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## Legislation

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## I

(Acts whose publication is obligatory)

**COMMISSION REGULATION (EC) No 327/2004**  
**of 26 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 <sup>(1)</sup>, 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 27 February 2004.

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

Done at Brussels, 26 February 2004.

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

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<sup>(1)</sup> 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 26 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 <sup>(1)</sup>	Standard import value
0702 00 00	052	85,2
	204	39,0
	212	108,5
	999	77,6
0707 00 05	052	151,9
	068	133,0
	204	35,4
	999	106,8
0709 10 00	220	68,9
	999	68,9
0709 90 70	052	108,2
	204	56,0
	999	82,1
0805 10 10, 0805 10 30, 0805 10 50	052	68,6
	204	46,8
	212	53,2
	220	42,5
	600	41,8
	624	64,7
	999	52,9
0805 20 10	204	96,6
	999	96,6
0805 20 30, 0805 20 50, 0805 20 70, 0805 20 90	052	68,2
	204	83,1
	220	88,5
	400	55,6
	464	76,4
	600	97,2
	624	76,3
	999	77,9
0805 50 10	052	59,4
	999	59,4
0808 10 20, 0808 10 50, 0808 10 90	060	35,7
	388	128,0
	400	105,6
	404	94,9
	508	95,1
	512	92,1
	524	79,2
	528	91,8
	720	83,7
	999	89,6
0808 20 50	060	65,7
	388	81,1
	512	70,4
	528	84,8
	720	42,7
	999	68,9

<sup>(1)</sup> 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 328/2004

of 26 February 2004

**derogating, for 2004, from Regulation (EC) No 1474/95 opening and providing for the administration of the tariff quotas in the egg sector and for egg albumin**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 2771/75 of 29 October 1975 on the common organisation of the market in eggs <sup>(1)</sup>, and in particular Articles 3(2), 6(1) and 15 thereof,

Having regard to Council Regulation (EEC) No 2783/75 of 29 October 1975 on the common system of trade for ovalbumin and lactalbumin <sup>(2)</sup>, and in particular Articles 2(1), 4(1) and 10 thereof,

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 <sup>(3)</sup>, and in particular Article 1 thereof,

Whereas:

- (1) The accession of the Czech Republic, Estonia, Cyprus, Latvia, Lithuania, Hungary, Malta, Poland, Slovenia and Slovakia to the European Union on 1 May 2004 should enable those countries to qualify for the tariff quotas for eggs provided for by Commission Regulation (EC) No 1474/95 <sup>(4)</sup> under fair conditions compared with those applicable to the existing Member States. Economic operators in those countries must be given the possibility therefore of participating fully in those quotas upon accession.
- (2) In order not to create disturbance on the market before and after 1 May 2004, the timetable for the tranches provided for in 2004 must be altered and the allocation of quantities adjusted without, however, altering the overall quantities provided for in the international agreements concluded pursuant to GATT Articles XXIII and XXIV.6. The implementing procedures should also be amended as regards the deadline for submitting applications.

(3) It is therefore necessary, for 2004, to provide for amendments and adjustments to the measures laid down in Articles 2 and 5(1) of Regulation (EC) No 1474/95.

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

HAS ADOPTED THIS REGULATION:

*Article 1*

1. In derogation from Article 2 of Regulation (EC) No 1474/95, for the period from 1 April to 30 June 2004, the quotas shall be distributed as follows:

For group E1:

- (a) 7 % during the period from 1 to 30 April 2004;
- (b) 13 % during the period from 1 May to 30 June 2004.

For groups E2 and E3:

- (a) 8 % during the period from 1 to 30 April 2004;
- (b) 17 % during the period from 1 May to 30 June 2004.

2. In derogation from Article 5(1) of Regulation (EC) No 1474/95, for the period from 1 May to 30 June 2004, licence applications shall be submitted during the first seven days of May.

*Article 2*

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

It shall apply from 1 April to 30 June 2004.

<sup>(1)</sup> OJ L 282, 1.11.1975, p. 49. Regulation as last amended by Regulation (EC) No 806/2003 (OJ L 122, 16.5.2003, p. 1).

<sup>(2)</sup> OJ L 282, 1.11.1975, p. 104. Regulation as last amended by Commission Regulation (EC) No 2916/95 (OJ L 305, 19.12.1995, p. 49).

<sup>(3)</sup> OJ L 146, 20.6.1996, p. 1.

<sup>(4)</sup> OJ L 145, 29.6.1995, p. 19. Regulation as last amended by Regulation (EC) No 1043/2001 (OJ L 145, 31.5.2001, p. 24).

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

Done at Brussels, 26 February 2004.

*For the Commission*  
Franz FISCHLER  
*Member of the Commission*

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**COMMISSION REGULATION (EC) No 329/2004**  
**of 26 February 2004**

**derogating, for 2004, from Regulation (EC) No 1431/94 laying down detailed rules for the application in the poultrymeat sector of the import arrangements provided for in Council Regulation (EC) No 774/94**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 2777/75 of 29 October 1975 on the common organisation of the market in poultrymeat <sup>(1)</sup>, and in particular Articles 3(2), 8(12) and 15 thereof,

Having regard to Council Regulation (EC) No 774/94 of 29 March 1994 opening and providing for the administration of certain Community tariff quotas for high-quality beef, and for pigmeat, poultrymeat, wheat and meslin, and brans, sharps and other residues <sup>(2)</sup>, and in particular Article 7 thereof,

Whereas:

(1) The accession of the Czech Republic, Estonia, Cyprus, Latvia, Lithuania, Hungary, Malta, Poland, Slovenia and Slovakia to the European Union on 1 May 2004 should enable those countries to qualify for the tariff quotas for poultrymeat provided for by Regulation (EC) No 774/94 under fair conditions compared with those applicable to the existing Member States. Economic operators in those countries must be given the possibility therefore of participating fully in those quotas upon accession.

(2) In order not to create disturbance on the market before and after 1 May 2004, the timetable for the tranches provided for in 2004 by Commission Regulation (EC) No 1431/94 <sup>(3)</sup> must be altered and the allocation of quantities adjusted without, however, altering the overall quantities provided for by Regulation (EC) No 774/94. The implementing procedures should also be amended as regards the deadline for submitting applications.

(3) It is therefore necessary, for 2004, to provide for amendments and adjustments to the measures laid down in Articles 2 and 4(1) of Regulation (EC) No 1431/94.

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

HAS ADOPTED THIS REGULATION:

*Article 1*

1. In derogation from Article 2 of Regulation (EC) No 1431/94, for the period from 1 April to 30 June 2004, the quotas shall be distributed as follows:

(a) 8 % during the period from 1 to 30 April 2004;

(b) 17 % during the period from 1 May to 30 June 2004.

2. In derogation from Article 4(1) of Regulation (EC) No 1431/94, for the period from 1 May to 30 June 2004, licence applications shall be submitted during the first seven days of May.

*Article 2*

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

It shall apply from 1 April to 30 June 2004.

<sup>(1)</sup> OJ L 282, 1.11.1975, p. 77. Regulation as last amended by Regulation (EC) No 806/2003 (OJ L 122, 16.5.2003, p. 1).

<sup>(2)</sup> OJ L 91, 8.4.1994, p. 1. Regulation as last amended by Commission Regulation (EC) No 2198/95 (OJ L 221, 19.9.1995, p. 3).

<sup>(3)</sup> OJ L 156, 23.6.1994, p. 9. Regulation as last amended by Regulation (EC) No 1043/2001 (OJ L 145, 31.5.2001, p. 24).



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

Done at Brussels, 26 February 2004.

*For the Commission*  
Franz FISCHLER  
*Member of the Commission*

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**COMMISSION REGULATION (EC) No 330/2004**  
**of 26 February 2004**

**derogating, for 2004, from Regulation (EC) No 1396/98 laying down procedures for applying in the poultrymeat sector Council Regulation (EC) No 779/98 on the import into the Community of agricultural products originating in Turkey, repealing Regulation (EEC) No 4115/86 and amending Regulation (EC) No 3010/95**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 2777/75 of 29 October 1975 on the common organisation of the market in poultrymeat <sup>(1)</sup>, and in particular Articles 3(2), 8(12) and 15 thereof,

Having regard to Council Regulation (EC) No 779/98 of 7 April 1998 on the import into the Community of agricultural products originating in Turkey, repealing Regulation (EEC) No 4115/86 and amending Regulation (EC) No 3010/95 <sup>(2)</sup>, and in particular Article 1 thereof,

Whereas:

(1) The accession of the Czech Republic, Estonia, Cyprus, Latvia, Lithuania, Hungary, Malta, Poland, Slovenia and Slovakia to the European Union on 1 May 2004 should enable those countries to qualify for the tariff quotas for poultrymeat provided for by Regulation (EC) No 779/98 under fair conditions compared with those applicable to the existing Member States. Economic operators in those countries must be given the possibility therefore of participating fully in those quotas upon accession.

(2) In order not to create disturbance on the market before and after 1 May 2004, the timetable for the tranches provided for in 2004 by Commission Regulation (EC) No 1396/98 <sup>(3)</sup> must be altered and the allocation of quantities adjusted without however altering the overall quantities provided for by Regulation (EC) No 779/98. The implementing procedures should also be amended as regards the deadline for submitting applications.

(3) It is therefore necessary, for 2004, to provide for amendments and adjustments to the measures laid down in Articles 2 and 4(1) of Regulation (EC) No 1396/98.

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

HAS ADOPTED THIS REGULATION:

*Article 1*

1. In derogation from Article 2 of Regulation (EC) No 1396/98, for the period from 1 April to 30 June 2004, the quotas shall be distributed as follows:

(a) 8 % during the period from 1 to 30 April 2004;

(b) 17 % during the period from 1 May to 30 June 2004.

2. In derogation from Article 4(1) of Regulation (EC) No 1396/98, for the period from 1 May to 30 June 2004, licence applications shall be submitted during the first seven days of May.

*Article 2*

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

It shall apply from 1 April to 30 June 2004.

<sup>(1)</sup> OJ L 282, 1.11.1975, p. 77. Regulation as last amended by Regulation (EC) No 806/2003 (OJ L 122, 16.5.2003, p. 1).

<sup>(2)</sup> OJ L 113, 15.4.1998, p. 1.

<sup>(3)</sup> OJ L 187, 1.7.1998, p. 41. Regulation as last amended by Regulation (EC) No 1043/2001 (OJ L 145, 31.5.2001, p. 24).

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

Done at Brussels, 26 February 2004.

*For the Commission*  
Franz FISCHLER  
*Member of the Commission*

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**COMMISSION REGULATION (EC) No 331/2004**  
**of 26 February 2004**

**derogating, for 2004, from Regulation (EC) No 1251/96 opening and providing for the administration of tariff quotas in the poultrymeat sector**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 2777/75 of 29 October 1975 on the common organisation of the market in poultrymeat <sup>(1)</sup>, and in particular Articles 3(2), 8(12) and 15 thereof,

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 <sup>(2)</sup>, and in particular Article 1 thereof,

Whereas:

- (1) The accession of the Czech Republic, Estonia, Cyprus, Latvia, Lithuania, Hungary, Malta, Poland, Slovenia and Slovakia to the European Union on 1 May 2004 should enable those countries to qualify for the tariff quotas for poultrymeat provided for by Commission Regulation (EC) No 1251/96 <sup>(3)</sup> under fair conditions compared with those applicable to the existing Member States. Economic operators in those countries must be given the possibility therefore of participating fully in those quotas upon accession.
- (2) In order not to create disturbance on the market before and after 1 May 2004, the timetable for the tranches provided for in 2004 must be altered and the allocation of quantities adjusted without however altering the overall quantities provided for in the international agreements concluded in accordance with GATT Articles

XXIII and XXIV.6. The implementing procedures should also be amended as regards the deadline for submitting applications.

- (3) It is therefore necessary, for 2004, to provide for amendments and adjustments to the measures laid down in Articles 2 and 5(1) of Regulation (EC) No 1251/96.
- (4) The measures provided for in this Regulation are in accordance with the opinion of the Management Committee for Poultrymeat and Eggs,

HAS ADOPTED THIS REGULATION:

*Article 1*

1. In derogation from Article 2 of Regulation (EC) No 1251/96, for the period from 1 April to 30 June 2004, the quotas shall be distributed as follows:

- (a) 8 % during the period from 1 to 30 April 2004;
- (b) 17 % during the period from 1 May to 30 June 2004.

2. In derogation from Article 5(1) of Regulation (EC) No 1251/96, for the period from 1 May to 30 June 2004, licence applications shall be submitted during the first seven days of May.

*Article 2*

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

It shall apply from 1 April to 30 June 2004.

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

Done at Brussels, 26 February 2004.

*For the Commission*

Franz FISCHLER

*Member of the Commission*

<sup>(1)</sup> OJ L 282, 1.11.1975, p. 77. Regulation as last amended by Regulation (EC) No 806/2003 (OJ L 122, 16.5.2003, p. 1).

<sup>(2)</sup> OJ L 146, 20.6.1996, p. 1.

<sup>(3)</sup> OJ L 161, 29.6.1996, p. 136. Regulation as last amended by Regulation (EC) No 1043/2001 (OJ L 145, 31.5.2001, p. 24).

**COMMISSION REGULATION (EC) No 332/2004**  
**of 26 February 2004**

**derogating, for 2004, from Regulation (EC) No 1432/94 laying down detailed rules for the application in the pigmeat sector of the import arrangements provided for in Council Regulation (EC) No 774/94 opening and providing for the administration of certain Community tariff quotas for pigmeat and certain other agricultural products**

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 <sup>(1)</sup>, and in particular Articles 8(2) and 11(1) and the second paragraph of Article 22 thereof,

Having regard to Council Regulation (EC) No 774/94 of 29 March 1994 opening and providing for the administration of certain Community tariff quotas for high-quality beef, and for pigmeat, poultrymeat, wheat and meslin, and brans, sharps and other residues <sup>(2)</sup>, and in particular Article 7 thereof,

Whereas:

(1) The accession of the Czech Republic, Estonia, Cyprus, Latvia, Lithuania, Hungary, Malta, Poland, Slovenia and Slovakia to the European Union on 1 May 2004 should enable those countries to qualify for the tariff quotas for pigmeat provided for by Regulation (EC) No 774/94 under fair conditions compared with those applicable to the existing Member States. Economic operators in those countries must be given the possibility therefore of participating fully in those quotas upon accession.

(2) In order not to create disturbance on the market before and after 1 May 2004, the timetable for the tranches provided for in 2004 by Commission Regulation (EC) No 1432/94 <sup>(3)</sup> must be altered and the allocation of quantities adjusted without however altering the overall quantities provided for by Regulation (EC) No 774/94. The deadline for submitting applications should also be amended.

(3) It is therefore necessary, for 2004, to provide for amendments and adjustments to the measures laid down in Articles 2 and 4(1) of Regulation (EC) No 1432/94.

(4) 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*

1. In derogation from Article 2 of Regulation (EC) No 1432/94, for the period from 1 April to 30 June 2004, the quotas shall be distributed as follows:

- (a) 8 % during the period from 1 to 30 April 2004;
- (b) 17 % during the period from 1 May to 30 June 2004.

2. In derogation from Article 4(1) of Regulation (EC) No 1432/94, for the period from 1 May to 30 June 2004, licence applications shall be submitted during the first seven days of May.

*Article 2*

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

It shall apply from 1 April to 30 June 2004.

<sup>(1)</sup> 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).

<sup>(2)</sup> OJ L 91, 8.4.1994, p. 1. Regulation as last amended by Commission Regulation (EC) No 2198/95 (OJ L 221, 19.9.1995, p. 3).

<sup>(3)</sup> OJ L 156, 23.6.1994, p. 14. Regulation as last amended by Regulation (EC) No 1006/2001 (OJ L 140, 24.5.2001, p. 13).

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

Done at Brussels, 26 February 2004.

*For the Commission*  
Franz FISCHLER  
*Member of the Commission*

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**COMMISSION REGULATION (EC) No 333/2004  
of 26 February 2004**

**derogating, for 2004, from Regulation (EC) No 1898/97 as regards the administration of tariff  
quotas for pigmeat from Bulgaria and Romania**

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 <sup>(1)</sup>, and in particular Articles 8(2) and 11(1) and the second paragraph of Article 22 thereof,

Having regard to Council Decision 2003/286/EC of 8 April 2003 on the conclusion of a Protocol adjusting the trade aspects of the Europe Agreement establishing an association between the European Communities and their Member States, of the one part, and the Republic of Bulgaria, of the other part, to take account of the outcome of negotiations between the Parties on new mutual agricultural concessions <sup>(2)</sup>, and in particular Article 3(2) thereof,

Having regard to Council Decision 2003/18/EC of 19 December 2002 on the conclusion of a Protocol adjusting the trade aspects of the Europe Agreement establishing an association between the European Communities and their Member States, of the one part, and Romania, of the other part, to take account of the outcome of negotiations between the Parties on new mutual agricultural concessions <sup>(3)</sup>, and in particular Article 3(2) thereof,

Whereas:

(1) The accession of the Czech Republic, Estonia, Cyprus, Latvia, Lithuania, Hungary, Malta, Poland, Slovenia and Slovakia to the European Union on 1 May 2004 should enable those countries to qualify for the tariff quotas for pigmeat provided for under the arrangements established by Decisions 2003/18/EC and 2003/286/EC under fair conditions compared with those applicable to the existing Member States. Economic operators in those countries must be given the possibility therefore of participating fully in those quotas upon accession.

(2) In order not to create disturbance on the market before and after 1 May 2004, the timetable for the tranches provided for in 2004 by Commission Regulation (EC) No 1898/97 of 29 September 1997 laying down rules

of application in the pigmeat sector for the arrangements under the Europe Agreements with Bulgaria, the Czech Republic, Slovakia, Romania, Poland and Hungary <sup>(4)</sup> must be altered and the allocation of quantities adjusted without however altering the overall quantities provided for in Decisions 2003/286/EC and 2003/18/EC. The deadline for submitting applications should also be amended.

- (3) It is therefore necessary, for 2004, to provide for amendments and adjustments to the measures laid down in Articles 2 and 4(1) of Regulation (EC) No 1898/97.
- (4) 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*

1. In derogation from Article 2 of Regulation (EC) No 1898/97, for the period 1 April to 30 June 2004, the quantities laid down in Parts E and F of Annex I to that Regulation shall be distributed as follows:

- (a) 8 % during the period 1 to 30 April 2004;
- (b) 17 % during the period 1 May to 30 June 2004.

2. In derogation from Article 4(1) of Regulation (EC) No 1898/97, for the period 1 May to 30 June 2004, licence applications for the products referred to in Parts E and F of Annex I to that Regulation shall be submitted during the first seven days of May.

*Article 2*

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

It shall apply from 1 April to 30 June 2004.

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

<sup>(2)</sup> OJ L 102, 24.4.2003, p. 60.

<sup>(3)</sup> OJ L 8, 14.1.2003, p. 18.

<sup>(4)</sup> OJ L 267, 30.9.1997, p. 58. Regulation last amended by Regulation (EC) No 1467/2003 (OJ L 210, 20.8.2003, p. 11).

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

Done at Brussels, 26 February 2004.

