7.10.72 Official Journal of the European Communities No L 229/1

# REGULATION (EEC) No 2138/72 OF THE COUNCIL

## of 3 October 1972

## amending 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 organization of the market in milk and milk products, as last amended by Regulation (EEC) No 1411/71,[2] and in particular Article 14 (6) thereof;

Having regard to the proposal from the Commission;

Whereas Article 8 of 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 650/72,[4] fixed, *inter alia,* the levy on cheeses falling within subheadings Nos 04.04 E I (b) 3 and 04.04 E I (b) 4 of the Common Customs Tariff in cases where their price on importation into the Community is recorded to be not less than certain minimum prices; whereas the market situation of those cheeses makes it possible for the Community to increase these minimum prices and to reduce the levy accordingly;

Whereas, moreover, one of the free-at-frontier values given in Annex II to that Regulation must be corrected;

HAS ADOPTED THIS REGULATION:

*Article 1*

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

'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:

— 95 units of account per 100 kg, in the case of products falling within subheading No 01.04 E I (b) 2 or 04.04 E I (b) 3, or

— 80 units of account per 100 kg, in the case of products falling within subheading No 04.04 E I (b) 4,

the levy per 100 kg shall be equal:

1. for products falling within subheading No 04.04 E I (b) 2aa, 04.04 E I (b) 3 or 04.04 E I (b) 4, to the threshold price minus 95 units of account,

2. for products falling within subheading No 04.04 E I (b) 2bb, to the sum of the following components:

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

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

*Article 2*

1. In Annex II to Regulation (EEC) No 823/68, '162·58 units of account' shall be substituted for the free-at-frontier value '162·33 units of account' indicated for the products falling within subheading No 04.04 A I.

2. The nomenclature amendment resulting from paragraph 1 shall be incorporated in the Common Customs Tariff.

[1] OJ No L 148, 28.6.1968, p. 13.
[2] OJ No L 148, 3.7.1971, p. 4.
[3] OJ No L 151, 30.6.1968, p. 3.
[4] OJ No L 79, 1.4.1972, p. 6.

*Article 3*

1. This Regulation shall enter into force on 16 October 1972.

2. The nomenclature amendment provided for in Article 2 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 Luxembourg, 3 October 1972.

*For the Council*

*The President*

P. LARDINOIS