

Official Journal

of the European Union

L 294

English edition

Legislation

Volume 47

17 September 2004

Contents

I Acts whose publication is obligatory

- ★ **Council Regulation (EC) No 1615/2004 of 13 September 2004 terminating the anti-dumping proceedings concerning imports of certain flat-rolled products of iron or non-alloy steel, of a width of 600 mm or more, not clad, plated or coated, in coils, not further worked than hot-rolled, originating in India, Taiwan and Serbia and Montenegro** 1
- ★ **Council Regulation (EC) No 1616/2004 of 13 September 2004 terminating the anti-dumping proceedings concerning imports of certain flat-rolled products of iron or non-alloy steel, of a width of 600 mm or more, not clad, plated or coated, in coils, not further worked than hot-rolled, originating in Bulgaria and South Africa** 3
- Commission Regulation (EC) No 1617/2004 of 16 September 2004 establishing the standard import values for determining the entry price of certain fruit and vegetables 5
- Commission Regulation (EC) No 1618/2004 of 16 September 2004 altering the export refunds on white sugar and raw sugar exported in the natural state fixed by Regulation (EC) No 1585/2004 7
- Commission Regulation (EC) No 1619/2004 of 16 September 2004 fixing the maximum export refund for white sugar to certain third countries for the 5th partial invitation to tender issued within the framework of the standing invitation to tender provided for in Regulation (EC) No 1327/2004 9
- Commission Regulation (EC) No 1620/2004 of 16 September 2004 amending the representative prices and additional duties for the import of certain products in the sugar sector fixed by Regulation (EC) No 1210/2004 for the 2004/2005 marketing year 10
- Commission Regulation (EC) No 1621/2004 of 16 September 2004 fixing the export refunds on milk and milk products 12
- Commission Regulation (EC) No 1622/2004 of 16 September 2004 fixing the maximum export refund for butter in the framework of the standing invitation to tender provided for in Regulation (EC) No 581/2004..... 20
- Commission Regulation (EC) No 1623/2004 of 16 September 2004 fixing the maximum export refund for skimmed milk powder in the framework of the standing invitation to tender provided for in Regulation (EC) No 582/2004..... 22

Commission Regulation (EC) No 1624/2004 of 16 September 2004 fixing the export refunds on pigmeat	23
Commission Regulation (EC) No 1625/2004 of 16 September 2004 on the issuing of system A3 export licences in the fruit and vegetables sector (table grapes)	25
Commission Regulation (EC) No 1626/2004 of 16 September 2004 fixing the maximum reduction in the duty on sorghum imported in connection with the invitation to tender issued in Regulation (EC) No 238/2004.....	27
★ Commission Directive 2004/94/EC of 15 September 2004 amending Council Directive 76/768/EEC as regards Annex IX ⁽¹⁾	28

II Acts whose publication is not obligatory

Council

2004/642/EC, Euratom:

★ Council Decision, taken by common accord with the nominee for President of the Commission, of 13 September 2004 adopting the list of other persons whom the Council intends to appoint as Members of the Commission of the European Communities	30
--	----



⁽¹⁾ Text with EEA relevance

I

(Acts whose publication is obligatory)

COUNCIL REGULATION (EC) No 1615/2004**of 13 September 2004**

terminating the anti-dumping proceedings concerning imports of certain flat-rolled products of iron or non-alloy steel, of a width of 600 mm or more, not clad, plated or coated, in coils, not further worked than hot-rolled, originating in India, Taiwan and Serbia and Montenegro

THE COUNCIL OF THE EUROPEAN UNION,

2. MEASURES IN FORCE

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 384/96 of 22 December 1995 on protection against dumped imports from countries not members of the European Community⁽¹⁾ (hereinafter referred to as the Basic Regulation), and in particular Article 9(5) thereof,

Having regard to Council Regulation (EC) No 963/2002 of 3 June 2002 laying down transitional provisions concerning anti-dumping and anti-subsidy measures adopted pursuant to Commission Decision No 2277/96/ECSC and No 1889/98/ECSC as well as pending anti-dumping and anti-subsidy investigations, complaints and applications pursuant to those Decisions⁽²⁾,

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

Whereas:

1. LEGAL BASIS

- (1) The Treaty establishing the European Coal and Steel Community (ECSC Treaty) expired on 23 July 2002. Products, which were previously covered by the ECSC Treaty, are subject to the Treaty establishing the European Community since 24 July 2002. Further to Regulation (EC) No 963/2002, all anti-dumping investigations pending at that date are therefore now governed by the Basic Regulation.

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

⁽²⁾ OJ L 149, 7.6.2002, p. 3. Regulation as amended by Regulation (EC) No 1310/2002 (OJ L 192, 20.7.2002, p. 9).

- (2) In February 2000, by Commission Decision No 283/2000/ECSC⁽³⁾, the Commission imposed definitive anti dumping duties on imports of certain flat-rolled products of iron or non-alloy steel, of a width of 600 mm or more, not clad, plated or coated, in coils, not further worked than hot-rolled (hereinafter referred to as hot-rolled coils), originating in Bulgaria, India, Taiwan, South Africa, and Serbia and Montenegro.

3. TERMINATION OF THE PROCEEDINGS

- (3) Pursuant to Article 5 of Decision No 2277/96/ECSC⁽⁴⁾ (the ECSC Decision), the Commission on 20 December 2001 announced by a notice published in the *Official Journal of the European Communities*⁽⁵⁾ the initiation of an anti-dumping proceeding with regard to imports into the Community of hot-rolled coils originating in Egypt, Hungary, Iran, Libya, Slovakia and Turkey.

- (4) Pursuant to Article 11(3) of the ECSC Decision, the Commission on 20 December 2001 announced by a notice published in the *Official Journal of the European Communities*⁽⁶⁾, the initiation of a review of the definitive anti-dumping duties and undertakings imposed by Commission Decision No 283/2000/ECSC as amended by Commission Decision No 1043/2002/ECSC⁽⁷⁾ on imports of hot-rolled coils originating in Bulgaria and South Africa.

⁽³⁾ OJ L 31, 5.2.2000, p. 15. Decision as last amended by Council Regulation (EC) No 778/2003 (OJ L 114, 8.5.2003, p. 1).

⁽⁴⁾ OJ L 308, 29.11.1996, p. 11. Decision as last amended by Commission Decision No 435/2001/ECSC (OJ L 63, 3.3.2001, p. 14).

⁽⁵⁾ OJ C 364, 20.12.2001, p. 5.

⁽⁶⁾ OJ C 364, 20.12.2001, p. 8.

⁽⁷⁾ OJ L 157, 15.6.2002, p. 45.

- (5) The Commission, after investigation, proposed that the Council impose definitive anti-dumping measures on imports of hot-rolled coils originating in Egypt, Slovakia and Turkey. However, the Council did not adopt the proposal within the time limits laid down in the Basic Regulation. As a result, definitive measures were not imposed on imports from Egypt, Slovakia and Turkey.
- (6) It is a general, fundamental principle of Community law to treat similar situations in a non discriminatory way. This principle is reflected by Article 9(5) of the Basic Regulation, which provides that anti-dumping duties are to be imposed on a non-discriminatory basis on imports of a product from all sources found to be dumped and causing injury.
- (7) Therefore, it was concluded that, in the absence of measures on the imports originating in Egypt, Slovakia and Turkey, the imposition of any measures on imports originating in Bulgaria and South Africa as a result of the review mentioned in recital 4 would have been discriminatory towards these two countries.
- (8) By Council Regulation (EC) No 1616/2004⁽¹⁾, the Council therefore terminated the review mentioned under recital 4 without imposing any measures on imports of hot-rolled coils originating in Bulgaria and South Africa.
- (9) Decision 283/2000/ECSC imposed definitive anti-dumping duties also on imports of hot-rolled coils originating in India, Taiwan and Serbia and Montenegro.
- (10) In order to ensure a coherent approach and to respect the abovementioned principle of non-discrimination as reflected by Article 9(5) of the Basic Regulation, it is therefore necessary to terminate the existing anti-dumping proceedings concerning imports of hot-rolled coils originating in Taiwan, India and Serbia and Montenegro.
- (11) The investigation concerning, *inter alia*, Egypt, Slovakia and Turkey had to be concluded on 20 March 2003, either by the imposition of measures or the termination of the proceedings. Given that the same treatment should be applied to the imports originating in Taiwan, Serbia and Montenegro, and India, the anti-dumping proceedings concerning imports of hot-rolled coils originating in these three countries should be terminated with retroactive effect as from 20 March 2003,
- HAS ADOPTED THIS REGULATION:
- Article 1*
- The anti-dumping proceedings concerning imports of certain flat-rolled products of iron or non-alloy steel, of a width of 600 mm or more, not clad, plated or coated, in coils, not further worked than hot-rolled originating in Taiwan, Serbia and Montenegro, and India are hereby terminated.
- Article 2*
- This Regulation shall enter into force on the day following that of its publication in the *Official Journal of the European Union*. It shall apply from 20 March 2003.