*For the Commission*  
Franz FISCHLER  
*Member of the Commission*

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**COMMISSION REGULATION (EC) No 334/2004****of 26 February 2004****derogating, for 2004, from Regulation (EC) No 1458/2003 opening and providing for the administration of a tariff quota in the pigmeat sector**

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 <sup>(1)</sup>, and in particular Articles 8(2) and 11(1) and the second paragraph of Article 22 thereof,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 <sup>(2)</sup>, and in particular Article 1 thereof,

Whereas:

- (1) The accession of the Czech Republic, Estonia, Cyprus, Latvia, Lithuania, Hungary, Malta, Poland, Slovenia and Slovakia to the European Union on 1 May 2004 should enable those countries to qualify for the tariff quotas for pigmeat provided for by Commission Regulation (EC) No 1458/2003 <sup>(3)</sup> under fair conditions compared with those applicable to the existing Member States. Economic operators in those countries must be given the possibility therefore of participating fully in those quotas upon accession.
- (2) In order not to create disturbance on the market before and after 1 May 2004, the timetable for the tranches provided for in 2004 must be altered and the allocation of quantities adjusted without however altering the overall quantities provided for in the international agreements concluded under GATT Articles XXIII and XXIV.6. The deadline for submitting applications should also be amended.

- (3) It is therefore necessary, for 2004, to provide for amendments and adjustments to the measures laid down in Articles 3 and 5(1) of Regulation (EC) No 1458/2003.

- (4) 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*

1. In derogation from Article 3 of Regulation (EC) No 1458/2003, for the period from 1 April to 30 June 2004, the quotas shall be distributed as follows:

- (a) 8 % during the period from 1 to 30 April 2004;

- (b) 17 % during the period from 1 May to 30 June 2004.

2. In derogation from Article 5(1) of Regulation (EC) No 1458/2003, for the period from 1 May to 30 June 2004, licence applications shall be submitted during the first seven days of May.

*Article 2*This Regulation shall enter into force on the third day following that of its publication in the *Official Journal of the European Union*.

It shall apply from 1 April to 30 June 2004.

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

Done at Brussels, 26 February 2004.

*For the Commission*

Franz FISCHLER

*Member of the Commission*

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

<sup>(2)</sup> OJ L 146, 20.6.1996, p. 1.

<sup>(3)</sup> OJ L 208, 19.8.2003, p. 3.

**COMMISSION REGULATION (EC) No 335/2004**  
**of 26 February 2004**

**amending Regulation (EC) No 2242/2003 as regards the available quantity for which import licence applications for certain poultrymeat products may be lodged for the period from 1 to 30 April 2004**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 2777/75 of 29 October 1975 on the common organisation of the market in poultrymeat <sup>(1)</sup>,

Having regard to Council Regulation (EC) No 774/94 of 29 March 1994 opening and providing for the administration of certain Community tariff quotas for high-quality beef, and for pigmeat, poultrymeat, wheat and meslin, and brans, sharps and other residues <sup>(2)</sup>,

Having regard to Commission Regulation (EC) No 1431/94 of 22 June 1994 laying down detailed rules for the application in the poultrymeat sector of the import arrangements provided for in Council Regulation (EC) No 774/94 opening and providing for the administration of certain Community tariff quotas for poultrymeat and certain other agricultural products <sup>(3)</sup>, and in particular Article 4(4) thereof,

Whereas:

- (1) In view of the accession of the Czech Republic, Estonia, Cyprus, Latvia, Lithuania, Hungary, Malta, Poland, Slovenia and Slovakia to the European Union on 1 May 2004, the distribution of the quantities provided for by the quotas in Commission Regulation (EC) No 1431/94 has been amended by Commission Regulation (EC) No 329/2004 <sup>(4)</sup> for the period from 1 April to 30 June 2004.

- (2) Since the period from 1 April to 30 June 2004 has been divided into two parts, it is necessary to amend Commission Regulation (EC) No 2242/2003 of 19 December 2003 determining the extent to which applications lodged in December 2003 for import licences for certain poultrymeat products under the regime provided for in Council Regulation (EC) No 774/94 opening and providing for the administration of certain Community tariff quotas for poultrymeat and certain other agricultural products can be accepted <sup>(5)</sup>, and to distribute the available quantities in the same proportions as those defined in Regulation (EC) No 329/2004,

HAS ADOPTED THIS REGULATION:

*Article 1*

Regulation (EC) No 2242/2003 is amended as follows:

- (a) Article 1(2) is replaced by the following:  
'2. Applications for import licences for the period from 1 to 30 April 2004 may be lodged pursuant to Regulation (EC) No 1431/94 for the total quantity referred to in the Annex to this Regulation.'
- (b) The Annex is replaced by the Annex to this Regulation.

*Article 2*

This Regulation shall enter into force on 1 March 2004.

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

Done at Brussels, 26 February 2004.

*For the Commission*  
J. M. SILVA RODRÍGUEZ  
*Member of the Commission*

<sup>(1)</sup> OJ L 282, 1.11.1975, p. 77. Regulation as last amended by Regulation (EC) No 806/2003 (OJ L 122, 16.5.2003, p. 1).

<sup>(2)</sup> OJ L 91, 8.4.1994, p. 1. Regulation as amended by Regulation (EC) No 2198/1995 (OJ L 221, 19.9.1995, p. 3).

<sup>(3)</sup> OJ L 156, 23.6.1994, p. 9. Regulation as last amended by Regulation (EC) No 1043/2001 (OJ L 145, 31.5.2001, p. 24).

<sup>(4)</sup> See page 5 of this Official Journal.

<sup>(5)</sup> OJ L 333, 20.12.2003, p. 13.

## ANNEX

## 'ANNEX

Group	Acceptance percentage of applications for import licences lodged for the period from 1 January to 31 March 2004	Total quantity available for the period from 1 to 30 April 2004 (tonnes)
1	1,55	568,00
2	1,55	408,00
3	1,58	264,00
4	1,79	144,00
5	2,19	56,00

**COMMISSION REGULATION (EC) No 336/2004  
of 26 February 2004**

**amending Regulation (EC) No 2241/2003 as regards the available quantity for which import licence applications for certain egg sector products and poultrymeat products may be lodged for the period from 1 to 30 April 2004**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 2771/75 of 29 October 1975 on the common organisation of the market in eggs <sup>(1)</sup>,

Having regard to Council Regulation (EEC) No 2777/75 of 29 October 1975 on the common organisation of the market in poultrymeat <sup>(2)</sup>,

Having regard to Council Regulation (EEC) No 2783/75 of 29 October 1975 on the common system of trade for ovalbumin and lactalbumin <sup>(3)</sup>,

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 conclusion of the GATT XXIV:6 negotiations <sup>(4)</sup>,

Having regard to Commission Regulation (EC) No 1474/95 of 28 June 1995 opening and providing for the administration of the tariff quotas in the egg sector and for egg albumin <sup>(5)</sup>, and in particular Article 5(5) thereof,

Having regard to Commission Regulation (EC) No 1251/96 of 28 June 1996 opening and providing for the administration of tariff quotas in the poultrymeat sector and albumin <sup>(6)</sup>, and in particular Article 5(5) thereof,

Whereas:

- (1) In view of the accession of the Czech Republic, Estonia, Cyprus, Latvia, Lithuania, Hungary, Malta, Poland, Slovenia and Slovakia to the European Union on 1 May 2004, the distribution of the quantities provided for by

the quotas in Commission Regulations (EC) No 1474/95 and (EC) No 1251/96 has been amended by Commission Regulations (EC) No 328/2004 <sup>(7)</sup> and (EC) No 331/2004 <sup>(8)</sup>, respectively, for the period from 1 April to 30 June 2004.

- (2) Since the period from 1 April to 30 June 2004 has been divided into two parts, it is necessary to amend Commission Regulation (EC) No 2241/2003 of 19 December 2003 determining the extent to which applications lodged in December 2003 for import licences for certain egg sector products and poultrymeat pursuant to Regulations (EC) No 1474/95 and (EC) No 1251/96 can be accepted <sup>(9)</sup>, and to distribute the available quantities in the same proportions as those defined in Regulations (EC) No 328/2004 and (EC) No 331/2004, respectively,

HAS ADOPTED THIS REGULATION:

*Article 1*

Regulation (EC) No 2241/2003 is amended as follows:

- (a) Article 1(2) is replaced by the following:
- ‘2. Applications for import licences for the period from 1 to 30 April 2004 may be lodged pursuant to Regulations (EC) No 1474/95 and (EC) No 1251/96 for the total quantity referred to in the Annex to this Regulation.’
- (b) The Annex is replaced by the text contained in the Annex to this Regulation.

*Article 2*

This Regulation shall enter into force on 1 March 2004.

<sup>(1)</sup> OJ L 282, 1.11.1975, p. 49. Regulation as last amended by Regulation (EC) No 806/2003 (OJ L 122, 16.5.2003, p. 1).

<sup>(2)</sup> OJ L 282, 1.11.1975, p. 77. Regulation as last amended by Regulation (EC) No 806/2003 (OJ L 122, 16.5.2003, p. 1).

<sup>(3)</sup> OJ L 282, 1.11.1975, p. 104. Regulation as last amended by Regulation (EC) No 2916/95 (OJ L 305, 19.12.1995, p. 49).

<sup>(4)</sup> OJ L 146, 20.6.1996, p. 1.

<sup>(5)</sup> OJ L 145, 29.6.1995, p. 19. Regulation as last amended by Regulation (EC) No 1043/2001 (OJ L 145, 31.5.2001, p. 24).

<sup>(6)</sup> OJ L 161, 29.6.1996, p. 136. Regulation as last amended by Regulation (EC) No 1043/2001 (OJ L 145, 31.5.2001, p. 24).

<sup>(7)</sup> See page 3 of this Official Journal.

<sup>(8)</sup> See page 9 of this Official Journal.

<sup>(9)</sup> OJ L 333, 20.12.2003, p. 11.

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

Done at Brussels, 26 February 2004.

*For the Commission*  
J. M. SILVA RODRÍGUEZ  
*Member of the Commission*

ANNEX

'ANNEX

Group	Acceptance percentage of applications for import licences lodged for the period from 1 January to 31 March 2004	Total quantity available for the period from 1 to 30 April 2004 (tonnes)
E1	100,00	105 463,60
E2	35,40	560,00
E3	—	11 332,58
P1	100,00	861,00
P2	100,00	1 850,08
P3	2,37	56,00
P4	14,15	80,00'

**COMMISSION REGULATION (EC) No 337/2004**  
**of 26 February 2004**  
**fixing the export refunds on products processed from cereals and rice**

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 organization of the market in cereals <sup>(1)</sup>, and in particular Article 13(3) thereof,

Having regard to Council Regulation (EC) No 3072/95 of 22 December 1995 on the common organization of the market in rice <sup>(2)</sup>, as last amended by Commission Regulation (EC) No 411/2002 <sup>(3)</sup>, and in particular Article 13(3) thereof,

Whereas:

(1) Article 13 of Regulation (EEC) No 1766/92 and Article 13 of Regulation (EC) No 3072/95 provide that the difference between quotations or prices on the world market for the products listed in Article 1 of those Regulations and prices for those products within the Community may be covered by an export refund.

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

(3) Article 4 of Commission Regulation (EC) No 1518/95 <sup>(4)</sup> on the import and export system for products processed from cereals and from rice defines the specific criteria to be taken into account when the refund on these products is being calculated.

(4) The refund to be granted in respect of certain processed products should be graduated on the basis of the ash, crude fibre, tegument, protein, fat and starch content of

the individual product concerned, this content being a particularly good indicator of the quantity of basic product actually incorporated in the processed product.

(5) There is no need at present to fix an export refund for manioc, other tropical roots and tubers or flours obtained therefrom, given the economic aspect of potential exports and in particular the nature and origin of these products. For certain products processed from cereals, the insignificance of Community participation in world trade makes it unnecessary to fix an export refund at the present time.

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

(7) The refund must be fixed once a month. It may be altered in the intervening period.

(8) Certain processed maize products may undergo a heat treatment following which a refund might be granted that does not correspond to the quality of the product; whereas it should therefore be specified that on these products, containing pregelatinized starch, no export refund is to be granted.

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

HAS ADOPTED THIS REGULATION:

*Article 1*

The export refunds on the products listed in Article 1(1)(d) of Regulation (EEC) No 1766/92 and in Article 1(1)(c) of Regulation (EC) No 3072/95 and subject to Regulation (EC) No 1518/95 are hereby fixed as shown in the Annex to this Regulation.

*Article 2*

This Regulation shall enter into force on 27 February 2004.

<sup>(1)</sup> 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).

<sup>(2)</sup> OJ L 329, 30.12.1995, p. 18.

<sup>(3)</sup> OJ L 62, 5.3.2002, p. 27.

<sup>(4)</sup> OJ L 147, 30.6.1995, p. 55. Regulation as last amended by Regulation (EC) No 2993/95 (OJ L 312, 23.12.1995, p. 25).

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

Done at Brussels, 26 February 2004.

For the Commission

Franz FISCHLER

Member of the Commission

ANNEX

to the Commission Regulation of 26 February 2004 fixing the export refunds on products processed from cereals and rice

Product code	Destination	Unit of measurement	Refunds	Product code	Destination	Unit of measurement	Refunds
1102 20 10 9200 <sup>(1)</sup>	C10	EUR/t	35,70	1104 23 10 9300	C10	EUR/t	29,33
1102 20 10 9400 <sup>(1)</sup>	C10	EUR/t	30,60	1104 29 11 9000	C10	EUR/t	0,00
1102 20 90 9200 <sup>(1)</sup>	C10	EUR/t	30,60	1104 29 51 9000	C10	EUR/t	0,00
1102 90 10 9100	C11	EUR/t	0,00	1104 29 55 9000	C10	EUR/t	0,00
1102 90 10 9900	C11	EUR/t	0,00	1104 30 10 9000	C10	EUR/t	0,00
1102 90 30 9100	C11	EUR/t	0,00	1104 30 90 9000	C10	EUR/t	6,38
1103 19 40 9100	C10	EUR/t	0,00	1107 10 11 9000	C13	EUR/t	0,00
1103 13 10 9100 <sup>(1)</sup>	C10	EUR/t	45,90	1107 10 91 9000	C13	EUR/t	0,00
1103 13 10 9300 <sup>(1)</sup>	C10	EUR/t	35,70	1108 11 00 9200	C10	EUR/t	0,00
1103 13 10 9500 <sup>(1)</sup>	C10	EUR/t	30,60	1108 11 00 9300	C10	EUR/t	0,00
1103 13 90 9100 <sup>(1)</sup>	C10	EUR/t	30,60	1108 12 00 9200	C10	EUR/t	40,80
1103 19 10 9000	C10	EUR/t	0,00	1108 12 00 9300	C10	EUR/t	40,80
1103 19 30 9100	C10	EUR/t	0,00	1108 13 00 9200	C10	EUR/t	40,80
1103 20 60 9000	C12	EUR/t	0,00	1108 13 00 9300	C10	EUR/t	40,80
1103 20 20 9000	C11	EUR/t	0,00	1108 19 10 9200	C10	EUR/t	36,48
1104 19 69 9100	C10	EUR/t	0,00	1108 19 10 9300	C10	EUR/t	36,48
1104 12 90 9100	C10	EUR/t	0,00	1109 00 00 9100	C10	EUR/t	0,00
1104 12 90 9300	C10	EUR/t	0,00	1702 30 51 9000 <sup>(2)</sup>	C10	EUR/t	39,97
1104 19 10 9000	C10	EUR/t	0,00	1702 30 59 9000 <sup>(2)</sup>	C10	EUR/t	30,60
1104 19 50 9110	C10	EUR/t	40,80	1702 30 91 9000	C10	EUR/t	39,97
1104 19 50 9130	C10	EUR/t	33,15	1702 30 99 9000	C10	EUR/t	30,60
1104 29 01 9100	C10	EUR/t	0,00	1702 40 90 9000	C10	EUR/t	30,60
1104 29 03 9100	C10	EUR/t	0,00	1702 90 50 9100	C10	EUR/t	39,97
1104 29 05 9100	C10	EUR/t	0,00	1702 90 50 9900	C10	EUR/t	30,60
1104 29 05 9300	C10	EUR/t	0,00	1702 90 75 9000	C10	EUR/t	41,88
1104 22 20 9100	C10	EUR/t	0,00	1702 90 79 9000	C10	EUR/t	29,07
1104 22 30 9100	C10	EUR/t	0,00	2106 90 55 9000	C10	EUR/t	30,60
1104 23 10 9100	C10	EUR/t	38,25				

<sup>(1)</sup> No refund shall be granted on products given a heat treatment resulting in pregelatinisation of the starch.

<sup>(2)</sup> Refunds are granted in accordance with Council Regulation (EEC) No 2730/75 (OJ L 281, 1.11.1975, p. 20), as amended.

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 Regulation (EC) No 2081/2003 (OJ L 313, 28.11.2003, p. 11).

The other destinations are as follows:

C10 All destinations except for Cyprus, the Czech Republic, Estonia, Hungary, Lithuania, Latvia, Malta, Poland, Slovenia and Slovakia.

C11 All destinations except for Bulgaria, Cyprus, the Czech Republic, Estonia, Hungary, Lithuania, Latvia, Malta, Poland, Slovenia and Slovakia.

C12 All destinations except for Cyprus, the Czech Republic, Estonia, Hungary, Lithuania, Latvia, Malta, Poland, Romania, Slovenia and Slovakia.

C13 All destinations except for Bulgaria, Cyprus, the Czech Republic, Estonia, Hungary, Lithuania, Latvia, Malta, Poland, Romania, Slovenia and Slovakia.

**COMMISSION REGULATION (EC) No 338/2004**  
**of 26 February 2004**  
**fixing the export refunds on cereal-based compound feedingstuffs**

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 <sup>(1)</sup>, and in particular Article 13(3) thereof,

Whereas:

- (1) Article 13 of Regulation (EEC) No 1766/92 provides that the difference between quotations or prices on the world market for the products listed in Article 1 of that Regulation and prices for those products within the Community may be covered by an export refund.
- (2) Commission Regulation (EC) No 1517/95 of 29 June 1995 laying down detailed rules for the application of Regulation (EEC) No 1766/92 as regards the arrangements for the export and import of compound feedingstuffs based on cereals and amending Regulation (EC) No 1162/95 laying down special detailed rules for the application of the system of import and export licences for cereals and rice <sup>(2)</sup> in Article 2 lays down general rules for fixing the amount of such refunds.
- (3) That calculation must also take account of the cereal products content. In the interest of simplification, the refund should be paid in respect of two categories of 'cereal products', namely for maize, the most commonly used cereal in exported compound feeds and maize products, and for 'other cereals', these being eligible

cereal products excluding maize and maize products. A refund should be granted in respect of the quantity of cereal products present in the compound feedingstuff.

- (4) Furthermore, the amount of the refund must also take into account the possibilities and conditions for the sale of those products on the world market, the need to avoid disturbances on the Community market and the economic aspect of the export.
- (5) The current situation on the cereals market and, in particular, the supply prospects mean that the export refunds should be abolished.
- (6) The Management Committee for Cereals has not delivered an opinion within the time limit set by its chairman,

HAS ADOPTED THIS REGULATION:

*Article 1*

The export refunds on the compound feedingstuffs covered by Regulation (EEC) No 1766/92 and subject to Regulation (EC) No 1517/95 are hereby fixed as shown in the Annex to this Regulation.

*Article 2*

This Regulation shall enter into force on 27 February 2004.

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

Done at Brussels, 26 February 2004.

*For the Commission*  
Franz FISCHLER  
*Member of the Commission*

<sup>(1)</sup> 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).

<sup>(2)</sup> OJ L 147, 30.6.1995, p. 51.



