REGULATION (EEC) No 872/74 OF THE COMMISSION

of 10 April 1974

fixing the import levies on 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 Regulation (EEC) No 662/74 (2), and in particular Article 14 (8) thereof ;

Having regard to the Opinion of the Monetary Committee ;

Whereas Article 14 of Regulation (EEC) No 804/68 provides for charging a levy on imports of the products listed in Article 1 of that Regulation ; whereas these products may be divided into groups ; whereas the product groups and the pilot groups and the pilot product for each of these groups are set out in Annex I to 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 664/74 (4) ;

Whereas the levy on the products in any one group must be equal to the threshold price for the pilot product less the free-at-frontier price ; whereas these threshold prices were fixed for the 1974/75 milk year by Council Regulation (EEC) No 665/74 (5) of 28 March 1974 ;

Whereas, however, Regulation (EEC) No 823/68 lays down special provisions for calculating the levy on certain assimilated products ; whereas these products are listed and the method of calculating the levy on them described in Annex II and in Articles 2 to 7 of that Regulation respectively ; whereas this method consists in adding together the various components defined in those Articles ;

Whereas Commission Regulation (EEC) No 1073/68 (6) of 24 July 1968 laying down detailed rules for determined free-a-frontier prices and for fixing levies in respect of milk and milk products provides that the component of the levy fixed by means of a coefficient expressing the weight ratio between the milk powder contained in the product and the product itself is, for the products falling within subheading No 04.02 B I b) listed in Annex II to Regulation (EEC) No 823/68, calculated by multiplying the basic amount by the quantity of milk powder contained in the product ; whereas the same applies to products falling within subheading No 04.02 B II b) as regards the component of the levy fixed by means of a coefficient expressing the weight ratio between the milk components contained in the product and the product itself ;

Whereas the basic amount must be equal to one hundredth part of the levy set out for each product in the second subparagraph of Article 9 (1) and the second subparagraph of Article 9 (2) of Regulation (EEC) No 1073/68 ;

Whereas for products belonging to Group No 11, originating in and exported from third countries, for which it is found on importation into the Community that the rulling price is not less than 110 units of account per 100 kg in respect of the products falling within subheading No 04.04 E I b) 2 and No 04.04 E I b) 3, or not less than 80 units of account per 100 kg in respect of the products falling within subheading No 04.04 E I b) 4, the levy per 100 kg is equal :

— to the threshold price less 110 units of account, if the product falls within subheading No 04.04 E I b) 2 aa), 04.04 E I b) 3 or 04.04 E I b) 4 ;

— to the sum of the following components if the product falls within subheading No 04.04 E I b) 2 bb) :

  (a) a component equal to the threshold price less 110 units of account ;

  (b) a component equal to 20 units of account ;

— to the threshold price less 95 units of account, if the product falls within subheading Nos 04.04 E I b) 3 or 04.04 E I b) 4.

(1) OJ No L 148, 28. 6. 1968, p. 13.
(2) OJ No L 85, 29. 3. 1974, p. 51.
(3) OJ No L 151, 30. 6. 1968, p. 3.
(4) OJ No L 85, 29. 3. 1974, p. 54.
(5) OJ No L 85, 29. 3. 1974, p. 57.
(6) OJ No L 180, 26. 7. 1968, p. 25.

Whereas, for as long as it is found that on importation into the Community the price of an assimilated product for which the levy is not equal to the levy on its pilot product is considerably lower than the price which would obtain if the ratio to the price of the pilot product were normal, the levy must be equal to the sum of two components :

— one component equal to the amount resulting from the provisions of Articles 2 to 7 of Regulation (EEC) No 823/68 applicable to the assimilated product in question ;

— an additional component fixed at a level which, the composition and quality of the assimilated product being taken into account, makes it possible to re-establish normal price ratios for imports into the Community ;

Whereas Article 14 (3) of Regulation (EEC) No 804/68 provides that the levy on products in respect of which the customs duty has been bound within GATT must be limited to the amount resulting from that binding ;

Whereas Regulation (EEC) No 1073/68 provides that a free-at-frontier price must be established for each of the pilot products defined in Annex I to Regulation (EEC) No 823/68 ; whereas these prices must be determined for products of good marketable quality ;

Whereas the free-at-frontier prices must be established on the basis of the most favourable purchasing opportunities in international trade for the products listed in Article 1 (a) 2 and (b) to (g) of Regulation (EEC) No 804/68 other than assimilated products for which the levy is not equal to the levy on the related pilot products ; whereas, when recording these purchasing opportunities, the Commission must take account of all information obtained direct or through the Member States concerning prices for delivery of third-country products free-at-Community frontier and prices on third-country markets ;

