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# REGULATION (EEC) No 2307/70 OF THE COUNCIL

## of 10 November 1970

## amending, as regards certain cheeses, Regulation (EEC) No 823/68 determining the groups of products and the special provisions for calculating levies on milk and milk products

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community;

Having regard to Council Regulation (EEC) No 804/68[1] of 27 June 1968 on the common organisation of the market in milk and milk products, as last amended by Regulation (EEC) No 1253/70[2] and in particular Article 14 (6) thereof;

Having regard to the proposal from the Commission;

Whereas, in accordance with Council Regulation (EEC) No 823/68[3] of 28 June 1968 determining the groups of products and the special provisions for calculating levies on milk and milk products, as last amended by Regulation (EEC) No 2197/69,[4] the levies applicable to processed cheeses falling within tariff sub-headings Nos 04.04 D II (a) 1 and 04.04 D II (a) 2 concern products of a fat content by weight referred to dry matter not exceeding 46% or exceeding 46% respectively; whereas, however, experience has shown that for cheeses sold as 45%, the 46% limit is too low;

Whereas this is also true of cheeses sold at 60% (fat content by dry weight); whereas these products must, in order to fall within tariff sub-heading No 04.04 E I (b) 2 (bb), have a fat content by weight not exceeding 39%, which is also too low a limit;

Whereas the levy applicable to the sheep cheeses known as 'Kashkaval' and falling at present within tariff sub-heading No 04.04 E I (b) 3, a levy which is identical to that applied to the pilot product, may be reduced if the free-at-Community-frontier price is at least 85 units of account per 100 kg;

Whereas, similarly, the levies on certain sheep or buffalo cheeses falling, until now, within tariff sub-heading No 04.04 E I (b) 3 may be reduced if the free-at-Community-frontier price is at least 70 units of account per 100 kg, account being taken of the typical characteristics of these cheeses;

Whereas, therefore, Regulation (EEC) No 823/68 should be amended and certain tariff sub-headings should be clarified;

Whereas, in accordance with Article 19 (1) of Regulation (EEC) No 804/68, the tariff nomenclature resulting from the provisions of this Regulation must be incorporated in the Common Customs Tariff;

HAS ADOPTED THIS REGULATION:

*Article 1*

Article 7 of Regulation (EEC) No 823/68 shall be amended as follows:

1. At point 4, the sub-heading '04.04 E I (c) 1' shall be substituted for the sub-heading '04.04 E I (c)'.
2. At point 5, the words 'tariff heading Nos 04.04 E I (c) 2 and 04.04 E II (b)' shall be substituted for the words 'tariff heading No 04.04 E II (b)'.

*Article 2*

The following shall be substituted for Article 8 of Regulation (EEC) No 823/68:

'*Article 8*

Where products in Group 11, originating in and coming from the territory of third countries, are imported into the Community at a price not less than:

— 85 units of account per 100 kg for products falling within tariff sub-heading No 04.04 E I (b) 2, or

[1] OJ No L 148, 28.6.1968, p. 13.
[2] OJ No L 143, 1.7.1970, p. 1.
[3] OJ No L 151, 30.6.1968, p. 3.
[4] OJ No L 279, 6.11.1969, p. 3.

— 70 units of account per 100 kg for products falling within tariff sub-heading No 04.04 E I (b) 3,

the levy per 100 kg of such products shall be equal to:

1. the threshold price less 85 units of account, if the product falls within tariff sub-heading No 04.04 E I (b) 2 (aa) or 04.04 E I (b) 3;
2. the sum of the following components, if the product falls within tariff sub-heading No 04.04 E I (b) 2 (bb):

(a) a component equal to the levy calculated in accordance with point 1,

(b) a component of 20 units of account'.

*Article 3*

In Annex I to Regulation (EEC) No 823/68, in the column sub-headed 'Groups of products according to the nomenclature in Annex II' the sub-heading No '04.04 E I (b) 4' shall be added to Group 11 between the sub-headings Nos '04.04 E I (b) 3' and '04.04 E I (c)'.