## ANNEX

**to the Commission Regulation of 26 February 2004 fixing the export refunds on cereal-based compound feedingstuffs**

Product codes benefiting from export refund:

2309 10 11 9000, 2309 10 13 9000, 2309 10 31 9000,  
2309 10 33 9000, 2309 10 51 9000, 2309 10 53 9000,  
2309 90 31 9000, 2309 90 33 9000, 2309 90 41 9000,  
2309 90 43 9000, 2309 90 51 9000, 2309 90 53 9000

Cereal products	Destination	Unit of measurement	Amount of refunds
Maize and maize products: CN codes 0709 90 60, 0712 90 19, 1005, 1102 20, 1103 13, 1103 29 40, 1104 19 50, 1104 23, 1904 10 10	C10	EUR/t	0,00
Cereal products excluding maize and maize products	C10	EUR/t	0,00

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.

C10 All destinations except for Cyprus, the Czech Republic, Estonia, Hungary, Lithuania, Latvia, Malta, Poland, Slovenia and Slovakia.

**COMMISSION REGULATION (EC) No 339/2004**  
**of 26 February 2004**  
**fixing production refunds on cereals and rice**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 1766/92 of 30 June 1992, on the common organisation of the market in cereals <sup>(1)</sup>, and in particular Article 7(3) thereof,

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

Whereas:

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

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

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

HAS ADOPTED THIS REGULATION:

*Article 1*

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

- (a) EUR 0,00/tonne for starch from maize, wheat, barley, oats, rice or broken rice;
- (b) EUR 0,00/tonne for potato starch.

*Article 2*

This Regulation shall enter into force on 27 February 2004.

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

Done at Brussels, 26 February 2004.

*For the Commission*

Franz FISCHLER

*Member of the Commission*

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<sup>(1)</sup> 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).

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

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

## COMMISSION REGULATION (EC) No 340/2004

of 26 February 2004

**fixing the rates of the refunds applicable to certain milk products exported in the form of goods not covered by Annex I to the Treaty**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 1255/1999 of 15 May 1999 on the common organisation of the market in milk and milk products <sup>(1)</sup>, and in particular Article 31(3) thereof,

Whereas:

(1) Article 31(1) of Regulation (EC) No 1255/1999 provides that the difference between prices in international trade for the products listed in Article 1(a), (b), (c), (d), (e), and (g) of that Regulation and prices within the Community may be covered by an export refund. Commission Regulation (EC) No 1520/2000 of 13 July 2000 laying down common implementing rules for granting export refunds on certain agricultural products exported in the form of goods not covered by Annex I to the Treaty, and criteria for fixing the amount of such refunds <sup>(2)</sup>, specifies the products for which a rate of refund should be fixed, to be applied where these products are exported in the form of goods listed in Annex II to Regulation (EC) No 1255/1999.

(2) In accordance with the first subparagraph of Article 4(1) of Regulation (EC) No 1520/2000, the rate of the refund per 100 kilograms for each of the basic products in question must be fixed for each month.

(3) However in the case of certain milk products exported in the form of goods not covered by Annex I to the Treaty, there is a danger that, if high refund rates are fixed in advance, the commitments entered into in relation to those refunds may be jeopardised. In order to avert that danger, it is therefore necessary to take appropriate precautionary measures, but without precluding the conclusion of long-term contracts. The fixing of specific refund rates for the advance fixing of refunds in respect of those products should enable those two objectives to be met.

(4) Article 4(3) of Regulation (EC) No 1520/2000 provides that, when the rate of the refund is being fixed, account should be taken, where necessary, of production refunds, aids or other measures having equivalent effect applicable in all Member States in accordance with the Regulation on the common organisation of the market in the product in question to the basic products listed in Annex A to that Regulation or to assimilated products.

(5) Article 12(1) of Regulation (EC) No 1255/1999 provides for the payment of aid for Community-produced skimmed milk processed into casein if such milk and the casein manufactured from it fulfil certain conditions.

(6) Commission Regulation (EC) No 2571/97 of 15 December 1997 on the sale of butter at reduced prices and the granting of aid for cream, butter and concentrated butter for use in the manufacture of pastry products, ice cream and other foodstuffs <sup>(3)</sup>, as last amended by Regulation (EC) No 635/2000 <sup>(4)</sup>, lays down that butter and cream at reduced prices should be made available to industries which manufacture certain goods.

(7) In accordance with Council Regulation (EC) No 1039/2003 of 2 June 2003 adopting autonomous and transitional measures concerning the importation of certain processed agricultural products originating in Estonia and the exportation of certain agricultural products to Estonia <sup>(5)</sup>, Council Regulation (EC) No 1086/2003 of 18 June 2003 adopting autonomous and transitional measures concerning the importation of certain processed agricultural products originating in Slovenia and the exportation of certain processed agricultural products to Slovenia <sup>(6)</sup>, Council Regulation (EC) No 1087/2003 of 18 June 2003 adopting autonomous and transitional measures concerning the importation of certain processed agricultural products originating in Latvia and the exportation of certain processed agricultural products to Latvia <sup>(7)</sup>, Council Regulation (EC) No 1088/2003 of 18 June 2003 adopting autonomous and transitional measures concerning the importation of certain processed agricultural products originating in Lithuania and the exportation of certain processed agricultural products to Lithuania <sup>(8)</sup>, Council Regulation (EC) No 1089/2003 of 18 June 2003 adopting autonomous and transitional measures concerning the importation of certain processed agricultural products originating in the Slovak Republic and the exportation of certain processed agricultural products to the Slovak Republic <sup>(9)</sup> and Council Regulation (EC) No 1090/2003

<sup>(1)</sup> 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).

<sup>(2)</sup> OJ L 177, 15.7.2000, p. 1. Regulation as last amended by Regulation (EC) No 307/2004 (OJ L 52, 21.2.2004, p. 35).

<sup>(3)</sup> OJ L 350, 20.12.1997, p. 3.

<sup>(4)</sup> OJ L 76, 25.3.2000, p. 9.

<sup>(5)</sup> OJ L 151, 19.6.2003, p. 1.

<sup>(6)</sup> OJ L 163, 1.7.2003, p. 1.

<sup>(7)</sup> OJ L 163, 1.7.2003, p. 19.

<sup>(8)</sup> OJ L 163, 1.7.2003, p. 38.

<sup>(9)</sup> OJ L 163, 1.7.2003, p. 56.

- of 18 June 2003 adopting autonomous and transitional measures concerning the importation of certain processed agricultural products originating in the Czech Republic and the exportation of certain processed agricultural products to the Czech Republic <sup>(1)</sup> with effect from 1 July 2003, processed agricultural products not listed in Annex I to the Treaty which are exported to Estonia, Slovenia, Latvia, Lithuania, Slovakia or Czech Republic are not eligible for export refunds.
- (8) In accordance with Council Regulation (EC) No 999/2003 of 2 June 2003 adopting autonomous and transitional measures concerning the import of certain processed agricultural products originating in Hungary and the export of certain processed agricultural products to Hungary <sup>(2)</sup>, with effect from 1 July 2003, the goods referred to in its Article 1(2) which are exported to Hungary shall not be eligible for export refunds.
- (9) In accordance with Council Regulation (EC) No 1890/2003 of 27 October 2003 adopting autonomous and transitional measures concerning the importation of certain processed agricultural products originating in Malta and the exportation of certain processed agricultural products to Malta <sup>(3)</sup>, with effect from 1 November 2003, processed agricultural products not listed in Annex I to the Treaty which are exported to Malta, shall not be eligible for export refunds.
- (10) It is necessary to ensure continuity of strict management taking account of expenditure forecasts and funds available in the budget.
- (11) The measures provided for in this Regulation are in accordance with the opinion of the Management Committee for Milk and Milk Products,

HAS ADOPTED THIS REGULATION:

*Article 1*

The rates of the refunds applicable to the basic products appearing in Annex A to Regulation (EC) No 1520/2000 and listed in Article 1 of Regulation (EC) No 1255/1999, and exported in the form of goods listed in Annex II to Regulation (EC) No 1255/1999 shall, in respect of the products listed in the Annex to this Regulation, be fixed in accordance with that Annex.

*Article 2*

This Regulation shall enter into force on 27 February 2004.

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

Done at Brussels, 26 February 2004.

*For the Commission*

Erkki LIIKANEN

*Member of the Commission*

<sup>(1)</sup> OJ L 163, 1.7.2003, p. 73.

<sup>(2)</sup> OJ L 146, 13.6.2003, p. 10.

<sup>(3)</sup> OJ L 278, 29.10.2003, p. 1.

## ANNEX

**Rates of the refunds applicable from 27 February 2004 to certain milk products exported in the form of goods not covered by Annex I to the Treaty**

(EUR/100 kg)

CN code	Description	Rate of refund <sup>(1)</sup>	
		In case of advance fixing of refunds	Other
ex 0402 10 19	Powdered milk, in granules or other solid forms, not containing added sugar or other sweetening matter, with a fat content not exceeding 1,5 % by weight (PG 2):		
	(a) on exportation of goods of CN code 3501	—	—
	(b) on exportation of other goods	45,15	64,50
ex 0402 21 19	Powdered milk, in granules or other solid forms, not containing added sugar or other sweetening matter, with a fat content of 26 % by weight (PG 3):		
	(a) where goods incorporating, in the form of products assimilated to PG 3, reduced-price butter or cream obtained pursuant to Regulation (EC) No 2571/97 are exported	54,05	77,22
	(b) on exportation of other goods	72,45	103,50
ex 0405 10	Butter, with a fat content by weight of 82 % (PG 6):		
	(a) where goods containing reduced-price butter or cream which have been manufactured in accordance with the conditions provided for in Regulation (EC) No 2571/97 are exported	65,10	93,00
	(b) on exportation of goods of CN code 2106 90 98 containing 40 % or more by weight of milk fat	129,68	185,25
	(c) on exportation of other goods	124,60	178,00

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

## COMMISSION REGULATION (EC) No 341/2004

of 26 February 2004

## fixing the rates of the refunds applicable to certain cereal and rice-products exported in the form of goods not covered by Annex I to the Treaty

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 1766/92 of 30 June 1992 on the common organisation of the market in cereals <sup>(1)</sup>, and in particular Article 13(3) thereof,

Having regard to Council Regulation (EC) No 3072/95 of 22 December 1995 on the common organisation of the market in rice <sup>(2)</sup>, and in particular Article 13(3) thereof,

Whereas:

- (1) Article 13(1) of Regulation (EEC) No 1766/92 and Article 13(1) of Regulation (EC) No 3072/95 provide that the difference between quotations of prices on the world market for the products listed in Article 1 of each of those Regulations and the prices within the Community may be covered by an export refund.
- (2) Commission Regulation (EC) No 1520/2000 of 13 July 2000 laying down common implementing rules for granting export refunds on certain agricultural products exported in the form of goods not covered by Annex I to the Treaty, and the criteria for fixing the amount of such refunds <sup>(3)</sup>, specifies the products for which a rate of refund should be fixed, to be applied where these products are exported in the form of goods listed in Annex B to Regulation (EEC) No 1766/92 or in Annex B to Regulation (EC) No 3072/95 as appropriate.
- (3) In accordance with the first subparagraph of Article 4(1) of Regulation (EC) No 1520/2000, the rate of the refund per 100 kilograms for each of the basic products in question must be fixed for each month.
- (4) The commitments entered into with regard to refunds which may be granted for the export of agricultural products contained in goods not covered by Annex I to the Treaty may be jeopardised by the fixing in advance of high refund rates. It is therefore necessary to take precautionary measures in such situations without, however, preventing the conclusion of long-term contracts. The fixing of a specific refund rate for the advance fixing of refunds is a measure which enables these various objectives to be met.

- (5) Taking into account the settlement between the European Community and the United States of America on Community exports of pasta products to the United States, approved by Council Decision 87/482/EEC <sup>(4)</sup>, it is necessary to differentiate the refund on goods falling within CN codes 1902 11 00 and 1902 19 according to their destination.

- (6) Pursuant to Article 4(3) and (5) of Regulation (EC) No 1520/2000, a reduced rate of export refund has to be fixed, taking account of the amount of the production refund applicable, pursuant to Council Regulation (EEC) No 1722/93 <sup>(5)</sup>, for the basic product in question, used during the assumed period of manufacture of the goods.

- (7) Spirituous beverages are considered less sensitive to the price of the cereals used in their manufacture. However, Protocol 19 to the Act of Accession of the United Kingdom, Ireland and Denmark provides that the necessary measures must be decided to facilitate the use of Community cereals in the manufacture of spirituous beverages obtained from cereals. Accordingly, it is necessary to adapt the refund rate applying to cereals exported in the form of spirituous beverages.

- (8) In accordance with Council Regulation (EC) No 1039/2003 of 2 June 2003 adopting autonomous and transitional measures concerning the importation of certain processed agricultural products originating in Estonia and the exportation of certain agricultural products to Estonia <sup>(6)</sup>, Council Regulation (EC) No 1086/2003 of 18 June 2003 adopting autonomous and transitional measures concerning the importation of certain processed agricultural products originating in Slovenia and the exportation of certain processed agricultural products to Slovenia <sup>(7)</sup>, Council Regulation (EC) No 1087/2003 of 18 June 2003 adopting autonomous and transitional measures concerning the importation of certain processed agricultural products originating in Latvia and the exportation of certain processed agricultural products to Latvia <sup>(8)</sup>, Council Regulation (EC) No 1088/2003 of 18 June 2003 adopting autonomous and transitional measures concerning the importation of certain processed agricultural products originating in Lithuania and the exportation of certain processed agricultural products to Lithuania <sup>(9)</sup>, Council Regulation (EC) No 1089/2003 of 18 June 2003 adopting autonomous and transitional measures concerning the importation of certain processed agricultural products originating in the Slovak Republic and the exportation of certain processed agricultural products to the Slovak

<sup>(1)</sup> OJ L 181, 1.7.1992, p. 21. Regulation as last amended by Regulation (EC) No 1784/2003 (OJ L 270, 21.10.2003, p. 78).

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

<sup>(3)</sup> OJ L 117, 15.7.2000, p. 1. Regulation as last amended by Regulation (EC) No 740/2003 (OJ L 106, 29.4.2003, p. 12).

<sup>(4)</sup> OJ L 275, 29.9.1987, p. 36.

<sup>(5)</sup> OJ L 159, 1.7.1993, p. 112. Regulation as last amended by Regulation (EC) No 1786/2001 (OJ L 242, 12.9.2001, p. 3).

<sup>(6)</sup> OJ L 151, 19.6.2003, p. 1.

<sup>(7)</sup> OJ L 163, 1.7.2003, p. 1.

<sup>(8)</sup> OJ L 163, 1.7.2003, p. 19.

<sup>(9)</sup> OJ L 163, 1.7.2003, p. 38.

Republic <sup>(1)</sup> and Council Regulation (EC) No 1090/2003 of 18 June 2003 adopting autonomous and transitional measures concerning the importation of certain processed agricultural products originating in the Czech Republic and the exportation of certain processed agricultural products to the Czech Republic <sup>(2)</sup> with effect from 1 July 2003, processed agricultural products not listed in Annex I to the Treaty which are exported to Estonia, Slovenia, Latvia, Lithuania, Slovakia or the Czech Republic are not eligible for export refunds.

- (9) In accordance with Council Regulation (EC) No 999/2003 of 2 June 2003 adopting autonomous and transitional measures concerning the import of certain processed agricultural products originating in Hungary and the export of certain processed agricultural products to Hungary <sup>(3)</sup>, with effect from 1 July 2003, the goods referred to in its Article 1(2) which are exported to Hungary are not eligible for export refunds.
- (10) In accordance with Council Regulation (EC) No 1890/2003 of 27 October 2003 adopting autonomous and transitional measures concerning the importation of certain processed agricultural products originating in Malta and the exportation of certain processed agricultural products to Malta <sup>(4)</sup>, with effect from 1

November 2003, processed agricultural products not listed in Annex I to the Treaty which are exported to Malta, are not eligible for export refunds.

- (11) It is necessary to ensure continuity of strict management taking account of expenditure forecasts and funds available in the budget.
- (12) The Management Committee for Cereals has not delivered an opinion within the time limit set by its chairman,

HAS ADOPTED THIS REGULATION:

*Article 1*

The rates of the refunds applicable to the basic products listed in Annex A to Regulation (EC) No 1520/2000 and listed either in Article 1 of Regulation (EEC) No 1766/92 or in Article 1(1) of Regulation (EC) No 3072/95, exported in the form of goods listed in Annex B to Regulation (EEC) No 1766/92 or in Annex B to Regulation (EC) No 3072/95 respectively, are fixed as shown in the Annex to this Regulation.

*Article 2*

This Regulation shall enter into force on 27 February 2004.

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

Done at Brussels, 26 February 2004.

*For the Commission*

Erkki LIIKANEN

*Member of the Commission*

<sup>(1)</sup> OJ L 163, 1.7.2003, p. 56.

<sup>(2)</sup> OJ L 163, 1.7.2003, p. 73.

<sup>(3)</sup> OJ L 146, 13.6.2003, p. 10.

<sup>(4)</sup> OJ L 278, 29.10.2003, p. 1.

## ANNEX

**Rates of the refunds applicable from 27 February 2004 to certain cereals and rice products exported in the form of goods not covered by Annex I to the Treaty**

(EUR/100 kg)

CN code	Description of products <sup>(1)</sup>	Rate of refund per 100 kg of basic product <sup>(2)</sup>	
		In case of advance fixing of refunds	Other
1001 10 00	Durum wheat:		
	– on exports of goods falling within CN codes 1902 11 and 1902 19 to the United States of America	—	—
	– in other cases	—	—
1001 90 99	Common wheat and meslin:		
	– on exports of goods falling within CN codes 1902 11 and 1902 19 to the United States of America	—	—
	– in other cases:		
	– – where Article 4(5) of Regulation (EC) No 1520/2000 applies <sup>(3)</sup>	—	—
	– – where goods falling within subheading 2208 <sup>(4)</sup> are exported	—	—
	– – in other cases	—	—
1002 00 00	Rye	—	—
1003 00 90	Barley		
	– where goods falling within subheading 2208 <sup>(4)</sup> are exported	—	—
	– in other cases	—	—
1004 00 00	Oats	—	—
1005 90 00	Maize (corn) used in the form of:		
	– starch:		
	– – where Article 4(5) of Regulation (EC) No 1520/2000 applies <sup>(3)</sup>	2,195	2,195
	– – where goods falling within subheading 2208 <sup>(4)</sup> are exported	—	—
	– – in other cases	2,550	2,550
	– glucose, glucose syrup, maltodextrine, maltodextrine syrup of CN codes 1702 30 51, 1702 30 59, 1702 30 91, 1702 30 99, 1702 40 90, 1702 90 50, 1702 90 75, 1702 90 79, 2106 90 55 <sup>(5)</sup> :		
	– – where Article 4(5) of Regulation (EC) No 1520/2000 applies <sup>(3)</sup>	1,558	1,558
	– – where goods falling within subheading 2208 <sup>(4)</sup> are exported	—	—
	– – in other cases	1,913	1,913
	– where goods falling within subheading 2208 <sup>(4)</sup> are exported	—	—
	– other (including unprocessed)	2,550	2,550
	Potato starch of CN code 1108 13 00 similar to a product obtained from processed maize:		
	– where Article 4(5) of Regulation (EC) No 1520/2000 applies <sup>(3)</sup>	2,550	2,550
	– – where goods falling within subheading 2208 <sup>(4)</sup> are exported	—	—
	– in other cases	2,550	2,550



(EUR/100 kg)

CN code	Description of products <sup>(1)</sup>	Rate of refund per 100 kg of basic product <sup>(2)</sup>	
		In case of advance fixing of refunds	Other
ex 1006 30	Wholly milled rice:		
	– round grain	9,100	9,100
	– medium grain	9,100	9,100
	– long grain	9,100	9,100
1006 40 00	Broken rice	2,400	2,400
1007 00 90	Grain sorghum, other than hybrid for sowing	—	—

<sup>(1)</sup> As far as agricultural products obtained from the processing of a basic product or/and assimilated products are concerned, the coefficients shown in Annex E to Commission Regulation (EC) No 1520/2000 shall be applied (OJ L 177, 15.7.2000, p. 1).

