REGULATION (EEC) No 1280/73 OF THE COMMISSION

of 14 May 1973

on the determination of adjustments applied to certain refunds fixed in advance for milk and milk products

THE COMMISSION 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 the Treaty [2] concerning the Accession of new Member States to the European Economic Community and the European Atomic Energy Community, and in particular Article 17 (4) thereof;

Whereas Article 5 (3) third subparagraph of Council Regulation (EEC) No 876/68 [3] of 28 June 1968 lays down, for milk and milk products, general rules concerning the granting of export refunds and concerning the criteria for fixing their amount, as last amended by Regulation (EEC) No 2732/71 [4], and provides for the possibility that refunds fixed in advance may be altered when a modification of intervention prices and certain aids takes place;

Whereas Council Regulation (EEC) No 1188/73 [5] of 8 May 1973 fixed the new valid intervention prices for milk and milk products, for the dairy year 1973/74;

Whereas it is appropriate to provide an adjustment to refunds fixed in advance, taking account of the influence of the new prices on the level of market prices; whereas it is, however, necessary to exclude from this measure once more, cases where special refunds have been fixed in order to take account of a special price situation in the third country concerned;

Whereas, in accordance with Article 5 (1) third subparagraph of Council Regulation (EEC) No 204/69 [6] of 28 January 1969, laying down, for certain agricultural products exported in the form of goods not covered by Annex II of the Treaty, general rules concerning the granting of export refunds and the criteria by which their amounts are fixed, as last amended by Regulation (EEC) No 2066/71 [7], refunds fixed in advance for products envisaged in Annex A of the said Regulation are adjusted in accordance with the same rules as those applicable for refunds fixed in advance for the said base products exported in their natural state; whereas it is then appropriate to provide that refunds fixed in advance for the said products, before the 1 January 1972, may equally be adjusted;

Whereas 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

1. Refunds fixed in advance, before 14 May 1973, for products set out in Annex I and II and exported after that date shall be adjusted as fixed by these Annexes.

Adjustments which lead to an increase in the refund fixed in advance only apply at the request of the interested parties.

2. The dates to be taken into account are as follows:

(1) OJ No L 148, 28. 6. 1968, p. 13.
(2) OJ No L 73, 27. 3. 1972, p. 5.
(3) OJ No L 155, 30. 6. 1968, p. 1.
(4) OJ No L 282, 20. 12. 1971, p. 71.
(5) OJ No L 122, 9. 5. 1973, p. 1.
(6) OJ No L 29, 5. 2.1969, p. 1.
(7) OJ No L 219, 29. 9. 1971, p. 1.

— the date of fixation in advance is that of the deposit of the request for the export certificate, according to Regulation (EEC) No 1373/70, Article 8 (1),

— the date of exportation is that of the completion of customs formalities envisaged in Regulation (EEC) No 1373/70, Article 8 (2) second subparagraph under b).

Article 2

This Regulation shall enter into force on 14 May 1973.

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

Done at Brussels, 14 May 1973.

For the Commission

The President

François-Xavier ORTOLI

ANNEX I

List of the adjustments applicable to refunds fixed in advance for the products envisaged in Article 1 of Regulation (EEC) No 804/68 exported in their natural state

CCT heading No	Description of goods	Adjustment in u.a./100 kg net weight (unless otherwise indicated)
04.01 A I a)		+ 0·70
04.01 A II a) 1	of a fat content by weight:	
	— less than or equal to 1·5 %	+ 1·09
	— exceeding 1·5 % but not exceeding 3 %	+ 0·88
	— exceeding 3 %	+ 0·70
04.01 A II a) 2		+ 0·57
04.01 A II b) 1	of a fat content by weight:	
	— less than or equal to 1·5 %	+ 1·09
	— exceeding 1·5 %	+ 0·70
04.01 A II b) 2		+ 0·70
ex 04.01 B I	of a fat content by weight:	
	— exceeding 10 % but not exceeding 17 %	— 1·29
	— exceeding 17 %	— 2·12
04.01 B II	of a fat content by weight:	
	— exceeding 21 % but not exceeding 35 %	— 2·59
	— exceeding 35 % but not exceeding 39 %	— 4·23
	— exceeding 39 %	— 4·70
04.01 B III		— 5·41
04.02 A II	of a fat content by weight:	
	— less than or equal to 1·5 %	+12·00
	— exceeding 1·5 % but not exceeding 11 %	+12·00
	— exceeding 11 % but not exceeding 17 %	+ 9·24
	— exceeding 17 % but not exceeding 25 %	+ 8·06
	— exceeding 25 % but not exceeding 27 %	+ 6·00
	— exceeding 27 % but not exceeding 29 %	+ 5·56