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

Done at Brussels, 13 September 2004.

For the Council

The President

B. R. BOT

⁽¹⁾ See page 3 of this Official Journal.

COUNCIL REGULATION (EC) No 1616/2004**of 13 September 2004****terminating the anti-dumping proceedings concerning imports of certain flat-rolled products of iron or non-alloy steel, of a width of 600 mm or more, not clad, plated or coated, in coils, not further worked than hot-rolled, originating in Bulgaria and South Africa**

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 384/96 of 22 December 1995 on protection against dumped imports from countries not members of the European Community⁽¹⁾ (hereinafter referred to as the basic Regulation), and in particular Article 9(5) thereof,

Having regard to Council Regulation (EC) No 963/2002 of 3 June 2002 laying down transitional provisions concerning anti-dumping and anti-subsidy measures adopted pursuant to Commission Decision No 2277/96/ECSC and No 1889/98/ECSC as well as pending anti-dumping and anti-subsidy investigations, complaints and applications pursuant to those Decisions⁽²⁾,

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

Whereas:

A. PROCEDURE**1. Legal basis**

- (1) The Treaty establishing the European Coal and Steel Community (ECSC Treaty) expired on 23 July 2002. Products, which were previously covered by the ECSC Treaty, are subject to the Treaty establishing the European Community since 24 July 2002. Further to Regulation (EC) No 963/2002, all anti-dumping investigations pending at that date are therefore now governed by the basic Regulation.

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

⁽²⁾ OJ L 149, 7.6.2002, p. 3. Regulation as amended by Regulation (EC) No 1310/2002 (OJ L 192, 20.7.2002, p. 9).

2. Measures in force and present review

- (2) In February 2000, by Commission Decision No 283/2000/ECSC⁽³⁾, the Commission imposed definitive anti-dumping duties on imports of certain flat-rolled products of iron or non-alloy steel, of a width of 600 mm or more, not clad, plated or coated, in coils, not further worked than hot-rolled (hot-rolled coils), originating in Bulgaria, India, Taiwan, South Africa, and Serbia and Montenegro and accepted a minimum price undertaking offered by certain exporting producers in Bulgaria, India and in South Africa.

- (3) Pursuant to Article 11(3) of Decision No 2277/96/ECSC⁽⁴⁾ (the ECSC Decision), and further to a complaint lodged in November 2001 by Eurofer (European Confederation of Iron and Steel Industries) (the complainant), the Commission on 20 December 2001 announced by a notice published in the *Official Journal of the European Communities*⁽⁵⁾, the initiation of a review of the definitive anti-dumping duties and undertakings imposed by Decision No 283/2000/ECSC as amended by Commission Decision No 1043/2002/ECSC on imports of hot-rolled coils originating in Bulgaria and South Africa⁽⁶⁾.

3. Parallel anti-dumping investigation

- (4) Further to a complaint lodged by Eurofer, the Commission on 20 December 2001 announced by a notice published in the *Official Journal of the European Communities*⁽⁷⁾ also the initiation of an anti-dumping proceeding pursuant to Article 5 of the ECSC Decision with regard to imports into the Community of the same product (hot-rolled coils) originating in Egypt, Hungary, Iran, Libya, Slovakia and Turkey.

⁽³⁾ OJ L 31, 5.2.2000, p. 15.. Decision as last amended by Council Regulation (EC) No 778/2003 (OJ L 114, 8.5.2003, p. 1).

⁽⁴⁾ OJ L 308, 29.11.1996, p. 11. Decision as last amended by Commission Decision No 435/2001/ECSC (OJ L 63, 3.3.2001, p. 14).

⁽⁵⁾ OJ C 364, 20.12.2001, p. 8.

⁽⁶⁾ OJ L 157, 15.6.2002, p. 45.

⁽⁷⁾ OJ C 364, 20.12.2001, p. 5.

B. TERMINATION OF THE PROCEEDINGS

- (5) In the parallel anti-dumping investigation concerning imports into the Community of hot rolled coils originating in Egypt, Hungary, Iran, Libya, Slovakia and Turkey, the Commission, after investigation, proposed that the Council impose definitive anti-dumping measures on imports of hot rolled coils originating in Egypt, Slovakia and Turkey. However, the Council did not adopt the proposal within the time limits laid down in the basic Regulation. As a result, definitive measures were not imposed on imports from Egypt, Slovakia and Turkey.
- (6) It is a general, fundamental principle of Community law to treat similar situations in a non-discriminatory way. This principle is reflected by Article 9(5) of the basic Regulation, which provides that anti-dumping duties are to be imposed on a non-discriminatory basis on imports of a product from all sources found to be dumped and causing injury.
- (7) Therefore, it is concluded that, in the absence of measures on Egypt, Slovakia and Turkey, the imposition of any measures on imports originating in Bulgaria and South Africa as a result of the present investigation would be discriminatory towards these two countries.
- (8) In consideration of the foregoing, in order to ensure a coherent approach and to respect the principle of non-discrimination as reflected by Article 9(5) of the basic Regulation, it is necessary to terminate the proceedings concerning imports of hot-rolled coils originating in

Bulgaria and South Africa, without imposition of anti-dumping duties.

- (9) The new investigation concerning Egypt, Slovakia and Turkey had to be concluded by 20 March 2003, either by the imposition of measures or the termination of the proceedings. The investigation concerning imports originating in Bulgaria and South Africa showed similar conclusions and should therefore be treated in the same way. Consequently, the proceedings concerning hot-rolled coils originating in Bulgaria and South Africa should be terminated without the re-imposition of anti-dumping measures, with retroactive effect as from 20 March 2003,

HAS ADOPTED THIS REGULATION:

Article 1

The anti-dumping proceedings concerning imports of certain flat-rolled products of iron or non alloy steel, of a width of 600 mm or more, not clad, plated or coated, in coils, not further worked than hot-rolled originating in Bulgaria and South Africa are hereby terminated.

Article 2

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

It shall apply from 20 March 2003.

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

Done at Brussels, 13 September 2004.

For the Council

The President

B. R. BOT

COMMISSION REGULATION (EC) No 1617/2004**of 16 September 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 17 September 2004.

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

Done at Brussels, 16 September 2004.

For the Commission

J. M. SILVA RODRÍGUEZ
Agriculture Director-General

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

ANNEX

to Commission Regulation of 16 September 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	41,6
	999	41,6
0707 00 05	052	83,4
	999	83,4
0709 90 70	052	90,3
	999	90,3
0805 50 10	382	67,7
	388	54,2
	524	68,2
	528	55,7
	999	61,5
0806 10 10	052	94,7
	220	129,7
	400	169,8
	624	144,8
	999	134,8
0808 10 20, 0808 10 50, 0808 10 90	388	85,7
	400	88,9
	508	69,3
	512	104,6
	528	90,5
	800	177,0
	804	88,9
0808 20 50	999	100,7
	052	103,1
	388	79,4
	999	91,3
0809 30 10, 0809 30 90	052	113,9
	999	113,9
0809 40 05	066	53,1
	094	29,3
	400	106,6
	624	131,4
	999	80,1

⁽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 1618/2004**of 16 September 2004****altering the export refunds on white sugar and raw sugar exported in the natural state fixed by
Regulation (EC) No 1585/2004**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

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

Whereas:

- (1) The export refunds on white sugar and raw sugar exported in the natural state were fixed by Commission Regulation (EC) No 1585/2004⁽²⁾.

- (2) Since the data currently available to the Commission are different to the data at the time Regulation (EC) No 1585/2004 was adopted, those refunds should be adjusted,

HAS ADOPTED THIS REGULATION:

Article 1

The export refunds on the products listed in Article 1(1)(a) of Regulation (EC) No 1260/2001, undenatured and exported in the natural state, as fixed in the Annex to Regulation (EC) No 1585/2004 are hereby altered to the amounts shown in the Annex to this Regulation.

Article 2

This Regulation shall enter into force on 17 September 2004.

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

Done at Brussels, 16 September 2004.

For the Commission

Franz FISCHLER

Member of the Commission

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

⁽²⁾ OJ L 289, 10.9.2004, p. 61.

