COMMISSION REGULATION (EEC) No 1005/77

of 12 May 1977

fixing the adjustments to be made to 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 of 27 June 1968 on the common organization of the market in milk and milk products (1), as last amended by Regulation (EEC) No 559/76 (2), and in particular Article 17 (4) thereof,

Whereas, under the third subparagraph of Article 5 (3) of Council Regulation (EEC) No 876/68 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 (3), as last amended by Regulation (EEC) No 2429/72 (4), refunds fixed in advance may be adjusted where there is a change in the intervention prices and in the amount of certain aids for milk products;

Whereas, in pursuance of Council Regulation (EEC) No 872/77 of 26 April 1977 (5), intervention prices have been increased with effect from 1 May 1977; whereas the effect of the new prices on the level of market prices is such that an adjustment of refunds fixed in advance for milk products appears justified, except for cheeses exported to Zone E and Canada, where the level of market prices is increasing, and except for bulk butter and bulk skimmed-milk powder manufactured before the application of the new intervention prices;

Whereas, in accordance with the third subparagraph of Article 5 (2) of Council Regulation (EEC) No 2682/72 of 12 December 1972 laying down general rules for granting export refunds on certain agricultural products, exported in the form of goods not covered by Annex II to the Treaty, and the criteria for fixing the amount of such refunds (6), refunds fixed in advance for the products specified in Annex A to the said Regulation are to be adjusted according to the rules applicable to the advance fixing of the refund on basic products exported unprocessed; whereas the refunds fixed in advance for the said products should therefore also be adjusted;

Whereas the Management Committee for Milk and Milk Products has not delivered an opinion within the time limit set by its chairman,

HAS ADOPTED THIS REGULATION:

Article 1

1. Refunds fixed in advance before 28 April 1977 for products as set out in Annexes I and II which are exported:

— on or after 13 June 1977 in the case of products of CCT heading No 04.04, with the exception of cottage cheese of subheading ex 04.04 E I c),

— on or after 15 May 1977 in the case of other products,

shall, at the request of the parties concerned, be adjusted by the amounts set out in the Annexes to this Regulation.

2. However, refunds fixed in advance for products falling within CCT heading No 04.04 which are exported to Zone E or to Canada shall not be adjusted.

3. Adjustments set out in Annex I for products of the following subheadings of the Common Customs Tariff shall be granted only if proof is given that the product exported has been manufactured after 1 May 1977:

— ex 04.03 A in packages of more than 2·5 kilograms,

— 04.02 A II b) 1.

Member States shall take the necessary measures as regards the documents to be produced as proof for purposes of the preceding subparagraph, including the necessary checking arrangements.

(1) OJ No L 148, 28. 6. 1968, p. 13.
(2) OJ No L 67, 15. 3. 1976, p. 9.
(3) OJ No L 155, 3. 7. 1968, p. 1.
(4) OJ No L 264, 23. 11. 1972, p. 1.
(5) OJ No L 106, 29. 4. 1977, p. 17.
(6) OJ No L 289, 27. 12. 1972, p. 13.

4. The day to be taken into account in determining :

— the date of advance fixing, shall be the day on which the application for the export licence was lodged, within the meaning of Article 6 (1) of Regulation (EEC) No 193/75 (1) ;

— the date of exportation, shall be the day on which are completed the customs formalities as referred to in Article 9 (3) (b) of Regulation (EEC) No 193/75.

Article 2

This Regulation shall enter into force on the day following its publication in the *Official Journal of the European Communities*.

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

Done at Brussels, 12 May 1977.

For the Commission

Finn GUNDELACH

Vice-President

(1) OJ No L 25, 31. 1. 1975, p. 10.

ANNEX I

List of the adjustments applicable to refunds fixed in advance before 28 April 1977 in respect of certain products specified in Article 1 of Regulation (EEC) No 804/68 exported in their natural state

