COMMISSION REGULATION (EU) No 138/2010

of 18 February 2010

fixing the export refunds on milk and milk products

THE EUROPEAN COMMISSION,

Having regard to the Treaty on the Functioning of the European Union,

Having regard to Council Regulation (EC) No 1234/2007 of 22 October 2007 establishing a common organisation of agricultural markets and on specific provisions for certain agricultural products (Single CMO Regulation) [1], and in particular Article 164(2), in conjunction with Article 4, thereof,

Whereas:

(1) Article 162(1) of Regulation (EC) No 1234/2007 provides that the difference between prices on the world market for the products listed in Part XVI of Annex I to that Regulation and prices for those products on the Community market may be covered by an export refund.

(2) Given the present situation on the market in milk and milk products, export refunds should be fixed in accordance with the rules and certain criteria provided for in Articles 162, 163, 164, 167, 169 and 170 of Regulation (EC) No 1234/2007.

(3) Article 164(1) of Regulation (EC) No 1234/2007 provides that export refunds may vary according to destination, especially where the world market situation, the specific requirements of certain markets or obligations resulting from agreements concluded in accordance with Article 300 of the Treaty make this necessary.

(4) Export refunds for the Dominican Republic have been differentiated to take into account the reduced custom duties applied on imports under the import tariff quota under the Memorandum of Understanding between the European Community and the Dominican Republic on import protection for milk powder in the Dominican Republic [2], approved by Council Decision 98/486/EC [3]. Due to a changed market situation in the Dominican Republic, characterised by increased competition for milk powder, the quota is no longer fully used. In order to maximise the use of the quota, the differentiation of export refunds for the Dominican Republic should be abolished.

(5) The Management Committee for the Common Organisation of Agricultural Markets has not delivered an opinion within the time limit set by its Chair,

HAS ADOPTED THIS REGULATION:

Article 1

Export refunds as provided for in Article 164 of Regulation (EC) No 1234/2007 shall be granted on the products and for the amounts set out in the Annex to this Regulation, subject to the conditions provided for in Article 3(2) of Commission Regulation (EC) No 1282/2006 [4].

Article 2

This Regulation shall enter into force on 19 February 2010.

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

Done at Brussels, 18 February 2010.

For the Commission,
On behalf of the President,
Jean-Luc DEMARTY
Director-General for Agriculture and Rural Development

[1] OJ L 299, 16.11.2007, p. 1.

[2] OJ L 218, 6.8.1998, p. 46.
[3] OJ L 218, 6.8.1998, p. 45.
[4] OJ L 234, 29.8.2006, p. 4.

