REGULATION (EEC) No 88/73 OF THE COMMISSION

of 16 January 1973

fixing the refunds on milk and milk products exported in the natural state

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 organisation of the market in milk and milk products, as last amended by the Act [2] annexed to the Treaty [3] on the Accession of new Member States to the European Economic Community and the European Atomic Energy Community, signed at Brussels on 22 January 1972, and in particular Article 17 (4) thereof ;

Whereas Article 17 of Regulation (EEC) No 804/68 provides that the difference between prices in international trade for the products listed in Article 1 of that Regulation and prices for those products within the Community may be covered by an export refund ;

Whereas Council Regulation (EEC) No 876/68 [4] of 28 June 1968 laying down general rules for granting export refunds on milk and milk products and criteria for fixing the amount of such refunds, as amended by Regulation (EEC) No 2429/72 [5], provides that when the refunds on the products listed in Article 1 of Regulation (EEC) No 804/68, exported in the natural state, are being fixed account must be taken of :

— the existing situation and the future trend with regard to prices and availabilities of milk and milk products on the Community market and prices for milk and milk products in international trade ;

— marketing costs and the most favourable transport charges from Community markets to ports or other points of export in the Community, as well as costs incurred in placing the goods on the market of the country of destination ;

— the aims of the common organisation of the market in milk and milk products which are to ensure equilibrium and the natural development of prices and trade on this market ;

— the need to avoid disturbances on the Community market ; and

— the economic aspect of the proposed exports ;

Whereas Article 3 (1) of Regulation (EEC) No 876/68 provides that when prices within the Community are being determined account should be taken of the ruling prices which are most favourable for exportation, and that when prices in international trade are being determined particular account should be taken of :

(a) prices ruling on third country markets ;

(b) the most favourable prices in third countries of destination for third country imports ;

(c) producer prices recorded in exporting third countries, account being taken, where appropriate, of subsidies granted by those countries ; and

(d) free-at-Community-frontier offer prices ;

Whereas Article 4 of Regulation (EEC) No 876/68 provides that the world market situation or the specific requirements of certain markets may make it necessary to vary the refund on the products listed in Article 1 of Regulation (EEC) No 804/68 according to destination ;

Whereas Article 5 (1) of Regulation (EEC) No 876/68 provides that the list of products on which export refunds are granted and the amount of such refunds should be fixed at least once every four weeks ; whereas the amount of the refund may, however, remain at the same level for more than four weeks ;

Whereas Article 2 of Commission Regulation (EEC) No 1098/68 [6] of 27 July 1968 on detailed rules for the application of export refunds on milk and milk products, as last amended by Regulation (EEC) No 951/71 [7], provides that the refund on products falling within subheading No 04.02 B is equal to the sum of two components, the first representing the

(1) OJ No L 148, 28. 6. 1968, p. 13.
(2) OJ No L 73, 27. 3. 1972, p. 14.
(3) OJ No L 73, 27. 3. 1972, p. 5.
(4) OJ No L 155, 3. 7. 1968, p. 1.
(5) OJ No L 264, 23. 11. 1972, p. 1.
(6) OJ No L 184, 29. 7. 1968, p. 10.
(7) OJ No L 103, 8. 5. 1971, p. 10.

quantity of milk products and the second representing the quantity of added sucrose ; whereas, however, the latter component applies only if the added sucrose was produced from beet or cane harvested within the Community ;

Whereas for the products falling within subheading No 04.02 B II a) or 04.02 B II b) 1 with a fat content not exceeding 9·5 % by weight the first component referred to above is fixed for 100 kg of the whole product ; whereas for the other products falling within subheading No 04.02 B this component is calculated by multiplying the basic amount by the milk product content of the product in question ; whereas this basic amount is the refund on 1 kilogramme of milk products contained in the product ;

Whereas the second component is calculated by multiplying the sucrose content of the product by the basic amount of the refund valid on the day of exportation for the products listed in Article 1 (1) (d) of Council Regulation No 1009/67/EEC (1) of 18 December 1967 on the common organization of the market in sugar, as last amended by Regulation (EEC) No 2429/72.