CCT heading No	Description of goods	Adjustment in u.a./100 kg net weight (unless otherwise indicated)
04.02 A II *(cont'd)*	— exceeding 29 % but not exceeding 41 %	+ 5·10
	— exceeding 41 %	+ 2·34
ex 04.02 A III a) 1	of a fat content by weight:	
	— exceeding 3 % but not exceeeding 7 %	+ 2·30
	— exceeding 7 %	+ 1·38
04.02 A III a) 2		+ 1·62
ex 04.02 A III b) 1	of a fat content by weight:	
	— exceeding 3 % but not exceeding 7 %	+ 2·30
	— exceeding 7 % but not exceeding 8·9 %	+ 1·38
	— exceeding 8·9 % but not exceeding 11 %	+ 1·62
	— exceeding 11 % but not exceeding 21 %	— 1·29
	— exceeding 21 % but not exceeding 39 %	— 2·59
	— exceeding 39 %	— 4·70
04.02 A III b) 2		— 5·41
04.02 B I b)	of a fat content by weight:	
	— less than or equal to 1·5 %	+ 0·1200 (1) per kg
	— exceeding 1·5 % but not exceeding 11 %	+ 0·1200 (1) per kg
	— exceeding 11 % but not exceeding 17 %	+ 0·0924 (1) per kg
	— exceeding 17 % but not exceeding 25 %	+ 0·0806 (1) per kg
	— exceeding 25 % but not exceeding 27 %	+ 0·0600 (1) per kg
	— exceeding 27 % but not exceeding 41 %	+ 0·0556 (1) per kg
	— exceeding 41 %	+ 0·0234 (1) per kg
04.02 B II a)	of a fat content by weight:	
	— less than or equal to 6·9 %	+ 3·27 (2)
	— exceeding 6·9 %	+ 1·84 (2)
04.02 B II b) 1	of a fat content by weight:	
	— less than or equal to 6·9 %	+ 3·27 (2)
	— exceeding 6·9 % but not exceeding 9·5 %	+ 1·84 (2)

CCT heading No	Description of goods	Adjustment in u.a./100 kg net weight (unless otherwise indicated)
04.02 B II b) 1 *(cont'd)*	— exceeding 9·5 % but not exceeding 21 %	— 0·0129 (1) per kg
	— exceeding 21 % but not exceeding 39 %	— 0·0259 (1) per kg
	— exceeding 39 %	— 0·0470 (1) per kg
04.02 B II b) 2		— 0·0541 (1) per kg
ex 04.03 A	of a fat content by weight:	
	— of 78 % or more but less than 80 %	— 7·40
	— of 80 % or more but less than 82 %	— 9·70
	— equal to or exceeding 82 %	—10·00
04.03 B	of a fat content by weight:	
	— less than or equal to 99·5 %	—10·00
	— exceeding 99·5 %	—12·00
04.04 A II		+ 8·96 (3)
04.04 C		+ 5·97
04.04 D II a) 1	of a dry matter content by weight:	
	— of 33 % or more but less than 38 %	+ 2·68 (4)
	— of 38 % or more but less than 43 % and of a fat content, by weight, referred to dry matter:	
	— of less than 20 %	+ 2·68 (4)
	— of 20 % or more	+ 3·66 (4)
	— of 43 % or more and of a fat content, by weight, referred to dry matter:	
	— of less than 20 %	+ 2·68 (4)
	— of 20 % or more but less than 40 %	+ 3·66 (4)
	— of 40 % or more	+ 5·00 (4)
04.04 D II a) 2	of a dry matter content by weight:	
	— of 33 % or more but less than 38 %	+ 2·68 (4)
	— of 38 % or more but less than 43 %	+ 3·66 (4)
	— of 43 % or more but less than 46 %	+ 5·00 (4)
	— of 46 % or more and of a fat content by weight, referred to dry matter:	
	— of less than 55 %	+ 5·00 (4)
	— of 55 % or more	+ 5·93 (4)

