COMMISSION REGULATION (EEC) No 1733/78

of 24 July 1978

amending Regulation (EEC) No 1036/78 fixing the monetary compensatory amounts and certain coefficients and 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 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 in Part 5 of Annex I to Commission Regulation (EEC) No 1036/78 of 19 May 1978 fixing the monetary compensatory amounts and certain coefficients and rates for their application (3), as last amended by Regulation (EEC) No 1719/78 (4), no amount was fixed for whey; whereas, for milk and cream containing whey, monetary compensatory amounts are applicable per 100 kilograms of finished product; whereas it is necessary to disregard the whey content of these products for the calculation of the monetary compensatory amount;

Whereas, as provided in the second paragraph of Note 1 to Part 5 of Annex I to Regulation (EEC) No 1036/78, for skimmed-milk powder consigned to Italy from another Member State in accordance with Regulation (EEC) No 1624/76 (5), the amount indicated is multiplied by the coefficient 0·55; whereas the normal fat content of skimmed-milk powder does not exceed 1·5 % by weight; whereas, however, Article 1 (d) of Council Regulation (EEC) No 986/68 of 15 July 1968 laying down general rules for granting aid for skimmed milk and skimmed-milk powder for use as feed (6), as last amended by Regulation (EEC) No 2624/77 (7), provides that for the purposes of Regulation (EEC) No 986/68 powdered milk and powdered buttermilk with a maximum fat content of 11 % are considered to be skimmed-milk powder; whereas the economic situation of these products is largely comparable to that of skimmed-milk powder with a fat content not exceeding 1·5 %; whereas the coefficient referred to above should also be made applicable to milk powder with a fat content by weight exceeding 1·5 % and not exceeding 11 %;

Whereas for the sake of clarity Part 5 of Annex I to Regulation (EEC) No 1036/78 should be republished in full; whereas a transitional period should be provided during which the trade can adapt to the new system; whereas it is indispensable, however, in order to guarantee the proper functioning of the market and to avoid speculation, that this period be as brief as possible;

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

Part 5 of Annex I to Regulation (EEC) No 1036/78 is, subject to any change in the amounts in line with changes in the rates of exchange referred to in Article 2 (1) of Regulation (EEC) No 974/71, replaced by the Annex hereto.

Article 2

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

It shall apply with effect from 7 August 1978.

(1) OJ No L 106, 12. 5. 1971, p. 1.
(2) OJ No L 67, 15. 3. 1976, p. 1.
(3) OJ No L 133, 22. 5. 1978, p. 1.
(4) OJ No L 200, 24. 7. 1978, p. 1.
(5) OJ No L 180, 6. 7. 1976, p. 9.
(6) OJ No L 169, 18. 7. 1968, p. 4.
(7) OJ No L 306, 30. 11. 1977, p. 4.

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

Done at Brussels, 24 July 1978.