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

<sup>(3)</sup> The goods concerned fall under CN code 3505 10 50.

<sup>(4)</sup> Goods listed in Annex B to Regulation (EEC) No 1766/92 or referred to in Article 2 of Regulation (EEC) No 2825/93.

<sup>(5)</sup> For syrups of CN codes NC 1702 30 99, 1702 40 90 and 1702 60 90, obtained from mixing glucose and fructose syrup, the export refund may be granted only for the glucose syrup.

**COMMISSION REGULATION (EC) No 342/2004**  
**of 26 February 2004**  
**on the issuing of export licences for products processed from fruit and vegetables (sugar-preserved cherries)**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 2201/96 of 28 October 1996 on the common organisation of the market in processed fruit and vegetable products <sup>(1)</sup>,

Having regard to Commission Regulation (EC) No 1429/95 of 23 June 1995 on implementing rules for export refunds on products processed from fruit and vegetables other than those granted for added sugars <sup>(2)</sup>, and in particular the second subparagraph of Article 4(1) thereof,

Whereas:

- (1) Commission Regulation (EC) No 1859/2003 <sup>(3)</sup> fixed the quantities in respect of which applications may be submitted for export licences with advance fixing of the refund.
- (2) Article 4 of Regulation (EC) No 1429/95 fixed the conditions in which special measures may be taken by the Commission with a view to preventing an overrun in the quantities for which export licences may be issued.
- (3) In the light of information now available to the Commission, these quantities would be exceeded if all licences with advance fixing of the refund for the export of

sugar-preserved cherries applied for since 20 February 2004 were issued without restriction. A reducing factor should therefore be applied to the quantities of this product applied for on 20 February 2004 and all applications for export licences with advance fixing of the refund submitted after that date during the same application period should be rejected,

HAS ADOPTED THIS REGULATION:

*Article 1*

Export licences with advance fixing of the refund for sugar-preserved cherries for which applications were submitted on 20 February 2004 under Article 1 of Regulation (EC) No 1859/2003 shall be issued for 70,5 % of the quantities applied for.

Applications for export licences with advance fixing of the refund for sugar-preserved cherries submitted after 20 February 2004 and before 23 February 2004 shall be rejected.

*Article 2*

This Regulation shall enter into force on 27 February 2004.

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

Done at Brussels, 26 February 2004.

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

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<sup>(1)</sup> OJ L 297, 21.11.1996, p. 29. Regulation as last amended by Commission Regulation (EC) No 453/2002 (OJ L 72, 14.3.2002, p. 9).

<sup>(2)</sup> OJ L 141, 24.6.1995, p. 28. Regulation as last amended by Regulation (EC) 1176/2002 (OJ L 170, 29.6.2002, p. 69).

<sup>(3)</sup> OJ L 272, 23.10.2003, p. 14.

**COMMISSION REGULATION (EC) No 343/2004  
of 26 February 2004**

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

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

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

Whereas:

- (1) Article 13 of Regulation (EC) No 3072/95 provides that the difference between quotations or prices on the world market for the products listed in Article 1 of that Regulation and prices for those products within the Community may be covered by an export refund.
- (2) Article 13(4) of Regulation (EC) No 3072/95, provides that when refunds are being fixed account must be taken of the existing situation and the future trend with regard to prices and availabilities of rice and broken rice on the Community market on the one hand and prices for rice and broken rice on the world market on the other. The same Article provides that it is also important to ensure equilibrium and the natural development of prices and trade on the rice market and, furthermore, to take into account the economic aspect of the proposed exports and the need to avoid disturbances of the Community market with limits resulting from agreements concluded in accordance with Article 300 of the Treaty.
- (3) Commission Regulation (EEC) No 1361/76 <sup>(2)</sup> lays down the maximum percentage of broken rice allowed in rice for which an export refund is fixed and specifies the percentage by which that refund is to be reduced where the proportion of broken rice in the rice exported exceeds that maximum.
- (4) Export possibilities exist for a quantity of 8 800 tonnes of rice to certain destinations. The procedure laid down in Article 8(3) of Commission Regulation (EC) No 1342/2003 <sup>(3)</sup> should be used. Account should be taken of this when the refunds are fixed.
- (5) Article 13(5) of Regulation (EC) No 3072/95 defines the specific criteria to be taken into account when the export refund on rice and broken rice is being calculated.
- (6) The world market situation or the specific requirements of certain markets may make it necessary to vary the refund for certain products according to destination.
- (7) A separate refund should be fixed for packaged long grain rice to accommodate current demand for the product on certain markets.
- (8) The refund must be fixed at least once a month; whereas it may be altered in the intervening period.
- (9) It follows from applying these rules and criteria to the present situation on the market in rice and in particular to quotations or prices for rice and broken rice within the Community and on the world market, that the refund should be fixed as set out in the Annex hereto.
- (10) For the purposes of administering the volume restrictions resulting from Community commitments in the context of the WTO, the issue of export licences with advance fixing of the refund should be restricted.
- (11) The measures provided for in this Regulation are in accordance with the opinion of the Management Committee for Cereals,

HAS ADOPTED THIS REGULATION:

*Article 1*

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

*Article 2*

With the exception of the quantity of 8 800 tonnes provided for in the Annex, the issue of export licences with advance fixing of the refund is suspended.

*Article 3*

This Regulation shall enter into force on 27 February 2004.

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

<sup>(2)</sup> OJ L 154, 15.6.1976, p. 11.

<sup>(3)</sup> OJ L 189, 29.7.2003, p. 12.

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

Done at Brussels, 26 February 2004.

*For the Commission*  
Franz FISCHLER  
*Member of the Commission*

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## ANNEX

**to the Commission Regulation of 26 February 2004 fixing the export refunds on rice and broken rice and suspending the issue of export licences**

Product code	Destination	Unit of measurement	Amount of refunds (1)	Product code	Destination	Unit of measurement	Amount of refunds (1)
1006 20 11 9000	R01	EUR/t	68	1006 30 65 9900	R01	EUR/t	85
1006 20 13 9000	R01	EUR/t	68		064 and 066	EUR/t	111
1006 20 15 9000	R01	EUR/t	68		A97	EUR/t	91
1006 20 17 9000	—	EUR/t	—	1006 30 67 9100	021 and 023	EUR/t	91
1006 20 92 9000	R01	EUR/t	68		064 and 066	EUR/t	111
1006 20 94 9000	R01	EUR/t	68	1006 30 67 9900	064 and 066	EUR/t	111
1006 20 96 9000	R01	EUR/t	68	1006 30 92 9100	R01	EUR/t	85
1006 20 98 9000	—	EUR/t	—		R02	EUR/t	91
1006 30 21 9000	R01	EUR/t	68		R03	EUR/t	96
1006 30 23 9000	R01	EUR/t	68		064 and 066	EUR/t	111
1006 30 25 9000	R01	EUR/t	68		A97	EUR/t	91
1006 30 27 9000	—	EUR/t	—		021 and 023	EUR/t	91
1006 30 42 9000	R01	EUR/t	68	1006 30 92 9900	R01	EUR/t	85
1006 30 44 9000	R01	EUR/t	68		A97	EUR/t	91
1006 30 46 9000	R01	EUR/t	68		064 and 066	EUR/t	111
1006 30 48 9000	—	EUR/t	—	1006 30 94 9100	R01	EUR/t	85
1006 30 61 9100	R01	EUR/t	85		R02	EUR/t	91
	R02	EUR/t	91		R03	EUR/t	96
	R03	EUR/t	96		064 and 066	EUR/t	111
	064 and 066	EUR/t	111		A97	EUR/t	91
	A97	EUR/t	91		021 and 023	EUR/t	91
1006 30 61 9900	021 and 023	EUR/t	91	1006 30 94 9900	R01	EUR/t	85
	R01	EUR/t	85		A97	EUR/t	91
	A97	EUR/t	91		064 and 066	EUR/t	111
	064 and 066	EUR/t	111	1006 30 96 9100	R01	EUR/t	85
1006 30 63 9100	R01	EUR/t	85		R02	EUR/t	91
	R02	EUR/t	91		R03	EUR/t	96
	R03	EUR/t	96		064 and 066	EUR/t	111
	064 and 066	EUR/t	111		A97	EUR/t	91
	A97	EUR/t	91		021 and 023	EUR/t	91
1006 30 63 9900	021 and 023	EUR/t	91	1006 30 96 9900	R01	EUR/t	85
	R01	EUR/t	85		A97	EUR/t	91
	064 and 066	EUR/t	111		064 and 066	EUR/t	111
	A97	EUR/t	91	1006 30 98 9100	021 and 023	EUR/t	91
1006 30 65 9100	R01	EUR/t	85	1006 30 98 9900	—	EUR/t	—
	R02	EUR/t	91	1006 40 00 9000	—	EUR/t	—
	R03	EUR/t	96				
	064 and 066	EUR/t	111				
	A97	EUR/t	91				
	021 and 023	EUR/t	91				

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

destination R01:	4 000 t,
all destinations R02 and R03:	3 000 t,
destinations 021 and 023:	500 t,
destinations 064 and 066:	1 000 t,
destination A97:	300 t.

NB: The product codes and the 'A' series destination codes are set out in Commission Regulation (EEC) No 2081/2003 (OJ L 313, 28.11.2003, p. 11) as amended.

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

The other destinations are defined as follows:

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

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

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

**COMMISSION REGULATION (EC) No 344/2004****of 26 February 2004****fixing the export refunds on cereals and on wheat or rye flour, groats and meal**

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 <sup>(1)</sup>, and in particular Article 13(2) thereof,

Whereas:

- (1) Article 13 of Regulation (EEC) No 1766/92 provides that the difference between quotations or prices on the world market for the products listed in Article 1 of that Regulation and prices for those products in the Community may be covered by an export refund.
- (2) The refunds must be fixed taking into account the factors referred to in Article 1 of Commission Regulation (EC) No 1501/95 of 29 June 1995 laying down certain detailed rules under 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 <sup>(2)</sup>.
- (3) As far as wheat and rye flour, groats and meal are concerned, when the refund on these products is being calculated, account must be taken of the quantities of cereals required for their manufacture. These quantities were fixed in Regulation (EC) No 1501/95.

- (4) The world market situation or the specific requirements of certain markets may make it necessary to vary the refund for certain products according to destination.
- (5) The refund must be fixed once a month. It may be altered in the intervening period.
- (6) It follows from applying the detailed rules set out above to the present situation on the market in cereals, and in particular to quotations or prices for these products within the Community and on the world market, that the refunds should be as set out in the Annex hereto.
- (7) The measures provided for in this Regulation are in accordance with the opinion of the Management Committee for Cereals,

HAS ADOPTED THIS REGULATION:

*Article 1*

The export refunds on the products listed in Article 1(a), (b) and (c) of Regulation (EEC) No 1766/92, excluding malt, exported in the natural state, shall be as set out in the Annex hereto.

*Article 2*

This Regulation shall enter into force on 1 March 2004.

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

Done at Brussels, 26 February 2004.

*For the Commission*

Franz FISCHLER

*Member of the Commission*

<sup>(1)</sup> 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).

<sup>(2)</sup> 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).

## ANNEX

**to the Commission Regulation of 26 February 2004 fixing the export refunds on cereals and on wheat or rye flour, groats and meal**

Product code	Destination	Unit of measurement	Amount of refunds	Product code	Destination	Unit of measurement	Amount of refunds
1001 10 00 9200	—	EUR/t	—	1101 00 15 9130	A00	EUR/t	0
1001 10 00 9400	—	EUR/t	—	1101 00 15 9150	A00	EUR/t	0
1001 90 91 9000	—	EUR/t	—	1101 00 15 9170	A00	EUR/t	0
1001 90 99 9000	—	EUR/t	—	1101 00 15 9180	A00	EUR/t	0
1002 00 00 9000	—	EUR/t	—	1101 00 15 9190	—	EUR/t	—
1003 00 10 9000	—	EUR/t	—	1101 00 90 9000	—	EUR/t	—
1003 00 90 9000	—	EUR/t	—	1102 10 00 9500	A00	EUR/t	0
1004 00 00 9200	—	EUR/t	—	1102 10 00 9700	A00	EUR/t	0
1004 00 00 9400	A00	EUR/t	0	1102 10 00 9900	—	EUR/t	—
1005 10 90 9000	—	EUR/t	—	1103 11 10 9200	A00	EUR/t	0 (!)
1005 90 00 9000	—	EUR/t	—	1103 11 10 9400	A00	EUR/t	0 (!)
1007 00 90 9000	—	EUR/t	—	1103 11 10 9900	—	EUR/t	—
1008 20 00 9000	—	EUR/t	—	1103 11 90 9200	A00	EUR/t	0 (!)
1101 00 11 9000	—	EUR/t	—	1103 11 90 9800	—	EUR/t	—
1101 00 15 9100	A00	EUR/t	0				

(!) No refund is granted when this product contains compressed meal.

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

**COMMISSION REGULATION (EC) No 345/2004**  
**of 26 February 2004**  
**fixing the corrective amount applicable to the refund on cereals**

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 organization of the market in cereals <sup>(1)</sup>, and in particular Article 13(8) thereof,

Whereas:

- (1) Article 13(8) of Regulation (EEC) No 1766/92 provides that the export refund applicable to cereals on the day on which application for an export licence is made must be applied on request to exports to be effected during the period of validity of the export licence. In this case, a corrective amount may be applied to the refund.
- (2) Commission Regulation (EC) No 1501/95 of 29 June 1995 laying down certain detailed rules under Council Regulation (EEC) No 1766/92 on the granting of export refunds on cereals and the cereals and the measures to be taken in the event of disturbance on the market for cereals <sup>(2)</sup>, allows for the fixing of a corrective amount for the products listed in Article 1(1)(c) of Regulation (EEC) No 1766/92. That corrective amount must be calculated taking account of the factors referred to in Article 1 of Regulation (EC) No 1501/95.

- (3) The world market situation or the specific requirements of certain markets may make it necessary to vary the corrective amount according to destination.
- (4) The corrective amount must be fixed at the same time as the refund and according to the same procedure; it may be altered in the period between fixings.
- (5) It follows from applying the provisions set out above that the corrective amount must be as set out in the Annex hereto.
- (6) The measures provided for in this Regulation are in accordance with the opinion of the Management Committee for Cereals,

HAS ADOPTED THIS REGULATION:

*Article 1*

The corrective amount referred to in Article 1(1)(a), (b) and (c) of Regulation (EEC) No 1766/92 which is applicable to export refunds fixed in advance except for malt shall be as set out in the Annex hereto.

*Article 2*

This Regulation shall enter into force on 1 March 2004.

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

Done at Brussels, 26 February 2004.

*For the Commission*  
Franz FISCHLER  
*Member of the Commission*

<sup>(1)</sup> 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).

<sup>(2)</sup> 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).



## ANNEX

## to the Commission Regulation of 26 February 2004 fixing the corrective amount applicable to the refund on cereals

(EUR/t)

Product code	Destination	Current 3	1st period 4	2nd period 5	3rd period 6	4th period 7	5th period 8	6th period 9
1001 10 00 9200	—	—	—	—	—	—	—	—
1001 10 00 9400	—	—	—	—	—	—	—	—
1001 90 91 9000	—	—	—	—	—	—	—	—
1001 90 99 9000	—	—	—	—	—	—	—	—
1002 00 00 9000	—	—	—	—	—	—	—	—
1003 00 10 9000	—	—	—	—	—	—	—	—
1003 00 90 9000	—	—	—	—	—	—	—	—
1004 00 00 9200	—	—	—	—	—	—	—	—
1004 00 00 9400	A00	0	0	0	0	0	—	—
1005 10 90 9000	—	—	—	—	—	—	—	—
1005 90 00 9000	—	—	—	—	—	—	—	—
1007 00 90 9000	—	—	—	—	—	—	—	—
1008 20 00 9000	—	—	—	—	—	—	—	—
1101 00 11 9000	—	—	—	—	—	—	—	—
1101 00 15 9100	A00	0	0	0	0	0	—	—
1101 00 15 9130	A00	0	0	0	0	0	—	—
1101 00 15 9150	A00	0	0	0	0	0	—	—
1101 00 15 9170	A00	0	0	0	0	0	—	—
1101 00 15 9180	A00	0	0	0	0	0	—	—
1101 00 15 9190	—	—	—	—	—	—	—	—
1101 00 90 9000	—	—	—	—	—	—	—	—
1102 10 00 9500	A00	0	0	0	0	0	—	—
1102 10 00 9700	A00	0	0	0	0	0	—	—
1102 10 00 9900	—	—	—	—	—	—	—	—
1103 11 10 9200	A00	0	0	0	0	0	—	—
1103 11 10 9400	A00	0	0	0	0	0	—	—
1103 11 10 9900	—	—	—	—	—	—	—	—
1103 11 90 9200	A00	0	0	0	0	0	—	—
1103 11 90 9800	—	—	—	—	—	—	—	—

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 Regulation (EC) No 2081/2003 (OJ L 313, 28.11.2003, p. 11).

**COMMISSION REGULATION (EC) No 346/2004**  
**of 26 February 2004**  
**fixing the export refunds on malt**

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 organization of the market in cereals <sup>(1)</sup>, and in particular the third subparagraph of Article 13(2) thereof,

Whereas:

- (1) Article 13 of Regulation (EEC) No 1766/92 provides that the difference between quotations or prices on the world market for the products listed in Article 1 of that Regulation and prices for those products within the Community may be covered by an export refund.
- (2) The refunds must be fixed taking into account the factors referred to in Article 1 of Commission Regulation (EC) No 1501/95 of 29 June 1995 laying down certain detailed rules under 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 <sup>(2)</sup>.
- (3) The refund applicable in the case of malts must be calculated with amount taken of the quantity of cereals required to manufacture the products in question. The said quantities are laid down in Regulation (EC) No 1501/95.

- (4) The world market situation or the specific requirements of certain markets may make it necessary to vary the refund for certain products according to destination.
- (5) The refund must be fixed once a month. It may be altered in the intervening period.
- (6) It follows from applying these rules to the present situation on markets in cereals, and in particular to quotations or prices for these products within the Community and on the world market, that the refunds should be as set out in the Annex hereto.
- (7) The measures provided for in this Regulation are in accordance with the opinion of the Management Committee for Cereals,

HAS ADOPTED THIS REGULATION:

*Article 1*

The export refunds on malt listed in Article 1(1)(c) of Regulation (EEC) No 1766/92 shall be as set out in the Annex hereto.

*Article 2*

This Regulation shall enter into force on 1 March 2004.

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

Done at Brussels, 26 February 2004.

*For the Commission*  
Franz FISCHLER  
*Member of the Commission*

<sup>(1)</sup> 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).

<sup>(2)</sup> 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).

## ANNEX

**to the Commission Regulation of 26 February 2004 fixing the export refunds on malt**

Product code	Destination	Unit of measurement	Amount of refunds
1107 10 19 9000	A00	EUR/t	0,00
1107 10 99 9000	A00	EUR/t	0,00
1107 20 00 9000	A00	EUR/t	0,00

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).

