COMMISSION REGULATION (EEC) No 547/79

of 22 March 1979

amending Part 5 of Annex I to 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 the monetary compensatory amounts introduced by Regulation (EEC) No 974/71 were fixed by Commission Regulation (EEC) No 1036/78 (3), as last amended by Regulation (EEC) No 514/79 (4);

Whereas in the calculation of certain monetary compensatory amounts for milk and milk products falling within subheading 04.02 B of the Common Customs Tariff there are problems of application; whereas, in order to avoid such problems, the relevant notes need to be clarified;

Whereas in the case of lactose added to products falling within heading No 04.01 or 04.02 the monetary compensatory amount should not be applied; whereas account needs therefore to be taken of this added product when calculating the said amounts;

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 amended as follows:

1. In the table of monetary compensatory amounts, the reference to note (9) is deleted in respect of products falling within subheading 04.02 B of the Common Customs Tariff.

2. In the notes:

— note (3) is replaced by the following:

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

(a) the amount per 100 kg indicated multiplied by 1/100 of the weight of the lactic part contained in 100 kg of product. However, where whey and/or lactose have been added to the product, the amount resulting from the preceding calculation shall be:

— multiplied by the weight of the lactic non-fat part, other than the added whey and/or lactose, contained in 100 kg of the product

and then

— divided by the weight of the non-fat lactic part contained in 100 kg of the product;

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

When completing customs formalities, the applicant shall state on the declaration provided for this purpose:

— the actual content by weight of added whey and/or added lactose per 100 kg of finished product,

and, in particular:

— the lactose content of the added whey.'

(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 68, 19. 3. 1979, p. 1.

— note (8) is replaced by the following :

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

(a) the amount per 100 kg indicated. However, where whey and/or lactose have been added to the product, the amount indicated shall be :

— multiplied by the weight of the lactic non-fat part other than the added whey and/or added lactose product

and then

— divided by the weight of the non-fat lactic part contained in 100 kg of the product ;

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

When completing customs formalities, the applicant shall state on the declaration provided for this purpose :

— the actual content by weight of added whey and/or added lactose per 100 kg of the product

and, in particular :

— the lactose content of the added whey.'

— note (9) is replaced by the following :

'(9) The basic amount for 100 kg of product falling within this subheading shall be equal to the amount indicated. However, where whey and/or lactose have been added to the product, the basic amount shall be equal to the amount indicated :

— multiplied by the weight of the non-fat part, other than the added whey and/or added lactose, contained in 100 kg of the product and then

— divided by the weight of the non-fat part contained in 100 kg of the product.

When completing customs formalities, the applicant shall state on the declaration provided for this purpose :

— the actual content by weight of whey and/or lactose added per 100 kg of finished product,

and, in particular :

— the lactose content of the added whey.'

— note (10) is replaced by the following :

'(10) In the case of products to which whey and/or lactose have been added, no compensatory amount shall be granted. However, the amounts indicated shall apply if compensatory amounts have to be charged.

When completing customs formalities :

— in respect of exports from a Member State with an appreciated currency,

— in respect of imports into a Member State with a depreciated currency,

— in respect of exports from a Member State making use of the option provided for in Article 2a of Regulation (EEC) No 974/71,

the applicant shall state on the declaration provided for this purpose whether or not whey and/or lactose have been added to the product.'

3. The table of goods and basic amounts is, in respect of subheadings 04.02 A III b) and 04.02 B II b), and subject to any change in the amounts in accordance with changes in the rates of exchange as provided for in Article 2 (1) of Regulation (EEC) No 974/71, amended to read as follows :

CCT heading No	Description	Notes	Amounts to be charged on imports and granted on exports		
			Deutschland DM/100 kg (a)	Belgique/ Luxembourg FB/Flux/100 kg (a)	Nederland Fl/100 kg (a)
1	2	3	4	5	6
)4.02 A III b)	Of a non-fatty lactic dry matter content, by weight :				
	— of less than 15 %	(9)	2·27 (d)	10·1 (d)	0·69 (d)
	— of 15 % or more but less than 25 %	(9)	6·25 (d)	27·7 (d)	1·91 (d)
	— of 25 % or more but less than 32 %	(9)	10·23 (d)	45·4 (d)	3·13 (d)
	— of 32 % or more	(9)	11·37 (d)	50·4 (d)	3·47 (d)
04.02 B II b)	Of a non-fatty lactic dry matter content, by weight :				
	— of less than 15 %	(3)	2·27 (d)	10·1 (d)	0·69 (d)
	— of 15 % or more but less than 25 %	(3)	7·98 (d)	35·4 (d)	2·44 (d)
	— of 25 % or more but less than 32 %	(3)	10·26 (d)	45·5 (d)	3·14 (d)
	— of 32 % or more	(3)	11·40 (d)	50·5 (d)	3·48 (d)

CCT heading No	Description	Notes	Amounts to be granted on imports and charged on exports			
			United Kingdom £/100 kg (a)	Ireland £/100 kg (a)	Italia Lit/100 kg (a)	France FF/100 kg (a)
1	2	3	7	8	9	10
04.02 A III b)	Of a non-fatty lactic dry matter content, by weight :					
	— of less than 15 %	(9)	0·988 (d)	—	1 262 (d)	4·08 (d)
	— of 15 % or more but less than 25 %	(9)	2·720 (d)	—	3 477 (d)	11·23 (d)
	— of 25 % or more but less than 32 %	(9)	4·451 (d)	—	5 689 (d)	18·38 (d)
	— of 32 % or more	(9)	4·946 (d)	—	6 321 (d)	20·42 (d)
04.02 B II b)	Of a non-fatty lactic dry matter content, by weight :					
	— of less than 15 %	(3)	0·988 (d)	—	1 262 (d)	4·08 (d)
	— of 15 % or more but less than 25 %	(3)	3·471 (d)	—	4 436 (d)	14·33 (d)
	— of 25 % or more but less than 32 %	(3)	4·463 (d)	—	5 704 (d)	18·43 (d)
	— of 32 % or more	(3)	4·959 (d)	—	6 337 (d)	20·47 (d)

Article 2

This Regulation shall enter into force on 2 April 1979.

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

Done at Brussels, 22 March 1979.

For the Commission

Finn GUNDELACH

Vice-President