For the Commission

Finn GUNDELACH

Vice-President

PART 5

MILK AND MILK PRODUCTS

Monetary compensatory amounts

CCT heading No	Description	Notes	Amounts to be charged on imports and granted on exports		
			Germany DM/100 kg (a)	Belg./Lux. Bfrs/Lfrs/100 kg (a)	Netherlands Fl/100 kg (a)
1	2	3	4	5	6
04.01 A I		(9)	1·89 (d)	5·3 (d)	0·37 (d)
04.01 A II		(9)	1·80 (c)	5·1 (c)	0·35 (c)
04.01 B I		(9)	1·69 (d)	4·8 (d)	0·33 (d)
04.01 B II		(9)	1·32 (d)	3·7 (d)	0·26 (d)
04.01 B III		(9)	1·06 (d)	3·0 (d)	0·21 (d)
04.02 A II a) 1		(9)	23·46	66·2	4·56
04.02 A II a) 2		(9)	16·00 (d)	45·1 (d)	3·11 (d)
04.02 A II a) 3		(9)	16·00 (d)	45·1 (d)	3·11 (d)
04.02 A II a) 4		(9)	12·98 (d)	36·6 (d)	2·52 (d)
04.02 A II b) 1		(1) (2) (9)	23·46	66·2	4·56
04.02 A II b) 2		(1) (2) (9)	16·00 (d)	45·1 (d)	3·11 (d)
04.02 A II b) 3		(9)	16·00 (d)	45·1 (d)	3·11 (d)
04.02 A II b) 4		(9)	12·98 (d)	36·6 (d)	2·52 (d)
04.02 A III a)	Of a non-fatty lactic dry matter content, by weight:				
	— of less than 15 %	(9)	1·89 (d)	5·3 (d)	0·37 (d)
	— of 15 % or more	(9)	4·17 (d)	11·8 (d)	0·81 (d)
04.02 A III b)	Of a non-fatty lactic dry matter content, by weight:				
	— of less than 15 %	(9)	1·51 (d)	4·3 (d)	0·29 (d)
	— of 15 % or more but less than 25 %	(9)	4·17 (d)	11·8 (d)	0·81 (d)
	— of 25 % or more	(9)	7·58 (d)	21·4 (d)	1·47 (d)
04.02 B I a)		(3) (9)	29·24	82·5	5·69
04.02 B I b) 1 aa)		(3) (9)	23·46	66·2	4·56
04.02 B I b) 1 bb)		(3) (9)	16·00 (d)	45·1 (d)	3·11 (d)
04.02 B I b) 1 cc)		(3) (9)	12·98 (d)	36·6 (d)	2·52 (d)
04.02 B I b) 2 aa)		(3) (9)	23·46	66·2	4·56

CCT heading No	Description	Notes	Amounts to be granted on imports and charged on exports			
			United Kingdom £/100 kg (a)	Ireland £/100 kg (a)	Italy Lit/100 kg (a)	France FF/100 kg (a)
1	2	3	7	8	9	10
04.01 A I		(9)	1·304 (d)	0·109 (d)	910 (d)	3·75 (d)
04.01 A II		(9)	1·237 (c)	0·104 (c)	863 (c)	3·56 (c)
04.01 B I		(9)	1·164 (d)	0·098 (d)	812 (d)	3·35 (d)
04.01 B II		(9)	0·907 (d)	0·076 (d)	633 (d)	2·61 (d)
04.01 B III		(9)	0·731 (d)	0·061 (d)	510 (d)	2·10 (d)
04.02 A II a) 1		(9)	16·158	1·357	11 274	46·51
04.02 A II a) 2		(9)	11·021 (d)	0·925 (d)	7 690 (d)	31·72 (d)
04.02 A II a) 3		(9)	11·021 (d)	0·925 (d)	7 690 (d)	31·72 (d)
04.02 A II a) 4		(9)	8·936 (d)	0·750 (d)	6 235 (d)	25·72 (d)
04.02 A II b) 1		(1) (2) (9)	16·158	1·357	11 274	46·51
04.02 A II b) 2		(1) (2) (9)	11·021 (d)	0·925 (d)	7 690 (d)	31·72 (d)
04.02 A II b) 3		(9)	11·021 (d)	0·925 (d)	7 690 (d)	31·72 (d)
04.02 A II b) 4		(9)	8·936 (d)	0·750 (d)	6 235 (d)	25·72 (d)
04.02 A III a)	Of a non-fatty lactic dry matter content, by weight:					
	— of less than 15 %	(9)	1·304 (d)	0·109 (d)	910 (d)	3·75 (d)
	— of 15 % or more	(9)	2·871 (d)	0·241 (d)	2 003 (d)	8·26 (d)
04.02 A III b)	Of a non-fatty lactic dry matter content, by weight:					
	— of less than 15 %	(9)	1·042 (d)	0·088 (d)	727 (d)	3·00 (d)
	— of 15 % or more but less than 25 %	(9)	2·871 (d)	0·241 (d)	2 003 (d)	8·26 (d)
	— of 25 % or more	(9)	5·221 (d)	0·438 (d)	3 643 (d)	15·03 (d)
04.02 B I a)		(3) (9)	20·133	1·690	14 048	57·95
04.02 B I b) 1 aa)		(3) (9)	16·158	1·357	11 274	46·51
04.02 B I b) 1 bb)		(3) (9)	11·021 (d)	0·925 (d)	7 690 (d)	31·72 (d)
04.02 B I b) 1 cc)		(3) (9)	8·936 (d)	0·750 (d)	6 235 (d)	25·72 (d)
04.02 B I b) 2 aa)		(3) (9)	16·158	1·357	11 274	46·51