**COMMISSION REGULATION (EC) No 347/2004**  
**of 26 February 2004**  
**fixing the corrective amount applicable to the refund on malt**

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 organization of the market in cereals <sup>(1)</sup>, and in particular Article 13(8),

Whereas:

- (1) Article 13(8) of Regulation (EEC) No 1766/92 provides that the export refund applicable to cereals on the day on which application for an export licence is made, adjusted for the threshold price in force during the month of exportation, must be applied on request to exports to be effected during the period of validity of the export licence. In this case, a corrective amount may be applied to the refund.
- (2) Commission Regulation (EC) No 1501/95 of 29 June 1995 laying down certain detailed rules under 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 <sup>(2)</sup> allows for the fixing of a corrective amount for the malt referred to in Article 1(1)(c) of Regulation (EEC) No

1766/92. That corrective amount must be calculated taking account of the factors referred to in Article 1 of Regulation (EC) No 1501/95.

- (3) It follows from applying the provisions set out above that the corrective amount must be as set out in the Annex hereto.
- (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*

The corrective amount referred to in Article 13(4) of Regulation (EEC) No 1766/92 which is applicable to export refunds fixed in advance in respect of malt shall be as set out in the Annex hereto.

*Article 2*

This Regulation shall enter into force on 1 March 2004.

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

Done at Brussels, 26 February 2004.

*For the Commission*  
Franz FISCHLER  
*Member of the Commission*

<sup>(1)</sup> 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).

<sup>(2)</sup> 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).

## ANNEX

**to the Commission Regulation of 26 February 2004 fixing the corrective amount applicable to the refund on malt**

(EUR/t)

Product code	Destination	Current 3	1st period 4	2nd period 5	3rd period 6	4th period 7	5th period 8
1107 10 11 9000	A00	0	0	0	0	0	0
1107 10 19 9000	A00	0	0	0	0	0	0
1107 10 91 9000	A00	0	0	0	0	0	0
1107 10 99 9000	A00	0	0	0	0	0	0
1107 20 00 9000	A00	0	0	0	0	0	0

(EUR/t)

Product code	Destination	6th period 9	7th period 10	8th period 11	9th period 12	10th period 1	11th period 2
1107 10 11 9000	A00	0	0	0	0	0	0
1107 10 19 9000	A00	0	0	0	0	0	0
1107 10 91 9000	A00	0	0	0	0	0	0
1107 10 99 9000	A00	0	0	0	0	0	0
1107 20 00 9000	A00	0	0	0	0	0	0

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

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

**COMMISSION REGULATION (EC) No 348/2004**  
**of 26 February 2004**  
**concerning tenders notified in response to the invitation to tender for the export of oats 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 <sup>(1)</sup>,

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 <sup>(2)</sup>, 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 <sup>(3)</sup>, 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 and Sweden to all third countries, with the exception of 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) According to Article 9 of Regulation (EC) No 1814/2003 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 make no award.

(3) On the basis of the criteria laid down in Article 1 of Regulation (EC) No 1501/95, a maximum refund 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 20 to 26 February 2004 in response to the invitation to tender for the refund for the export of oats issued in Regulation (EC) No 1814/2003.

*Article 2*

This Regulation shall enter into force on 27 February 2004.

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

Done at Brussels, 26 February 2004.

*For the Commission*

Franz FISCHLER

*Member of the Commission*

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<sup>(1)</sup> 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).

<sup>(2)</sup> 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).

<sup>(3)</sup> OJ L 265, 16.10.2003, p. 25.

**COMMISSION REGULATION (EC) No 349/2004**  
**of 26 February 2004**  
**concerning tenders notified in response to the invitation to tender for the import of sorghum**  
**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 (EEC) No 1766/92 of 30 June 1992, on the common organization of the market in cereals<sup>(1)</sup>, 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<sup>(2)</sup>.
- (2) Article 5 of Commission Regulation (EC) No 1839/95<sup>(3)</sup>, 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 20 to 26 February 2004 in response to the invitation to tender for the reduction in the duty on imported sorghum issued in Regulation (EC) No 238/2004.

*Article 2*

This Regulation shall enter into force on 27 February 2004.

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

Done at Brussels, 26 February 2004.

*For the Commission*  
Franz FISCHLER  
*Member of the Commission*

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

<sup>(2)</sup> OJ L 40, 12.2.2004, p. 23.

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

**COMMISSION REGULATION (EC) No 350/2004**  
**of 26 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<sup>(1)</sup>, 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<sup>(2)</sup>.
- (2) Article 5 of Commission Regulation (EC) No 1839/95<sup>(3)</sup>, 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 20 to 26 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 27 February 2004.

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

Done at Brussels, 26 February 2004.

*For the Commission*  
Franz FISCHLER  
*Member of the Commission*

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<sup>(1)</sup> 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).

<sup>(2)</sup> OJ L 342, 30.12.2003, p. 34.

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



**COMMISSION REGULATION (EC) No 351/2004**  
**of 26 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 <sup>(1)</sup>, 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 <sup>(2)</sup>, 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 <sup>(3)</sup>, however, this second component is applied only if the added sucrose has been produced using sugar beet or cane harvested in the Community.

<sup>(1)</sup> OJ L 160, 26.6.1999, p. 48. Regulation as last amended by Commission Regulation (EC) No 188/2004 (OJ L 29, 3.2.2004, p. 6).

<sup>(2)</sup> 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).

<sup>(3)</sup> 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 <sup>(1)</sup> laid down additional provisions concerning the granting of refunds on the change from one milk year to another; those provisions provide for the possibility of varying refunds according to the date of manufacture of the products.
- (8) For the calculation of the refund for processed cheese provision must be made where casein or caseinates are added for that quantity not to be taken into account.
- (9) With a view to enlargement on 1 May 2004 and to encourage the gradual alignment of prices in the new Member States on the Community level, all remaining refunds for exports to the new Member States should be abolished.
- (10) The consolidation of the maximum quantities for export within the limits set in the WTO Agreement will be more binding on the accession of the new Member States. In order to ensure the satisfactory management and optimum use of the maximum quantities for export, steps should therefore be taken to reduce or abolish the refunds for certain destinations, in particular those located in or close to the geographical area of the Community where the level of prices for milk products no longer justify the present level of refund rates, despite the collection of import duty in some of those countries.
- (11) The policy of some non-member countries is to prevent disturbance on the internal market by applying frontier measures. The refunds for certain milk products exported to those destinations should be differentiated in order to reduce the risk of such measures being applied.
- (12) It follows from applying the rules set out above to the present situation on the market in milk and in particular to quotations or prices for milk products within the Community and on the world market that the refund should be as set out in the Annex to this Regulation.
- (13) The measures provided for in this Regulation are in accordance with the opinion of the Management Committee for Milk and Milk Products,

HAS ADOPTED THIS REGULATION:

*Article 1*

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

*Article 2*

This Regulation shall enter into force on 27 February 2004.

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

Done at Brussels, 26 February 2004.

*For the Commission*  
Franz FISCHLER  
*Member of the Commission*

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<sup>(1)</sup> 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 26 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 21 19 9300	L01	EUR/100 kg	—
0401 10 90 9000	970	EUR/100 kg	1,911		L02	EUR/100 kg	65,14
0401 20 11 9100	970	EUR/100 kg	0,000		A01	EUR/100 kg	93,05
0401 20 11 9500	970	EUR/100 kg	2,953	0402 21 19 9500	L01	EUR/100 kg	—
0401 20 19 9100	970	EUR/100 kg	0,000		L02	EUR/100 kg	67,98
0401 20 19 9500	970	EUR/100 kg	2,953		A01	EUR/100 kg	97,12
0401 20 91 9000	970	EUR/100 kg	3,737	0402 21 19 9900	L01	EUR/100 kg	—
0401 20 99 9000	970	EUR/100 kg	0,000		L02	EUR/100 kg	72,45
0401 30 11 9400	970	EUR/100 kg	8,624		A01	EUR/100 kg	103,50
0401 30 11 9700	970	EUR/100 kg	12,95	0402 21 91 9100	L01	EUR/100 kg	—
0401 30 19 9700	970	EUR/100 kg	0,00		L02	EUR/100 kg	72,90
0401 30 31 9100	L01	EUR/100 kg	—		A01	EUR/100 kg	104,14
	L02	EUR/100 kg	22,02	0402 21 91 9200	L01	EUR/100 kg	—
	A01	EUR/100 kg	31,46		L02	EUR/100 kg	73,33
0401 30 31 9400	L01	EUR/100 kg	—		A01	EUR/100 kg	104,76
	L02	EUR/100 kg	34,40	0402 21 91 9350	L01	EUR/100 kg	—
	A01	EUR/100 kg	49,14		L02	EUR/100 kg	74,08
0401 30 31 9700	L01	EUR/100 kg	—		A01	EUR/100 kg	105,83
	L02	EUR/100 kg	37,94	0402 21 91 9500	L01	EUR/100 kg	—
	A01	EUR/100 kg	54,20		L02	EUR/100 kg	79,62
0401 30 39 9100	L01	EUR/100 kg	—		A01	EUR/100 kg	113,74
	L02	EUR/100 kg	22,02	0402 21 99 9100	L01	EUR/100 kg	—
	A01	EUR/100 kg	31,46		L02	EUR/100 kg	72,90
0401 30 39 9400	L01	EUR/100 kg	—		A01	EUR/100 kg	104,14
	L02	EUR/100 kg	34,40	0402 21 99 9200	L01	EUR/100 kg	—
	A01	EUR/100 kg	49,14		L02	EUR/100 kg	73,33
0401 30 39 9700	L01	EUR/100 kg	—		A01	EUR/100 kg	104,76
	L02	EUR/100 kg	37,94	0402 21 99 9300	L01	EUR/100 kg	—
	A01	EUR/100 kg	54,20		L02	EUR/100 kg	74,08
0401 30 91 9100	L01	EUR/100 kg	—		A01	EUR/100 kg	105,83
	L02	EUR/100 kg	43,24	0402 21 99 9400	L01	EUR/100 kg	—
	A01	EUR/100 kg	61,77		L02	EUR/100 kg	78,19
0401 30 91 9500	A00	EUR/100 kg	0,00		A01	EUR/100 kg	111,70
0401 30 99 9100	L01	EUR/100 kg	—	0402 21 99 9500	L01	EUR/100 kg	—
	L02	EUR/100 kg	43,24		L02	EUR/100 kg	79,62
	A01	EUR/100 kg	61,77		A01	EUR/100 kg	113,74
0401 30 99 9500	L01	EUR/100 kg	—	0402 21 99 9600	L01	EUR/100 kg	—
	L02	EUR/100 kg	63,55		L02	EUR/100 kg	85,23
	A01	EUR/100 kg	90,78		A01	EUR/100 kg	121,76
0402 10 11 9000	L01	EUR/100 kg	—	0402 21 99 9700	L01	EUR/100 kg	—
	L02	EUR/100 kg	45,15		L02	EUR/100 kg	88,41
	A01	EUR/100 kg	64,50		A01	EUR/100 kg	126,30
0402 10 19 9000	L01	EUR/100 kg	—	0402 21 99 9900	L01	EUR/100 kg	—
	L02	EUR/100 kg	45,15		L02	EUR/100 kg	92,09
	A01	EUR/100 kg	64,50		A01	EUR/100 kg	131,56
0402 10 91 9000	L01	EUR/kg	—	0402 29 15 9200	L01	EUR/kg	—
	L02	EUR/kg	0,4515		L02	EUR/kg	0,4515
	A01	EUR/kg	0,6450		A01	EUR/kg	0,6450
0402 10 99 9000	L01	EUR/kg	—	0402 29 15 9300	L01	EUR/kg	—
	L02	EUR/kg	0,4515		L02	EUR/kg	0,6514
	A01	EUR/kg	0,6450		A01	EUR/kg	0,9305
0402 21 11 9200	L01	EUR/100 kg	—	0402 29 15 9500	L01	EUR/kg	—
	L02	EUR/100 kg	45,15		L02	EUR/kg	0,6798
	A01	EUR/100 kg	64,50		A01	EUR/kg	0,9712
0402 21 11 9300	L01	EUR/100 kg	—	0402 29 15 9900	L01	EUR/kg	—
	L02	EUR/100 kg	65,14		L02	EUR/kg	0,7245
	A01	EUR/100 kg	93,05		A01	EUR/kg	1,0350
0402 21 11 9500	L01	EUR/100 kg	—	0402 29 19 9300	L01	EUR/kg	—
	L02	EUR/100 kg	67,98		L02	EUR/kg	0,6514
	A01	EUR/100 kg	97,12		A01	EUR/kg	0,9305
0402 21 11 9900	L01	EUR/100 kg	—	0402 29 19 9500	L01	EUR/kg	—
	L02	EUR/100 kg	72,45		L02	EUR/kg	0,6798
	A01	EUR/100 kg	103,50		A01	EUR/kg	0,9712
0402 21 17 9000	L01	EUR/100 kg	—				
	L02	EUR/100 kg	45,15				
	A01	EUR/100 kg	64,50				

Product code	Destination	Unit of measurement	Amount of refund	Product code	Destination	Unit of measurement	Amount of refund
0402 29 19 9900	L01	EUR/kg	—	0403 90 59 9340	L01	EUR/100 kg	—
	L02	EUR/kg	0,7245		L02	EUR/100 kg	32,22
	A01	EUR/kg	1,0350		A01	EUR/100 kg	46,03
0402 29 91 9000	L01	EUR/kg	—	0403 90 59 9370	L01	EUR/100 kg	—
	L02	EUR/kg	0,7290		L02	EUR/100 kg	32,22
	A01	EUR/kg	1,0414		A01	EUR/100 kg	46,03
0402 29 99 9100	L01	EUR/kg	—	0403 90 59 9510	L01	EUR/100 kg	—
	L02	EUR/kg	0,7290		L02	EUR/100 kg	32,22
	A01	EUR/kg	1,0414		A01	EUR/100 kg	46,03
0402 29 99 9500	L01	EUR/kg	—	0404 90 21 9120	L01	EUR/100 kg	—
	L02	EUR/kg	0,7819		L02	EUR/100 kg	38,51
	A01	EUR/kg	1,1170		A01	EUR/100 kg	55,02
0402 91 11 9370	L01	EUR/100 kg	—	0404 90 21 9160	L01	EUR/100 kg	—
	L02	EUR/100 kg	5,312		L02	EUR/100 kg	45,15
	A01	EUR/100 kg	7,589		A01	EUR/100 kg	64,50
0402 91 19 9370	L01	EUR/100 kg	—	0404 90 23 9120	L01	EUR/100 kg	—
	L02	EUR/100 kg	5,312		L02	EUR/100 kg	45,15
	A01	EUR/100 kg	7,589		A01	EUR/100 kg	64,50
0402 91 31 9300	L01	EUR/100 kg	—	0404 90 23 9130	L01	EUR/100 kg	—
	L02	EUR/100 kg	6,278		L02	EUR/100 kg	65,14
	A01	EUR/100 kg	8,969		A01	EUR/100 kg	93,05
0402 91 39 9300	L01	EUR/100 kg	—	0404 90 23 9140	L01	EUR/100 kg	—
	L02	EUR/100 kg	6,278		L02	EUR/100 kg	67,98
	A01	EUR/100 kg	8,969		A01	EUR/100 kg	97,12
0402 91 99 9000	L01	EUR/100 kg	—	0404 90 23 9150	L01	EUR/100 kg	—
	L02	EUR/100 kg	26,57		L02	EUR/100 kg	72,45
	A01	EUR/100 kg	37,96		A01	EUR/100 kg	103,50
0402 99 11 9350	L01	EUR/kg	—	0404 90 29 9110	L01	EUR/100 kg	—
	L02	EUR/kg	0,1359		L02	EUR/100 kg	72,90
	A01	EUR/kg	0,1941		A01	EUR/100 kg	104,14
0402 99 19 9350	L01	EUR/kg	—	0404 90 29 9115	L01	EUR/100 kg	—
	L02	EUR/kg	0,1359		L02	EUR/100 kg	73,33
	A01	EUR/kg	0,1941		A01	EUR/100 kg	104,76
0402 99 31 9150	L01	EUR/kg	—	0404 90 29 9125	L01	EUR/100 kg	—
	L02	EUR/kg	0,1410		L02	EUR/100 kg	74,08
	A01	EUR/kg	0,2014		A01	EUR/100 kg	105,83
0402 99 31 9300	L01	EUR/kg	—	0404 90 29 9140	L01	EUR/100 kg	—
	L02	EUR/kg	0,1590		L02	EUR/100 kg	79,62
	A01	EUR/kg	0,2271		A01	EUR/100 kg	113,74
0402 99 31 9500	A00	EUR/kg	0,0000	0404 90 81 9100	L01	EUR/kg	—
0402 99 39 9150	L01	EUR/kg	—		L02	EUR/kg	0,4515
	L02	EUR/kg	0,1410		A01	EUR/kg	0,6450
0403 90 11 9000	L01	EUR/100 kg	—	0404 90 83 9110	L01	EUR/kg	—
	L02	EUR/100 kg	44,51		L02	EUR/kg	0,4515
	A01	EUR/100 kg	63,59		A01	EUR/kg	0,6450
0403 90 13 9200	L01	EUR/100 kg	—	0404 90 83 9130	L01	EUR/kg	—
	L02	EUR/100 kg	44,51		L02	EUR/kg	0,6514
	A01	EUR/100 kg	63,59		A01	EUR/kg	0,9305
0403 90 13 9300	L01	EUR/100 kg	—	0404 90 83 9150	L01	EUR/kg	—
	L02	EUR/100 kg	64,56		L02	EUR/kg	0,6798
	A01	EUR/100 kg	92,23		A01	EUR/kg	0,9712
0403 90 13 9500	L01	EUR/100 kg	—	0404 90 83 9170	L01	EUR/kg	—
	L02	EUR/100 kg	67,38		L02	EUR/kg	0,7245
	A01	EUR/100 kg	96,26		A01	EUR/kg	1,0350
0403 90 13 9900	L01	EUR/100 kg	—	0404 90 83 9936	L01	EUR/kg	—
	L02	EUR/100 kg	71,81		L02	EUR/kg	0,1359
	A01	EUR/100 kg	102,58		A01	EUR/kg	0,1941
0403 90 19 9000	L01	EUR/100 kg	—	0405 10 11 9500	L01	EUR/100 kg	—
	L02	EUR/100 kg	72,24		075	EUR/100 kg	156,10
	A01	EUR/100 kg	103,20		L02	EUR/100 kg	121,56
0403 90 33 9400	L01	EUR/kg	—	A01	EUR/100 kg	173,66	
	L02	EUR/kg	0,6456	0405 10 11 9700	L01	EUR/100 kg	—
	A01	EUR/kg	0,9223		075	EUR/100 kg	160,00
L01	EUR/kg	—	L02		EUR/100 kg	124,60	
0403 90 33 9900	L02	EUR/kg	0,7181	A01	EUR/100 kg	178,00	
	A01	EUR/kg	1,0258	0405 10 19 9500	L01	EUR/100 kg	—
	L01	EUR/100 kg	1,911		075	EUR/100 kg	156,10
L02	EUR/100 kg	12,95	L02		EUR/100 kg	121,56	
0403 90 51 9100	970	EUR/100 kg	1,911	A01	EUR/100 kg	173,66	
0403 90 59 9170	970	EUR/100 kg	12,95				
0403 90 59 9310	L01	EUR/100 kg	—				
	L02	EUR/100 kg	22,02				
	A01	EUR/100 kg	31,46				