*Article 4*

Annex II to Regulation (EEC) No 823/68 shall be amended as follows:

1. Against sub-headings Nos 04.02 A II and 04.02 B I, the description 'Milk and cream, in powder or granules' shall be substituted for the description 'Milk and cream, in powder';

2. Against sub-headings Nos 04.02 A III and 04.02 B II, the description 'Milk and cream, other than in powder or in granules' shall be substituted for the description 'Milk and cream, other than in powder';

3. Sub-headings Nos 04.04 D and 04.04 E I shall be amended as follows:

'04.04 D. Processed cheese, not grated or powdered:

I. (unchanged)

II. Other, of a fat content by weight:

(a) Not exceeding 36% and of a fat content by weight referred to dry matter:

1. Not exceeding 48%
2. Exceeding 48%

(b) Exceeding 36%

E. Other:

I. Not grated or powdered, of a fat content by weight not exceeding 40% and a water content by weight of the non-fatty matter:

(a) Not exceeding 47%

(b) Exceeding 47% but not exceeding 72%:

1. Cheddar, including Chester
2. Tilsit, Havarti, Esrom and Kashkaval, of a fat content by weight referred to dry matter:[b]

(aa) Not exceeding 48%

(bb) Exceeding 48%

3. Cheese of sheep's milk or buffalo milk, in containers containing brine or in sheep- or goat-skin bottles[b]
4. Other

(c) Exceeding 72%:

1. In immediate packings of a net capacity not exceeding 500 g
2. Other'.

*Article 5*

The tariff nomenclature resulting from the provisions of Article 4 and shown in the Annex to this Regulation shall be incorporated in the Common Customs Tariff.

*Article 6*

1. This Regulation shall enter into force on 1 January 1971.

2. The amendments to the tariff nomenclature made by this Regulation shall not affect import and export licences issued before the date of entry into force of this Regulation.

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

Done at Brussels, 10 November 1970.

*For the Council*

*The President*

H. D. GRIESAU

[b] Inclusion under this sub-heading is subject to conditions to be determined by the competent authorities.

*ANNEX*

| CCT heading No | Description of goods | Rate of autonomous duty % or levies (L) (for information) |
|---|---|---|
| 1 | 2 | 3 |
| 04.02 | (unchanged) | |
| | A. (unchanged) | |
| | I. (unchanged) | |
| | II. Milk and cream, in powder or granules: (a) and (b) (unchanged) | |
| | III. Milk and cream, other than in powder or granules: (a) and (b) (unchanged) | |
| | B. (unchanged) | |
| | I. Milk and cream, in powder or granules: (a) and (b) (unchanged) | |
| | II. Milk and cream, other than in powder or granules: (a) and (b) (unchanged) | |
| 04.04 | (unchanged) | |
| | A. to C. (unchanged) | |
| | D. Processed cheeses, not grated or powdered: | |
| | I. (unchanged) | |
| | II. (unchanged) | |
| | (a) (unchanged) | |
| | 1. Not exceeding 48% | 23(L) |
| | 2. Exceeding 48% | 23(L) |
| | (b) (unchanged) | |
| | E. (unchanged) | |
| | I. Not grated or powdered, of a fat content by weight not exceeding 40% and a water content by weight of the non-fatty matter: | |
| | (a) (unchanged) | |
| | (b) (unchanged) | |
| | 1. (unchanged) | |
| | 2. Tilsit, Havarti, Esrom and Kashkaval, of a fat content by weight referred to dry matter:[b] (aa) and (bb) (unchanged) | |
| | 3. Cheese of sheep milk or buffalo milk, in brine or in sheepskin or goatskin bottles[b] | 23(L) |
| | 4. Other | 23(L) |
| | (c) Exceeding 72%: | |
| | 1. In immediate packings of a net capacity not exceeding 500 g | 23(L) |
| | 2. Other | 23(L) |
| | II. (unchanged) | |

[b] Inclusion under this tariff sub-heading is subject to conditions to be determined by the competent authorities.