Whereas it follows from applying these rules to the present situation on the market in milk and milk products, and in particular to prices for these products within the Community and on the world market, that the refund should be fixed at the amounts shown in the Annex to this Regulation ;

Whereas the measures provided for in this Regulation are in accordance with the Opinion of the Management Committee for Milk ;

HAS ADOPTED THIS REGULATION :

Article 1

1. There refunds referred to in Article 17 of Regulation (EEC) No 804/68 on products exported in the natural state are hereby fixed at the amounts shown in the Annex.

2. There are no fixed refunds for exports to Ireland and the Kingdom of Denmark.

Article 2

This Regulation shall enter into force on 17 January 1973.

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

Done at Brussels, 16 January 1973.

For the Commission
P. J. LARDINOIS
Member of the Commission

(1) OJ No 308, 18. 12. 1967, p. 1.

ANNEX

CCT heading No	Description of goods	Code	Refund (in u.a./100 kg net weight unless otherwise indicated)
04.01	Milk and cream, fresh, not concentrated or sweetened :		
	ex A. Other than whey, of a fat content, by weight, not exceeding 6 % :		
	I. Yoghourt, kephir, curdled milk, buttermilk and other fermented or acidified milk :		
	a) In immediate packings of a net capacity of 2 litres or less	0110 00	1·77
	b) Other	0120 00	—
	II. Others :		
	a) In immediate packings of a net capacity of 2 litres or less and of a fat content, by weight :		
	1. Not exceeding 4 % :		
	(aa) of a fat content, by weight, not exceeding 1·5 %	0130 10	
	for exports to :		
	— countries near the Community		0·92
	— other destinations		1·57
	(bb) of a fat content, by weight, exceeding 1·5 % but not exceeding 3 %	0130 22	
	for exports to :		
	— countries near the Community		1·66
	— other destinations		2·76
	(cc) of a fat content, by weight, exceeding 3 %	0130 31	
	for exports to :		
	— countries near the Community		2·87
	— other destinations		3·97
	2. Exceeding 4 %	0140 00	
	for exports to :		
	— countries near the Community		2·98
	— other destinations		4·08
	b) Other, of a fat content, by weight :		
	1. Not exceeding 4 % :		
	(aa) of a fat content, by weight, not exceeding 1·5 %	0150 10	0·50
	(bb) of a fat content, by weight, exceeding 1·5 % but not exceeding 3 %	0150 21	1·66
	(cc) of a fat content, by weight, exceeding 3 %	0150 31	1·66
	2. Exceeding 4 %	0160 00	1·66
	ex B. Other, excluding whey, of a fat content, by weight :		
	I. Exceeding 6 % but not exceeding 21 % :		
	(a) of a fat content, by weight, exceeding 10 % but not exceeding 17 %	0200 10	14·60
	(b) of a fat content, by weight, exceeding 17 %	0200 20	23·90
	II. Exceeding 21 % but not exceeding 45 % :		
	(a) of a fat content, by weight, not exceeding 39 %	0300 10	29·20
	(b) of a fat content, by weight, exceeding 39 %	0300 20	53·00
	III. Exceeding 45 %	0400 00	61·10