CCT heading No	Description	Notes	Amounts to be charged on imports and granted on exports		
			Germany DM/100 kg (a)	Belg./Lux. Bfrs/Lfrs/100 kg (a)	Netherlands Fl/100 kg (a)
1	2	3	4	5	6
04.02 B I b) 2 bb)		(3) (9)	16·00 (d)	45·1 (d)	3·11 (d)
04.02 B I b) 2 cc)		(3) (9)	12·98 (d)	36·6 (d)	2·52 (d)
04.02 B II a)	Of a non-fatty lactic dry matter content, by weight:				
	— of less than 15 %	(3) (9)	1·89 (d)	5·3 (d)	0·37 (d)
	— of 15 % or more	(8) (9)	5·32 (d)	15·0 (d)	1·03 (d)
04.02 B II b)	Of a non-fatty lactic dry matter content, by weight:				
	— of less than 15 %	(3) (9)	1·51 (d)	4·3 (d)	0·29 (d)
	— of 15 % or more but less than 25 %	(8) (9)	5·32 (d)	15·0 (d)	1·03 (d)
	— of 25 % or more	(3) (9)	7·60 (d)	21·4 (d)	1·48 (d)
04.03 A	Of a fatty content by weight:				
	— of less than 80 %	(4)	— (b)	— (b)	— (b)
	— of 80 % or more but less than 82 %	(4) (5)	56·34	158·9	10·96
	— of 82 % or more	(4) (5)	57·74	162·9	11·23
04.03 B		(4)	— (b)	— (b)	— (b)
04.04 A II		(6)	49·03	138·3	9·53
04.04 C		(6)	40·27	113·6	7·83
04.04 D II a) 1	Of a fat content by weight in the dry matter:				
	— of less than 10 %	(6)	15·11	42·6	2·94
	— of 10 % or more but less than 30 %	(6)	22·27	62·8	4·33
	— of 30 % or more	(6)	32·57	91·9	6·33
04.04 D II a) 2	Of a fat content by weight in the dry matter:				
	— of less than 55 %	(6)	32·57	91·9	6·33
	— of 55 % or more	(6)	38·63	108·9	7·51
04.04 D II b)		(6)	38·63	108·9	7·51
ex 04.04 E I a)	With the exception of Grana Padano and Parmigiano Reggiano	(6)	55·36	156·1	10·77
04.04 E I b) 1 bb)		(6)	45·51	128·4	8·85
04.04 E I b) 2		(6)	41·77	117·8	8·12

