COMMISSION REGULATION (EC) No 2316/2003

of 29 December 2003

amending Regulation (EC) No 98/2003 as regards the forecast supply balance for the Canary Islands for fat-free milk preparations

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 1454/2001 of 28 June 2001 introducing specific measures for certain agricultural products for the Canary Islands and repealing Regulation (EEC) No 1601/92 (Poseican) ([1]), and in particular Article 3(6) thereof,

Whereas:

(1) Commission Regulation (EC) No 98/2003 of 20 January 2003 establishing the supply balances and Community aid for the supply of certain essential products for human consumption, for processing and as agricultural inputs and for the supply of live animals and eggs to the outermost regions under Council Regulations (EC) No 1452/2001, (EC) No 1453/2001 and (EC) No 1454/2001 ([2]) establishes a forecast supply balance and Community aid for the products covered by the specific supply arrangements for the Azores, Madeira and the Canary Islands.

(2) Current implementation of the annual supply balance for the Canary Islands for fat-free milk preparations indicates that the quantities fixed for the supply are below requirements because of a higher demand than expected.

(3) The quantity of the above product should therefore be adjusted in line with the actual needs of the outermost regions concerned.

(4) Regulation (EC) No 98/2003 should be amended accordingly.

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

HAS ADOPTED THIS REGULATION:

Article 1

The table in Annex V, part 11, of Regulation (EC) No 98/2003 is replaced by the following:

'Description	CN code	Quantity (in tonnes)	Aid (EUR/tonne)		
			I	II	III ([1])
Milk and cream, not concentrated nor containing added sugar or other sweetening matter ([2])	0401	114 800 ([3])	41	59	([4])
Milk and cream, concentrated or containing added sugar or other sweetening matter ([2])	0402	28 000 ([5])	41	59	([4])
Milk and cream, concentrated or containing added sugar or other sweetening matter of a non-fat milk solid content of 15 % or more by weight and a fat content by weight not exceeding 3 % ([6])	0402 91 19 9310		—	97	—

([1]) OJ L 198, 21.7.2001, p. 45; Regulation as last amended by Regulation (EC) No 1782/2003 (OJ L 270, 21.10.2003, p. 1).
([2]) OJ L 14, 21.1.2003, p. 32; Regulation as last amended by Regulation (EC) No 1987/2003 (OJ L 295, 13.11.2003, p. 47).

Description	CN code	Quantity (in tonnes)	Aid (EUR/tonne)		
			I	II	III [1]
Butter and other fats and oils derived from milk; dairy spreads [2]	0405	4 000	72	90	[4]
Cheese [2]	0406 0406 30 0406 90 23 0406 90 25 0406 90 27 0406 90 76 0406 90 78 0406 90 79 0406 90 81	15 000	72	—	[4]
	0406 90 86 0406 90 87 0406 90 88	1 900			
Fat-free milk preparations	1901 90 99	800	—	59	[7]
Milk preparations for children containing no milk fat etc.	2106 90 92	45			

[1] In EUR/100 kg net weight, unless otherwise specified.
[2] The products concerned and the related footnotes are the same as those covered by the Commission Regulation fixing the export refunds under Article 31 of Council Regulation (EC) No 1255/1999 (OJ L 160, 26.6.1999, p. 48).
[3] Including 1 300 tonnes for the processing and/or packaging sector.
[4] The amount shall be equal to the amount of the refund for products falling within the same CN code granted under Article 31 of Regulation (EC) No 1255/1999. Where the refunds granted under Article 31 of Regulation (EC) No 1255/1999 have differentiated amounts, the amount shall be equal to the highest amount of the refund for products falling within the same CN code of the agricultural product nomenclature for export refunds (Regulation (EEC) No 3846/87).
[5] To be allocated as follows:
— 7 250 tonnes falling within CN codes 0402 91 and/or 0402 99 for direct consumption,
— 4 750 tonnes falling within CN codes 0402 91 and/or 0402 99 for the processing and/or packaging sector,
— 16 000 tonnes falling within CN codes 0402 10 and/or 0402 21 for the processing and/or packaging sector.
[6] Where the milk protein content (nitrogen content × 6,38) in the non-fatty milk solid of a product under this position is less than 34 %, no aid shall be granted. Where the water content by weight of the powdered products under this position is greater than 5 %, no aid shall be granted. When completing customs formalities, the applicant shall state on the declaration provided for this purpose the minimum milk protein content in the non-fatty milk solid, and the maximum water content for powdered products.
[7] The amount shall be equal to the refund set in the Commission Regulation fixing the refund rates applicable to certain milk products exported in the goods not covered by Annex I, granted under Regulation (EC) No 1520/2000.'

Article 2

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

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

Done at Brussels, 29 December 2003.

For the Commission
Franz FISCHLER
Member of the Commission