Whereas, however, no account should be taken of information relating to small quantities which are not representative of trade in the product in question and quantities in respect of which price trends in general or other information available to it lead the Commission to believe that the price in question is unrepresentative of the real trend of the market ;

Whereas the prices used must be adjusted where they are not quoted free-at-Community-frontier or where they do not apply to products of good marketable quality ; whereas the ajustment in respect of an assimilated product the levy on which is equal to the levy on its pilot product must be effected in such a way as to allow, in particular, for differences in composition, maturity, quality and presentation between the assimilated product and the related pilot product ; whereas adjustments relating to composition must be calculated by multiplying the difference between the milk component content of the pilot product and that of the assimilated product in question by the value attributed in international trade to one unit of weight of the milk component in question ; whereas the difference between the value attributed on the Community market to each of the relevant characteristics of the pilot product and the value attributed on that market to the corresponding characteristics of the assimilated product in question must be taken into account when the other adjustments are being effected ;

Whereas, if no information on prices is available, the free-at-frontier price may, by way of exception, be established on the basis of the value of the raw materials contained in the pilot product in question (calculated on the basis of the prices of milk products for which prices are available), average processing costs and average yields ;

Whereas, in exceptional circumstances, a free-at-frontier price may remain unchanged for a limited period where the new level of the price for a given quality or a specific origin, used as a basis for establishing the previous free-at-frontier price, has not reached the Commission to enable it to establish the next free-at-frontier price and if the Commission considers that the prices which are available could lead to sudden and considerable changes in the free-at-frontier price because they are not sufficiently representative of real market trends ;

Whereas, in accordance with Article 19 (1) of Regulation (EEC) No 804/68, the nomenclature provided for in this Regulation is incorporated in the Common Customs Tariff ;

Whereas Article 8 of Regulation (EEC) No 1073/68 provides that the levies are fixed every fortnight ; whereas they may be altered in the intervening period if necessary ; whereas the levy remains valid until another becomes applicable ;

Whereas, if the levy system is to operate normally, refunds should be calculated on the following basis :

— in the case of currencies which are maintained in relation to each other, at any given moment, within a band of 2·25 %, at rate of exchange based on their effective parity ;

— for other currencies, an exchange rate based on the arithmetic mean of the spot market rates of each of these currencies recorded for a given period, in relation to the Community currencies referred to in the previous subparagraph ;

Whereas it follows from applying all these provisions that the levies on milk and milk products must be fixed as shown in the Annex to this Regulation ;

HAS ADOPTED THIS REGULATION :

Article 1

The levies referred to in Article 14 (1) of Regulation (EEC) No 804/68 are hereby fixed as shown in the Annex to this Regulation.

Article 2

This Regulation shall enter into force on 16 April 1974.

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

Done at Brussels, 10 April 1974.

For the Commission

P. J. LARDINOIS

Member of the Commission

ANNEX

Tariff Nomenclature		Code	Levy (in u.a./100 kg net weight unless otherwise indicated)
CCT heading No	Description of goods		
04.01	Milk and cream, fresh, not concentrated or sweetened :		
	A. Of a fat content, by weight, not exceeding 6 % :		
	I. Yoghourt, kephir, curdled milk, whey, buttermilk and other fermented or acidified milk :		
	a) In immediate packings of a net capacity of 2 litres or less less	0110	12·84
	b) Other	0120	10·84
	II. Other :		
	a) In immediate packings of a net capacity of 2 litres or less and of a fat content, by weight :		
	1. Not exceeding 4 %	0130	10·84
	2. Exceeding 4 %	0140	13·90
	b) Other, of a fat content, by weight :		
	1. Not exceeding 4 %	0150	9·84
	2. Exceeding 4 %	0160	12·90
	B. Other, of a fat content, by weight :		
	I. Exceeding 6 % but not exceeding 21 %	0200	33·42
	II. Exceeding 21 % but not exceeding 45 %	0300	70·69
	III. Exceeding 45 %	0400	109·25
04.02	Milk and cream, preserved, concentrated or sweetened :		
	A. Not containing added sugar :		
	I. Whey	0500	5·19
	II. Milk and cream, in powder or granules :		
	a) In immediate packings of a net capacity of 2·5 kg or less and of a fat content, by weight :		
	1. Not exceeding 1·5 %	0620	26·00
	2. Exceeding 1·5 % but not exceeding 27 %	0720	63·70
	3. Exceeding 27 % but not exceeding 29 %	0820	65·70
	4. Exceeding 29 %	0920	79·06
	b) Other, of a fat content, by weight :		
	1. Not exceeding 1·5 %	1020	20·00
	2. Exceeding 1·5 % but not exceeding 27 %	1120	57·70
	3. Exceeding 27 % but not exceeding 29 %	1220	59·70
	4. Exceeding 29 %	1320	73·06
	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 of a capacity of 0·5 litre or less and of a fat content, by weight, of 11 % or less :		
	1. Of a fat content, by weight, of 8·9 % or less	1420	16·09
	2. Other	1520	21·72
	b) Other, of a fat content, by weight :		
	1. Not exceeding 45 %	1620	70·69
	2. Exceeding 45 %	1720	109·25