ANNEX

Export refunds on milk and milk products applicable from 19 February 2010

Product code	Destination	Unit of measurement	Refunds
0401 30 31 9100	L20	EUR/100 kg	0,00
0401 30 31 9400	L20	EUR/100 kg	0,00
0401 30 31 9700	L20	EUR/100 kg	0,00
0401 30 39 9100	L20	EUR/100 kg	0,00
0401 30 39 9400	L20	EUR/100 kg	0,00
0401 30 39 9700	L20	EUR/100 kg	0,00
0401 30 91 9100	L20	EUR/100 kg	0,00
0401 30 99 9100	L20	EUR/100 kg	0,00
0401 30 99 9500	L20	EUR/100 kg	0,00
0402 10 11 9000	L20	EUR/100 kg	0,00
0402 10 19 9000	L20	EUR/100 kg	0,00
0402 10 99 9000	L20	EUR/100 kg	0,00
0402 21 11 9200	L20	EUR/100 kg	0,00
0402 21 11 9300	L20	EUR/100 kg	0,00
0402 21 11 9500	L20	EUR/100 kg	0,00
0402 21 11 9900	L20	EUR/100 kg	0,00
0402 21 17 9000	L20	EUR/100 kg	0,00
0402 21 19 9300	L20	EUR/100 kg	0,00
0402 21 19 9500	L20	EUR/100 kg	0,00
0402 21 19 9900	L20	EUR/100 kg	0,00
0402 21 91 9100	L20	EUR/100 kg	0,00
0402 21 91 9200	L20	EUR/100 kg	0,00
0402 21 91 9350	L20	EUR/100 kg	0,00
0402 21 99 9100	L20	EUR/100 kg	0,00
0402 21 99 9200	L20	EUR/100 kg	0,00
0402 21 99 9300	L20	EUR/100 kg	0,00
0402 21 99 9400	L20	EUR/100 kg	0,00
0402 21 99 9500	L20	EUR/100 kg	0,00
0402 21 99 9600	L20	EUR/100 kg	0,00
0402 21 99 9700	L20	EUR/100 kg	0,00
0402 29 15 9200	L20	EUR/100 kg	0,00
0402 29 15 9300	L20	EUR/100 kg	0,00
0402 29 15 9500	L20	EUR/100 kg	0,00
0402 29 19 9300	L20	EUR/100 kg	0,00
0402 29 19 9500	L20	EUR/100 kg	0,00
0402 29 19 9900	L20	EUR/100 kg	0,00
0402 29 99 9100	L20	EUR/100 kg	0,00
0402 29 99 9500	L20	EUR/100 kg	0,00
0402 91 10 9370	L20	EUR/100 kg	0,00
0402 91 30 9300	L20	EUR/100 kg	0,00
0402 91 99 9000	L20	EUR/100 kg	0,00
0402 99 10 9350	L20	EUR/100 kg	0,00
0402 99 31 9300	L20	EUR/100 kg	0,00
0403 90 11 9000	L20	EUR/100 kg	0,00
0403 90 13 9200	L20	EUR/100 kg	0,00
0403 90 13 9300	L20	EUR/100 kg	0,00
0403 90 13 9500	L20	EUR/100 kg	0,00
0403 90 13 9900	L20	EUR/100 kg	0,00
0403 90 33 9400	L20	EUR/100 kg	0,00
0403 90 59 9310	L20	EUR/100 kg	0,00
0403 90 59 9340	L20	EUR/100 kg	0,00
0403 90 59 9370	L20	EUR/100 kg	0,00
0404 90 21 9120	L20	EUR/100 kg	0,00
0404 90 21 9160	L20	EUR/100 kg	0,00
0404 90 23 9120	L20	EUR/100 kg	0,00
0404 90 23 9130	L20	EUR/100 kg	0,00
0404 90 23 9140	L20	EUR/100 kg	0,00
0404 90 23 9150	L20	EUR/100 kg	0,00
0404 90 81 9100	L20	EUR/100 kg	0,00
0404 90 83 9110	L20	EUR/100 kg	0,00
0404 90 83 9130	L20	EUR/100 kg	0,00
0404 90 83 9150	L20	EUR/100 kg	0,00
0404 90 83 9170	L20	EUR/100 kg	0,00
0405 10 11 9500	L20	EUR/100 kg	0,00
0405 10 11 9700	L20	EUR/100 kg	0,00