Product code	Destination	Unit of measurement	Amount of refund	Product code	Destination	Unit of measurement	Amount of refund	
0405 10 19 9700	L01	EUR/100 kg	—	0406 10 20 9620	L03	EUR/100 kg	—	
	075	EUR/100 kg	160,00		L04	EUR/100 kg	37,17	
	L02	EUR/100 kg	124,60		075	EUR/100 kg	39,49	
	A01	EUR/100 kg	178,00		400	EUR/100 kg	—	
0405 10 30 9100	L01	EUR/100 kg	—	0406 10 20 9630	A01	EUR/100 kg	46,46	
	075	EUR/100 kg	156,10		L03	EUR/100 kg	—	
	L02	EUR/100 kg	121,56		L04	EUR/100 kg	41,50	
	A01	EUR/100 kg	173,66		075	EUR/100 kg	44,08	
0405 10 30 9300	L01	EUR/100 kg	—	0406 10 20 9640	400	EUR/100 kg	—	
	075	EUR/100 kg	160,00		A01	EUR/100 kg	51,86	
	L02	EUR/100 kg	124,60		L03	EUR/100 kg	—	
	A01	EUR/100 kg	178,00		L04	EUR/100 kg	60,97	
0405 10 30 9700	L01	EUR/100 kg	—	0406 10 20 9650	075	EUR/100 kg	64,79	
	075	EUR/100 kg	160,00		400	EUR/100 kg	—	
	L02	EUR/100 kg	124,60		A01	EUR/100 kg	76,22	
	A01	EUR/100 kg	178,00		L03	EUR/100 kg	—	
0405 10 50 9300	L01	EUR/100 kg	—	0406 10 20 9660	L04	EUR/100 kg	50,81	
	075	EUR/100 kg	160,00		075	EUR/100 kg	53,98	
	L02	EUR/100 kg	124,60		400	EUR/100 kg	—	
	A01	EUR/100 kg	178,00		A01	EUR/100 kg	63,51	
0405 10 50 9500	L01	EUR/100 kg	—	0406 10 20 9830	A00	EUR/100 kg	—	
	075	EUR/100 kg	156,10		L03	EUR/100 kg	—	
	L02	EUR/100 kg	121,56		L04	EUR/100 kg	18,85	
	A01	EUR/100 kg	173,66		075	EUR/100 kg	20,03	
0405 10 50 9700	L01	EUR/100 kg	—	0406 10 20 9850	400	EUR/100 kg	—	
	075	EUR/100 kg	160,00		A01	EUR/100 kg	23,56	
	L02	EUR/100 kg	124,60		L03	EUR/100 kg	—	
	A01	EUR/100 kg	178,00		L04	EUR/100 kg	22,85	
0405 10 90 9000	L01	EUR/100 kg	—	0406 10 20 9870	075	EUR/100 kg	24,28	
	075	EUR/100 kg	165,86		400	EUR/100 kg	—	
	L02	EUR/100 kg	129,16		A01	EUR/100 kg	28,57	
	A01	EUR/100 kg	184,52		A00	EUR/100 kg	—	
0405 20 90 9500	L01	EUR/100 kg	—	0406 10 20 9900	A00	EUR/100 kg	—	
	075	EUR/100 kg	146,36		0406 20 90 9100	A00	EUR/100 kg	—
	L02	EUR/100 kg	113,97		0406 20 90 9913	L03	EUR/100 kg	—
	A01	EUR/100 kg	162,82		L04	EUR/100 kg	42,13	
0405 20 90 9700	L01	EUR/100 kg	—	0406 20 90 9915	075	EUR/100 kg	44,76	
	075	EUR/100 kg	152,20		400	EUR/100 kg	15,39	
	L02	EUR/100 kg	118,52		A01	EUR/100 kg	52,67	
	A01	EUR/100 kg	169,32		L03	EUR/100 kg	—	
0405 90 10 9000	L01	EUR/100 kg	—	0406 20 90 9917	L04	EUR/100 kg	55,61	
	075	EUR/100 kg	200,04		075	EUR/100 kg	59,09	
	L02	EUR/100 kg	155,79		400	EUR/100 kg	20,51	
	A01	EUR/100 kg	222,55		A01	EUR/100 kg	69,52	
0405 90 90 9000	L01	EUR/100 kg	—	0406 20 90 9919	L03	EUR/100 kg	—	
	075	EUR/100 kg	160,00		L04	EUR/100 kg	59,10	
	L02	EUR/100 kg	124,60		075	EUR/100 kg	62,80	
	A01	EUR/100 kg	178,00		400	EUR/100 kg	21,80	
0406 10 20 9100	A00	EUR/100 kg	—	0406 20 90 9919	A01	EUR/100 kg	73,87	
0406 10 20 9230	L03	EUR/100 kg	—		L03	EUR/100 kg	—	
L04	EUR/100 kg	27,02	L04		EUR/100 kg	66,03		
075	EUR/100 kg	28,71	075		EUR/100 kg	70,18		
0406 10 20 9290	400	EUR/100 kg	—	0406 20 90 9990	400	EUR/100 kg	24,32	
	A01	EUR/100 kg	33,77		A01	EUR/100 kg	82,56	
	L03	EUR/100 kg	—		A00	EUR/100 kg	—	
	L04	EUR/100 kg	25,14		0406 30 31 9710	L03	EUR/100 kg	—
0406 10 20 9300	075	EUR/100 kg	26,70	0406 30 31 9730	L04	EUR/100 kg	5,56	
	400	EUR/100 kg	—		075	EUR/100 kg	11,05	
	A01	EUR/100 kg	31,42		400	EUR/100 kg	—	
	L03	EUR/100 kg	—		A01	EUR/100 kg	13,00	
0406 10 20 9610	L04	EUR/100 kg	11,03	0406 30 31 9730	L03	EUR/100 kg	—	
	075	EUR/100 kg	11,71		L04	EUR/100 kg	8,14	
	400	EUR/100 kg	—		075	EUR/100 kg	16,22	
	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	19,08	
	L04	EUR/100 kg	36,65					
	075	EUR/100 kg	38,94					
	400	EUR/100 kg	—					
A01	EUR/100 kg	45,81						

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

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

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

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

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

The other destinations are defined as follows:

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

L02 Andorra and Gibraltar,

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

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

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



## II

(Acts whose publication is not obligatory)

## COUNCIL

## POLITICAL AND SECURITY COMMITTEE DECISION PROXIMA/1/2004

of 10 February 2004

on the acceptance of non-acceding third States' contributions to the European Union Police Mission in the former Yugoslav Republic of Macedonia (EUPOL 'Proxima')

(2004/190/CFSP)

THE POLITICAL AND SECURITY COMMITTEE,

HAS ADOPTED THIS DECISION:

Having regard to the Treaty on European Union, and in particular Article 25(3),

Having regard to Council Joint Action 2003/681/CFSP of 29 September 2003 on the European Union Police Mission in the former Yugoslav Republic of Macedonia (EUPOL 'Proxima')<sup>(1)</sup>, and in particular Article 9(3) thereof,

Whereas:

On 9 February 2004, following the recommendation of the EUPOL 'Proxima' Police Head of Mission and taking into account the views of the EU Special Representative in the former Yugoslav Republic of Macedonia, the Committee for Civilian Aspects of Crisis Management agreed to recommend to the Political and Security Committee to accept the contributions from certain non-acceding third States,

*Article 1*

**Contributions from non-acceding third States**

Contributions from the following non-acceding third States are accepted for EUPOL 'Proxima':

- Norway,
- Switzerland,
- Turkey,
- Ukraine.

*Article 2*

**Entry into force**

This Decision shall enter into force on the day of its adoption.

Done at Brussels, 10 February 2004.

*For the Political and Security Committee*

*The President*

D. KELLEHER

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<sup>(1)</sup> OJ L 249, 1.10.2003, p. 66.

## COUNCIL DECISION

of 23 February 2004

**setting out the criteria and practical arrangements for the compensation of the financial imbalances resulting from the application of Directive 2001/40/EC on the mutual recognition of decisions on the expulsion of third-country nationals**

(2004/191/EC)

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community, and in particular Article 63(3) thereof,

Having regard to the proposal from the Commission,

Having regard to the opinion of the European Parliament,

Whereas:

- (1) The Tampere European Council on 15 and 16 October 1999 reaffirmed its resolve to create an area of freedom, security and justice. For that purpose, a common European policy on asylum and migration should aim both at fair treatment of third country nationals and better management of migration flows. These objectives were confirmed by the Laeken European Council on 14 and 15 December 2001 and the Seville European Council on 21 and 22 June 2002. The need to fight against illegal immigration, including taking appropriate measures to promote the return of illegal residents, was particularly emphasised.
- (2) The application of Directive 2001/40/EC <sup>(1)</sup> may result in financial imbalances where expulsion decisions, despite the efforts made by the enforcing Member State, cannot be effected at the expense of the third country national concerned or of a third party. Appropriate criteria and practical arrangements for the bilateral compensation of Member States should therefore be adopted.
- (3) This Decision should also constitute the basis for establishing the criteria and practical arrangements required for the implementation of the provisions of Article 24 of the Schengen Convention.
- (4) Since the objective of the proposed action, namely financial burden-sharing for cooperation between Member States on expulsion of third-country nationals in the case of mutual recognition of expulsion decisions cannot be sufficiently achieved by the Member States and can therefore, by reason of the effects of the action, be better achieved at Community level, the Community may adopt measures, in accordance with the principle of subsidiarity as set out in Article 5 of the Treaty. In

accordance with the principle of proportionality, as set out in that Article, this Decision does not go beyond what is necessary in order to achieve that objective.

- (5) This Decision respects the fundamental rights and observes the principles reflected in particular in the Charter of Fundamental Rights of the European Union. In particular this Decision seeks to ensure full respect for human dignity in the event of expulsion and removal, as reflected in Articles 1, 18 and 19 of the Charter.
- (6) In accordance with Articles 1 and 2 of the Protocol on the position of Denmark annexed to the Treaty on European Union and the Treaty establishing the European Community, Denmark is not taking part in the adoption of this Decision, and is not bound by it or subject to its application. Given that this Decision builds upon the Schengen acquis under the provisions of Title IV of Part Three of the Treaty establishing the European Community to the extent that it applies to third-country nationals who do not fulfil or who no longer fulfil the conditions for a short stay applicable within the territory of a Member State by virtue of the provisions of the Schengen acquis, Denmark will, in accordance with Article 5 of the said Protocol, decide within a period of six months after the Council has adopted this Decision whether it will implement it in its national law.
- (7) As regards Iceland and Norway, this Decision constitutes a development of the Schengen acquis within the meaning of the Agreement concluded by the Council of the European Union and the Republic of Iceland and the Kingdom of Norway concerning the association of those two States with the implementation, application and development of the Schengen acquis <sup>(2)</sup>, to the extent that it applies to third-country nationals who do not fulfil or who no longer fulfil the conditions for a short stay applicable within the territory of a Member State by virtue of the provisions of the Schengen acquis, which fall within the area referred to in Article 1, point C, of Council Decision 1999/437/EC of 17 May 1999 on certain arrangements for the application of that Agreement <sup>(3)</sup>.

<sup>(1)</sup> OJ L 149, 2.6.2001, p. 34.

<sup>(2)</sup> OJ L 176, 10.7.1999, p. 36.

<sup>(3)</sup> OJ L 176, 10.7.1999, p. 31.

- (8) In accordance with Article 3 of the Protocol on the position of the United Kingdom and Ireland, annexed to the Treaty on the European Union and to the Treaty establishing the European Community, the United Kingdom has notified its wish to take part in the adoption and application of this Decision. To the extent that this Decision also implements the provisions of Article 24 of the Schengen Convention, in accordance with Article 7 of Directive 2001/40/EC, it does not affect the United Kingdom.
- (9) In accordance with Articles 1 and 2 of the Protocol on the position of the United Kingdom and Ireland, annexed to the Treaty on the European Union and to the Treaty establishing the European Community, and without prejudice to Article 4 of the said Protocol, Ireland is not taking part in the adoption and application of this Decision and is not bound by it or subject to its application.
- (10) This Directive constitutes an act building on the Schengen acquis or otherwise related to it within the meaning of Article 3(2) of the 2003 Act of Accession,
- (b) administrative costs. These include the actual costs for visa fees and the fees for the issuing of return travel documents (laissez-passer);
- (c) mission allowances per diem for the escorts. These are to be determined in accordance with the applicable national legislation and/or practice;
- (d) accommodation costs for the escorts. These include actual costs for these persons' stay in a transit area of a third country and for their strictly necessary short stay for the implementation of their mission in the country of origin. For the purpose of reimbursement, the number of escorts shall not exceed two persons per returnee, unless, on the basis of the assessment of the enforcing Member State and in agreement with the issuing Member State, more escorts are required;
- (e) accommodation costs for the returnee. These include the actual costs for the returnee's stay in an appropriate facility in accordance with the applicable national legislation and/or practice of the enforcing Member State. A maximum period of three months of stay shall be reimbursed. Where the returnee's stay is expected to last longer than three months, the enforcing Member State and the issuing Member State shall agree to the additional costs;
- (f) medical costs. These include the actual costs for the provision of medical treatment to the returnee and the escorts in emergency cases, including necessary hospitalisation expenses.

HAS ADOPTED THIS DECISION:

#### Article 1

This Decision sets out appropriate criteria and practical arrangements for the compensation of the financial imbalances which may result from the application of Directive 2001/40/EC where expulsion cannot be effected at the expense of the national(s) of the third country concerned.

#### Article 2

1. The issuing Member State shall compensate the enforcing Member State for financial imbalances, which may result from the application of Directive 2001/40/EC where expulsion cannot be effected at the expense of the national(s) of the third country concerned.

The enforcing Member State shall provide the issuing Member State with general information about the indicative costs of the removal operations.

2. The reimbursement shall take place at the request of the enforcing Member State on the basis of the minimum actual costs and on the basis of the following principles:

- (a) transport costs. These include the actual costs for flight tickets up to the amount of the official IATA tariff for the respective flight at the time of enforcement. The actual costs for land or maritime transport by car, train or boat can be claimed on the basis of a second class train or boat ticket for the respective distance at the time of enforcement;

Where necessary, the enforcing Member State shall consult the issuing Member State and agree on costs exceeding those set out in this paragraph or on additional costs.

#### Article 3

1. Reimbursement requests shall be made in writing and shall be accompanied by documentary proof of the recoverable costs.

2. Requests for reimbursement can only be made for expulsion decisions, which are issued after this Decision takes effect.

Reimbursement cannot be claimed for the enforcement of expulsion decisions, issued more than four years prior to their enforcement.

3. Requests for reimbursement submitted more than one year after the enforcement has taken place may be rejected.

4. Each Member State shall establish a national contact point for the implementation of this Decision and communicate the relevant data to the other Member States.

Any request for reimbursement shall be sent by the national contact point of the enforcing Member State to the national contact point of the issuing Member State, which shall inform the national contact point of the enforcing Member State of the receipt of the request.

5. Within a maximum of three months the national contact point of the issuing Member State shall communicate to the national contact point of the enforcing Member State the acceptance or the refusal of the request. Such a communication shall be in writing, stating the reasons in case of refusal.

6. Payments shall be made within a maximum of three months from the acceptance of the payment by the national contact point of the issuing Member State.

7. The national contact points of the enforcing Member State and of the issuing Member State shall be informed of payments and of refusals to reimburse.

*Article 4*

1. In order to monitor the smooth implementation of this Decision as well as of the Directive 2001/40/EC, each national contact point shall regularly provide information concerning in particular: the total number of enforcement measures taken under Directive 2001/40/EC which were reimbursed in accordance to this Decision and the total number of refusals to reimburse together with the reasons for such refusals.

2. Such information may also include recommendations with a view to improving the criteria and practical arrangements of this Decision.

*Article 5*

This Decision shall take effect on the day following that of its publication in the *Official Journal of the European Union*.

*Article 6*

This Decision is addressed to the Member States.

Done at Brussels, 23 February 2004.

*For the Council*  
*The President*  
B. COWEN

# COMMISSION

## COMMISSION DECISION

of 25 February 2004

**adopting the work plan for 2004 for the implementation of the programme of Community action in the field of public health (2003 to 2008), including the annual work programme for grants**

(Text with EEA relevance)

(2004/192/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC, Euratom) No 1605/2002 of 25 June 2002 on the Financial Regulation applicable to the general budget of the European Communities <sup>(1)</sup>, and in particular Article 110 thereof,

Having regard to Commission Regulation (EC, Euratom) No 2342/2002 of 23 December 2002 laying down detailed rules for the implementation of Council Regulation (EC, Euratom) No 1605/2002 on the Financial Regulation applicable to the general budget of the European Communities <sup>(2)</sup>, and in particular Article 166 thereof,

Having regard to Decision No 1786/2002/EC of the European Parliament and of the Council of 23 September 2002 adopting a programme of Community action in the field of public health (2003-2008) <sup>(3)</sup>, and in particular Article 8 thereof,

Whereas:

- (1) Article 110 of Regulation (EC, Euratom) No 1605/2002 provides that grants are to be subject to an annual programme, to be published at the start of the year.
- (2) According to Article 166 of Regulation (EC, Euratom) No 2342/2002, the annual work programme for grants is to be adopted by the Commission and must specify the basic act, the objectives, the schedule of calls for proposals with the indicative amount and the results expected.
- (3) According to Article 15(2) of the Commission Decision of 28 March 2003 on the internal rules on the implementation of the general budget of the European Communities (Commission section), the annual work

programme for grants is the financing decision within the meaning of Article 75 of Regulation (EC, Euratom) No 1605/2002 and Article 90 of Regulation (EC, Euratom) No 2342/2002, provided that this constitutes a sufficiently detailed framework.

- (4) Article 8 of Decision No 1786/2002/EC provides for the adoption by the Commission of an annual plan of work for the implementation of the programme, setting out priorities and actions to be undertaken, including allocation of resources.
- (5) The work plan for 2004 should therefore be adopted.
- (6) The measures provided for in this Decision are in accordance with the opinion of the Programme Committee issued,

HAS DECIDED AS FOLLOWS:

### *Sole Article*

The 2004 work plan for the implementation of the programme of Community action in the field of public health (2003 to 2008), as set out in the Annex, is adopted.

The Director-General for Health and Consumer Protection shall publish the annual programme and ensure its implementation.

Done at Brussels, 25 February 2004.

*For the Commission*

David BYRNE

*Member of the Commission*

<sup>(1)</sup> OJ L 248, 16.9.2002, p. 1.

<sup>(2)</sup> OJ L 357, 31.12.2002, p. 1.

<sup>(3)</sup> OJ L 271, 9.10.2002, p. 1.

## ANNEX

**Community action in the field of public health (2003-2008)****Work plan 2004****1. GENERAL INTRODUCTION****1.1. Legal context**

On 23 September 2002, the European Parliament and the Council adopted a decision establishing a programme of Community action in the field of public health (2003-2008) <sup>(1)</sup>.

The general objectives of the programme are:

- (a) to improve information and knowledge for the development of public health;
- (b) to enhance the capability of responding rapidly and in a coordinated fashion to health threats;
- (c) to promote health and prevent disease through addressing health determinants across all policies and activities.

The programme shall thereby contribute to:

- (a) ensuring a high level of human health protection in the definition and implementation of all Community policies and activities, through the promotion of an integrated and intersectoral health strategy;
- (b) tackling inequalities in health;
- (c) encouraging cooperation between Member States in the areas covered by Article 152 of the Treaty.

These general objectives shall be pursued by means of the actions listed in the Annex attached to the Decision. In Article 3, the Decision sets out different forms of activities in order to implement the actions under five main headings (activities related to the monitoring and rapid reaction systems; activities on health determinants; activities related to legislation; activities related to consultation, knowledge and information; promotion of co-ordination at European level of non-governmental organisations).

These objectives, actions and activities provide the reference framework for the programme's work plans, which are established annually, and set out priority actions for the work to be undertaken, including the allocation of resources.

