity to be granted	Limit
Barbados	100	Reached
Belize	100	
Congo	0	
Fiji	100	
Guyana	100	Reached
India	0	
Côte d'Ivoire	100	
Jamaica	100	
Kenya	100	Reached
Madagascar	100	
Malawi	100	
Mauritius	100	
Saint Kitts and Nevis	100	Reached
Swaziland	100	
Tanzania	0	
Trinidad and Tobago	100	
Zambia	100	Reached
Zimbabwe	0	

Special preferential sugar

Title III of Regulation (EC) No 1159/2003

2003/04 marketing year

Country	Week of 26 to 30 January 2004: percentage of requested quantity to be granted	Limit
India	100	
Other countries	100	

CXL concessions sugar

Title IV of Regulation (EC) No 1159/2003

2003/04 marketing year

Country	Week of 26 to 30 January 2004: percentage of requested quantity to be granted	Limit
Brazil	100	
Cuba	100	
Other third countries	100'	

**COMMISSION REGULATION (EC) No 246/2004
of 12 February 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 6 to 12 February 2004, pursuant to the invitation to tender issued in Regulation (EC) No 1814/2003, the maximum refund on exportation of oats shall be EUR 17,45/t.

Article 2

This Regulation shall enter into force on 13 February 2004.

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

Done at Brussels, 12 February 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 247/2004
of 12 February 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 6 to 12 February 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 13 February 2004.

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

Done at Brussels, 12 February 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).

COMMISSION DIRECTIVE 2004/16/EC**of 12 February 2004****laying down the sampling methods and the methods of analysis for the official control of the levels of tin in canned foods****(Text with EEA relevance)**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Directive 85/591/EEC of 20 December 1985 concerning the introduction of Community methods of sampling and analysis for the monitoring of foodstuffs intended for human consumption⁽¹⁾, as amended by Regulation (EC) No 1882/2003 of the European Parliament and of the Council⁽²⁾, and in particular Article 1 thereof,

Whereas:

(4) The provisions for the sampling and methods of analysis have been drawn up on the basis of present knowledge and they may be adapted to take account of advances in scientific and technological knowledge. Methods to analyse for total tin are appropriate for controls on inorganic tin. The possible presence of organic forms of tin are considered to be negligible in relation to the maximum levels set for inorganic tin.

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

HAS ADOPTED THIS DIRECTIVE:

(1) Commission Regulation (EC) No 466/2001 of 8 March 2001 setting maximum levels for certain contaminants in foodstuffs⁽³⁾, as last amended by Regulation (EC) No 242/2004⁽⁴⁾ fixes maximum limits for inorganic tin in canned foodstuffs and makes reference to measures laying down the sampling and analysis methods to be used.

Article 1

The Member States shall take all measures necessary to ensure that the sampling for the official control of the levels of tin in foodstuffs is carried out in accordance with the methods described in Annex I to this Directive.

(2) Council Directive 93/99/EEC of 29 October 1993 on the subject of additional measures concerning the official control of foodstuffs⁽⁵⁾, as amended by Regulation (EC) No 1882/2003, introduces a system of quality standards for laboratories entrusted by the Member States with the official control of foodstuffs.

Article 2

The Member States shall take all measures necessary to ensure that sample preparation and methods of analyses used for the official control of the levels of tin in foodstuffs comply with the criteria described in Annex II to this Directive.

(3) It seems necessary to fix general criteria, which the method of analysis has to comply with in order to ensure that laboratories, in charge of the control, use methods of analysis with comparable levels of performance. It is also of major importance that analytical results are reported and interpreted in a uniform way in order to ensure a harmonised enforcement approach across the European Union. These interpretation rules are of application for the analytical result obtained on the sample for official control. In case of analysis for defence or referee purposes, the national rules apply.

Article 3

The Member States shall bring into force the laws, regulations and administrative provisions necessary to comply with the provisions of this Directive by 31 December 2004. They shall forthwith communicate to the Commission the text of those provisions and a correlation table between those provisions and this Directive.

When Member States adopt those provisions, their provisions shall contain a reference to this Directive or shall be accompanied by such a reference on the occasion of their official publication. Member States shall determine how such reference is to be made.

⁽¹⁾ OJ L 372, 31.12.1985, p. 50.

⁽²⁾ OJ L 284, 31.10.2003, p. 1.

⁽³⁾ OJ L 77, 16.3.2001, p. 1.

⁽⁴⁾ See page 3 of this Official Journal.

⁽⁵⁾ OJ L 290, 24.11.1993, p. 14.

Article 4

This Directive shall enter into force on the 20th day following its publication in the *Official Journal of the European Union*.

This Directive is addressed to the Member States.

Done at Brussels, 12 February 2004.

For the Commission

David BYRNE

Member of the Commission

ANNEX I

METHODS OF SAMPLING FOR OFFICIAL CONTROL OF THE LEVELS OF TIN IN CANNED FOODSTUFFS**1. Purpose and scope**

Samples intended for official checking of the levels of tin in canned foodstuffs shall be taken according to the methods described below. Aggregate samples thus obtained shall be considered as representative of the lots. Compliance with maximum levels laid down in Commission Regulation (EC) No 466/2001 shall be established on the basis of the levels determined in the laboratory samples.