CCT heading No	Description of goods	Code	Refund (in u.a./100 kg net weight unless otherwise indicated)
04.02	Milk and cream, preserved, concentrated or sweetened :		
	A. Not containing added sugar :		
	II. Milk and cream, in powder or granules :		
	a) In immediate packings of a capacity of 2·5 kg or less and of a fat content, by weight :		
	1. Not exceeding 1·5 %	0620 00	
	for exports to :		
	— Zone E		—
	— other destinations		12·00
	2. Exceeding 1·5 % but not exceeding 27 % :		
	(aa) of a fat content, by weight, not exceeding 11 %	0720 10	
	for exports to :		
	— Zone E		—
	— other destinations		12·00
	(bb) of a fat content, by weight, exceeding 11 % but not exceeding 17 %	0720 20	26·10
	(cc) of a fat content, by weight, exceeding 17 % but not exceeding 25 %	0720 30	31·65
	(dd) of a fat content, by weight, exceeding 25 %	0720 40	39·00
	3. Exceeding 27 % but not exceeding 29 %	0820 00	40·85
	4. Exceeding 29 % :		
	(aa) of a fat content, by weight, not exceeding 41 %	0920 10	42·70
	(bb) of a fat content, by weight, exceeding 41 %	0920 20	53·75
	b) Other, of a fat content, by weight :		
	1. Not exceeding 1·5 %	1020 00	
	for exports to :		
	— Zone E		—
	— other destinations		12·00
	2. Exceeding 1·5 % but not exceeding 27 % :		
	(aa) of a fat content, by weight, not exceeding 11 %		
	for exports to :	1120 10	
	— Zone E		—
	— other destinations		12·00
	(bb) of a fat content, by weight, exceeding 11 % but not exceeding 17 %	1120 20	26·10
	(cc) of a fat content, by weight, exceeding 17 % but not exceeding 25 %	1120 30	31·65
	(dd) of a fat content, by weight, exceeding 25 %	1120 40	39·00
	3. Exceeding 27 % but not exceeding 29 %	1220 00	40·85
	4. Exceeding 29 % :		
	(aa) of a fat content, by weight, not exceeding 41 %	1320 10	42·70
	(bb) of a fat content, by weight, exceeding 41 %	1320 20	53·75
	III. Milk and cream, other than in powder or granules :		
	a) In hermetically sealed cans of a net capacity of 454 g or less or in glass containers containing 0·5 litres or less and of a fat content, by weight, not exceeding 11 % :		

CCT heading No	Description of goods	Code	Refund (in u.a./100 kg net weight unless otherwise indicated)
04.02 (cont'd)	ex 1. Of a fat content, by weight, not exceeding 8·9 % :		
	(aa) of a fat content, by weight, exceeding 3 % but not exceeding 7 %	1420 10	4·85
	(bb) of a fat content, by weight, exceeding 7 %	1420 20	11·50
	2. Other	1520 00	13·15
	b) Other, of a fat content, by weight :		
	ex 1. Not exceeding 45 % :		
	(aa) of a fat content, by weight, exceeding 3 % but not exceeding 7 %	1620 10	4·85
	(bb) of a fat content, by weight, exceeding 7 % but not exceeding 8·9 %	1620 20	11·50
	(cc) of a fat content, by weight, exceeding 8·9 % but not exceeding 11 %	1620 30	13·15
	(dd) of a fat content, by weight, exceeding 11 % but not exceeding 21 %	1620 40	14·60
	(ee) of a fat content, by weight, exceeding 21 % but not exceeding 39 %	1620 50	29·20
	(ff) of a fat content, by weight, exceeding 39 %	1620 60	53·00
	2. Exceeding 45 %	1720 00	61·10
	B. Containing added sugar :		
	I. Milk and cream, in powder or granules :		
	ex b) Other, excluding whey :		
	1. In immediate packings of a net capacity of 2·5 kg or less and of a fat content, by weight :		
	aa) Not exceeding 1·5 %	2220 00	
	for exports to :		
	— Zone E		— (1) per kg
	— other destinations		0·1200 (1) per kg
	bb) Exceeding 1·5 % but not exceeding 27 % :		
	(11) of a fat content, by weight, not exceeding 11 %	2320 10	
	for exports to :		
	— Zone E		— (1) per kg
	— other destinations		0·1200 (1) per kg
	(22) of a fat content, by weight, exceeding 11 % but not exceeding 17 %	2320 20	0·2610 (1) per kg
	(33) of a fat content, by weight, exceeding 17 % but not exceeding 25 %	2320 30	0·3165 (1) per kg
	(44) of a fat content, by weight, exceeding 25 %	2320 40	0·3900 (1) per kg
	cc) Exceeding 27 % :		
	(11) of a fat content, by weight, not exceeding 41 %	2420 10	0·4085 (1) per kg
	(22) of a fat content, by weight, exceeding 41 %	2420 20	0·5375 (1) per kg
	2. Other, of a fat content, by weight :		
	aa) Not exceeding 1·5 %	2520 00	
	for exports to :		
	— Zone E		— (1) per kg
	— other destinations		0·1200 (1) per kg