ANNEX

AMENDED AMOUNTS OF REFUNDS ON WHITE SUGAR AND RAW SUGAR EXPORTED WITHOUT FURTHER PROCESSING APPLICABLE FROM 17 SEPTEMBER 2004

Product code	Destination	Unit of measurement	Amount of refund
1701 11 90 9100	S00	EUR/100 kg	40,51 ⁽¹⁾
1701 11 90 9910	S00	EUR/100 kg	39,52 ⁽¹⁾
1701 12 90 9100	S00	EUR/100 kg	40,51 ⁽¹⁾
1701 12 90 9910	S00	EUR/100 kg	39,52 ⁽¹⁾
1701 91 00 9000	S00	EUR/1 % of sucrose × 100 kg product net	0,4404
1701 99 10 9100	S00	EUR/100 kg	44,04
1701 99 10 9910	S00	EUR/100 kg	42,96
1701 99 10 9950	S00	EUR/100 kg	42,96
1701 99 90 9100	S00	EUR/1 % of sucrose × 100 kg of net product	0,4404

NB: The product codes and the 'A' series destination codes are set out in Commission Regulation (EEC) No 3846/87 (OJ L 366, 24.12.1987, p. 1).

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

The other destinations are:

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

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

COMMISSION REGULATION (EC) No 1619/2004**of 16 September 2004****fixing the maximum export refund for white sugar to certain third countries for the 5th partial invitation to tender issued within the framework of the standing invitation to tender provided for in Regulation (EC) No 1327/2004**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

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

Whereas:

(1) Commission Regulation (EC) No 1327/2004 of 19 July 2004^{3rd} on a standing invitation to tender to determine levies and/or refunds on exports of white sugar⁽²⁾, for the 2004/2005 marketing year, requires partial invitations to tender to be issued for the export of this sugar to certain third countries.

(2) Pursuant to Article 9(1) of Regulation (EC) No 1327/2004 a maximum export refund shall be fixed,

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

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

HAS ADOPTED THIS REGULATION:

Article 1

For the 5th partial invitation to tender for white sugar issued pursuant to Regulation (EC) No 1327/2004 the maximum amount of the export refund shall be 46,100 EUR/100 kg.

Article 2

This Regulation shall enter into force on 17 September 2004.

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

Done at Brussels, 16 September 2004.

For the Commission

Franz FISCHLER

Member of the Commission

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

⁽²⁾ OJ L 246, 20.7.2004, p. 23.

COMMISSION REGULATION (EC) No 1620/2004**of 16 September 2004****amending the representative prices and additional duties for the import of certain products in the sugar sector fixed by Regulation (EC) No 1210/2004 for the 2004/2005 marketing year**

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 Commission Regulation (EC) No 1423/95 of 23 June 1995 laying down detailed implementing rules for the import of products in the sugar sector other than molasses⁽²⁾, and in particular the second sentence of the second subparagraph of Article 1(2), and Article 3(1) thereof,

Whereas:

- (1) The representative prices and additional duties applicable to imports of white sugar, raw sugar and certain syrups for the 2004/2005 marketing year are fixed by

Commission Regulation (EC) No 1210/2004⁽³⁾. These prices and duties have last been amended by Commission Regulation (EC) No 1605/2004⁽⁴⁾.

- (2) The data currently available to the Commission indicate that the said amounts should be changed in accordance with the rules and procedures laid down in Regulation (EC) No 1423/95,

HAS ADOPTED THIS REGULATION:

Article 1

The representative prices and additional duties on imports of the products referred to in Article 1 of Regulation (EC) No 1423/95, as fixed by Regulation (EC) No 1210/2004 for the 2004/2005 marketing year are hereby amended as set out in the Annex to this Regulation.

Article 2

This Regulation shall enter into force on 17 September 2004.

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

Done at Brussels, 16 September 2004.

For the Commission

J. M. SILVA RODRÍGUEZ

Agriculture Director-General

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

⁽²⁾ OJ L 141, 24.6.1995, p. 16. Regulation as last amended by Regulation (EC) No 624/98 (OJ L 85, 20.3.1998, p. 5).

⁽³⁾ OJ L 232, 1.7.2004, p. 11.

⁽⁴⁾ OJ L 292, 15.9.2004, p. 17.

ANNEX

Amended representative prices and additional duties applicable to imports of white sugar, raw sugar and products covered by CN code 1702 90 99 applicable from 17 September 2004

(EUR)

CN code	Representative price per 100 kg of the product concerned	Additional duty per 100 kg of the product concerned
1701 11 10 ⁽¹⁾	17,61	7,50
1701 11 90 ⁽¹⁾	17,61	13,62
1701 12 10 ⁽¹⁾	17,61	7,31
1701 12 90 ⁽¹⁾	17,61	13,10
1701 91 00 ⁽²⁾	19,22	16,95
1701 99 10 ⁽²⁾	19,22	11,50
1701 99 90 ⁽²⁾	19,22	11,50
1702 90 99 ⁽³⁾	0,19	0,45

⁽¹⁾ Fixed for the standard quality defined in Annex I.II to Council Regulation (EC) No 1260/2001 (OJ L 178, 30.6.2001, p. 1).⁽²⁾ Fixed for the standard quality defined in Annex I.I to Council Regulation (EC) No 1260/2001 (OJ L 178, 30.6.2001, p. 1).⁽³⁾ Fixed per 1 % sucrose content.

COMMISSION REGULATION (EC) No 1621/2004
of 16 September 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) It follows from applying the rules set out above to the present situation on the market in milk and in particular to quotations or prices for milk products within the Community and on the world market that the refund should be as set out in the Annex to this Regulation.

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

HAS ADOPTED THIS REGULATION:

Article 1

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

Article 2

This Regulation shall enter into force on 17 September 2004.

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

Done at Brussels, 16 September 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 16 September 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	1,548	0402 21 11 9300	L01	EUR/100 kg	—
0401 10 90 9000	970	EUR/100 kg	1,548		068	EUR/100 kg	—
0401 20 11 9500	970	EUR/100 kg	2,393		L02	EUR/100 kg	49,04
0401 20 19 9500	970	EUR/100 kg	2,393		A01	EUR/100 kg	62,93
0401 20 91 9000	970	EUR/100 kg	3,028	0402 21 11 9500	L01	EUR/100 kg	—
0401 30 11 9400	970	EUR/100 kg	6,987		068	EUR/100 kg	—
0401 30 11 9700	970	EUR/100 kg	10,49		L02	EUR/100 kg	51,17
0401 30 31 9100	L01	EUR/100 kg	—		A01	EUR/100 kg	65,69
	L02	EUR/100 kg	17,84	0402 21 11 9900	L01	EUR/100 kg	—
	A01	EUR/100 kg	25,49		068	EUR/100 kg	—
0401 30 31 9400	L01	EUR/100 kg	—		L02	EUR/100 kg	54,53
	L02	EUR/100 kg	27,87		A01	EUR/100 kg	70,00
	A01	EUR/100 kg	39,82	0402 21 17 9000	L01	EUR/100 kg	—
0401 30 31 9700	L01	EUR/100 kg	—		068	EUR/100 kg	—
	L02	EUR/100 kg	30,74		L02	EUR/100 kg	24,03
	A01	EUR/100 kg	43,91		A01	EUR/100 kg	29,00
0401 30 39 9100	L01	EUR/100 kg	—	0402 21 19 9300	L01	EUR/100 kg	—
	L02	EUR/100 kg	17,84		068	EUR/100 kg	—
	A01	EUR/100 kg	25,49		L02	EUR/100 kg	49,04
0401 30 39 9400	L01	EUR/100 kg	—		A01	EUR/100 kg	62,93
	L02	EUR/100 kg	27,87	0402 21 19 9500	L01	EUR/100 kg	—
	A01	EUR/100 kg	39,82		068	EUR/100 kg	—
0401 30 39 9700	L01	EUR/100 kg	—		L02	EUR/100 kg	51,17
	L02	EUR/100 kg	30,74		A01	EUR/100 kg	65,69
	A01	EUR/100 kg	43,91	0402 21 19 9900	L01	EUR/100 kg	—
0401 30 91 9100	L01	EUR/100 kg	—		068	EUR/100 kg	—
	L02	EUR/100 kg	35,03		L02	EUR/100 kg	54,53
	A01	EUR/100 kg	50,05		A01	EUR/100 kg	70,00
0401 30 99 9100	L01	EUR/100 kg	—	0402 21 91 9100	L01	EUR/100 kg	—
	L02	EUR/100 kg	35,03		068	EUR/100 kg	—
	A01	EUR/100 kg	50,05		L02	EUR/100 kg	54,87
0401 30 99 9500	L01	EUR/100 kg	—		A01	EUR/100 kg	70,43
	L02	EUR/100 kg	51,49	0402 21 91 9200	L01	EUR/100 kg	—
	A01	EUR/100 kg	73,55		068	EUR/100 kg	—
0402 10 11 9000	L01	EUR/100 kg	—		L02	EUR/100 kg	55,19
	068	EUR/100 kg	—		A01	EUR/100 kg	70,85
	L02	EUR/100 kg	24,03	0402 21 91 9350	L01	EUR/100 kg	—
	A01	EUR/100 kg	29,00		068	EUR/100 kg	—
0402 10 19 9000	L01	EUR/100 kg	—		L02	EUR/100 kg	55,76
	068	EUR/100 kg	—		A01	EUR/100 kg	71,58
	L02	EUR/100 kg	24,03	0402 21 91 9500	L01	EUR/100 kg	—
	A01	EUR/100 kg	29,00		068	EUR/100 kg	—
0402 10 91 9000	L01	EUR/kg	—		L02	EUR/100 kg	59,93
	068	EUR/kg	—		A01	EUR/100 kg	76,93
	L02	EUR/kg	0,2403	0402 21 99 9100	L01	EUR/100 kg	—
	A01	EUR/kg	0,2900		068	EUR/100 kg	—
0402 10 99 9000	L01	EUR/kg	—		L02	EUR/100 kg	54,87
	068	EUR/kg	—		A01	EUR/100 kg	70,43
	L02	EUR/kg	0,2403	0402 21 99 9200	L01	EUR/100 kg	—
	A01	EUR/kg	0,2900		068	EUR/100 kg	—
0402 21 11 9200	L01	EUR/100 kg	—		L02	EUR/100 kg	55,19
	068	EUR/100 kg	—		A01	EUR/100 kg	70,85
	L02	EUR/100 kg	24,03				
	A01	EUR/100 kg	29,00				