Product code	Destination	Unit of measurement	Refunds
0405 10 19 9500	L20	EUR/100 kg	0,00
0405 10 19 9700	L20	EUR/100 kg	0,00
0405 10 30 9100	L20	EUR/100 kg	0,00
0405 10 30 9300	L20	EUR/100 kg	0,00
0405 10 30 9700	L20	EUR/100 kg	0,00
0405 10 50 9500	L20	EUR/100 kg	0,00
0405 10 50 9700	L20	EUR/100 kg	0,00
0405 10 90 9000	L20	EUR/100 kg	0,00
0405 20 90 9500	L20	EUR/100 kg	0,00
0405 20 90 9700	L20	EUR/100 kg	0,00
0405 90 10 9000	L20	EUR/100 kg	0,00
0405 90 90 9000	L20	EUR/100 kg	0,00
0406 10 20 9640	L04	EUR/100 kg	0,00
	L40	EUR/100 kg	0,00
0406 10 20 9650	L04	EUR/100 kg	0,00
	L40	EUR/100 kg	0,00
0406 10 20 9830	L04	EUR/100 kg	0,00
	L40	EUR/100 kg	0,00
0406 10 20 9850	L04	EUR/100 kg	0,00
	L40	EUR/100 kg	0,00
0406 20 90 9913	L04	EUR/100 kg	0,00
	L40	EUR/100 kg	0,00
0406 20 90 9915	L04	EUR/100 kg	0,00
	L40	EUR/100 kg	0,00
0406 20 90 9917	L04	EUR/100 kg	0,00
	L40	EUR/100 kg	0,00
0406 20 90 9919	L04	EUR/100 kg	0,00
	L40	EUR/100 kg	0,00
0406 30 31 9730	L04	EUR/100 kg	0,00
	L40	EUR/100 kg	0,00
0406 30 31 9930	L04	EUR/100 kg	0,00
	L40	EUR/100 kg	0,00
0406 30 31 9950	L04	EUR/100 kg	0,00
	L40	EUR/100 kg	0,00
0406 30 39 9500	L04	EUR/100 kg	0,00
	L40	EUR/100 kg	0,00
0406 30 39 9700	L04	EUR/100 kg	0,00
	L40	EUR/100 kg	0,00
0406 30 39 9930	L04	EUR/100 kg	0,00
	L40	EUR/100 kg	0,00
0406 30 39 9950	L04	EUR/100 kg	0,00
	L40	EUR/100 kg	0,00
0406 40 50 9000	L04	EUR/100 kg	0,00
	L40	EUR/100 kg	0,00
0406 40 90 9000	L04	EUR/100 kg	0,00
	L40	EUR/100 kg	0,00
0406 90 13 9000	L04	EUR/100 kg	0,00
	L40	EUR/100 kg	0,00
0406 90 15 9100	L04	EUR/100 kg	0,00
	L40	EUR/100 kg	0,00
0406 90 17 9100	L04	EUR/100 kg	0,00
	L40	EUR/100 kg	0,00
0406 90 21 9900	L04	EUR/100 kg	0,00
	L40	EUR/100 kg	0,00
0406 90 23 9900	L04	EUR/100 kg	0,00
	L40	EUR/100 kg	0,00
0406 90 25 9900	L04	EUR/100 kg	0,00
	L40	EUR/100 kg	0,00
0406 90 27 9900	L04	EUR/100 kg	0,00
	L40	EUR/100 kg	0,00
0406 90 32 9119	L04	EUR/100 kg	0,00
	L40	EUR/100 kg	0,00
0406 90 35 9190	L04	EUR/100 kg	0,00
	L40	EUR/100 kg	0,00
0406 90 35 9990	L04	EUR/100 kg	0,00
	L40	EUR/100 kg	0,00
0406 90 37 9000	L04	EUR/100 kg	0,00
	L40	EUR/100 kg	0,00
0406 90 61 9000	L04	EUR/100 kg	0,00
	L40	EUR/100 kg	0,00