CCT heading No	Description og foods	Adjustement in u.a./100 kg net weight (unless otherwise indicated)
04.04 D II b)		+ 5·93 (4)
04.04 E I a)		+13·33
04.04 E I b) 1		+ 6·98
04.04 E I b) 2 aa)		+ 7·90
04.04 E I b) 5	of a fat content by weight referred to dry matter:	
	— of less than 5 %	+14·73
	— of 5 % or more but less than 19 %	+13·18
	— of 19 % or more but less than 39 %	+10·81
	— of 39 % or more:	
	— Asiago, Caciocavallo, Provolone, Ragusano	+ 6·98
	— Dantal, Danbo, Edam, Fontal, Fontina, Fynbo, Gouda, Havarti, Maribo, Samsø	+ 7·90 (5)
	— Butterkäse, Esrom, Italico, Kernhem, Saint-Nectaire, Saint-Paulin, Taleggio	+ 6·81 (5)
	— other, of a water content calculated by weight, of the non fatty matter:	
	— exceeding 47 % but not exceeding 52 %	+ 6·98
	— exceeding 52 % but not exceeding 62 %	+ 7·90 (5)
04.04 E I c)	of a fat content by weight referred to dry matter exceeding 70 %	+ 0·68
	Cottage Cheese	+ 5·01
04.04 E II a)		+ 7·00
ex 23.07 B I a) 3	of a content by weight of skimmed-milk powder falling within subheading 04.02 A II b) 1:	
	— of 30 % or more but less than 40 %	+ 3·84
	— of 40 % or more but less than 50 %	+ 5·04
	— of 50 % or more but less than 60 %	+ 6·24
	— of 60 % or more but less than 70 %	+ 7·44
	— of 70 % or more	+ 8·64
ex 23.07 B I a) 4	of a content by weight of skimmed-milk powder falling within subheading 04.02 A II b) 1:	
	— of 30 % or more but less than 40 %	+ 3·84

CCT heading No	Description of goods	Adjustment in u.a./100 kg net weight (unless otherwise indicated)
ex 23.07 B I a) 4 *(cont'd)*	— of 40% or more but less than 50%	+ 5·04
	— of 50% or more but less than 60%	+ 6·24
	— of 60% or more but less than 70%	+ 7·44
	— of 70% or more but less than 75%	+ 8·64
	— of 75% or more but less than 80%	+ 9·24
	— of 80% or more	+ 9·84

(1) The adjustment per 100 kg of the net weight of the product is equal to the sum of the following components:
a) the amount shown per kg multiplied by the weight of milk and cream contained in 100 kg of the product;
b) a component calculated in accordance with the provisions of Regulation (EEC) No 766/68.

(2) The adjustment per 100 kg of product is equal to the sum of the following components:
a) the amount shown;
b) a component calculated in accordance with the provisions of Regulation (EEC) No 766/68.

(3) The amount does not apply to refunds fixed in advance for products exported to Austria.

(4) The amount does not apply to refunds fixed in advance for products exported to Switzerland.

(5) The amount does not apply to refunds fixed in advance for products exported to Zone E (Territories of the United States of the American continent, including Hawaii).

The weight of non milk solids and added lactose should be disregarded for the purpose of calculating fat content.

ANNEX II

List of adjustments applicable to refunds fixed in advance for products set out in the Annex to Regulation (EEC) No 204/69 and envisaged in Regulation (EEC) No 804/68 Article 1, exported in the form of goods included in the Annex of this last Regulation

CCT heading No	Description of goods	Adjustment in u.a./100 kg net weight (unless otherwise indicated)
ex 04.02 A II	Milk powder, obtained by the Spray process, of a fat content, by weight, less than 1·5 %, and of a water content by weight less than 5 % (PG 2)	+12·00
ex 04.02 A II	Milk powder, obtained by the Spray process of a fat content by weight, of 26 % and of a water content by weight less than 5 % (PG 3)	+ 6·00
ex 04.02 A III	Condensed milk, of a fat content, by weight, of 7·5 % and of a weight referred to dry matter of 25 % (PG 4)	+ 1·38
ex 04.03	Butter, of a fat content, by weight, of 82 % (PG 6)	—10·00