2. Definitions

Lot: an identifiable quantity of a food commodity delivered at one time and having been determined by the official to have common characteristics, such as origin, variety, type of packing, packer, consignor or markings.

Sublot: designated part of a lot in order to apply the sampling method on that designated part. Each sublot must be physically separate and identifiable.

Incremental sample: a quantity of material taken from a single place in the lot or sublot.

Aggregate sample: the combined total of all the incremental samples taken from the lot or sublot.

Laboratory sample: sample intended for the laboratory.

3. General provisions**3.1. Personnel**

Sampling shall be performed by an authorised person as specified by the Member States.

3.2. Material to be sampled

Each lot which is to be examined must be sampled separately.

3.3. Precautions to be taken

In the course of sampling and preparation of the samples precautions must be taken to avoid any changes, which would affect the tin content, adversely affect the analytical determination or make the aggregate samples unrepresentative.

3.4. Incremental samples

As far as possible incremental samples should be taken at various places distributed throughout the lot or sublot. Departure from this procedure must be recorded in the record.

3.5. Preparation of the aggregate sample

The aggregate sample is made up by uniting all incremental samples. This aggregate sample is homogenised in the laboratory.

3.6. Replicate laboratory samples

Replicate laboratory samples for enforcement, trade (defence) and referee purposes shall be taken from the homogenised aggregate sample unless this conflicts with Member States' rules on sampling.

3.7. Packaging and transmission of samples

Each sample shall be placed in a clean, inert container offering adequate protection from contamination and against damage in transit. All necessary precautions shall be taken to avoid any change in composition of the sample, which might arise during transportation or storage.

3.8. *Sealing and labelling of samples*

Each sample taken for official use shall be sealed at the place of sampling and identified following the Member State's regulations.

A record must be kept of each sampling, permitting each lot to be identified unambiguously and giving the date and place of sampling together with any additional information likely to be of assistance to the analyst.

4. **Sampling plans**

The sampling method applied shall ensure that the aggregate sample is representative for the lot that is to be controlled.

4.1. *Number of incremental samples*

The minimum number of incremental samples to be taken from cans within a lot shall be as given in Table 1. The incremental samples taken from each can shall be of similar weight, resulting in an aggregate sample (see point 3.5).

Table 1

Number of cans (incremental samples) which shall be taken to form the aggregate sample

Number of cans in the lot or subplot	Number of cans to be taken
1 to 25	at least 1 can
26 to 100	at least 2 cans
> 100	5 cans

Note that the maximum levels apply to the contents of each can, but for feasibility of testing it is necessary to use an aggregate sampling approach. If the test result for the aggregate sample is less than but close to the maximum level and if it is suspected that individual cans might exceed the maximum level then it might be necessary to conduct further investigations.

4.2. *Sampling at retail stage*

Sampling of foodstuffs at the retail stage should be done where possible in accordance with the above sampling provisions. Where this is not possible, other effective sampling procedures at retail stage can be used provided that they ensure sufficient representativeness for the sampled lot.

5. **Compliance of the lot or subplot with the specification**

The control laboratory shall analyse the laboratory sample for enforcement in at least two independent analyses, and calculate the mean of the results.

The lot is accepted if the mean does not exceed the respective maximum level (as laid down in Regulation (EC) No 466/2001) taking into account the measurement uncertainty and correction for recovery.

The lot is non-compliant with the maximum level (as laid down in Regulation (EC) 466/2001) if the mean exceeds the maximum level beyond reasonable doubt taking into account the measurement uncertainty and correction for recovery.

ANNEX II

SAMPLE PREPARATION AND CRITERIA FOR METHODS OF ANALYSIS USED IN OFFICIAL CHECKING OF THE LEVELS OF TIN IN CANNED FOODSTUFFS**1. Precautions and general considerations for tin**

The basic requirement is to obtain a representative and homogeneous laboratory sample without introducing secondary contamination.

The analyst should ensure that samples do not become contaminated during sample preparation. Wherever possible, apparatus coming into contact with the sample should be made of inert materials e.g. plastics such as polypropylene, PTFE etc., and these should be acid cleaned to minimise the risk of contamination. High quality stainless steel can be used for cutting edges.

All of the sample material received by the laboratory is to be used for the preparation of test material. Only very finely homogenised samples give reproducible results.

There are many satisfactory specific sample preparation procedures which may be used. Those described in the CEN Standard on the 'Determination of trace elements — Performance criteria and general consideration' have been found to be satisfactory (1) but others may be equally valid.

2. Treatment of the sample as received in the laboratory

Finely grind (where relevant) and mix thoroughly the complete aggregate sample using a process that has been demonstrated to achieve complete homogenisation.

3. Subdivision of samples for enforcement and defence purposes

The replicate samples for enforcement, trade (defence) and referee purposes shall be taken from the homogenised material unless this conflicts with Member States' rules on sampling.