Product code	Destination	Unit of measurement	Amount of refund	Product code	Destination	Unit of measurement	Amount of refund
0402 21 99 9300	L01	EUR/100 kg	—	0402 91 19 9370	L01	EUR/100 kg	—
	068	EUR/100 kg	—		L02	EUR/100 kg	4,958
	L02	EUR/100 kg	55,76		A01	EUR/100 kg	7,083
	A01	EUR/100 kg	71,58	0402 91 31 9300	L01	EUR/100 kg	—
0402 21 99 9400	L01	EUR/100 kg	—		L02	EUR/100 kg	5,859
	068	EUR/100 kg	—		A01	EUR/100 kg	8,371
	L02	EUR/100 kg	58,85	0402 91 39 9300	L01	EUR/100 kg	—
	A01	EUR/100 kg	75,55		L02	EUR/100 kg	5,859
0402 21 99 9500	L01	EUR/100 kg	—		A01	EUR/100 kg	8,371
	068	EUR/100 kg	—	0402 91 99 9000	L01	EUR/100 kg	—
	L02	EUR/100 kg	59,93		L02	EUR/100 kg	21,53
	A01	EUR/100 kg	76,93		A01	EUR/100 kg	30,75
0402 21 99 9600	L01	EUR/100 kg	—	0402 99 11 9350	L01	EUR/kg	—
	068	EUR/100 kg	—		L02	EUR/kg	0,1268
	L02	EUR/100 kg	64,15		A01	EUR/kg	0,1812
	A01	EUR/100 kg	82,35	0402 99 19 9350	L01	EUR/kg	—
0402 21 99 9700	L01	EUR/100 kg	—		L02	EUR/kg	0,1268
	068	EUR/100 kg	—		A01	EUR/kg	0,1812
	L02	EUR/100 kg	66,54	0402 99 31 9150	L01	EUR/kg	—
	A01	EUR/100 kg	85,43		L02	EUR/kg	0,1316
0402 21 99 9900	L01	EUR/100 kg	—		A01	EUR/kg	0,1880
	068	EUR/100 kg	—	0402 99 31 9300	L01	EUR/kg	—
	L02	EUR/100 kg	69,32		L02	EUR/kg	0,1288
	A01	EUR/100 kg	88,97		A01	EUR/kg	0,1840
0402 29 15 9200	L01	EUR/kg	—	0402 99 39 9150	L01	EUR/kg	—
	L02	EUR/kg	0,2403		L02	EUR/kg	0,1316
	A01	EUR/kg	0,2900		A01	EUR/kg	0,1880
0402 29 15 9300	L01	EUR/kg	—	0403 90 11 9000	L01	EUR/100 kg	—
	L02	EUR/kg	0,4904		L02	EUR/100 kg	23,69
	A01	EUR/kg	0,6293		A01	EUR/100 kg	28,59
0402 29 15 9500	L01	EUR/kg	—	0403 90 13 9200	L01	EUR/100 kg	—
	L02	EUR/kg	0,5117		L02	EUR/100 kg	23,69
	A01	EUR/kg	0,6569		A01	EUR/100 kg	28,59
0402 29 15 9900	L01	EUR/kg	—	0403 90 13 9300	L01	EUR/100 kg	—
	L02	EUR/kg	0,5453		L02	EUR/100 kg	48,59
	A01	EUR/kg	0,7000		A01	EUR/100 kg	62,37
0402 29 19 9300	L01	EUR/kg	—	0403 90 13 9500	L01	EUR/100 kg	—
	L02	EUR/kg	0,4904		L02	EUR/100 kg	50,72
	A01	EUR/kg	0,6293		A01	EUR/100 kg	65,10
0402 29 19 9500	L01	EUR/kg	—	0403 90 13 9900	L01	EUR/100 kg	—
	L02	EUR/kg	0,5117		L02	EUR/100 kg	54,05
	A01	EUR/kg	0,6569		A01	EUR/100 kg	69,37
0402 29 19 9900	L01	EUR/kg	—	0403 90 19 9000	L01	EUR/100 kg	—
	L02	EUR/kg	0,5453		L02	EUR/100 kg	54,38
	A01	EUR/kg	0,7000		A01	EUR/100 kg	69,80
0402 29 91 9000	L01	EUR/kg	—	0403 90 33 9400	L01	EUR/kg	—
	L02	EUR/kg	0,5487		L02	EUR/kg	0,4859
	A01	EUR/kg	0,7043		A01	EUR/kg	0,6237
0402 29 99 9100	L01	EUR/kg	—	0403 90 33 9900	L01	EUR/kg	—
	L02	EUR/kg	0,5487		L02	EUR/kg	0,5405
	A01	EUR/kg	0,7043		A01	EUR/kg	0,6937
0402 29 99 9500	L01	EUR/kg	—	0403 90 51 9100	970	EUR/100 kg	1,548
	L02	EUR/kg	0,5885		970	EUR/100 kg	10,49
	A01	EUR/kg	0,7555	0403 90 59 9170	L01	EUR/100 kg	—
	L01	EUR/100 kg	—		L02	EUR/100 kg	17,84
0402 91 11 9370	L02	EUR/100 kg	4,958		A01	EUR/100 kg	25,49
	A01	EUR/100 kg	7,083				

