COMMISSION REGULATION (EEC) No 1286/80

of 23 May 1980

classifying a product under subheading 04.02 A II of the Common Customs Tariff

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 97/69 of 16 January 1969 on measures to be taken for uniform application of the nomenclature of the Common Customs Tariff (1), as last amended by Regulation (EEC) No 280/77 (2), and in particular Article 3 thereof,

Whereas provision must be made to ensure uniform application of the nomenclature of the Common Customs Tariff as regards the classification of a product in powder form, obtained from skimmed milk by the partial elimination of lactose and mineral salts, for example by means of ultrafiltration, having the following percentage composition :

Dry matter	Milk fat	Ash	Lactose	Proteins (*) (N × 6·38)
95·4 %	1·5 %	6·6 %	8·5 %	74·7 %

(*) Mainly casein.

Whereas the Common Customs Tariff annexed to Council Regulation (EEC) No 950/68 (3), as last amended by Regulation (EEC) No 3000/79 (4), provides for the classification of milk and cream, in powder or granules, under subheading 04.02 A II ;

Whereas the product in question, although the proportions of natural milk constituents have been altered, retains the character of a product of heading No 04.02 ;

Whereas the relevant subheading within heading No 04.02 is subheading 04.02 A II ;

Whereas the measures provided for in this Regulation are in accordance with the opinion of the Committee on Common Customs Tariff Nomenclature,

HAS ADOPTED THIS REGULATION :

Article 1

The product in powder form, obtained from skimmed milk by the partial elimination of lactose and mineral salts, for example by means of ultrafiltration, having the following percentage composition :

Dry matter	Milk fat	Ash	Lactose	Proteins (*) (N × 6·38)
95·4 %	1·5 %	6·6 %	8·5 %	74·7 %

(*) Mainly casein.

(1) OJ No L 14, 21. 1. 1969, p. 1.
(2) OJ No L 40, 11. 2. 1977, p. 1.
(3) OJ No L 172, 22. 7. 1968, p. 1.
(4) OJ No L 342, 31. 12. 1979, p. 1.

shall be classified within the following subheading of the Common Customs Tariff :

04.02 Milk and cream, preserved, concentrated or sweetened :

A. Not containing added sugar :

II. Milk and cream, in powder or granules.

Article 2

This Regulation shall enter into force on the 21st day following its publication in the *Official Journal of the European Communities.*

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

Done at Brussels, 23 May 1980.

For the Commission

Étienne DAVIGNON

Member of the Commission