4. Method of analysis to be used by the laboratory and laboratory control requirements**4.1. Definitions**

A number of the most commonly used definitions that the laboratory will be required to use are given below:

r = Repeatability, the value below which the absolute difference between 2 single test results obtained under repeatability conditions (i.e., same sample, same operator, same apparatus, same laboratory, and short interval of time) may be expected to lie within a specific probability (typically 95 %) and hence $r = 2,8 \times s_r$.

s_r = Standard deviation, calculated from results generated under repeatability conditions.

RSD_r = Relative standard deviation, calculated from results generated under repeatability conditions $[(s_r/\bar{x}) \times 100]$, where $\bar{x}$ is the average of results over all laboratories and samples.

R = Reproducibility, the value below which the absolute difference between single test results obtained under reproducibility conditions (i.e., on identical material obtained by operators in different laboratories, using the standardised test method), may be expected to lie within a certain probability (typically 95 %); $R = 2,8 \times s_R$.

s_R = Standard deviation, calculated from results under reproducibility conditions.

RSD_R = Relative standard deviation calculated from results generated under reproducibility conditions $[(s_R/\bar{x}) \times 100]$.

$HORRAT_r$ = the observed RSD_r divided by the RSD_r value estimated from the Horwitz equation using the assumption $r = 0,66R$.

$HORRAT_R$ = the observed RSD_R value divided by the RSD_R value calculated from the Horwitz equation (2).

U = the expanded uncertainty, using a coverage factor of 2 which gives a level of confidence of approximately 95 %.

4.2. General requirements

Methods of analysis used for food control purposes must comply with the provisions of items 1 and 2 of the Annex to Council Directive 85/591/EEC of 20 December 1985 concerning the introduction of Community methods of sampling and analysis for the monitoring of foodstuffs intended for human consumption.

4.3. Specific requirements

Where no specific methods for the determination of tin in canned foodstuffs are prescribed at Community level, laboratories may select any validated method provided the selected method meets the performance criteria indicated in Table 2. The validation should ideally include a certified reference material.

Table 2

Performance criteria for methods of analysis for tin

Parameter	Value/comment
Applicability	Foods specified in Regulation (EC) No 242/2004
Detection limit	No more than 5 mg/kg
Limit of quantification	No more than 10 mg/kg
Precision	HORRAT _r or HORRAT _R values of less than 1,5 in the validation collaborative trial
Recovery	80 % to 105 % (as indicated in the collaborative trial)
Specificity	Free from matrix or spectral interferences

4.3.1. Performance Criteria — Uncertainty Function Approach

However, an uncertainty approach may also be used to assess the suitability of the method of analysis to be used by the laboratory. The laboratory may use a method which will produce results within a maximum standard uncertainty. The maximum standard uncertainty can be calculated using the following formula:

$$Uf = \sqrt{(LOD/2)^2 + (0,1C)^2}$$

where:

Uf is the maximum standard uncertainty

LOD is the limit of detection of the method

C is the concentration of interest

If an analytical method provides results with uncertainty measurements less than the maximum standard uncertainty, the method will be equally suitable to one which meets the performance characteristics given in Table 2.

4.4. Recovery calculation and reporting of results

The analytical result is to be reported corrected or uncorrected for recovery. The manner of reporting and the level of recovery must be reported. The analytical result corrected for recovery is used for checking compliance (see Annex I, point 5).

The analyst should note the 'Harmonised Guidelines for the Use of Recovery Information in Analytical Measurement' (3) developed under IUPAC/ISO/AOAC. These Guidelines assist when determining recovery factors.

The analytical result has to be reported as $x \pm U$ whereby x is the analytical result and U is the measurement uncertainty.

4.5. Laboratory quality standards

Laboratories must comply with Council Directive 93/99/EEC of 29 October 1993 on the subject of additional measures concerning the official control of foodstuffs.

4.6. Other considerations for the analysis

Proficiency testing

Participation in appropriate proficiency testing schemes which comply with the 'International Harmonised Protocol for the Proficiency Testing of (Chemical) Analytical Laboratories' (4) developed under the auspices of IUPAC/ISO/AOAC.

Some of these schemes specifically include the determination of tin in foods, and participation in such a scheme is recommended rather than a general scheme for the determination of metals in foods.

Internal quality control

Laboratories should be able to demonstrate that they have internal quality control procedures in place. Examples of these are the 'ISO/AOAC/IUPAC Guidelines on Internal Quality Control in Analytical Chemistry Laboratories' (5).

Sample preparation

Care must be taken to ensure that all the tin in the sample is taken into solution for analysis. In particular it is recognised that the sample dissolution procedure must be such that no hydrolysed SnIV species is precipitated (i.e. species such as stannic oxide SnO_2 , $\text{Sn}(\text{OH})_4$, $\text{SnO}_2 \cdot \text{H}_2\text{O}$).

Keep prepared samples in 5 mol/l HCl. However, SnCl_4 is easily volatilised and so solutions should not be boiled.

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