CCT heading No	Description of goods	Code	Refund (in u.a./100 kg net weight unless otherwise indicated)
04.02 (cont'd)	bb) Exceeding 1·5 % but not exceeding 27 % :		
	(11) of a fat content, by weight, not exceeding 11 %	2620 10	
	for exports to :		
	— Zone E		— (1) per kg
	— other destinations		0·1200 (1) per kg
	(22) of a fat content, by weight, exceeding 11 % but not exceeding 17 %	2620 20	0·2610 (1) per kg
	(33) of a fat content, by weight, exceeding 17 % but not exceeding 25 %	2620 30	0·3165 (1) per kg
	(44) of a fat content, by weight, exceeding 25 %	2620 40	0·3900 (1) per kg
	cc) Exceeding 27 % :		
	(11) of a fat content, by weight not exceeding 41 %	2720 10	0·4085 (1) per kg
	(22) of a fat content, by weight, exceeding 41 %	2720 20	0·5375 (1) per kg
	ex II. Milk and cream, other than in powder or granules :		
	ex a) In hermetically sealed cans of a net capacity of 454 g or less and of a fat content, by weight, not exceeding 9·5 % :		
	(1) of a fat content, by weight, not exceeding 6·9 % and of a lactic dry matter content, by weight of 15 % or more	2810 10	4·00 (2)
	(2) of a fat content, by weight, exceeding 6·9 % and of a lactic dry matter content, by weight of 15 % or more	2810 20	14·50 (2)
	b) Other, of a fat content, by weight :		
	ex 1. Not exceeding 45 % :		
	(aa) of a fat content, by weight, not exceeding 6·9 % and of lactic dry matter content, by weight of 15 % or more	2910 70	4·00 (2)
	(bb) of a fat content, by weight, exceeding 6·9 % but not exceeding 9·5 % and of a lactic dry matter content by weight of 15 % or more	2910 75	14·50 (2)
	(cc) of a fat content, by weight, exceeding 9·5 % but not exceeding 21 % and of a lactic dry matter content, by weight, not exceeding 15 %	2910 80	0·1460 (1) per kg
	(dd) of a fat content, by weight, exceeding 21 % but not exceeding 39 %	2910 85	0·2920 (1) per kg
	(ee) of a fat content, by weight, exceeding 39 %	2910 90	0·5300 (1) per kg
	2. Exceeding 45 %	3010 00	0·6110 (1) per kg

CCT heading No	Description of goods	Code	Refund (in u.a./100 kg net weight unless otherwise indicated)
04.03	Butter :		
	ex A. Of a fat content, by weight, of 82 % or more but not exceeding 85 % :		
	(I) In immediate packings of a net capacity of 1 kg or less	3110 10	
	for exports to :		
	— Zone E		107·00
	— other destinations		110·00
	(II) In hermetically sealed cans of a net capacity exceeding 1 kg but not exceeding 5 kg	3110 20	
	for exports to :		
	— Zone E		107·00
	— other destinations		110·00
	(III) Other	3110 30	
	for exports to :		
	— Zone E		107·00
	— other destinations		110·00
	B. Other, of a fat content, by weight :		
	(I) Not exceeding 99·5 %	3210 10	
	for exports to :		
	— Zone E		107·00
	— other destinations		110·00
	(II) Exceeding 99·5 %	3210 20	
	for exports to :		
	— Zone E		132·00
	— other destinations		150·00
04.04	Cheese and curd :		
	ex A. Emmentaler and Gruyère, not grated or powdered :		
	II. Other	3800 00	
	for exports to :		
	— Zone D		13·80
	— Liechtenstein and Switzerland		—
	— Austria		26·80
	— other destinations		49·80
	ex C. Blue-veined cheese, not grated or powdered, other than Roquefort	4000 00	41·50
	D. Processed cheese, not grated or powdered :		
	II. Other, of a fat content, by weight :		
	a) Not exceeding 36 % and of a fat content, by weight, referred to dry matter :		
	ex 1. Not exceeding 48 % and of a fat content, by weight, referred to dry matter :		
	(aa) Of 33 % or more but not more than 38 %	4410 10	
	for exports to :		
	— Zone D		—
	— Switzerland		16·60
	— other destinations		17·60
	(bb) Of 38 % but not more than 43 % and of a fat content, by weight, referred to dry matter :		
	(11) Not exceeding 20 %	4410 20	
	for exports to :		
	— Zone D		—
	— Switzerland		16·60
	— other destinations		17·60