CCT heading No	Description of goods	Refund in u.a./100 kg net weight (unless otherwise indicated)
ex 04.01 A I a)	Other than whey	+ 0·50
ex 04.01 A II	Other than whey, of a fat content, by weight :	
	— Not exceeding 1·5 %	+ 0·25
	— Exceeding 1·5 % but not exceeding 3 %	+ 0·37
	— Exceeding 3 % but not exceeding 4 %	+ 0·50
	— Exceeding 4 %	+ 0·58
ex 04.01 B I	Other than whey, of a fat content, by weight :	
	— Not exceeding 10 %	+ 0·74
	— Exceeding 10 % but not exceeding 17 %	+ 1·15
	— Exceeding 17 %	+ 1·71
ex 04.01 B II	Other than whey, of a fat content, by weight :	
	— Not exceeding 35 %	+ 2·04
	— Exceeding 35 % but not exceeding 39 %	+ 3·19
	— Exceeding 39 %	+ 3·51
ex 04.01 B III	Other than whey, of a fat content, by weight :	
	— Not exceeding 68 %	+ 3·99
	— Exceeding 68 % but not exceeding 80 %	+ 5·88
	— Exceeding 80 %	+ 6·86
04.02 A II	Of a fat content, by weight :	
	— Not exceeding 1·5 %	+ 2·72 (1)
	— Exceeding 1·5 % but not exceeding 11 %	+ 2·72 (1)
	— Exceeding 11 % but not exceeding 17 %	+ 3·60
	— Exceeding 17 % but not exceeding 25 %	+ 3·98
	— Exceeding 25 % but not exceeding 27 %	+ 4·45
	— Exceeding 27 % but not exceeding 29 %	+ 4·58
	— Exceeding 29 % but not exceeding 41 %	+ 4·68
	— Exceeding 41 %	+ 5·39
ex 04.02 A III	Of a fat content, by weight :	
	— Exceeding 3 % but not exceeding 7·4 %	+ 0·89
	— Exceeding 7·4 % but not exceeding 8·9 %	+ 1·18

CCT heading No	Description of goods	Refund in u.a./100 kg net weight (unless otherwise indicated)
ex 04.02 A III *(cont'd)*	— Exceeding 8·9 % but not exceeding 11 %	+ 1·41
	— Exceeding 11 % but not exceeding 21 %	+ 1·15
	— Exceeding 21 % but not exceeding 39 %	+ 3·04
	— Exceeding 39 % but not exceeding 45 %	+ 3·51
	— Exceeding 45 %	+ 3·99
ex 04.02 B I b)	Other than whey, of a fat content, by weight :	
	— Not exceeding 1·5 %	+ 0·0272 (2) kg
	— Exceeding 1·5 % but not exceeding 11 %	+ 0·0272 (2) kg
	— Exceeding 11 % but not exceeding 17 %	+ 0·0360 (2) kg
	— Exceeding 17 % but not exceeding 25 %	+ 0·0398 (2) kg
	— Exceeding 25 % but not exceeding 27 %	+ 0·0445 (2) kg
	— Exceeding 27 % but not exceeding 41 %	+ 0·0458 (2) kg
	— Exceeding 41 %	+ 0·0539 (2) kg
ex 04.02 B II	Other than whey, of a fat content, by weight :	
	— Not exceeding 6·9 % and of a lactic dry matter content, by weight, of 15 % or more	+ 0·74 (3)
	— Exceeding 6·9 % but not exceeding 9·5 % and of a lactic dry matter content, by weight, of 15 % or more	+ 1·46 (3)
	— Exceeding 9·5 % but not exceeding 21 % and of a lactic dry matter content, by weight, less than 15 %	+ 0·0115 (2) kg
	— Exceeding 21 % but not exceeding 39 %	+ 0·0204 (2) kg
	— Exceeding 39 % but not exceeding 45 %	+ 0·0351 (2) kg
	— Exceeding 45 %	+ 0·0399 (2) kg
ex 04.03	Of a fat content, by weight :	
	— Of 62 % or more, but less than 78 %	+ 5·38
	— Of 78 % or more, but less than 80 %	+ 6·80
	— Of 80 % or more, but less than 82 %	+ 6·98

CCT heading No	Description of goods	Refund in u.a./100 kg net weight (unless otherwise indicated)
ex 04.03 *(cont'd)*	— Of 82 % or more, but less than 99·5 %	+ 7·15
	— Exceeding 99·5 %	+ 8·62
ex 04.04 A II	Emmentaler and Gruyère	+ 6·24
ex 04.04 C	Other than Roquefort	+ 5·14
ex 04.04 D II a) 1	Of a dry matter content, by weight :	
	— Of 33 % or more, but less than 38 %	+ 1·92
	— Of 38 % or more, but less than 43 % and of a fat content, by weight, in the dry matter :	
	— Less than 20 %	+ 1·92
	— Of 20 % or more	+ 2·84
	— Of 43 % or more and of a fat content, by weight, in the dry matter :	
	— Less than 20 %	+ 1·92
	— Of 20 % or more but less than 40 %	+ 2·84
	— Of 40 % or more	+ 4·16
ex 04.04 D II a) 2	Of a dry matter content, by weight :	
	— Of 33 % or more but less than 38 %	+ 1·92
	— Of 38 % or more but less than 43 %	+ 2·84
	— Of 43 % or more but less than 46 %	+ 4·16
	— Of 46 % or more and of a fat content, by weight, in the dry matter :	
	— Less than 55 %	+ 4·16
	— Of 55 % or more	+ 4·92
04.04 D II b)	Exceeding 36 %	+ 4·92
ex 04.04 E I a) 1	Of a fat content, by weight, not exceeding 40 % and of a water content, calculated by weight, of the non-fatty matter not exceeding 47 %	+ 7·04
ex 04.04 E I b) 1 bb)	Of a fat content, by weight, in the dry matter of 48 % or more	+ 5·81
ex 04.04 E I b) 5	Of a fat content, by weight, in the dry matter :	
	— Less than 5 % and of a content, by weight, in the dry matter of 32 % or more	+ 2·47
	— Of 5 % or more but less than 19 % and of a content, by weight, in the dry matter of 32 % or more	+ 3·85