CCT heading No	Description	Notes	Amounts to be granted on imports and charged on exports			
			United Kingdom £/100 kg (a)	Ireland £/100 kg (a)	Italy Lit/100 kg (a)	France FF/100 kg (a)
1	2	3	7	8	9	10
04.02 B I b) 2 bb)		(3) (9)	11·021 (d)	0·925 (d)	7 690 (d)	31·72 (d)
04.02 B I b) 2 cc)		(3) (9)	8·936 (d)	0·750 (d)	6 235 (d)	25·72 (d)
04.02 B II a)	Of a non-fatty lactic dry matter content, by weight:					
	— of less than 15 %	(3) (9)	1·304 (d)	0·109 (d)	910 (d)	3·75 (d)
	— of 15 % or more	(8) (9)	3·664 (d)	0·308 (d)	2 556 (d)	10·55 (d)
04.02 B II b)	Of a non-fatty lactic dry matter content, by weight:					
	— of less than 15 %	(3) (9)	1·042 (d)	0·088 (d)	727 (d)	3·00 (d)
	— of 15 % or more but less than 25 %	(8) (9)	3·664 (d)	0·308 (d)	2 556 (d)	10·55 (d)
	— of 25 % or more	(3) (9)	5·234	0·439 (d)	3 652 (d)	15·07 (d)
04.03 A	Of a fatty content by weight:					
	— of less than 80 %	(4)	— (b)	— (b)	— (b)	— (b)
	— of 80 % or more but less than 82 %	(4) (5)	38·796	3·257	27 069	111·66
	— of 82 % or more	(4) (5)	39·766	3·339	27 746	114·46
04.03 B		(4)	— (b)	— (b)	— (b)	— (b)
04.04 A II		(6)	33·762	2·835	23 557	97·18
04.04 C		(6)	27·733	2·329	19 351	79·82
04.04 D II a) 1	Of a fat content by weight in the dry matter:					
	— of less than 10 %	(6)	10·402	0·873	7 258	29·94
	— of 10 % or more but less than 30 %	(6)	15·339	1·288	10 702	44·15
	— of 30 % or more	(6)	22·431	1·883	15 651	64·56
04.04 D II a) 2	Of a fat content by weight in the dry matter:					
	— of less than 55 %	(6)	22·431	1·883	15 651	64·56
	— of 55 % or more	(6)	26·601	2·234	18 561	76·57
04.04 D II b)		(6)	26·601	2·234	18 561	76·57
ex 04.04 E I a)	With the exception of Grana Padano and Parmigiano Reggiano	(6)	38·124	3·201	26 601	109·73
04.04 E I b) 1 bb)		(6)	31·346	2·632	21 872	90·22
04.04 E I b) 2		(6)	28·764	2·415	20 070	82·79

CCT heading No	Description	Notes	Amounts to be charged on imports and granted on exports		
			Germany DM/100 kg (a)	Belg./Lux. Bfrs/Lfrs/100 kg (a)	Netherlands Fl/100 kg (a)
1	2	3	4	5	6
04.04 E I b) *5*	— Asiago, Caciocavallo, Provolone, Ragusano, Danbo, Edam, Fontal, Fontina, Fynbo, Gouda, Havarti, Maribo, Samsø, Tilsit as well as the cheeses other than salted Ricotta of a water content, calculated by weight of the non-fatty matter, not exceeding 62 % and of a fat content, by weight, referred to dry matter:				
	— of less than 10 %	(6)	31·46	88·7	6·12
	— of 10 % or more	(6)	41·77	117·8	8·12
	— Esrom, Italico, Kernhem, Saint-Nectaire, Saint-Paulin, Taleggio, Butterkäse as well as the cheeses of a water content, calculated by weight of the non-fatty matter, exceeding 62 % and of a fat content, by weight, referred to dry matter:				
	— of less than 10 %	(6)	21·63	61·0	4·21
	— of 10 % or more	(6)	32·58	91·9	6·34
04.04 E I c)	Of a fat content, by weight in the dry matter:				
	— of less than 10 %	(6)	9·83	27·7	1·91
	— of 10 % or more	(6)	16·45	46·4	3·20
04.04 E II a)		(6)	55·36	156·1	10·77
04.04 E II b)		(6)	35·09	99·0	6·82
23.07 B I a) 3		(7)	—	—	—
23.07 B I a) 4		(7)	—	—	—
23.07 B I b) 3		(7)	0·48	1·3	0·09
23.07 B I c) 3		(7)	1·51	4·1	0·28
23.07 B II		(7)	—	—	—
(a) Basic amount per 100 kg net of product.					
(b) Supplementary amount per 100 kg net of product for each % of milk fat content:			0·68	1·9	0·13
(c) Supplementary amount per 100 kg net of product for each % of milk fat content:			0·64	1·8	0·12
(d) Supplementary amount per 100 kg net of product for each % of milk fat content:			0·65	1·8	0·13