CCT heading No	Description of goods	Code	Refund (in u.a./100 kg net weight unless otherwise indicated)
04.04 (cont'd)	(22) Exceeding 20 %	4410 30	
	for exports to :		
	— Zone D		—
	— Switzerland		25·00
	— other destinations		26·00
	(cc) Of 43 % or more and of a fat content, by weight, referred to dry matter :		
	(11) Not exceeding 20 %	4410 40	
	for exports to :		
	— Zone D		—
	— Switzerland		16·60
	— other destinations		17·60
	(22) Of 20 % or more but not more than 40 %	4410 50	
	for exports to :		
	— Zone D		—
	— Switzerland		25·00
	— other destinations		26·00
	(33) Of 40 % or more	4410 60	
	for exports to :		
	— Zone D		—
	— Switzerland		32·70
	— other destinations		43·70
	ex 2. Exceeding 48 % and of a fat content, by weight, referred to dry matter :		
	(aa) Of 33 % or more but not more than 38 %	4510 10	
	for exports to :		
	— Zone D		—
	— Switzerland		16·60
	— other destinations		17·60
	(bb) Of 38 % or more but not more than 43 %	4510 20	
	for exports to :		
	— Zone D		—
	— Switzerland		25·00
	— other destinations		26·00
	(cc) Of 43 % or more but not more than 46 %	4510 30	
	for exports to :		
	— Zone D		—
	— Switzerland		32·70
	— other destinations		43·70
	(dd) Of 46 % or more and of a fat content, by weight, referred to dry matter :		
	(11) Not exceeding 55 %	4510 40	
	for exports to :		
	— Zone D		—
	— Switzerland		32·70
	— other destinations		43·70

CCT heading No	Description of goods	Code	Refund (in u.a./100 kg net weight unless otherwise indicated)
04.04 (cont'd)	(22) Of 55 % or more	4510 50	
	for exports to :		
	— Zone D		—
	— Switzerland		38·00
	— other destinations		51·00
	b) Exceeding 36 %	4610 00	
	for exports to :		
	— Zone D		—
	— Switzerland		38·00
	— other destinations		51·00
	E. Other :		
	I. Not grated or powdered, of a fat content, by weight, not exceeding 40 % and a water content, calculated by weight, of the not-fatty matter :		
	ex a) Not exceeding 47 % :		
	(1) Grana, Parmigiano, Reggiano	4710 11	51·60
	(2) Fiore Sardo, Pecorino	4710 16	66·60
	(3) Other, of a fat content, by weight, referred to dry matter of 30 % or more	4710 21	51·60
	b) Exceeding 47 % but not exceeding 72 % :		
	ex 1. Cheddar, including Chester of a fat content, by weight, referred to dry matter of 50 % or more matured for		
	(aa) less than 3 months	4810 10	
	for exports to :		
	— Zone D		—
	— other destinations		48·10
	(bb) 3 months or more	4810 20	
	for exports to :		
	— Zone D		—
	— other destinations		48·10
	ex 2. Tilsit, of a fat content, by weight, referred to dry matter :		
	ex aa) Exceeding 39 % but not exceeding 48 %	4920 00	
	for exports to :		
	— Zone D		—
	— Switzerland		11·80
	— other destinations		43·80
	ex 5. Other, of a fat content, by weight, referred to dry matter :		
	(aa) Not exceeding 19 % and of a fat content, by weight, of 32 % or more	5120 10	9·80