Tariff Nomenclature		Code	Levy (in u.a./100 kg net weight unless otherwise indicated)
CCT heading No	Description of goods		
04.02 (cont'd)	B. Containing added sugar :		
	I. Milk and cream, in powder or granules :		
	a) Special milk for infants (1), in hermetically sealed cans of a net capacity of 500 g or less and of a fat content, by weight (2) :		
	1. Exceeding 10 % but not exceeding 11 %	1810	29·00
	2. Exceeding 14·5 % but not exceeding 15·5 %	1910	33·00
	3. Exceeding 17 % but not exceeding 18 %	2010	36·00
	4. Exceeding 23 % but not exceeding 24 %	2110	38·00
	b) Other :		
	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 % (3)	2220	per kg 0·2000 (9)
	bb) Exceeding 1·5 % but not exceeding 27 % (3)	2320	per kg 0·5770 (9)
	cc) Exceeding 27 % (3)	2420	per kg 0·7306 (9)
	2. Other, of a fat content, by weight :		
	aa) Not exceeding 1·5 % (3)	2520	per kg 0·2000 (10)
	bb) Exceeding 1·5 % but not exceeding 27 % (3)	2620	per kg 0·5770 (10)
	cc) Exceeding 27 % (3)	2720	per kg 0·7306 (10)
	II. Milk and cream, other than in powder or granules :		
	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 %	2810	30·67
	b) Other, of a fat content, by weight :		
	1. Not exceeding 45 % (3)	2910	per kg 0·7069 (10)
	2. Exceeding 45 % (3)	3010	per kg 1·0925 (10)
04.03	Butter :		
	A. Of a fat content, by weight, not exceeding 85 %	3110	128·53
	B. Other	3210	156·81
04.04	Cheese and curd :		
	A. Emmentaler, Gruyère, Sbrinz, Bergkäse and Appenzell, not grated or powdered :		
	I. Of a minimum fat content of 45 % by weight, referred to dry matter, matured for at least 3 months (2) :		
	a) Whole cheese (4) of a free-at-frontier value (5) per 100 kg net weight of :		
	1. 165·54 u.a. (a) or more but less than 185·54 u.a. (a)	3315	**15·00**
	2. 185·54 u.a. (a) or more	3414	112·75 (11)

Tariff Nomenclature		Code	Levy (in u.a./100 kg net weight unless otherwise indicated)
CCT heading No	Description of goods		
04.04 (cont'd)	b) Vacuum-packed pieces :		
	1. With rind on at least one side, of a net weight :		
	aa) Of 1 kg or more but less than 5 kg and of a free-at-frontier value (5) of 185·54 u.a. (a) or more but less than 213·54 u.a. (a) per 100 kg net weight	3515	15·00
	bb) Of 450 g or more and of a free-at-frontier value (5) of 213·54 u.a. (a) or more per 100 kg net weight	3613	112·75 (11)
	2. Other, of a net weight of 75 g or more but not exceeding 250 g (6) and of a free-at-frontier value (5) of 233·54 u.a. (a) or more per 100 kg net weight	3713	112·75 (11)
	II. Other	3800	112·75
	B. Glarus herb cheese (known as Schabziger) made from skimmed milk and mixed with finely-ground herbs (2)	3900	108·16 (12)
	C. Blue-veined cheese, not grated or powdered	4000	63·55
	D. Processed cheese, not grated or powdered :		
	I. In the blending of which only Emmentaler, Gruyère and Appenzell have been used and which may contain, as an addition, Glarus herb cheese (known as Schabziger), put up (in boxes or slices) for retail sale (7), of a free-at-frontier value (5) of 140 u.a. or more per 100 kg net weight and of a fat content, by weight, referred to dry matter (2) :		
	a) Not exceeding 48 % in respect of the aggregate of portions or slices	4111	30·00
	b) Not exceeding 48 % in respect of 5/6 of the aggregate of portions or slices and not exceeding 56 % in respect of the remaining 1/6	4211	31·00
	c) Exceeding 48 % but not exceeding 56 % in respect of the aggregate of portions or slices	4311	35·00
	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 %	4410	92·38
	2. Exceeding 48 %	4510	97·81
	b) Exceeding 36 %	4610	177·81
	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 non-fatty matter :		
	a) Not exceeding 47 %	4710	108·16