Product code	Destination	Unit of measurement	Refunds
0406 90 63 9100	L04	EUR/100 kg	0,00
	L40	EUR/100 kg	0,00
0406 90 63 9900	L04	EUR/100 kg	0,00
	L40	EUR/100 kg	0,00
0406 90 69 9910	L04	EUR/100 kg	0,00
	L40	EUR/100 kg	0,00
0406 90 73 9900	L04	EUR/100 kg	0,00
	L40	EUR/100 kg	0,00
0406 90 75 9900	L04	EUR/100 kg	0,00
	L40	EUR/100 kg	0,00
0406 90 76 9300	L04	EUR/100 kg	0,00
	L40	EUR/100 kg	0,00
0406 90 76 9400	L04	EUR/100 kg	0,00
	L40	EUR/100 kg	0,00
0406 90 76 9500	L04	EUR/100 kg	0,00
	L40	EUR/100 kg	0,00
0406 90 78 9100	L04	EUR/100 kg	0,00
	L40	EUR/100 kg	0,00
0406 90 78 9300	L04	EUR/100 kg	0,00
	L40	EUR/100 kg	0,00
0406 90 79 9900	L04	EUR/100 kg	0,00
	L40	EUR/100 kg	0,00
0406 90 81 9900	L04	EUR/100 kg	0,00
	L40	EUR/100 kg	0,00
0406 90 85 9930	L04	EUR/100 kg	0,00
	L40	EUR/100 kg	0,00
0406 90 85 9970	L04	EUR/100 kg	0,00
	L40	EUR/100 kg	0,00
0406 90 86 9200	L04	EUR/100 kg	0,00
	L40	EUR/100 kg	0,00
0406 90 86 9400	L04	EUR/100 kg	0,00
	L40	EUR/100 kg	0,00
0406 90 86 9900	L04	EUR/100 kg	0,00
	L40	EUR/100 kg	0,00
0406 90 87 9300	L04	EUR/100 kg	0,00
	L40	EUR/100 kg	0,00
0406 90 87 9400	L04	EUR/100 kg	0,00
	L40	EUR/100 kg	0,00
0406 90 87 9951	L04	EUR/100 kg	0,00
	L40	EUR/100 kg	0,00
0406 90 87 9971	L04	EUR/100 kg	0,00
	L40	EUR/100 kg	0,00
0406 90 87 9973	L04	EUR/100 kg	0,00
	L40	EUR/100 kg	0,00
0406 90 87 9974	L04	EUR/100 kg	0,00
	L40	EUR/100 kg	0,00
0406 90 87 9975	L04	EUR/100 kg	0,00
	L40	EUR/100 kg	0,00
0406 90 87 9979	L04	EUR/100 kg	0,00
	L40	EUR/100 kg	0,00
0406 90 88 9300	L04	EUR/100 kg	0,00
	L40	EUR/100 kg	0,00
0406 90 88 9500	L04	EUR/100 kg	0,00
	L40	EUR/100 kg	0,00

The destinations are defined as follows:

L20: All destinations with the exception of:

(a) third countries: Andorra, Holy See (Vatican City State), Liechtenstein and the United States of America;

(b) territories of the EU Member States not forming part of the customs territory of the Community: the Faeroe Islands, Greenland, Heligoland, Ceuta, Melilla, the Communes of Livigno and Campione d'Italia, and the areas of the Republic of Cyprus in which the Government of the Republic of Cyprus does not exercise effective control;

(c) European territories for whose external relations a Member State is responsible and not forming part of the customs territory of the Community: Gibraltar

(d) (d) the destinations referred to in Article 33(1), Article 41(1) and Article 42(1) of Commission Regulation (EC) No 612/2009 (OJ L 186, 17.7.2009, p. 1).

L04: Albania, Bosnia and Herzegovina, Serbia, Kosovo (*), Montenegro and the former Yugoslav Republic of Macedonia.

L40: All destinations with the exception of:

(a) third countries: L04, Andorra, Iceland, Liechtenstein, Norway, Switzerland, Holy See (Vatican City State), the United States of America, Croatia, Turkey, Australia, Canada, New Zealand and South Africa;

(b) territories of the EU Member States not forming part of the customs territory of the Community: the Faeroe Islands, Greenland, Heligoland, Ceuta, Melilla, the Communes of Livigno and Campione d'Italia, and the areas of the Republic of Cyprus in which the Government of the Republic of Cyprus does not exercise effective control;

(c) European territories for whose external relations a Member State is responsible and not forming part of the customs territory of the Community: Gibraltar.

(d) the destinations referred to in Article 33(1), Article 41(1) and Article 42(1) of Commission Regulation (EC) No 612/2009 (OJ L 186, 17.7.2009, p. 1).

(*) As defined by United Nations Security Council Resolution 1244 of 10 June 1999.