CCT heading No	Description	Notes	Amounts to be granted on imports and charged on exports			
			United Kingdom £/100 kg (a)	Ireland £/100 kg (a)	Italy Lit/100 kg (a)	France FF/100 kg (a)
1	2	3	7	8	9	10
04.04 E I b) 5	— Asiago, Caciocavallo, Provolone, Ragusano, Danbo, Edam, Fontal, Fontina, Fynbo, Gouda, Havarti, Maribo, Samsø, Tilsit as well as the cheeses other than salted Ricotta of a water content, calculated by weight of the non-fatty matter, not exceeding 62 % and of a fat content, by weight, referred to dry matter:					
	— of less than 10 %	(6)	21·662	1·819	15 115	62·35
	— of 10 % or more	(6)	28·764	2·415	20 070	82·79
	— Esrom, Italico, Kernhem, Saint-Nectaire, Saint-Paulin, Taleggio, Butterkäse as well as the cheeses of a water content, calculated by weight of the non-fatty matter, exceeding 62 % and of a fat content, by weight, referred to dry matter:					
	— of less than 10 %	(6)	14·893	1·250	10 391	42·87
	— of 10 % or more	(6)	22·437	1·884	15 655	64·58
04.04 E I c)	Of a fat content, by weight in the dry matter:					
	— of less than 10 %	(6)	6·769	0·568	4 723	19·48
	— of 10 % or more	(6)	11·329	0·951	7 904	32·61
04.04 E II a)		(6)	38·124	3·201	26 601	109·73
04.04 E II b)		(6)	24·163	2·029	16 860	69·55
23.07 B I a) 3		(7)	—	—	—	—
23.07 B I a) 4		(7)	—	—	—	—
23.07 B I b) 3		(7)	0·410	0·116	459	1·35
23.07 B I c) 3		(7)	1·281	0·362	1 435	4·21
23.07 B II		(7)	—	—	—	—

(a) Basic amount per 100 kg net of product.

(b) Supplementary amount per 100 kg net of product for each % of milk fat content: 0·468 | 0·039 | 326 | 1·35

(c) Supplementary amount per 100 kg net of product for each % of milk fat content: 0·439 | 0·037 | 306 | 1·26

(d) Supplementary amount per 100 kg net of product for each % of milk fat content: 0·448 | 0·038 | 313 | 1·29

Notes

(1) For skimmed-milk powder sold pursuant to Regulation (EEC) No 2054/76 (OJ No L 228, 20. 8. 1976) the amount indicated shall be multiplied by the coefficient 0·90.

For skimmed-milk powder consigned to Italy from another Member State in accordance with Regulation (EEC) No 1624/76 (OJ No L 180, 6. 7. 1976) the amount indicated shall be multiplied by the coefficient 0·55.

For skimmed-milk powder sold pursuant to Regulation (EEC) No 368/77 (OJ No L 52, 24. 2. 1977) or Regulation (EEC) No 443/77 (OJ No L 58, 3. 3. 1977), consigned in the natural state to another Member State, the amount indicated shall be multiplied by the coefficient 0·15.

(2) In intra-Community trade, where the product has been denatured in accordance with Article 2 of Regulation (EEC) No 990/72 (OJ No L 115, 17. 3. 1972), the basic amount and any additional amount shall be replaced by a single amount of:

— DM	12·93	per 100 kg for Germany,
— Bfrs/Lfrs	36·5	per 100 kg for Belgium/Luxembourg,
— Fl	2·51	per 100 kg for the Netherlands,
— £	8·904	per 100 kg for the United Kingdom,
— £	0·748	per 100 kg for Ireland,
— Lit	6 213	per 100 kg for Italy,
— FF	25·63	per 100 kg for France.

(3) The basic amount for 100 kg of product falling within this subheading shall be equal to the sum of the following:

(a) the amount per 100 kg indicated multiplied by $^1/_{100}$ of the weight of milk and cream contained in 100 kg of the product;

(b) a further amount for each percentage point of sucrose content in 100 kg net of the product, equal to $^1/_{100}$ of the amount indicated in Part 7 of Annex I to this Regulation under subheading 17.01 A (undenatured) of the Common Customs Tariff.

(4) However, for butter covered by the measures provided for:

— in Regulation (EEC) No 1282/72 (OJ No L 142, 22. 6. 1972), the amount indicated shall be multiplied by the coefficient 0·40;

— in Regulation (EEC) No 1717/72 (OJ No L 181, 9. 8. 1972), the amount indicated shall be multiplied by the coefficient 0·40;

— in Regulation (EEC) No 649/78 (OJ No L 86, 1. 4. 1978), the amount shall be multiplied by the coefficient 0·40;

— in Regulation (EEC) No 232/75 (OJ No L 24, 31. 1. 1975), the amount indicated shall be multiplied:

— by the coefficient 0·33 where the butter is to be used in formula A products,

— by the coefficient 0·53 where the butter is to be used in formula B products.