CCT heading No	Description of goods	Refund in u.a./100 kg net weight (unless otherwise indicated)
ex 04.04 E I b) 5 *(cont'd)*	— Of 19 % or more but less than 39 % and of a water content, calculated by weight, of the non-fatty matter not exceeding 62 %	+ 4·61
	— Of 39 % or more :	
	— Asiago, Caciocavallo, Provolone, Ragusano	+ 6·01
	— Danbo, Edam, Fontal, Fontina, Fynbo, Gouda, Havarti, Maribo, Samsø, Tilsit	+ 5·32
	— Butterkäse, Esrom, Italico, Kernhem, Saint-Nectaire, Saint-Paulin, Taleggio	+ 4·60
	— Cantal	+ 5·43
	— Salted Ricotta, of a fat content, by weight, of 30 % or more	+ 2·15
	— Feta	+ 4·32
	— Colby, Monterey	+ 5·43
	— Other, of a water content, calculated by weight, of the non-fatty matter :	
	— Exceeding 47 % but not exceeding 52 %	+ 6·01
	— Exceeding 52 % but not exceeding 62 %	+ 5·32
04.04 E I c)	— Of a fat content, by weight, in the dry matter exceeding 70 %	+ 3·80
	— Cottage cheese	+ 1·43
ex 04.04 E II a)	Of a fat content, by weight, exceeding 20 %, of a lactose content by weight less than 5 % and of a dry matter content, by weight :	
	— Of 80 % or more but less than 85 %	+ 3·40
	— Of 85 % or more but less than 95 %	+ 4·42
	— Of 95 % or more	+ 5·10
ex 23.07 B I a) 3	Of a content, by weight, of milk powder of a fat content by weight of or less than 11 % excluding whey powder :	
	— 30 % or more but less than 40 %	+ 0·87 (4)
	— 40 % or more but less than 50 %	+ 1·14 (4)
	— 50 % or more but less than 60 %	+ 1·41 (4)
	— 60 % or more but less than 70 %	+ 1·69 (4)
	— 70 % or more	+ 1·96 (4)
ex 23.07 B I a) 4	Of a content, by weight, of milk powder of a fat content by weight of or less than 11 % excluding whey powder :	
	— 30 % or more but less than 40 %	+ 0·87 (4)
	— 40 % or more but less than 50 %	+ 1·14 (4)

CCT heading No	Description of goods	Refund in u.a./100 kg net weight (unless otherwise indicated)
ex 23.07 B I a) 4 *(cont'd)*	— 50 % or more but less than 60 %	+ 1·41 (4)
	— 60 % or more but less than 70 %	+ 1·69 (4)
	— 70 % or more but less than 75 %	+ 1·96 (4)
	— 75 % or more but less than 80 %	+ 2·09 (4)
	— 80 % or more	+ 2·23 (4)
ex 23.07 B II	Of a content, by weight, of milk powder of a fat content by weight of or less than 11 % excluding whey powder :	
	— 50 % or more but less than 60 %	+ 1·41 (4)
	— 60 % or more but less than 70 %	+ 1·69 (4)
	— 70 % or more but less than 80 %	+ 1·96 (4)
	— 80 % or more	+ 2·23 (4)

(1) This amount is not applicable to exports under Regulation (EEC) No 2054/76.

(2) 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 established in accordance with Regulation (EEC) No 766/68.

(3) 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 established in accordance with Regulation (EEC) No 766/68.

(4) This amount is not applicable to exports of these products containing skimmed-milk powder purchased under Regulation (EEC) No 2054/76.

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

ANNEX II

List of adjustments applicable to refunds fixed in advance before 28 April 1977 in respect of the products indicated in Annex A to Regulation (EEC) No 2682/72 and specified in Article 1 of Regulation (EEC) No 804/68, exported in the form of goods included in the Annex to the latter 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)	+ 2·72
ex 04.02 A II	Milk powder, obtained by the Spray process of a fat content by weight, og 26 % and of a water content by weight less than 5 % (PG3)	+ 4·45
ex 04.02 A III	Condesed milk, of a fat content, by weight, of 7·5 % and of a weight referred to dry matter of 25 % (PG 4)	+ 1·18
ex 04.03	Butter of a fat content, by weight of 82 % (PG 6)	+ 7·15