COMMISSION REGULATION (EEC) No 1017/78

of 19 May 1978

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 of 27 June 1968 on the common organization of the market in milk and milk products (1), as last amended by Regulation (EEC) No 2560/77 (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 of 28 June 1968 determining the groups of products and the special provisions for calculating levies on milk and milk products (3), as last amended by Regulation (EEC) No 1000/78 (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 1978/79 milk year by Council Regulation (EEC) No 999/78 of 12 May 1978 (5);

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 of 24 July 1968 laying down detailed rules for determining free-a-frontier prices and for fixing levies in respect of milk and milk products (6), 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 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 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 ruling price is not less than 150 units of account per 100 kg in respect of the products falling within subheading 04.04 E I b) 2, or not less than 130 units of account per 100 kg in respect of the products falling within subheading 04.04 E I b) 3, or not less than 115 units of account for products falling within subheading 04.04 E I b) 4, the levy per 100 kg is defined in Article 8 of Regulation (EEC) No 823/68;

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

(1) OJ No L 148, 28. 6. 1968, p. 13.
(2) OJ No L 303, 28. 11. 1977, p. 1.
(3) OJ No L 151, 30. 6. 1968, p. 3.
(4) OJ No L 130, 18. 5. 1978, p. 7.
(5) OJ No L 130, 18. 5. 1978, p. 6.
(6) OJ No L 180, 26. 7. 1968, p. 25.

(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 22 May 1978.

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

Done at Brussels, 19 May 1978.

For the Commission

Finn GUNDELACH

Vice-President

ANNEX

to the Commission Regulation of 19 May 1978 fixing the import levies on milk and milk products

(u.a./100 kg net weight, unless otherwise indicated)

CCT heading No	Code	Import levy
04.01 A I a)	0110	21·67
04.01 A I b)	0120	19·67
04.01 A II a) 1	0130	19·67
04.01 A II a) 2	0140	24·22
04.01 A II b) 1	0150	18·67
04.01 A II b) 2	0160	23·22
04.01 B I	0200	49·62
04.01 B II	0300	104·97
04.01 B III	0400	166·22
04.02 A I	0500	15·30
04.02 A II a) 1	0620	94·09
04.02 A II a) 2	0720	125·88
04.02 A II a) 3	0820	127·88
04.02 A II a) 4	0920	138·63
04.02 A II b) 1	1020	88·09
04.02 A II b) 2	1120	119·88
04.02 A II b) 3	1220	121·88
04.02 A II b) 4	1320	132·63
04.02 A III a) 1	1420	21·51
04.02 A III a) 2	1520	29·04
04.02 A III b) 1	1620	104·97
04.02 A III b) 2	1720	166·22
04.02 B I a)	1820	30·00
04.02 B I b) 1 aa)	2220	per kg 0·8809 (9)
04.02 B I b) 1 bb)	2320	per kg 1·1988 (9)
04.02 B I b) 1 cc)	2420	per kg 1·3263 (9)
04.02 B I b) 2 aa)	2520	per kg 0·8809 (10)
04.02 B I b) 2 bb)	2620	per kg 1·1988 (10)
04.02 B I b) 2 cc)	2720	per kg 1·3263 (10)
04.02 B II a)	2820	34·18
04.02 B II b) 1	2910	per kg 1·0497 (10)
04.02 B II b) 2	3010	per kg 1·6622 (10)
04.03 A	3110	190·85
04.03 B	3210	232·84
04.04 A I a) 1	3321	15·00
04.04 A I a) 2	3420	130·26 (11)
04.04 A I b) 1 aa)	3521	15·00
04.04 A I b) 1 bb)	3619	130·26 (11)
04.04 A I b) 2	3719	130·26 (11)
04.04 A II	3800	130·26
04.04 B	3900	165·10 (12)
04.04 C	4000	131·07
04.04 D I	4120	30·00
04.04 D II a) 1	4410	121·54
04.04 D II a) 2	4510	132·30
04.04 D II b)	4610	212·30
04.04 E I a)	4710	165·10
04.04 E I b) 1 aa)	4834	15·00
04.04 E I b) 1 bb)	4850	170·64

CCT heading No	Code	Import levy
04.04 E I b) 2 aa)	4922	127·50 (13)
04.04 E I b) 2 bb)	5022	127·50 (14)
04.04 E I b) 3	5030	127·50 (15)
04.04 E I b) 4	5060	127·50 (15)
04.04 E I b) 5	5120	127·50
04.04 E I c) 1	5210	95·63
04.04 E I c) 2	5250	207·50
04.04 E II a)	5310	165·10
04.04 E II b)	5410	207·50
17.02 A II (16)	5500	18·95
21.07 F I	5600	18·95
23.07 B I a) 3	5700	68·07
23.07 B I a) 4	5800	88·33
23.07 B I b) 3	5900	82·44
23.07 B I c) 3	6000	67·27
23.07 B II	6100	88·33

For notes (1) to (8), 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) 13·76 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) 13·76 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 53·16 u.a. per 100 kg net weight for imports from Austria, Finland, Romania and Switzerland (Regulation (EEC) No 1054/68 as amended).

(14) The levy is limited to 73·16 u.a. per 100 kg net weight for imports from Austria, Finland, Romania and Switzerland (Regulation (EEC) No 1054/68 as amended).

(15) The levy is limited to 73·16 u.a. per 100 kg net weight for imports from Bulgaria, Hungary, Romania and Turkey (Regulation (EEC) No 1054/68 as amended).

(16) Lactose and lactose syrup falling within subheading 17.02 A I are, in pursuance of Regulation (EEC) No 2730/75, subject to the same levy as that applicable to lactose and lactose syrup falling within subheading 17.02 A II.

NB : For the purposes of heading No 04.04, the exchange rate to be applied in converting into national currencies the unit of account referred to in the subdivisions of this heading shall, notwithstanding general rule C 3 contained in Part I, Section I of the Common Customs Tariff be the representative rate, if such a rate is fixed pursuant to Council Regulation No 129 on the value of the unit of account and the exchange rates to be applied for the purposes of the common agricultural policy (OJ No 106, 30. 10. 1962, p. 2553/62).