Product code	Destination	Unit of measurement	Amount of refund	Product code	Destination	Unit of measurement	Amount of refund
0403 90 59 9340	L01	EUR/100 kg	—	0405 10 11 9500	L01	EUR/100 kg	—
	L02	EUR/100 kg	26,11		075	EUR/100 kg	119,99
	A01	EUR/100 kg	37,29		L02	EUR/100 kg	94,80
0403 90 59 9370	L01	EUR/100 kg	—	0405 10 11 9700	A01	EUR/100 kg	127,81
	L02	EUR/100 kg	26,11		L01	EUR/100 kg	—
	A01	EUR/100 kg	37,29		075	EUR/100 kg	122,98
0403 90 59 9510	L01	EUR/100 kg	—	0405 10 19 9500	L02	EUR/100 kg	97,16
	L02	EUR/100 kg	26,11		A01	EUR/100 kg	131,00
	A01	EUR/100 kg	37,29		L01	EUR/100 kg	—
0404 90 21 9120	L01	EUR/100 kg	—	0405 10 19 9700	075	EUR/100 kg	119,99
	L02	EUR/100 kg	20,49		L02	EUR/100 kg	94,80
	A01	EUR/100 kg	24,74		A01	EUR/100 kg	127,81
0404 90 21 9160	L01	EUR/100 kg	—	0405 10 30 9100	L01	EUR/100 kg	—
	L02	EUR/100 kg	24,03		075	EUR/100 kg	119,99
	A01	EUR/100 kg	29,00		L02	EUR/100 kg	97,16
0404 90 23 9120	L01	EUR/100 kg	—	0405 10 30 9300	A01	EUR/100 kg	131,00
	L02	EUR/100 kg	24,03		L01	EUR/100 kg	—
	A01	EUR/100 kg	29,00		075	EUR/100 kg	119,99
0404 90 23 9130	L01	EUR/100 kg	—	0405 10 30 9700	L02	EUR/100 kg	94,80
	L02	EUR/100 kg	49,04		A01	EUR/100 kg	127,81
	A01	EUR/100 kg	62,93		L01	EUR/100 kg	—
0404 90 23 9140	L01	EUR/100 kg	—	0405 10 50 9300	075	EUR/100 kg	122,98
	L02	EUR/100 kg	51,17		L02	EUR/100 kg	97,16
	A01	EUR/100 kg	65,69		A01	EUR/100 kg	131,00
0404 90 23 9150	L01	EUR/100 kg	—	0405 10 50 9500	L01	EUR/100 kg	—
	L02	EUR/100 kg	54,53		075	EUR/100 kg	119,99
	A01	EUR/100 kg	70,00		L02	EUR/100 kg	94,80
0404 90 29 9110	L01	EUR/100 kg	—	0405 10 50 9700	A01	EUR/100 kg	127,81
	L02	EUR/100 kg	54,87		L01	EUR/100 kg	—
	A01	EUR/100 kg	70,43		075	EUR/100 kg	122,98
0404 90 29 9115	L01	EUR/100 kg	—	0405 10 90 9000	L02	EUR/100 kg	97,16
	L02	EUR/100 kg	55,19		A01	EUR/100 kg	131,00
	A01	EUR/100 kg	70,85		L01	EUR/100 kg	—
0404 90 29 9125	L01	EUR/100 kg	—	0405 20 90 9500	075	EUR/100 kg	119,99
	L02	EUR/100 kg	55,76		L02	EUR/100 kg	94,80
	A01	EUR/100 kg	71,58		A01	EUR/100 kg	127,81
0404 90 29 9140	L01	EUR/100 kg	—	0405 20 90 9700	L01	EUR/100 kg	—
	L02	EUR/100 kg	59,93		075	EUR/100 kg	122,98
	A01	EUR/100 kg	76,93		L02	EUR/100 kg	97,16
0404 90 81 9100	L01	EUR/kg	—	0405 90 10 9000	A01	EUR/100 kg	131,00
	L02	EUR/kg	0,2403		L01	EUR/100 kg	—
	A01	EUR/kg	0,2900		075	EUR/100 kg	127,49
0404 90 83 9110	L01	EUR/kg	—	0405 20 90 9500	L02	EUR/100 kg	100,71
	L02	EUR/kg	0,2403		A01	EUR/100 kg	135,79
	A01	EUR/kg	0,2900		L01	EUR/100 kg	—
0404 90 83 9130	L01	EUR/kg	—	0405 20 90 9700	075	EUR/100 kg	112,50
	L02	EUR/kg	0,4904		L02	EUR/100 kg	88,87
	A01	EUR/kg	0,6293		A01	EUR/100 kg	119,83
0404 90 83 9150	L01	EUR/kg	—	0405 90 10 9000	L01	EUR/100 kg	—
	L02	EUR/kg	0,5117		075	EUR/100 kg	116,99
	A01	EUR/kg	0,6569		L02	EUR/100 kg	92,42
0404 90 83 9170	L01	EUR/kg	—	0405 90 10 9000	A01	EUR/100 kg	124,61
	L02	EUR/kg	0,5453		L01	EUR/100 kg	—
	A01	EUR/kg	0,7000		075	EUR/100 kg	155,77
0404 90 83 9936	L01	EUR/kg	—	0405 90 10 9000	L02	EUR/100 kg	123,06
	L02	EUR/kg	0,1268		A01	EUR/100 kg	165,93
	A01	EUR/kg	0,1812				

Product code	Destination	Unit of measurement	Amount of refund	Product code	Destination	Unit of measurement	Amount of refund
0405 90 90 9000	L01	EUR/100 kg	—	0406 20 90 9919	L03	EUR/100 kg	—
	075	EUR/100 kg	124,60		L04	EUR/100 kg	44,50
	L02	EUR/100 kg	98,43		400	EUR/100 kg	—
	A01	EUR/100 kg	132,71		A01	EUR/100 kg	55,63
0406 10 20 9100	A00	EUR/100 kg	—	0406 30 31 9710	L03	EUR/100 kg	—
0406 10 20 9230	L03	EUR/100 kg	—		L04	EUR/100 kg	3,38
	L04	EUR/100 kg	16,39		400	EUR/100 kg	—
	400	EUR/100 kg	—		A01	EUR/100 kg	7,88
0406 10 20 9290	A01	EUR/100 kg	20,48	0406 30 31 9730	L03	EUR/100 kg	—
	L03	EUR/100 kg	—		L04	EUR/100 kg	4,93
	L04	EUR/100 kg	15,25		400	EUR/100 kg	—
	400	EUR/100 kg	—		A01	EUR/100 kg	11,57
0406 10 20 9300	A01	EUR/100 kg	19,05	0406 30 31 9910	L03	EUR/100 kg	—
	L03	EUR/100 kg	—		L04	EUR/100 kg	3,38
	L04	EUR/100 kg	6,69		400	EUR/100 kg	—
	400	EUR/100 kg	—		A01	EUR/100 kg	7,88
0406 10 20 9610	A01	EUR/100 kg	8,36	0406 30 31 9930	L03	EUR/100 kg	—
	L03	EUR/100 kg	—		L04	EUR/100 kg	4,93
	L04	EUR/100 kg	22,22		400	EUR/100 kg	—
	400	EUR/100 kg	—		A01	EUR/100 kg	11,57
0406 10 20 9620	A01	EUR/100 kg	27,79	0406 30 31 9950	L03	EUR/100 kg	—
	L03	EUR/100 kg	—		L04	EUR/100 kg	7,18
	L04	EUR/100 kg	22,55		400	EUR/100 kg	—
	400	EUR/100 kg	—		A01	EUR/100 kg	16,82
0406 10 20 9630	A01	EUR/100 kg	28,18	0406 30 39 9500	L03	EUR/100 kg	—
	L03	EUR/100 kg	—		L04	EUR/100 kg	4,93
	L04	EUR/100 kg	25,17		400	EUR/100 kg	—
	400	EUR/100 kg	—		A01	EUR/100 kg	11,57
0406 10 20 9640	A01	EUR/100 kg	31,46	0406 30 39 9700	L03	EUR/100 kg	—
	L03	EUR/100 kg	—		L04	EUR/100 kg	7,18
	L04	EUR/100 kg	36,98		400	EUR/100 kg	—
	400	EUR/100 kg	—		A01	EUR/100 kg	16,82
0406 10 20 9650	A01	EUR/100 kg	46,22	0406 30 39 9930	L03	EUR/100 kg	—
	L03	EUR/100 kg	—		L04	EUR/100 kg	7,18
	L04	EUR/100 kg	30,83		400	EUR/100 kg	—
	400	EUR/100 kg	—		A01	EUR/100 kg	16,82
0406 10 20 9830	A01	EUR/100 kg	38,52	0406 30 39 9950	L03	EUR/100 kg	—
	L03	EUR/100 kg	—		L04	EUR/100 kg	8,12
	L04	EUR/100 kg	11,44		400	EUR/100 kg	—
	400	EUR/100 kg	—		A01	EUR/100 kg	19,03
0406 10 20 9850	A01	EUR/100 kg	14,29	0406 30 90 9000	L03	EUR/100 kg	—
	L03	EUR/100 kg	—		L04	EUR/100 kg	8,51
	L04	EUR/100 kg	13,86		400	EUR/100 kg	—
	400	EUR/100 kg	—		A01	EUR/100 kg	19,96
0406 20 90 9100	A00	EUR/100 kg	—	0406 40 50 9000	L03	EUR/100 kg	—
0406 20 90 9913	L03	EUR/100 kg	—		L04	EUR/100 kg	43,49
	L04	EUR/100 kg	28,39		400	EUR/100 kg	—
	400	EUR/100 kg	—		A01	EUR/100 kg	54,36
0406 20 90 9915	A01	EUR/100 kg	35,49	0406 40 90 9000	L03	EUR/100 kg	—
	L03	EUR/100 kg	—		L04	EUR/100 kg	44,66
	L04	EUR/100 kg	37,47		400	EUR/100 kg	—
	400	EUR/100 kg	—		A01	EUR/100 kg	55,82
0406 20 90 9917	A01	EUR/100 kg	46,84	0406 90 13 9000	L03	EUR/100 kg	—
	L03	EUR/100 kg	—		L04	EUR/100 kg	49,11
	L04	EUR/100 kg	39,83		400	EUR/100 kg	—
	400	EUR/100 kg	—		A01	EUR/100 kg	70,29
	A01	EUR/100 kg	49,77				

