COMMISSION REGULATION (EEC) No 1030/78

of 19 May 1978

amending Regulation (EEC) No 938/77 fixing the monetary compensatory amounts and certain rates for their application

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 974/71 of 12 May 1971 on certain measures of conjunctural policy to be taken in agriculture following the temporary widening of the margins of fluctuations for the currencies of certain Member States (1), as last amended by Regulation (EEC) No 557/76 (2), and in particular Article 6 thereof,

Whereas the monetary compensatory amounts instituted by Regulation (EEC) No 974/71 were fixed by Commission Regulation (EEC) No 938/77 (3), as last amended by Regulation (EEC) No 985/78 (4);

Whereas in Part 5 of Annex 1 to Regulation (EEC) No 938/77 the calculation of the basic amount specified in Note (3) applies, under the present wording, to products falling within subheading 04.02 B II a), of a non-fatty lactic dry matter content of at least 15 % and to subheading 04.02 B II b) of a non-fatty lactic dry matter content of at least 15 % but less than 25 % by weight; whereas this method of calculation is based on two components: the milk and cream content of the product and its sugar content; whereas the first of these components does not correspond to the actual composition of the product and the calculation of the basic amount should therefore be changed;

Whereas the present practice has been in use since 30 January 1978, when the method of calculating the monetary compensatory amounts was modified; whereas the change introduced should be applicable with effect from that date at the request of any interested party;

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

In Part 5 of Annex 1 to Regulation (EEC) No 938/77:

(a) The reference '(3)' in the third column for the second indent of subheading 04.02 B II a) and for the second indent of subheading 04.02 B II b) is hereby replaced by '(8)';

(b) the following Note (8) is hereby added to the list of notes:

'(8) the basic amount for 100 kg of product under this subheading equal to the sum of the following

(a) the amount per 100 kg indicated;

(b) an additional amount for each percentage saccharose content in 100 kg net of the product, equal to 1/100 of the amount indicated in Part 7 of Annex 1 to this Regulation under subheading 17.01 A (undenatured) of the Common Customs Tariff.'

Article 2

This Regulation shall enter into force on 21 May 1978.

However, on request by any interested party, the method of calculation indicated in Article 1 shall apply with effect from 30 January 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

(1) OJ No L 106, 12. 5. 1971, p. 1.
(2) OJ No L 67, 15. 3. 1976, p. 1.
(3) OJ No L 110, 30. 4. 1977, p. 6.
(4) OJ No L 128, 17. 5. 1978, p. 15.