COMMISSION REGULATION (EEC) No 1533/78

of 30 June 1978

fixing adjustments to monetary compensatory amounts for milk and milk products fixed in advance

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 fluctuation 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 first indent of Article 7 (2) of Commission Regulation (EEC) No 243/78 of 1 February 1978 providing for the advance fixing of monetary compensatory amounts (3) provides for optional adjustment of monetary compensatory amounts fixed in advance when the levy or refund is adjusted following a change in prices; whereas, under Article 2 (1) of Commission Regulation (EEC) No 1516/78 of 30 June 1978 on adjustments to monetary compensatory amounts fixed in advance and repealing Regulation (EEC) No 651/78 (4), these adjustments of monetary compensatory amounts applicable to milk products made following a change in the price level in units of account correspond to the adjustments made to refunds fixed in advance;

Whereas refunds fixed in advance for the section in question were adjusted by Commission Regulation (EEC) No 1052/78 of 19 May 1978 (5); whereas this adjustment corresponded to the increase in intervention prices; whereas for this reason the monetary compensatory amounts fixed in advance must be correspondingly adjusted; whereas under Article 3 of Regulation (EEC) No 1516/78 this adjustment is made on the basis of the price and representative rate valid at the moment when the customs export formalities were completed;

Whereas the percentage increases for the intervention prices for butter and skimmed-milk powder are not identical; whereas for the sake of simplification the average of the two percentages should be used for products the monetary compensatory amounts for which are calculated using both that for butter and that for skimmed-milk powder; whereas for the same reason the adjustment coefficients fixed for the milk sector alone should be applied for milk products containing certain quantities of products of other sectors;

Whereas under Article 3 (2) of Regulation (EEC) No 1516/78 the adjustment under Article 7 (1) of Regulation (EEC) No 243/78 is altered if there is an adjustment under Article 7 (2) of that Regulation;

Whereas before the publication of Regulation (EEC) No 1516/78 there were not yet precise rules on adjustments under Article 7 (2) of Regulation (EEC) No 243/78;

Whereas at the moment of adoption of the adjustments to refunds fixed in advance no decision had therefore been taken on the adjustment of monetary compensatory amounts fixed in advance in the sector in question; whereas it therefore appears appropriate, in the interests of the trade, to complete the measures adopted;

Whereas the monetary compensatory amounts fixed in advance that are adjusted by this Regulation were fixed by Regulation (EEC) No 938/77 (6), as last amended by Regulation (EEC) No 1058/78 (7);

Whereas difficulties may arise in connection with the calculation of the amount to be granted and the adjustment to be made under this Regulation; whereas it should therefore be specified that:

— refunds fixed in advance in units of account are increased by the amount fixed by Regulation (EEC) No 1052/78;

— the resulting amount is multiplied by the monetary coefficient and converted into national currency at the representative rate, coefficient and rate being those fixed in advance along with the fixing in advance of the monetary compensatory amount;

(1) OJ No L 106, 12. 5. 1971, p. 1.
(2) OJ No L 67, 15. 3. 1976, p. 1.
(3) OJ No L 37, 7. 2. 1978, p. 5.
(4) OJ No L 178, 1. 7. 1978, p. 65.
(5) OJ No L 134, 22. 5. 1978, p. 31.
(6) OJ No L 110, 30. 4. 1977, p. 6.
(7) OJ No L 134, 22. 5. 1978, p. 49.

— the amount thus obtained is as appropriate reduced or increased by the amount of the monetary compensatory amount and multiplied by the adjustment coefficient given in the Annex to this Regulation ;

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

1. In the case of milk products exported to third countries for which the customs formalities were completed before 22 May 1978, the monetary compensatory amounts given in Annex I to Regulation (EEC) No 938/77 shall, when they have been fixed in advance before 22 May 1978, be multiplied by the corresponding coefficients given in the Annex to this Regulation.

2. The preceding paragraph shall not however apply to exportations for which the customs formalities were completed before 1 July 1978 :

— in the Federal Republic of Germany,

— in Member States where the currency has depreciated if for the operator in question the coefficient given in Annex IV to Regulation (EEC) No 938/77 has already been applied to the monetary compensatory amount fixed in advance and the interested party requests that the present provision be applied.

3. When paragraph 1 applies the coefficients given in Annex IV to Regulation (EEC) No 938/77 shall not be applied.

Article 2

This Regulation shall enter into force on 1 July 1978.

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

Done at Brussels, 30 June 1978.

For the Commission

Finn GUNDELACH

Vice-President

ANNEX

Adjustments under the second indent of Article 7 (2) of Regulation (EEC) No 243/78 to monetary compensatory amounts for milk and milk products fixed in advance

Member States	Monetary compensatory amount fixed in the period	Coefficients applicable to the products referred to below (see corresponding notes)		
		(a)	(b)	(c)
Germany (1)	3 April to 21 May 1978	0·976897	0·974320	0·975609
France	3 to 9 April 1978	0·822875	0·820704	0·821789
	10 to 23 April 1978	0·790960	0·788873	0·789917
	24 April to 14 May 1978	0·780839	0·778779	0·779809
	15 to 21 May 1978	0·763462	0·761448	0·762455
Ireland	3 to 9 April 1978	0·062945	0·062779	0·062862
	10 April to 21 May 1978	0·395760	0·394716	0·395238
Italy	3 April to 21 May 1978	0·724231	0·722321	0·723276
United Kingdom	3 to 9 April 1978	0·783670	0·781603	0·782637
	10 April to 21 May 1978	0·810273	0·808135	0·809204
Benelux	3 April to 21 May 1978	1·020653	1·017962	1·019308

(1) In the case of exports for which the customs formalities have been completed in the Federal Republic of Germany before 1 July 1978 the coefficients given in Annex IV to Regulation (EEC) No 938/77 continue to apply.

(a) These coefficients apply to monetary compensatory amounts fixed in advance for products falling within heading No 04.03 of the Common Customs Tariff.

(b) These coefficients apply, subject to note (d), to monetary compensatory amounts fixed in advance for products falling within the following tariff subheadings :

04.02 A II a) 1,
04.02 A II b) 1,
04.02 B I b) 1 aa),
04.02 B I b) 2 aa),
23.07 B I a) 3,
23.07 B I a) 4,
23.07 B II.

(c) These coefficients apply, subject to note (d), to monetary compensatory amounts fixed in advance for products other than those specified in notes (a) and (b).

(d) The coefficients do not apply to :

— products falling within subheading 04.02 A II exported under Regulation (EEC) No 2054/76 ;

— products falling within subheading 23.07 B containing skimmed-milk powder sold under Regulation (EEC) No 2054/76.