Tariff Nomenclature			
CCT heading No	Description of goods	Code	Levy (in u.a./100 kg net weight unless otherwise indicated)
04.04 (cont'd)	b) Exceeding 47 % but not exceeding 72 % :		
	1. Cheddar, including Chester	4810	86·23
	2. Tilsit and Butterkäse, of a fat content, by weight, referred to the dry matter (2) :		
	aa) Not exceeding 48 %	4922	94·94 (13)
	bb) Exceeding 48 %	5022	94·94 (14)
	3. Kashkaval (2)	5030	94·94 (15)
	4. Cheese of sheep's milk or buffalo milk, in containers holding brine, or in sheep- or goat-skin bottles (2)	5060	94·94 (15)
	5. Other	5120	94·94
	c) Exceeding 72 % :		
	1. In immediate packings of a net capacity not exceeding 500 g	5210	71·21
	2. Other	5250	174·94
	II. Not specified :		
	a) Grated or powdered	5310	108·16
	b) Other	5410	174·94
17.02	Other sugars ; sugar syrups ; artificial honey (whether or not mixed with natural honey) ; caramel :		
	A. Lactose and lactose syrup :		
	II. Other than that containing, in the dry state, 99 % or more by weight of the pure product (16)	5500	16·42
17.05	Flavoured or coloured sugars, syrups and molasses, but not including fruit juices containing added sugar in any proportion :		
	A. Lactose and lactose syrup	5600	16·42
23.07	Sweetened forage ; other preparations of a kind used in animal feeding :		
	B. Other, containing starch or glucose or glucose syrup falling within subheadings Nos 17.02 B and 17.05 B, or milk products (8) :		
	I. Containing starch, or glucose or glucose syrup :		
	a) Containing no starch or containing 10 % or less by weight of starch :		
	1.		
	2.		
	3. Containing 50 % or more but less than 75 % by weight of milk products	5700	17·00
	4. Containing 75 % or more by weight of milk products	5800	21·60
	b) Containing more than 10 % but not more than 30 % by weight of starch :		
	1.		
	2.		
	3. Containing 50 % or more by weight of milk products	5900	20·00

Tariff Nomenclature		Code	Levy (in u.a./100 kg net weight unless otherwise indicated)
CCT heading No	Description of goods		
23.07 (cont'd)	c) Containing more than 30 % by weight of starch :		
	1.		
	2.		
	3. Containing 50 % or more by weight of milk products	6000	16·00
	II. Containing no starch, glucose or glucose syrup, but containing milk products	6100	21·60

For notes (1) to (9), see notes (1) to (8) of Council Regulation (EEC) No 823/68 (OJ No L 151, 30. 6. 1968).

(9) The levy 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) 6 u.a.; and
c) 0 u.a.

(10) The levy 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; and
b) 0 u.a.

(11) The levy is limited to 7·50 u.a. per 100 kg net weight.

(12) The levy is limited to 6 % of the value for customs purposes.

(13) The levy is limited to 49·05 u.a. per 100 kg net weight for imports from Austria, Finland, Rumania and Switzerland (Regulation (EEC) No 1054/68 as amended).

(14) The levy is limited to 69·05 u.a. per 100 kg net weight for imports from Austria, Finland, Rumania and Switzerland (Regulation (EEC) No 1054/68 as amended).

(15) The levy is limited to 49·05 u.a. per 100 kg net weight for imports from Bulgaria, Hungary, Rumania and Turkey (Regulation (EEC) No 1054/68 as amended).

(16) Lactose and lactose syrup falling within subheading No 17.02 A I are, in pursuance of Regulation No 189/66/EEC, subject to the same levy as that applicable to lactose and lactose syrup falling within subheading No 17.02 A II.

(a) For imports into the United Kingdom, this free-at-frontier value shall be reduced by 11·80 u.a. per 100 kg net.