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	50,75		L04	EUR/100 kg	53,84
	400	EUR/100 kg	—		400	EUR/100 kg	—
	A01	EUR/100 kg	72,63		A01	EUR/100 kg	77,65
0406 90 17 9100	L03	EUR/100 kg	—	0406 90 63 9900	L03	EUR/100 kg	—
	L04	EUR/100 kg	50,75		L04	EUR/100 kg	51,76
	400	EUR/100 kg	—		400	EUR/100 kg	—
	A01	EUR/100 kg	72,63		A01	EUR/100 kg	75,00
0406 90 21 9900	L03	EUR/100 kg	—	0406 90 69 9100	A00	EUR/100 kg	—
	L04	EUR/100 kg	49,73	0406 90 69 9910	L03	EUR/100 kg	—
	400	EUR/100 kg	—		L04	EUR/100 kg	51,76
	A01	EUR/100 kg	71,00		400	EUR/100 kg	—
0406 90 23 9900	L03	EUR/100 kg	—		A01	EUR/100 kg	75,00
	L04	EUR/100 kg	43,67	0406 90 73 9900	L03	EUR/100 kg	—
	400	EUR/100 kg	—		L04	EUR/100 kg	45,08
	A01	EUR/100 kg	62,77		400	EUR/100 kg	—
0406 90 25 9900	L03	EUR/100 kg	—		A01	EUR/100 kg	64,58
	L04	EUR/100 kg	43,38	0406 90 75 9900	L03	EUR/100 kg	—
	400	EUR/100 kg	—		L04	EUR/100 kg	45,38
	A01	EUR/100 kg	62,09		400	EUR/100 kg	—
0406 90 27 9900	L03	EUR/100 kg	—		A01	EUR/100 kg	65,27
	L04	EUR/100 kg	39,28	0406 90 76 9300	L03	EUR/100 kg	—
	400	EUR/100 kg	—		L04	EUR/100 kg	40,92
	A01	EUR/100 kg	56,24		400	EUR/100 kg	—
0406 90 31 9119	L03	EUR/100 kg	—		A01	EUR/100 kg	58,58
	L04	EUR/100 kg	36,11	0406 90 76 9400	L03	EUR/100 kg	—
	400	EUR/100 kg	—		L04	EUR/100 kg	45,83
	A01	EUR/100 kg	51,76		400	EUR/100 kg	—
0406 90 33 9119	L03	EUR/100 kg	—		A01	EUR/100 kg	65,61
	L04	EUR/100 kg	36,11	0406 90 76 9500	L03	EUR/100 kg	—
	400	EUR/100 kg	—		L04	EUR/100 kg	43,60
	A01	EUR/100 kg	51,76		400	EUR/100 kg	—
0406 90 33 9919	L03	EUR/100 kg	—		A01	EUR/100 kg	61,88
	L04	EUR/100 kg	32,99	0406 90 78 9100	L03	EUR/100 kg	—
	400	EUR/100 kg	—		L04	EUR/100 kg	42,28
	A01	EUR/100 kg	47,48		400	EUR/100 kg	—
0406 90 33 9951	L03	EUR/100 kg	—		A01	EUR/100 kg	61,77
	L04	EUR/100 kg	33,33	0406 90 78 9300	L03	EUR/100 kg	—
	400	EUR/100 kg	—		L04	EUR/100 kg	44,83
	A01	EUR/100 kg	47,50		400	EUR/100 kg	—
0406 90 35 9190	L03	EUR/100 kg	—		A01	EUR/100 kg	64,02
	L04	EUR/100 kg	51,07	0406 90 78 9500	L03	EUR/100 kg	—
	400	EUR/100 kg	—		L04	EUR/100 kg	44,41
	A01	EUR/100 kg	73,43		400	EUR/100 kg	—
0406 90 35 9990	L03	EUR/100 kg	—		A01	EUR/100 kg	63,03
	L04	EUR/100 kg	51,07	0406 90 79 9900	L03	EUR/100 kg	—
	400	EUR/100 kg	—		L04	EUR/100 kg	36,26
	A01	EUR/100 kg	73,43		400	EUR/100 kg	—
0406 90 37 9000	L03	EUR/100 kg	—		A01	EUR/100 kg	52,11
	L04	EUR/100 kg	49,11	0406 90 81 9900	L03	EUR/100 kg	—
	400	EUR/100 kg	—		L04	EUR/100 kg	45,83
	A01	EUR/100 kg	70,29		400	EUR/100 kg	—
0406 90 61 9000	L03	EUR/100 kg	—		A01	EUR/100 kg	65,61
	L04	EUR/100 kg	54,11	0406 90 85 9930	L03	EUR/100 kg	—
	400	EUR/100 kg	—		L04	EUR/100 kg	49,49
	A01	EUR/100 kg	78,30		400	EUR/100 kg	—
					A01	EUR/100 kg	71,21

Product code	Destination	Unit of measurement	Amount of refund	Product code	Destination	Unit of measurement	Amount of refund
0406 90 85 9970	L03	EUR/100 kg	—	0406 90 87 9951	L03	EUR/100 kg	—
	L04	EUR/100 kg	45,38		L04	EUR/100 kg	45,01
	400	EUR/100 kg	—		400	EUR/100 kg	—
	A01	EUR/100 kg	65,27		A01	EUR/100 kg	64,43
0406 90 86 9100	A00	EUR/100 kg	—	0406 90 87 9971	L03	EUR/100 kg	—
0406 90 86 9200	L03	EUR/100 kg	—		L04	EUR/100 kg	45,01
	L04	EUR/100 kg	41,64		400	EUR/100 kg	—
	400	EUR/100 kg	—		A01	EUR/100 kg	64,43
0406 90 86 9300	A01	EUR/100 kg	61,76	0406 90 87 9972	L03	EUR/100 kg	—
	L03	EUR/100 kg	—		L04	EUR/100 kg	19,18
	L04	EUR/100 kg	42,25		400	EUR/100 kg	—
	400	EUR/100 kg	—		A01	EUR/100 kg	27,57
0406 90 86 9400	A01	EUR/100 kg	62,41	0406 90 87 9973	L03	EUR/100 kg	—
	L03	EUR/100 kg	—		L04	EUR/100 kg	44,20
	L04	EUR/100 kg	44,87		400	EUR/100 kg	—
	400	EUR/100 kg	—		A01	EUR/100 kg	63,26
0406 90 86 9900	A01	EUR/100 kg	65,61	0406 90 87 9974	L03	EUR/100 kg	—
	L03	EUR/100 kg	—		L04	EUR/100 kg	47,97
	L04	EUR/100 kg	49,49		400	EUR/100 kg	—
	400	EUR/100 kg	—		A01	EUR/100 kg	68,37
0406 90 87 9100	A01	EUR/100 kg	71,21	0406 90 87 9975	L03	EUR/100 kg	—
	A00	EUR/100 kg	—		L04	EUR/100 kg	48,92
0406 90 87 9200	L03	EUR/100 kg	—		400	EUR/100 kg	—
	L04	EUR/100 kg	34,71		A01	EUR/100 kg	69,13
0406 90 87 9300	400	EUR/100 kg	—	0406 90 87 9979	L03	EUR/100 kg	—
	A01	EUR/100 kg	51,45		L04	EUR/100 kg	43,67
	L03	EUR/100 kg	—		400	EUR/100 kg	—
	L04	EUR/100 kg	38,78		A01	EUR/100 kg	62,77
0406 90 87 9400	400	EUR/100 kg	—	0406 90 88 9100	A00	EUR/100 kg	—
	A01	EUR/100 kg	57,31	0406 90 88 9300	L03	EUR/100 kg	—
	L03	EUR/100 kg	—		L04	EUR/100 kg	34,26
	L04	EUR/100 kg	39,80		400	EUR/100 kg	—
0406 90 87 9400	400	EUR/100 kg	—		A01	EUR/100 kg	50,44
	A01	EUR/100 kg	58,18				

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, the United States of America and the areas of the Republic of Cyprus in which the Government of the Republic of Cyprus does not exercise effective control,

L02 Andorra and Gibraltar,

L03 Ceuta, Melilla, Iceland, Norway, Switzerland, Liechtenstein, Andorra, Gibraltar, Holy See (often referred to as Vatican City), Turkey, Romania, Bulgaria, Croatia, Canada, Australia, New Zealand and the areas of the Republic of Cyprus in which the Government of the Republic of Cyprus does not exercise effective control,

L04 Albania, Bosnia and Herzegovina, 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 1622/2004**of 16 September 2004****fixing the maximum export refund for butter in the framework of the standing invitation to tender provided for in Regulation (EC) No 581/2004**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 1255/1999 of 17 May 1999 on the common organisation of the market in milk and milk products⁽¹⁾, and in particular the third subparagraph of Article 31(3) thereof,

Whereas:

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

tenders submitted in response to the invitation to tender, it is appropriate to fix a maximum export refund for the tendering period ending on 15 September 2004.