CCT heading No	Description of goods	Code	Refund (in u.a./100 kg net weight unless otherwise indicated)
04.04 (cont'd)	(bb) Of 19 % but not more than 39 % and of a water content, calculated by weight, of the non-fatty matter not exceeding 62 %	5120 20	
	for exports to :		
	— Switzerland		11·80
	— other destinations		18·20
	(cc) Exceeding 39 % :		
	(11) Asiago, Caciocavallo, Provolone, Ragusano	5120 30	
	for exports to :		
	— Switzerland		11·80
	— other destinations		44·40
	(22) Cantal, Edam, Fontal, Fontina, Gouda	5120 40	
	for exports to :		
	— Zone D		—
	— Zone F		36·70
	— Switzerland		11·80
	— other destinations		43·80
	(33) Butterkäse, Italico, Kernhem, Saint-Nectaire, Saint-Paulin, Taleggio	5120 50	
	for exports to :		
	— Zone D		—
	— Zone F		34·70
	— Switzerland		11·80
	— other destinations		40·00
	(44) Other, of a water content, calculated by weight, of the non-fatty matter :		
	(aaa) Exceeding 47 % but not exceeding 52 %	5120 60	
	for exports to :		
	— Switzerland		11·80
	— other destinations		44·40
	(bbb) Exceeding 52 % but not exceeding 62 %	5120 70	
	for exports to :		
	— Zone D		—
	— Zone F		36·70
	— Switzerland		11·80
	— other destinations		43·80
	II. Other :		
	ex a) Grated or powdered, of a dry matter content, by weight, of 85 % or more, of a fat content exceeding 20 % and of a lactose content, by weight, not exceeding 5 %	5310 00	40·50

CCT heading No	Description of goods	Code	Refund (in u.a./100 kg net weight unless otherwise indicated)
23.07	Sweetened forage ; other preparations of a kind used in animal feeding :		
	ex B. Other, containing starch, glucose or glucose syrup falling within subheadings Nos 17.02 B and 17.05 B, or milk products, excluding special compound feedingstuffs (3) :		
	I. Containing starch, glucose or glucose syrup :		
	a) Containing no starch or containing 10 % or less by weight of starch :		
	3. Containing 50 % or more but less than 75 % by weight of milk products and containing, by weight,		
	(aa) less than 30 %	5700 11	—
	(bb) 30 % or more but less than 40 %	5700 21	4·80
	(cc) 40 % or more but less than 50 %	5700 31	6·30
	(dd) 50 % or more but less than 60 %	5700 40	7·80
	(ee) 60 % or more but less than 70 %	5700 50	9·30
	(ff) 70 % or more	5700 60	10·80
	of skimmed-milk powder falling within subheading 04.02 A II b) 1		
	4. Containing 75 % or more by weight of milk products and containing, by weight,		
	(aa) less than 30 %	5800 11	—
	(bb) 30 % or more but less than 40 %	5800 21	4·80
	(cc) 40 % or more but less than 50 %	5800 30	6·30
	(dd) 50 % or more but less than 60 %	5800 40	7·80
	(ee) 60 % or more but less than 70 %	5800 50	9·30
	(ff) 70 % or more but less than 75 %	5800 60	10·80
	(gg) 75 % or more but less than 80 %	5800 70	10·80
	(hh) 80 % or more	5800 80	10·80
	of skimmed-milk powder falling within subheading 04.02 A II b) 1		

(1) The weight of added non-lactic matter and lactose should be disregarded for the purpose of calculating fat content.
The refund on 100 kg of product falling within this subheading is equal to the sum of the following components :
(a) the amount per kg shown, multiplied by the weight of milk and cream contained in 100 kg of product ;
(b) a component calculated in accordance with the provisions of Article 2 (3) Regulation (EEC) No 1098/68.

(2) The refund on 100 kg of product falling within this subheading is equal to the sum of the following components :
(a) the amount per 100 kg shown and
(b) a component calculated in accordance with the provisions of Article 2 (3) of Regulation (EEC) No 1098/68.

(3) 'Special compound feedingstuffs' are feedingstuffs containing :
(a) skimmed-milk powder,
(b) fish meal and
(c) active carbon or a mixture of tartrazine yellow (E102) and patent blue V (E131) or cochienal red A (E124) or patent blue V (E131).

N.B.: For the purposes of this Regulation 'countries near the Community' means : Zone D, Zone E, Austria, Liechtenstein, Switzerland, Yugoslavia plus the destinations indicated in Article 2 of Regulation No 1041/67/EEC.
Zones A, B, C, D, E and F are those defined in Regulation (EEC) No 1098/68 as amended (OJ No L 184, 29. 7. 1968, p. 10).

The weight of non-milk fat should be disregarded for the purposes of calculating fat content.