(5) For imports into the United Kingdom from New Zealand pursuant to Protocol 18, the monetary compensatory amount shall be £ 20·858 per 100 kg and the coefficient shall not be applied to the special levy.

(6) With respect to cheese rinds and wastes the monetary compensatory amount applicable shall be that applicable to products of subheading 04.04 E I c) of a fat content, by weight, in the dry matter of 10 % or more. Products unfit as such for human consumption shall be regarded as cheese wastes.

(7) When completing customs formalities, the applicant shall state on the declaration provided for this purpose the content, expressed in actual weight per 100 kg of finished product, of:

— powdered or granulated milk (excluding whey),

— powdered or granulated whey,

— added casein and/or caseinate.

If the milk products contain powdered or granulated milk (excluding whey), the amount shown shall be increased by the following supplementary amounts:

Content by weight in powdered or granulated milk (excluding whey) in the finished product of:	Germany DM/100 kg	Belgium/ Luxembourg Bfrs/Lfrs/ 100 kg	Netherlands Fl/100 kg	United Kingdom £/100 kg	Ireland £/100 kg	Italy Lit/100 kg	France FF/100 kg
More than 12 but less than 30 %	2·59	7·3	0·50	1·781	0·150	1 243	5·13
30 or more but less than 50 %	5·17	14·6	1·01	3·562	0·299	2 485	10·25
50 or more but less than 70 %	7·76	21·9	1·51	5·342	0·449	3 728	15·38
70 or more but less than 80 %	9·70	27·4	1·89	6·678	0·561	4 659	19·22
80 % or more	10·99	31·0	2·14	7·568	0·635	5 281	21·78

In trade with third countries, the coefficient 1·81 shall be applied to the supplementary amounts indicated above. The coefficient shall, however, be 1·64 in the case of products containing skimmed-milk powder sold pursuant to Regulation (EEC) No 2054/76 (OJ No L 228, 20. 8. 1976).

In intra-Community trade, where the product has not been produced in accordance with Regulation (EEC) No 990/72 (OJ No L 115, 17. 3. 1972), the coefficient 1·81 shall be applied to the supplementary amounts indicated above. However, this coefficient shall not be applied to products consigned to Italy from another Member State in accordance with Regulation (EEC) No 1624/76 (OJ No L 180, 6. 7. 1976).

In intra-Community trade and in trade with third countries, where these products contain:

— skimmed-milk powder sold and denatured in accordance with the provisions of Regulation (EEC) No 368/77 (OJ No L 52, 24. 2. 1977) and Regulation (EEC) No 443/77 (OJ No L 58, 3. 3. 1977) or for which the aid has been granted and skimmed-milk powder which has been denatured in accordance with the provisions of Regulation (EEC) No 1844/77 (OJ No L 205, 11. 8. 1977),

and

— either fish meal or fish oil and/or fish liver oil or iron carbonate and/or iron sulphate and/or copper sulphate,

the supplementary amounts indicated above shall be multiplied by the coefficient 0·27.

(8) The basic amount for 100 kg of product falling within this subheading shall be equal to the sum of the following:

(a) the amount per 100 kg indicated;

(b) a further amount for each percentage point of sucrose content in 100 kg net of the product, equal to $^1/_{100}$ of the amount indicated in Part 7 of Annex I to this Regulation under subheading 17.01 A (undenatured) of the Common Customs Tariff.

(9) The basic amount for 100 kg of product falling within this subheading is the amount indicated multiplied by $^1/_{100}$ of the weight of milk and cream, other than whey, contained in 100 kg of the product.

When completing the customs formalities the interested party must indicate in the special declaration for this purpose:

— the whey content per 100 kg of finished product,

amd, in particular:

— the lactose content of the whey.

NB: The weight of non-lactic fat is not included in the fat content.