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

HAS ADOPTED THIS REGULATION:

Article 1

For the permanent tender opened by Regulation (EC) No 581/2004, for the tendering period ending on 15 September 2004, the maximum amount of refund for the products referred to in Article 1(1) of that Regulation shall be as shown in the Annex to this Regulation.

Article 2

This Regulation shall enter into force on 17 September 2004.

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

Done at Brussels, 16 September 2004.

For the Commission

Franz FISCHLER

Member of the Commission

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

⁽²⁾ OJ L 90, 27.3.2004, p. 64.

⁽³⁾ OJ L 90, 27.3.2004, p. 58.

ANNEX

(EUR/100 kg)

Product	Export refund Code	Maximum amount of export refund	
		For export to the destination referred to in the first indent of Article 1(1) of Regulation (EC) No 581/2004	For export to the destinations referred to in the second indent of Article 1(1) of Regulation (EC) No 581/2004
Butter	ex 0405 10 19 9500	—	134,00
Butter	ex 0405 10 19 9700	132,00	141,00
Butteroil	ex 0405 90 10 9000	—	171,00

COMMISSION REGULATION (EC) No 1623/2004**of 16 September 2004****fixing the maximum export refund for skimmed milk powder in the framework of the standing invitation to tender provided for in Regulation (EC) No 582/2004**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 1255/1999 of 17 May 1999 on the common organisation of the market in milk and milk products⁽¹⁾, and in particular the third subparagraph of Article 31(3) thereof,

Whereas:

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

tender, it is appropriate to fix a maximum export refund for the tendering period ending on 15 September 2004.

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

HAS ADOPTED THIS REGULATION:

Article 1

For the permanent tender opened by Regulation (EC) No 582/2004, for the tendering period ending on 15 September 2004, the maximum amount of refund for the product and destinations referred to in Article 1(1) of that Regulation shall be 33,00 EUR/100 kg.

Article 2

This Regulation shall enter into force on 17 September 2004.

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

Done at Brussels, 16 September 2004.

For the Commission

Franz FISCHLER

Member of the Commission

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

⁽²⁾ OJ L 90, 27.3.2004, p. 67.

⁽³⁾ OJ L 90, 27.3.2004, p. 58.

COMMISSION REGULATION (EC) No 1624/2004
of 16 September 2004
fixing the export refunds on pigmeat

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 2759/75 of 29 October 1975 on the common organisation of the market in pigmeat⁽¹⁾, and in particular the second paragraph of Article 13(3) thereof,

Whereas:

(1) Article 13 of Regulation (EEC) No 2759/75 provides that the difference between prices on the world market for the products listed in Article 1(1) of that Regulation and prices for these products within the Community may be covered by an export refund.

(2) It follows from applying these rules and criteria to the present situation on the market in pigmeat that the refund should be fixed as set out below.

(3) In the case of products falling within CN code 0210 19 81, the refund should be limited to an amount which takes account of the qualitative characteristics of each of the products falling within these codes and of the foreseeable trend of production costs on the world market. It is important that the Community should continue to take part in international trade in the case of certain typical Italian products falling within CN code 0210 19 81.

(4) Because of the conditions of competition in certain third countries, which are traditionally importers of products falling within CN codes 1601 00 and 1602, the refund for these products should be fixed so as to take this situation into account. Steps should be taken to ensure that the refund is granted only for the net weight of the edible substances, to the exclusion of the net weight of the bones possibly contained in the said preparations.

(5) Article 13 of Regulation (EEC) No 2759/75 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 Regulation (EEC) No 2759/75 according to destination.

⁽¹⁾ OJ L 282, 1.11.1975, p. 1. Regulation as last amended by Regulation (EC) No 1365/2000 (OJ L 156, 29.6.2000, p. 5).

(6) The refunds should be fixed taking account of the amendments to the refund nomenclature established by Commission Regulation (EEC) No 3846/87⁽²⁾.

(7) Refunds should be granted only on products that are allowed to circulate freely within the Community. Therefore, to be eligible for a refund, products should be required to bear the health mark laid down in Council Directive 64/433/EEC⁽³⁾, Council Directive 94/65/EC⁽⁴⁾ and Council Directive 77/99/EEC⁽⁵⁾.

(8) The measures provided for in this Regulation are in accordance with the opinion of the Management Committee for Pigmeat,

HAS ADOPTED THIS REGULATION:

Article 1

The list of products on which the export refund specified in Article 13 of Regulation (EEC) No 2759/75 is granted and the amount of the refund shall be as set out in the Annex hereto.

The products concerned must comply with the relevant provisions on health marks laid down in:

— Chapter XI of Annex I to Directive 64/433/EEC,

— Chapter VI of Annex I to Directive 94/65/EC,

— Chapter VI of Annex B to Directive 77/99/EEC.

Article 2

This Regulation shall enter into force on 20 September 2004.

⁽²⁾ OJ L 366, 24.12.1987, p. 1. Regulation as last amended by Regulation (EC) No 2180/2003 (OJ L 335, 22.12.2003, p. 1).

⁽³⁾ OJ L 121, 29.7.1964, p. 2012/64. Directive as last amended by Directive 95/23/EC (OJ L 243, 11.10.1995, p. 7).

⁽⁴⁾ OJ L 368, 31.12.1994, p. 10.

⁽⁵⁾ OJ L 26, 31.1.1977, p. 85. Directive as last amended by Directive 97/76/EC (OJ L 10, 16.1.1998, p. 25).

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

Done at Brussels, 16 September 2004.

For the Commission
Franz FISCHLER
Member of the Commission

ANNEX

to the Commission Regulation of 16 September 2004 fixing the export refunds on pigmeat

Product code	Destination	Unit of measurement	Amount of refund
0210 11 31 9110	P08	EUR/100 kg	59,50
0210 11 31 9910	P08	EUR/100 kg	59,50
0210 19 81 9100	P08	EUR/100 kg	59,50
0210 19 81 9300	P08	EUR/100 kg	59,50
1601 00 91 9120	P08	EUR/100 kg	21,50
1601 00 99 9110	P08	EUR/100 kg	16,50
1602 41 10 9110	P08	EUR/100 kg	32,00
1602 41 10 9130	P08	EUR/100 kg	19,00
1602 42 10 9110	P08	EUR/100 kg	25,00
1602 42 10 9130	P08	EUR/100 kg	19,00
1602 49 19 9130	P08	EUR/100 kg	19,00

NB: The product codes and the 'A' series destination codes are set out in Commission Regulation (EEC) No 3846/87 (OJ L 366, 27.3.2002, 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:

P08 All destinations except for Bulgaria and Romania

COMMISSION REGULATION (EC) No 1625/2004
of 16 September 2004
on the issuing of system A3 export licences in the fruit and vegetables sector (table grapes)

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⁾, and in particular the third subparagraph of Article 35(3) thereof,

Whereas:

- (1) Commission Regulation (EC) No 1431/2004 ⁽²⁾ opens an invitation to tender setting the indicative refund rates and indicative quantities for system A3 export licences, which may be issued, other than those tendered for as part of food aid.
- (2) In the light of the tenders submitted, the maximum refund rates and the percentages of quantities to be awarded for tenders quoting those maximum rates should be set.

(3) In the case of table grapes, the maximum rate necessary to award licences for the indicative quantity up to the quantities tendered for is more than one-and-a-half times the indicative refund rate. The rate must therefore be set in accordance with Article 4(4) of Commission Regulation (EC) No 1961/2001 of 8 October 2001 laying down detailed rules for implementing Council Regulation (EC) No 2200/96 as regards export refunds on fruit and vegetables ⁽³⁾.