The 2003 call for proposals, based on the work plan for that year, attracted 427 project applications requesting support totalling over EUR 500 million, 10 times the available budget for 2003. This is a clear indication of the enormous interest generated by the new programme and the work of the European Community in public health in general. In view of this over-subscription, only a limited number of the applications submitted could be supported under the 2003 budget. However these projects will enable effective actions to be launched under many of the priority areas of the work plan. The 2004 work plan aims to build upon the foundations laid last year.

In 2004 10 acceding States will have full EU membership and will participate fully in the programme, not merely as 'active observers' in the meetings of the Committee of Member States' representatives assisting the Commission. The Commission will ensure not only their effective involvement but also that of the three applicant countries and the EEA/EFTA States in the implementation of the programme.

**1.2. Policy context**

The public health programme is a key instrument underpinning the development of the Community's health strategy. In Article 2(3), the programme decision stipulates that it shall contribute to the promotion of an integrated and intersectoral strategy. One key element is to develop links with relevant Community programmes and actions and with regional initiatives, in order to promote synergy and avoid overlaps.

Actions under the programme should inform, support and advance policy development and implementation in priority areas of the Community's health strategy. The Commission intends to present a Communication in 2004 concerning the further development of this strategy. The programme plays an important role in accompanying this process. Policy development fully involves key stakeholders in the health field, notably through the EU Health Forum.

<sup>(1)</sup> Decision No 1786/2002/EC of the European Parliament and of the Council of 23 September 2002 adopting a programme of Community action in the field of public health (2003-2008) (OJ L 271, 9.10.2002, p. 1).

Integration and coordination between projects linking actions to address a specific public health issue will be encouraged. For example, work on health information and knowledge should support proper planning and targeting of rapid reaction activities, and actions to tackle health determinants. Advantage will be taken of the activities of the working parties for the support of the health monitoring system which are to be established in 2003, and of the committees and working groups that have been established in the area of health threats.

Synergy and complementarity will be pursued with the work undertaken by the relevant international organisations working in the health field, such as the World Health Organisation (WHO), the Council of Europe and the Organisation for Economic Cooperation and Development (OECD), and cooperation with them will be further strengthened in implementing the activities of the programme. Cooperation with third countries will also be developed, in order to share experiences and best practice.

Following the experience with the 2003 work plan, it has been decided not to group together a number of actions, as was done last year, as cross-cutting themes, but the Commission will be particularly interested in projects which address the inequalities agenda, assist the enlargement process; promote best practice in the field of public health, strengthen public health capacity and skills and help prepare the establishment of the EU Centre for Disease Prevention and Control <sup>(2)</sup>, by ensuring the continuity of support for key networks in the field of communicable diseases until the coming into operation of the proposed European Centre provides the budget to give financial support to the work of these networks.

For information and guidance, the following areas of work have been identified as priority areas for 2004:

1. health information: developing and coordinating the health information system; Operating the health monitoring system; mechanisms for reporting and analysis of health issues and producing public health reports; improving access to and transfer of data at EU level (EU public health portal) and other publishing platforms; eHealth; health impact assessment; cooperation between Member States on health policy;
2. health threats: surveillance development and integration; safety of blood and organs; strategies for antimicrobial resistance control; networking and quality improvement of laboratories; targeted capacity building;
3. health determinants: tobacco; alcohol; drugs; nutrition and physical activity; sexual and reproductive health; mental health; injury prevention; environmental health determinants; socioeconomic determinants of health; health promotion in particular settings; training in public health; disease prevention, in particular cardiovascular diseases, cancer and diabetes.

The sixth Framework Programme of the European Community for research <sup>(3)</sup> provides for scientific support to Community policies. This specific research is intended to provide support to policies that are targeted precisely on needs, 'demand-driven', coherent across the various Community policy areas and sensitive to changing policies. Priority tasks have been developed in close collaboration with Commission services including the Directorate-General for Health and Consumer Protection. The tasks with relevance to public health can be found in the specific programme for research, technological development and demonstration 'Integrating and Strengthening the European Research Area (2002-2006)' <sup>(4)</sup>, under 'Policy-oriented research', strand 2, 'Providing health, security and opportunity to the people of Europe'.

The areas with relevance to public health under 'Providing health, security and opportunity to the people of Europe' are:

- 1.2.1. health determinants and the provision of high quality and sustainable health care services and pension systems (in particular in the context of ageing and demographic change);
- 1.2.2. public health issues, including epidemiology contributing to disease prevention and responses to emerging rare and communicable diseases, allergies, procedures for secure blood and organ donations, non-animal test methods;
- 1.2.3. the impact of environmental issues on health (including safety at work and methods for risk assessment and the mitigation of risks of natural disasters to people);
- 1.2.4. issues related to civil protection (including biosecurity and protection against risks arising from terrorist attacks), and crisis management.

<sup>(2)</sup> Proposal for a regulation of the European Parliament and of the Council establishing a European Centre for Disease Prevention and Control (COM(2003) 441 final — COD (2003) 174).

<sup>(3)</sup> Decision No 1513/2002/EC of the European Parliament and of the Council of 27 June 2002 (OJ L 232, 29.8.2002, p. 1).

<sup>(4)</sup> OJ C 243, 10.10.2003, p. 85. Link to third call FP6 policy-oriented research on CORDIS:  
[http://fp6.cordis.lu/fp6/call\\_details.cfm?CALL\\_ID=83](http://fp6.cordis.lu/fp6/call_details.cfm?CALL_ID=83)

The intention is that research carried out in these areas will complement the priority areas as identified in the 2004 Work Plan for Community action in the field of public health, thus underpinning the development of the Community's health strategy. The latest call for proposals (third call) was published on 10 October 2003 and closed on 13 January 2004 <sup>(1)</sup>.

### 1.3. Allocation of resources

Actions under this programme must contribute to a high level of health protection and improve public health. Funding can be through project grants and public contracts (tenders).

This work plan gives an overview of the actions to be launched in 2004. Some will be implemented through a call for proposals 'Public Health — 2004' to be published in the Official Journal in February 2004, as an indicative date. The rules, criteria and procedures for selecting and financing projects to implement the actions of the programme set out in the document 'Rules, criteria and procedures for the selection and funding of actions under the public health programme' (cf. Decision C(2003) 690 of 10 March 2003 published in OJ C 62, 15.3.2003, particularly the sections 1.1, 1.2, 1.3, 2, 3.A, 3.B (14, 15, 16, 17, 19, 20), are also applicable for the call 'Public Health — 2004'.

Applicants have two months to submit proposals from the date of publication of the call for proposals in the Official Journal.

It is estimated that after this deadline a further five months will be necessary to undertake all the procedures leading to the Commission decision on financial assistance.

Specific calls for tenders will be published which refer to the section(s) of the work plan that they cover.

The budget line for the operational credits is 17 03 01 01 — Public health (2003 to 2008).

The budget line for the administrative credits is 17 01 04 02 — Public health (2003 to 2008) — Expenditure on administrative management.

The financial envelope of the programme for the period 2003 to 2008 is EUR 312 million. The budget available for 2004 (commitments) is estimated at around EUR 58 750 000 (EU 25) <sup>(2)</sup>/EUR 52 222 223 (EU 15). To this budget should be added:

- the contribution of EEA/EFTA countries: estimated at around EUR 1 281 150 (EU 25) <sup>(2)</sup>/EUR 1 190 800 (EU 15),
- the contribution of the three applicant countries (Bulgaria, Romania and Turkey): estimated at around EUR 1 317 621 <sup>(6)</sup>.

The global budget for 2004 is therefore estimated at around EUR 61 348 771 (EU 25) <sup>(2)</sup> <sup>(3)</sup>/EUR 54 730 644 (EU 15) <sup>(3)</sup>.

This includes both resources for the operational budget (grants and calls for tenders), and resources for technical and administrative assistance and support expenditure (including structural arrangements for the implementation of the programme).

The total for the operational budget is estimated at around EUR 53 720 616 (EU 25) <sup>(2)</sup> <sup>(3)</sup>/EUR 47 942 000 (EU 15) <sup>(3)</sup>.

The total for the administrative budget is estimated at around EUR 7 628 155 (EU 25) <sup>(2)</sup> <sup>(3)</sup>/EUR 6 788 644 (EU 15) <sup>(3)</sup>.

As far as the allocation of resources is concerned, a balance between the programme's different priority areas will be maintained. However, the first priority area will receive slightly more than the other two so that the financial envelope will be split 36 % (in particular to allow for action on exchange of information on rare diseases), 32 % and 32 % <sup>(7)</sup>. This estimate has been reviewed compared to 2003 in order to take into account the budget which has been finally implemented for each priority area. This estimate will have also to be reviewed in light of the number, quality and scale of projects and tenders submitted for implementing the work plan 2004. It is proposed to spend less than 10 % of the operational budget on calls for tenders. The indicative global amount for the call for tenders would be up to EUR 5 372 062 (EU 25) <sup>(2)</sup> <sup>(3)</sup>/EUR 4 794 200 (EU 15) <sup>(3)</sup>. As a consequence, the indicative global amount for the call for proposals would be estimated at around EUR 48 348 554 (EU 25) <sup>(2)</sup> <sup>(3)</sup>/EUR 43 147 800 (EU 15) <sup>(3)</sup>.

Given the complementary and motivational nature of Community grants, at least 40 % of the project costs must be funded by sources other than the 'Public Health' programme. Consequently, the amount of the financial contribution under this programme can, in principle, be up to 60 % of the eligible costs for the projects considered. The normal amount is likely to be less than 60 %. The Commission will determine in each individual case the maximum percentage to be awarded.

<sup>(2)</sup> Indicative amount, under the approval of the Budget Authority.

<sup>(6)</sup> Indicative amount: this figure is a maximum amount and depends on the effective amount of the contribution paid by the candidate countries.

<sup>(7)</sup> Each of these percentages could vary by up to 20 %.



Exceptionally, however, a maximum co-financing of 80 % of eligible costs could be envisaged where a project has a significant European added value, involves the acceding States and applicant countries in a substantial manner, as well as having regard to the cross-cutting themes set out above.

The running period of any projects to be co-funded should normally not exceed a maximum of three years.

## 2. PRIORITY AREAS FOR 2004

For the sake of clarity, the actions are grouped in sections corresponding to the priority areas referred to in 1.2: health information, health threats and health determinants. Each action refers to the corresponding Article/Annex of Decision No 1786/2002/EC.

The work plan for 2003 had to lay down the foundation for the implementation of the comprehensive public health programme. Given the very broad work plan for that year, a narrower one for 2004 is appropriate. In the 2004 work plan the resources of the programme will be concentrated on a smaller number of key priorities and areas for action (26 instead of 29). These have been identified taking into account the need for supporting Member States' actions and enhanced cooperation in the EU context, legal obligations and their implementation, major concerns that have been identified by the European Council, the Council and the Parliament; and finally the need to ensure continuity of activities launched under the previous public health programmes<sup>(8)</sup> where they have clearly demonstrated their value and relevance for this new programme, as well as the actions that were co-financed under the call for proposals of 2003. Nevertheless, it is forecasted to reduce the number of areas for action for the future work plans in order to favour action areas for which few proposals have been selected.

Activities which are foreseen by the programme but which have not been identified as priorities for 2004 can be addressed only if funds remain after the priorities have been covered. The 2004 priority actions are the following:

### 2.1. Health information

Building on projects resulting from calls for proposals and tender supported in the 2003 work programme on health information and knowledge, the development of a sustainable information and knowledge system at EU level will be continued. It involves the definition, collection and exchange of data. The outputs of the system — including reports and analyses focusing on specific population groups or health concerns — will lead to policy-related material at Community level.

#### 2.1.1. *Developing and coordinating the health information and knowledge system (Article 3(2)(d), Annex, points 1.1, 1.3)*

This action aims at developing the strategy for health information and knowledge, and creating the necessary coordinating and advisory structures, tackling the enlargement issues and contributing to the overall planning process for implementing the health information and knowledge system. Cooperation with international organisations, such as the WHO, its observatories and OECD, will be maintained, strengthened and implemented at practical level, with a view to simplifying the data provision.

<sup>(8)</sup> Decision No 645/96/EC of the European Parliament and of the Council of 29 March 1996 adopting a programme of Community action on health promotion, information, education and training within the framework for action in the field of public health (1996 to 2000) (OJ L 95, 16.4.1996, p. 1).

Decision No 646/96/EC of the European Parliament and of the Council of 29 March 1996 adopting an action plan to combat cancer within the framework for action in the field of public health (1996 to 2000) (OJ L 95, 16.4.1996, p. 9).

Decision No 647/96/EC of the European Parliament and of the Council of 29 March 1996 adopting a programme of Community action on the prevention of AIDS and certain other communicable diseases within the framework for action in the field of public health (1996 to 2000) (OJ L 95, 16.4.1996, p. 16).

Decision No 102/97/EC of the European Parliament and of the Council of 16 December 1996 adopting a programme of Community action on the prevention of drug dependence within the framework for action in the field of public health (1996-2000) (OJ L 19, 22.1.1997, p. 25).

Decision No 1400/97/EC of the European Parliament and of the Council of 30 June 1997 adopting a programme of Community action on health monitoring within the framework for action in the field of public health (1997 to 2001) (OJ L 193, 22.7.1997, p. 1).

Decision No 372/1999/EC of the European Parliament and of the Council of 8 February 1999 adopting a programme of Community action on injury prevention in the framework for action in the field of public health (1999 to 2003) (OJ L 46, 20.2.1999, p. 1).

Decision No 1295/1999/EC of the European Parliament and of the Council of 29 April 1999 adopting a programme of Community action on rare diseases within the framework for action in the field of public health (1999 to 2003) (OJ L 155, 22.6.1999, p. 1).

Decision No 1296/1999/EC of the European Parliament and of the Council of 29 April 1999 adopting a programme of Community action on pollution-related diseases in the context of the framework for action in the field of public health (1999 to 2001) (OJ L 155, 22.6.1999, p. 7).

Decision No 521/2001/EC of the European Parliament and of the Council of 26 February 2001 extending certain programmes of Community action in the field of public health adopted by Decisions No 645/96/EC, No 646/96/EC, No 647/96/EC, No 102/97/EC, No 1400/97/EC and No 1296/1999/EC and amending those Decisions (OJ L 79, 17.3.2001, p. 1).

The elements that need to be implemented are:

1. putting into operation the 'first phase set of EU health indicators' with collection of related data:  
([http://europa.eu.int/comm/health/ph\\_information/indicators/indic\\_data\\_en.htm](http://europa.eu.int/comm/health/ph_information/indicators/indic_data_en.htm));
2. further development of the technical scientific work on EU health indicators and improving existing indicators definitions;
3. continuing support to the network of competent authorities for health information and knowledge, and ensuring effective involvement of enlargement countries and international organisations;
4. starting with the coordinating of the network of working party leaders (see 2.1.2).

2.1.2. *Operating the health information and knowledge system (Article 3(2)(d), Annex, points 1.1, 1.4)*

This action aims at progressively operating a single and comprehensive EU health information and knowledge system. The system should be capable of integrating information and knowledge on the widest number of public health topics according to the requirements of the system.

The system will draw support from a series of working parties (either existing or to be created) addressing specific themes in public health. The statistical element of the system will be developed, in collaboration with Member States, using as necessary the Community statistical programme to promote synergy and avoid duplication. Appropriate arrangements will thus be made between the working parties established under this programme and the structures under the Community statistical programme 2003 to 2007<sup>(9)</sup>. Joint actions will be launched such as for further analysis of available data, completing the databases and improving the quality and comparability of the data. Similar coordination should also be ensured with other concerned international organisations, such as the WHO and OECD.

- Analyse time series for the 'first phase set of EU core health indicators' for which data is available in Eurostat (see also:  
[http://europa.eu.int/comm/health/ph\\_information/indicators/indic\\_data\\_en.htm](http://europa.eu.int/comm/health/ph_information/indicators/indic_data_en.htm)).
- Adapting data from ad hoc data collections into routine data collection with a view to producing regular time series for health indicators.
- In the context of the health system's working party, develop work on appropriate data collection to support the 'first phase set of EU core health indicators'.
- Implement modules of the European Health Interview Survey, to support the 'first phase set of EU health indicators'<sup>(10)</sup>.

The following working parties are supported in the following fields:

1. lifestyle and other health determinants (including sexual and reproductive health aspects);
2. morbidity: (including cancer and rare diseases);
3. health systems (including prevention and promotion aspects);
4. health and Environment (including specific settings such as workplace, school or hospital settings);
5. mental health;
6. accidents and injuries (including self-inflicted injuries, suicide and violence aspects).

A working party on Community health indicators shall be set up.

Work of existing European level data and information networks may be supported, taking account of already funded activities.

Social inequalities, gender mainstreaming and age-related aspects will be integrated in the tasks of each working party.

<sup>(9)</sup> Decision No 2367/2002/EC of the European Parliament and of the Council of 16 December 2002 on the Community statistical programme 2003 to 2007 (OJ L 358, 31.12.2002, p. 1).

<sup>(10)</sup> The European Health Interview Survey is an action field in order to provide statistics and indicators for the Member States, the acceding countries, the applicant countries and the EFTA/EEA countries. This information could be based on interviews.

Concerning rare diseases (Annex 2.3) and the working party on morbidity, rare diseases, including those of genetic origin, life-threatening or chronically debilitating diseases which are of such low prevalence that special combined efforts are needed to address them. As a guide, low prevalence is taken as prevalence of less than five per 10 000 in the EU. Priority actions will be:

1. exchange of information using existing European information networks on rare diseases. The information will comprise the disease name, prevalence rate in the EU, synonyms, a general description of the disorder, symptoms, causes, epidemiological data, preventive measures, standard treatments (e.g. orphan drugs), clinical trials, diagnostic laboratories and specialised consultations, research programmes and sources of further information. The availability of this information will be made widely known, including via the Internet;
2. development of strategies and mechanisms for exchange of information among people affected by a rare disease, or volunteers and professionals involved, and coordination at Community level to encourage continuity of work and transnational cooperation.

2.1.3. *Develop mechanisms for reporting and analysis of health issues and producing public health reports (Article 3(2)(d), Annex, points 1.3, 1.4)*

The following topics will be given priority:

1. health status including lifestyle and other health determinants;
2. issues relating to sexual and reproductive health;
3. economic and social consequences of accidents and injuries in the EU, including self-inflicted injuries, suicide and violence aspects;
4. ageing and health;
5. health and gender;
6. children and young people's health;
7. health and environment in specific aspects;
8. unemployment, poverty and health.

Moreover, there will be continued collaboration with the Health Evidence Network (HEN) managed by the WHO European region.

2.1.4. *Improving access to and the transfer of data at EU level (Article 3(2)(d), Annex, points 1.6, 1.7, 1.8)*

The action consists of the provision of a flexible technology platform aimed at improving information and knowledge for citizens, through the creation of a public health portal. Initiatives to be implemented in 2004 are:

1. user networking, maintenance and improvements of the current information transfer and early warning systems;
2. development of the portal;
3. maintaining and developing the European Union Health Information Network (Euphin);
4. circulating information processed by the working parties (see 2.1.2);
5. linking content production, European Union Public Health Information Network (Euphin), and the health portal;
6. linking with other portal initiatives, particularly the G10 pharmaceutical initiative.

2.1.5. *eHealth (Article 3(2)(d), Annex, points 1.7, 1.8)*

The aim of the action is to promote the development of eHealth in the EU, based on the results of projects financed under the research programmes (see [www.cordis.lu](http://www.cordis.lu)). It will be developed in close association with the eEurope programme.

