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(Acts whose publication is obligatory)

COUNCIL REGULATION (EEC) No 1037/78

of 22 May 1978

amending the Annex to Regulation (EEC) No 804/68 on the common organization of the market in milk and milk products

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community, and in particular Article 43 thereof,

Having regard to the proposal from the Commission,

Having regard to the opinion of the European Parliament (1),

Whereas, under Article 17 (1) of Council Regulation (EEC) No 804/68 of 27 June 1968 on the common organization of the market in milk and milk products (2), as last amended by Regulation (EEC) No 2560/77 (3), refunds may be granted to the extent necessary to enable such products to be exported either in unprocessed form or in the form of goods listed in the Annex ;

Whereas, in view of the development of milk product prices in international trade, provision should be made for the possibility of granting refunds for milk products incorporated in goods falling within heading No 22.09 of the Common Customs Tariff, so as to enable industries exporting such goods to use milk products of Community origin ; whereas, to this end, an addition should be made to the Annex to Regulation (EEC) No 804/68 ;

Whereas furthermore the complete heading No 21.07 is included in this Annex ; whereas in the new customs nomenclature for agricultural products, adopted in accordance with the recommendation of the Customs Cooperation Council, the products which fell within subheading 17.05 A are henceforth classified under the new subheading 21.07 F ; whereas subheading 17.05 A was not included in the Annex to Regulation (EEC) No 804/68 and no refund was granted under this Regulation for milk products exported in the form of goods falling within this subheading ; whereas, consequently, for the sake of clarity of interpretation, subheading 21.07 F must be excluded from the Annex to Regulation (EEC) No 804/68 ;

Whereas, for the same reasons of clarity, this Annex should be replaced by a new text,

HAS ADOPTED THIS REGULATION :

Article 1

The Annex to Regulation (EEC) No 804/68 is hereby replaced by the Annex hereto.

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, 22 May 1978.

For the Council

The President

K. HEINESEN

(1) Opinion delivered on 12 May 1978 (not yet published in the Official Journal).
(2) OJ No L 148, 28. 6. 1968, p. 13.
(3) OJ No L 303, 28. 11. 1977, p. 1.

ANNEX

CCT heading No	Description
17.02	Other sugars in solid form ; sugar syrups, not containing added flavouring or colouring matter ; artificial honey, whether or not mixed with natural honey ; caramel : A. Lactose and lactose syrup : I. Containing, in the dry state, 99 % or more by weight of the pure product
17.04	Sugar confectionery, not containing cocoa : C. White chocolate D. Other
18.06	Chocolate and other food preparations containing cocoa : B. Ice-cream (not including ice-cream powder) and other ices C. Chocolate and chocolate goods, whether or not filled ; sugar confectionery and substitutes therefor made from sugar substitution products, containing cocoa D. Other
19.02	Malt extract ; preparations of flour, meal, starch or malt extract, of a kind used as infant food or for dietetic or culinary purposes, containing less than 50 % by weight of cocoa : B. Other
19.08	Pastry, biscuits, cakes and other fine bakers' wares, whether or not containing cocoa in any proportion
21.07	Food preparations not elsewhere specified or included : A. Cereals in grain or ear form, pre-cooked or otherwise prepared B. Ravioli, macaroni, spaghetti and similar products, not stuffed, cooked ; the foregoing preparations, stuffed, whether or not cooked C. Ice-cream (not including ice-cream powder) and other ices D. Prepared yoghourt ; prepared milk, in powder form, for use as infants' food or for dietetic or culinary purposes E. Cheese fondues G. Other
22.02	Lemonade, flavoured spa waters and flavoured aerated waters, and other non-alcoholic beverages, not including fruit and vegetable juices falling within heading No 20.07 : B. Other

CCT heading No	Description
22.09	Spirits (other than those of heading No 22.08) ; liqueurs and other spirituous beverages ; compound alcoholic preparations (known as 'concentrated extracts') for the manufacture of beverages : C. Spirituous beverages : V. Other
35.01	Casein, caseinates and other casein derivatives ; casein glues
35.02	Albumins, albuminates and other albumin derivatives : A. Albumins : II. Other : ex a) Lactalbumin : 1. Dried (for example, in sheets, scales, flakes, powder) 2. Other