(4) The measures provided for in this Regulation are in accordance with the opinion of the Management Committee for fresh Fruit and Vegetables,

HAS ADOPTED THIS REGULATION:

Article 1

In the case of table grapes, the maximum refund rates and the percentages for reducing the quantities awarded under the invitation to tender opened by Regulation (EC) No 1431/2004 shall be fixed in the Annex.

Article 2

This Regulation shall enter into force on 17 September 2004.

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

Done at Brussels, 16 September 2004.

For the Commission

J. M. SILVA RODRÍGUEZ
Agriculture Director-General

⁽¹⁾ OJ L 297, 21.11.1996, p. 1. Regulation as last amended by Commission Regulation (EC) No 47/2003 (OJ L 7, 11.1.2003, p. 64).

⁽²⁾ OJ L 264, 11.8.2004, p. 3.

⁽³⁾ OJ L 268, 9.10.2001, p. 8. Regulation as last amended by Regulation (EC) No 1176/2002 (OJ L 170, 29.6.2002, p. 69).

ANNEX

Issuing of system A3 export licences in the fruit and vegetable sector (table grapes)

Product	Maximum refund rate (EUR/t net)	Percentage awarded of quantities tendered for quoting the maximum refund rate
Table grapes	40	100 %

COMMISSION REGULATION (EC) No 1626/2004**of 16 September 2004****fixing the maximum reduction in the duty on sorghum imported in connection with the invitation to tender issued in Regulation (EC) No 238/2004**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 1784/2003 of 29 September 2003 on the common organisation of the market in cereals ⁽¹⁾, 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 7 of Commission Regulation (EC) No 1839/95 ⁽³⁾, as last amended by Regulation (EC) No 2235/2000 ⁽⁴⁾, the Commission, acting under the procedure laid down in Article 25 of Regulation (EC) No 1784/2003, 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 10 to 16 September 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 39,28 EUR/t and be valid for a total maximum quantity of 3 000 t.

Article 2

This Regulation shall enter into force on 17 September 2004.

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

Done at Brussels, 16 September 2004.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ L 270, 21.10.2003, p. 78.

⁽²⁾ OJ L 40, 12.2.2004, p. 23.

⁽³⁾ OJ L 177, 28.7.1995, p. 4.

⁽⁴⁾ OJ L 256, 10.10.2000, p. 13.

COMMISSION DIRECTIVE 2004/94/EC
of 15 September 2004
amending Council Directive 76/768/EEC as regards Annex IX
(Text with EEA relevance)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Directive 76/768/EEC of 27 July 1976 on approximation of the laws of the Member States relating to cosmetic products⁽¹⁾, in particular the second subparagraph of Article 4a(1) thereof,

After consulting the Scientific Committee on Cosmetic products and Non-food Products intended for consumers,

Whereas:

- (1) The contents of Annex IX to Directive 76/768/EEC should be established for the purpose of listing those alternative methods to animal testing that have been validated by the European Centre on Validation of Alternative Methods (ECVAM) of the Joint Research Centre and that are not listed in Annex V to Council Directive 67/548/EEC of 27 June 1967 on the approximation of laws, regulations and administrative provisions relating to the classification, packaging and labelling of dangerous substances⁽²⁾.
- (2) As animal testing may not be replaced completely by an alternative method, it should be mentioned in Annex IX whether the alternative method fully or partially replaces animal testing.
- (3) Directive 76/768/EEC should therefore be amended accordingly.
- (4) There are at present, no alternative methods validated by ECVAM, other than those listed in Annex V to Council Directive 67/548/EEC.
- (5) The measures provided for in this Directive are in accordance with the opinion of the Standing Committee on Cosmetic Products,

HAS ADOPTED THIS DIRECTIVE:

Article 1

The text in the Annex to this Directive is inserted in the Annex IX to Directive 76/768/EEC.

Article 2

1. Member States shall bring into force the laws, regulations and administrative provisions necessary to comply with this Directive by 21 September 2004 at the latest. They shall forthwith communicate to the Commission the text of those provisions and a correlation table between those provisions and this Directive.

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

3. Member States shall communicate to the Commission the text of the main provisions of national law which they adopt in the field covered by this Directive.

Article 3

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

Article 4

This Directive is addressed to the Member States.

Done at Brussels, 15 September 2004.

For the Commission

Olli REHN

Member of the Commission

⁽¹⁾ OJ L 262, 27.9.1976, p. 169. Directive as last amended by Commission Directive 2004/88/EC (OJ L 287, 8.9.2004, p. 5).

⁽²⁾ OJ 196, 16.8.1967, p. 1. Directive as last amended by Directive 2004/73/EC (OJ L 152, 30.4.2004, p. 1).

ANNEX

The following text is inserted in Annex IX to Directive 76/768/EEC:

‘ANNEX IX

LIST OF VALIDATED ALTERNATIVE METHODS TO ANIMAL TESTING

This Annex lists the alternative methods validated by the European Centre on Validation of Alternative Methods (ECVAM) of the Joint Research Centre available to meet the requirements of this Directive and which are not listed in Annex V to Council Directive 67/548/EEC on the approximation of laws, regulations and administrative provisions relating to the classification, packaging and labelling of dangerous substances. As animal testing may not be replaced completely by an alternative method, it should be mentioned in Annex IX whether the alternative method fully or partially replaces animal testing.

Reference number	Validated alternative methods	Nature of replacement full or partial
A	B	C

II

(Acts whose publication is not obligatory)

COUNCIL

COUNCIL DECISION,

TAKEN BY COMMON ACCORD WITH THE NOMINEE FOR PRESIDENT OF THE COMMISSION,

of 13 September 2004

adopting the list of other persons whom the Council intends to appoint as Members of the Commission of the European Communities

(2004/642/EC, Euratom)

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community, and in particular Article 213(1) thereof, as amended with effect from 1 November 2004 by Article 45(2)(d) of the 2003 Act of Accession and by Article 4(1) of the Protocol on the enlargement of the European Union, annexed to the Treaty on European Union and to the Treaties establishing the European Communities, as well as the second subparagraph of Article 214(2) of the Treaty establishing the European Community,

Having regard to the Treaty establishing the European Atomic Energy Community, and in particular Article 126(1) thereof, as amended with effect from 1 November 2004 by Article 45(2)(d) of the 2003 Act of Accession and by Article 4(1) of the Protocol on the enlargement of the European Union, annexed to the Treaty on European Union and to the Treaties establishing the European Communities, as well as the second subparagraph of Article 127(2) of the Treaty establishing the European Atomic Energy Community,

Whereas:

- (1) A new Commission, consisting of one national of each Member State, must be appointed for the period from 1 November 2004 to 31 October 2009.
- (2) On 29 June 2004 the Council, meeting in the composition of the Heads of State or Government, nominated Mr José Manuel DURÃO BARROSO as the person it intends to appoint as President of the Commission for the period from 1 November 2004 to 31 October 2009⁽¹⁾.
- (3) The European Parliament approved that nomination by a resolution dated 22 July 2004.

- (4) The list of other persons whom the Council intends to appoint as Members of the Commission for a period of five years from 1 November 2004 to 31 October 2009 should be adopted by common accord with the nominee for President of the Commission.

- (5) The entry into force of the Treaty establishing a Constitution for Europe will entail the expiry of the term of the Member of the Commission who has the same nationality as the future European Union Minister for Foreign Affairs, who will be a Vice-President of the Commission,

HAS DECIDED AS FOLLOWS:

Article 1

The following are hereby nominated by common accord with Mr José Manuel DURÃO BARROSO, nominee for President of the Commission, as the persons whom the Council intends to appoint as Members of the Commission of the European Communities for the period from 1 November 2004 to 31 October 2009:

Mr Joaquín ALMUNIA AMANN

Mr Jacques BARROT

Mr Joe BORG

Mr Rocco BUTTIGLIONE

Mr Stavros DIMAS

Ms Benita FERRERO-WALDNER

Mr Ján FIGEL

⁽¹⁾ OJ L 236, 7.7.2004, p. 15.

Ms Mariann FISCHER BOEL

Ms Dalia GRYBAUSKAITĖ

Ms Danuta HÜBNER

Mr Siim KALLAS

Mr László KOVÁCS

Ms Neelie KROES

Mr Markos KYPRIANOU

Mr Peter MANDELSON

Mr Charlie MCCREEVY

Mr Louis MICHEL

Mr Janez POTOČNIK

Ms Viviane REDING

Mr Olli REHN

Mr Vladimír ŠPIDLA

Ms Ingrida UDRE

Mr Günter VERHEUGEN

Ms Margot WALLSTRÖM.

Article 2

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

Done at Brussels, 13 September 2004.

For the Council

The President

B. R. BOT