Through action on health information and knowledge, a sustainable information system at EU level will be further developed. It involves the definition, collection and exchange of data, building on data that are available or collectable, taking into account the position in the Member States and applicant countries. The outputs of the system — including reports and analyses focusing on specific population groups or health concerns — will lead to policy spin-offs at Community level.

### 2.1.6. Cooperation between Member States (Article 3(2)(d), Annex, point 1.5)

The increased interconnection between health systems and health policies raises many health policy issues and scope for developing cooperation between Member States. In 2004, work will be supported taking account of the high-level process of reflection on patient mobility and health care developments in the European Union.

The following actions will be priorities:

1. quality assurance in Europe: this work will take stock of activities and initiatives related to quality assurance and improvement and accreditation systems across Europe, and develop perspectives for networking and collaboration, in particular at EU level also covering patient safety;
2. pilot projects for cross-border cooperation in health services: the intention is to help develop cooperation, in particular in border regions, where this has not been developed before, and to identify potential benefits and problems associated with such cooperation;
3. issues related to the movement of health professionals: there has been some concern that the movement of health professionals could have unintended effects both for health systems and for health status in sending and receiving countries. Projects should identify potential difficulties which arise, particularly in view of established re-accreditation and quality assurance systems;
4. economics and health: contribute to a better understanding of whether, why and how investing in health across all sectors has economic benefits to provide an important conceptual contribution to the Community's work on health. Actions should aim to strengthen understanding of these links, and should be developed in close cooperation with other relevant international organisations.

### 2.1.7. Health impact assessment (Article 3(2)(c), Annex, point 1.5)

A major objective of the programme is to develop a better understanding of the effects of Community policies and actions on health. Effective means are required to ensure that they support health and that health benefit becomes a key concern of, and is integrated into, policy development.

A series of pilot studies on the health impact of particular Community actions and initiatives (including mental health), stressing also lessons learnt in the process of conducting the studies, will be supported in 2004. These should cover in particular policy areas with a clear link to key health determinants, such as agriculture and nutrition, taxation and trade.

## 2.2. Responding rapidly and in coordinated fashion to health threats

Activities under this section aim to support the development and integration of sustainable and Member State-backed or overseen systems for collecting, validating, analysing and disseminating data and information that address the needs for preparedness and rapid response to public health threats and emergencies. They would assist in particular the cooperation undertaken under the Community network on communicable diseases<sup>(1)</sup> and other Community legislation in public health, support the European Community dimension of relevant projects, support the extension of the scope of existing projects to cover all Member States, acceding, applicant and EEA/EFTA countries and promote evaluation, rationalisation and integration of existing arrangements for networking and other forms of collaboration.

Other essential complementary activities (public information, prevention, education), e.g. on HIV/AIDS and sexually transmitted diseases, fall under other sections of this work plan.

<sup>(1)</sup> Decision No 2119/98/EC of the European Parliament and of the Council of 24 September 1998 setting up a network for the epidemiological surveillance and control of communicable diseases in the Community (OJ L 268, 3.10.1998, p. 1).  
Commission Decision 2000/96/EC of 22 December 1999 on the communicable diseases to be progressively covered by the Community network under Decision No 2119/98/EC of the European Parliament and of the Council (OJ L 28, 3.2.2000, p. 50).  
Council Directive 92/117/EEC of 17 December 1992 concerning measures for protection against specified zoonoses and specified zoonotic agents in animals and products of animal origin in order to prevent outbreaks of food-borne infections and intoxications (OJ L 62, 15.3.1993, p. 38).  
Commission Decision 2002/253/EC of 19 March 2002 laying down case definitions for reporting communicable diseases to the Community network under Decision No 2119/98/EC of the European Parliament and of the Council (OJ L 86, 3.4.2002, p. 44).  
Commission Decision 2000/57/EC of 22 December 1999 on the early warning and response system for the prevention and control of communicable diseases under Decision No 2119/98/EC of the European Parliament and of the Council (OJ L 21, 26.1.2000, p. 32).

Activities regarding countering the threat of deliberate release of biological agents will be undertaken in tandem with ongoing activities on communicable diseases. These and the activities on deliberate releases of chemical agents are being developed following the conclusions of the Health Ministers of 15 November 2001 and the consequent 'Programme of cooperation on preparedness and response to biological and chemical attacks' (health security). The timetable for implementing these actions has been extended for a further period of 18 months since May 2003 following the agreement of the Health Security Committee.

2.2.1. *Surveillance (Article 3(2)(a), Annex — point 2.1)*

The aim is to facilitate and accelerate the cooperation within the Community network on epidemiological surveillance and control of communicable diseases. Activities should be inspired by the Commission's proposal to establish a European Centre for Disease Prevention and Control (cf. footnote 2). Priority will be given to merging networks to make them more manageable with existing resources and establishing surveillance networks that address in an integrated fashion priority diseases and agents. Moreover, support will be provided for evaluating and modifying existing networks to improve quality and comparability of data and extend their scope (covering more diseases/pathogens) and coverage (including the acceding, applicant and EEA/EFTA countries).

2.2.2. *Exchanging information on vaccination and immunisation strategies (Article 3(2)(a), Annex, points 2.4, 2.5)*

The aim is to promote good practices in vaccinology priority setting, strategic planning and decision-making (based on scientific evidence and rationale) in childhood immunisation policies and in preparedness strategies (such as pre-event vaccinations or stockpiling), for serious health threats such as pandemic influenza and bioterrorism.

2.2.3. *Health security and preparedness (Article 3(2)(a), Annex, point 2.4)*

This action aims to develop methods and strategies to prepare Member States, acceding, applicant and EEA/EFTA countries, and the Community as a whole, for potential threats of deliberate release of biological or chemical agents. Priority will be given to:

1. collaboration on laboratory diagnostics for biological agents;
2. exploring the feasibility of setting up a surveillance system for syndromes caused by exposure to chemicals recorded by poison centres, and for detection of chemicals that might be used in attacks;
3. decontamination of ventilation systems and decontamination of water systems after a biological/chemical agent attack;

2.2.4. *Safety of blood, tissues and organs (Article 3(2)(a), Annex, points 2.6, 2.7)*

The priority action related to blood under the 2004 work plan aims to support the development and implementation of quality management programmes to improve the safety of blood donations to be carried out in the Community.

The priority on organs aims to develop a strategy for the EU in order to raise awareness and increase availability of organs used for transplantation.

2.2.5. *Antimicrobial resistance (Article 3(2)(a), Annex, point 2.9)*

Activities should support the 'Strategy against antimicrobial resistance' as laid down in a Communication of the Commission of July 2001 <sup>(12)</sup>. Priority will be given to developing principles and guidelines for best practice on the prudent use of antimicrobial agents in human medicine together with competent authorities and to activities that foster education and intervention programmes aimed at the health professionals and hospitals to combat antimicrobial resistance.

2.2.6. *Supporting the networking of laboratories (Article 3(2)(a), Annex, point 2.4)*

This action aims to support networking and cooperation between European laboratories; and to promote quality assurance, implementation of schemes of accreditation and standardisation of laboratory methods in order to ensure comparability of data. Priority will be given to external quality assurance of microbiological laboratories, quality improvement, proficiency assessment and accreditation schemes to develop networks of reference laboratories and enhance the capabilities of public health laboratories.

<sup>(12)</sup> See [http://europa.eu.int/comm/health/index\\_en.htm](http://europa.eu.int/comm/health/index_en.htm).

### 2.2.7. Capacity building (Article 3(2)(a), Annex, point 2.2)

This action aims to enhance cooperation at Community level by developing and extending to acceding, applicant and EEA/EFTA countries the European capacity for provision of public health expertise when mounting a response. It aims to provide training, common methodologies and hands-on experience in investigative epidemiology, holistic public health approaches and state-of-the-art laboratory techniques and analyses.

### 2.3. Health determinants

Tackling major health determinants is of great potential for reducing the burden of disease and promoting the health of the general population. Health determinants can be categorised as personal behaviour and lifestyles, influences within communities which can sustain or damage health, living and working conditions and access to health services and general socioeconomic, cultural and environmental conditions.

Effective work on health determinants calls for a variety of approaches. For certain determinants a settings approach has proven to be particularly effective. For example, creating supportive environments in communities can strengthen social capital and facilitate the uptake of healthy behaviour. Healthcare services are both important contributors to health, and settings for health promotion and disease prevention. Equally, focusing on individual health situations can sometimes be the best approach for achieving concrete results. However, the wider determinants of health are best tackled by policy initiatives on a more general level.

The aim of Community action in this area is twofold. First, to encourage and support the development of actions and networks for gathering, providing and exchanging information in order to assess and develop Community policies, strategies and measures, with the purpose of establishing effective interventions aimed at tackling the determinants of health. Second, to promote and stimulate countries' efforts in this field, for example, by developing innovative projects which will stand as examples of effective practice.

The following principles apply to the actions listed below. First, wherever possible, the experience gained under previous Community public health programmes and the previous funding round under this programme will be built upon. Second, socioeconomic factors are an important reason for variations in health status across Europe. In addition to the specific actions launched in this area (as outlined in under 2.3.9 below), addressing these factors will be considered in all actions aimed at tackling lifestyle-related health determinants. Finally, life cycle approaches — and in particular the problems related to the ageing population — will be taken into account when addressing health determinants.

The priorities identified for 2004 are the following:

#### ADDICTION

##### 2.3.1. Tobacco (Article 3(2)(b), Annex, point 3.1)

Encourage and support tobacco control measures and tobacco prevention actions.

###### 2.3.1.1. Smoking prevention and cessation

1. Policies and best practices on smoking cessation and health education
2. Promote strategies aimed at protecting the population from the risk of passive smoking
3. Promote strategies to 'de-normalise' smoking, including strategies and measures to reduce the prevalence of smoking
4. Promote the positive role that healthcare professionals can have in smoking prevention and cessation policies

These actions will be developed in coordination with activities undertaken within the framework of the Community Tobacco Fund, to avoid duplication and create synergies.

###### 2.3.1.2. Legislative measures

A comprehensive legislative programme is part of the Commission's overall strategy to tackle smoking as a key health determinant. Up till the end of 2004, this legislative programme includes the examination of the possibility of a future legislative instrument on ingredients and Commission decisions/regulations on measurement methods, health warnings and marking and tracing.

Moreover, the Commission is required to produce a report on the application of the Tobacco Products Directive <sup>(13)</sup>.

The Commission will also follow closely the implementation of the Tobacco Advertising Directive <sup>(14)</sup> and propose the necessary amendments to the Directive.

Furthermore, following the signature of the WHO Framework Convention on Tobacco Control, the Commission will actively participate in the works of the open-ended intergovernmental group which will be set to prepare the first session of the conference of the parties.

There is a need to establish and document a solid scientific basis for each legal instrument in the field of tobacco control. Moreover, the preparatory work for future legislation needs to be intensified. For these reasons, actions will be taken in the following areas, involving the use of calls for tender:

1. Legal data collection, scientific and technical advice for
  - the elaboration of a proposal on ingredients in full coordination with work on ingredients currently taking place in the Joint Research Centre of the Commission,
  - the preparation of decisions/regulations on measurement methods,
  - the preparation of decision/regulations on health warnings,
  - the preparation of decision/regulations on marking/tracing.
2. Analysing Member States legislation's regarding the sponsorship in or of the printed media and information society services with a view to promoting tobacco products.
3. Assessment of the situation in Member States regarding indirect advertising and sponsorship of events or activities without cross-border effect.

#### 2.3.2. Alcohol (Article 3(2)(b), Annex, point 3.1)

In order to combat the social and health problems caused by alcohol, one of the key health determinants in the Community, advertising practices should be addressed by assessing the enforcement of national laws and self-regulation on the advertising and marketing of alcoholic beverages in the Member States.

#### 2.3.3. Drugs (Article 3(2)(b), Annex, point 3.1)

In order to support the follow-up of the Council recommendation of 18 June 2003 on the prevention and reduction of health-related harm associated with drug dependence, the development of the inventory of activities in cooperation with EMCDDA <sup>(15)</sup> will continue.

Proposals involving a lifestyle approach addressing abuse of all substances with addictive potential, especially in recreational places (e.g. nightclubs) and prisons will be encouraged. Specific emphasis will be given to actions developing best practices, disseminating information and improving communication in these areas using modern communications methods.

### POSITIVE HEALTH

#### 2.3.4. Nutrition and physical activity (Article 3(2)(b), Annex, point 3.1)

Developing work to identify best practice and to take forward coherent strategies on nutrition and physical activity in the Community, which should provide recommendations and support to Member States. Emphasis will be on innovative measures and approaches to improve dietary habits, excess weight and obesity, and physical activity habits in all population groups.

In 2004, the following actions can be supported:

1. identify, network and disseminate best practice on strategies and actions to combat overweight and obesity;
2. identify, network and disseminate best practice on strategies and actions to support physical activity;
3. including nutrition and physical activity aspects in the training curricula of teachers, health professionals and catering/hospitality workers.

There should be an emphasis on a proper evaluation of the results of the interventions.

<sup>(13)</sup> Directive 2001/37/EC of the European Parliament and of the Council on the approximation of the laws, regulations and administrative provisions of the Member States concerning the manufacture, presentation and sale of tobacco products (OJ L 194, 18.7.2001, p. 26).

<sup>(14)</sup> Directive 2003/33/EC of the European Parliament and of the Council of 26 May 2003 on the approximation of the laws, regulations and administrative provisions of the Member States relating to the advertising and sponsorship of tobacco products (OJ L 152, 20.6.2003, p. 16).

<sup>(15)</sup> European Monitoring Centre on drugs and drugs addiction.

2.3.5. *Sexual and reproductive health (Article 3(2)(b), Annex, point 3.1)*

Taking account of information from the health monitoring system, develop health promotion strategies and define best practices to address sexual education (teenage pregnancy, family planning) and prevention of sexually transmitted diseases such as HIV/AIDS, including consideration of approaches in school settings and those targeting specific groups.

2.3.6. *Mental health (Article 3(2)(b), Annex, point 3.1)*

The health promotion programme has supported a series of projects and interventions relating to mental health and the Council has adopted Conclusions on the promotion of mental health <sup>(16)</sup>.

In addition, in the health information strand of the current public health programme, a specific working party has been established to focus on data and information collection and diffusion relating to mental health.

Building on a review of existing best practices, the development of strategies for the implementation of interventions in relevant settings aiming at promoting mental health will be financially supported, with an emphasis on preventing suicide and depression. There will be also a specific focus on eating disorders (anorexia, bulimia) and their prevention in young people, as well as on creating supporting environments (including mental health promotion in the family setting).

2.3.7. *Injury prevention (Article 3(2)(b), Annex, point 3.1)*

Injuries are a major challenge and cause of mortality and invalidity in particular among children, adolescents and elderly. In 2004, an evidence-based inventory of best practices and efficient policies will be made.

#### SOCIAL AND ENVIRONMENTAL DETERMINANTS

2.3.8. *Environmental health determinants (Article 3(2)(b), Annex, point 3.1)*

Work on environmental health determinants will take account of the European health and environment strategy as set out in the Commission's communication of 11 June 2003 <sup>(17)</sup>.

Priority will be given in 2004 to actions which support the development of health and environment policies and strategies, and the integration of health and environment concerns in other Community policies. A specific focus will be on the provision of advice and expertise to develop activities, including legislative work and other initiatives on health aspects related to the environment, particularly in relation to air pollution (including indoor air pollution) and electromagnetic fields <sup>(18)</sup>.

2.3.9. *Socioeconomic determinants of health (Article 3(2)(b), Annex, point 3.2)*

Tackling socioeconomic determinants will continue to be a key priority for the programme. In 2004, work will be supported on:

1. identifying effective strategies to address inequalities in health and the health impact of socioeconomic determinants in specific settings and for population groups which are particularly affected, in particular in socially excluded, minority and migrant populations;
2. develop work on strategies to address the health effects of unemployment and precarious employment conditions.

2.3.10. *Health promotion in particular settings (Article 3(2)(b), Annex, point 3.5)*

1. Promote health in schools through the European Network of Health-Promoting Schools in cooperation with the Member States, Council of Europe and the WHO. Emphasis will be put on enabling all schools to benefit from developing work and best practice from the network, improving the coverage of the network and developing further best practices in concrete areas.

<sup>(16)</sup> Council resolution of 18 November 1999 (OJ C 86, 24.3.2000, p. 1).

<sup>(17)</sup> Communication from the Commission to the Council, the European Parliament and the European Economic and Social Committee — A European Environment and Health Strategy (COM(2003) 338 final).

<sup>(18)</sup> Actions would in particular be linked to the revision of Council Recommendation 1999/519/EC of 12 July 1999 on the limitation of the exposure of the general public to electromagnetic fields (0 Hz to 300 GHz) (OJ L 199, 30.7.1999, p. 59).



2. Promote health in the workplace through strengthening networking and collaboration between relevant organisations. Building on identified models of good practice for workplace health promotion, develop implementation strategies that focus on a sustainable development of health in the workplace and enhance implementation across economic sectors in Member States. A particular emphasis will be on creating smoke-free environments at the workplace.

2.3.11. *Training in public health (Article 3(2)(b), Annex, point 3.6)*

In 2004, priority will be given to promote cooperation between educational institutions on the content of training courses and support the development of common European training courses in the field of public health, building on initiatives such as the European Masters programmes in public health and the programme for intervention epidemiology training (EPIET).

2.3.12. *Disease prevention (Article 3(2)(b), Annex, point 3.1)*

Building on the achievements under previous public health programmes, in particular cancer programmes <sup>(19)</sup>, a comprehensive analysis as well as an inventory and future development of existing guidelines and best practice recommendations and perspectives for the future addressing main public health relevant diseases, such as cancer, cardiovascular diseases and diabetes, will be made.

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<sup>(19)</sup> Proposal for a Council recommendation on cancer screening (COM(2003) 230 final).

**DECISION No 2/JP/2003  
of 26 January 2004**

**of the Joint Committee set up under the Agreement on Mutual Recognition between the European Community and Japan related to the registration of a conformity assessment body under the Sectoral Annex on electrical products**

(2004/193/EC)

THE JOINT COMMITTEE,

Having regard to the Agreement on Mutual Recognition between Japan and the European Community, and in particular Articles 8(3)(a) and 9(1)(b) thereof,

HAS DECIDED AS FOLLOWS:

1. The conformity assessment body indicated below is registered under the Sectoral Annex on electrical products of the Agreement, for the products and conformity assessment procedures as indicated below.

Name, acronym and contact details of the conformity assessment body:

Name: JAPAN QUALITY ASSURANCE ORGANIZATION

Acronym: JQA

Address: 1-9-15 Akasaka, Minato-ku, Tokyo, 107-0052, Japan

Telephone (81-3) 3416 0330

Fax (81-3) 3416 5971

E-mail address: asada-sumio@jqa.jp

Internet: [http://www.jqa.jp/00english/e\\_index.html](http://www.jqa.jp/00english/e_index.html)

Contact person: Mr ASADA Sumio

Scope of registration in terms of products and conformity assessment procedures:

*Products*

1. Household and similar equipment
2. Measuring instruments
3. IT and office equipment
4. Safety transformers and similar equipment
5. Electronics, entertainment

*Conformity assessment procedures*

Conformity assessment procedures according to Council Directive 73/23/EEC of 19 February 1973 on the harmonisation of the laws of the Member States relating to electrical equipment designed for use within certain voltage limits and amendments thereto.

2. This decision, done in duplicate, shall be signed by the co-Chairs. The decision shall be effective from the date of the later of these signatures.

Signed in Tokyo on 18 November 2003.

*On behalf of Japan*  
Atsuyuki OIKE

Signed in Brussels on 26 January 2004.

*On behalf of the European Community*  
Joanna KIOUSSI