COMMISSION REGULATION (EEC) No 270/84

of 1 February 1984

amending Regulation (EEC) No 1245/83 as regards certain monetary compensatory amounts in the cereals and milk and milk products sectors

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 2025/83 (2), and in particular Article 3 thereof,

Having regard to Council Regulation (EEC) No 1223/83 of 20 May 1983 on the exchange rates to be applied in agriculture (3), as amended by Regulation (EEC) No 1877/83 (4),

Whereas the monetary compensatory amounts introduced by Regulation (EEC) No 974/71 were fixed by Commission Regulation (EEC) No 1245/83 of 20 May 1983 (5), as last amended by Regulation (EEC) No 213/84 (6);

Whereas, for reasons of clarity, the numbers of the Common Customs Tariff subheadings relating to groats and meal of maize used in part I of Annex I to Regulation (EEC) No 1245/83 should correspond exactly to those used in the Common Customs Tariff;

Whereas note (5) of part 5 of Annex I to Regulation (EEC) No 1245/83 provides that no monetary compensatory amount is payable in respect of cheese if its value is less than 140 ECU/100 kg;

Whereas it should be specified that the value of the product to be exported is the free-at-frontier value before application of the refund and the monetary compensatory amount;

Whereas, moreover, when the monetary compensatory amount has to be charged in respect of a consignment consisting of different types of cheese, application of the provisions of Article 30 of Commission Regulation (EEC) No 1371/81 of 19 May 1981 laying down detailed rules for the administrative application of monetary compensatory amounts (7), as last amended by Regulation (EEC) No 2883/83 (8), may result in monetary compensatory amounts which are too high in relation to the products in question; whereas a standard monetary compensatory amount should be applied in such cases;

Whereas the measures provided for in this Regulation are in accordance with the opinions of the relevant management committees,

HAS ADOPTED THIS REGULATION:

Article 1

Annex I to Regulation (EEC) No 1245/83 is hereby amended as follows:

1. In part 1:

   (a) '11.02 A V a) 1 (4)' in the first column is replaced by '11.02 A V a) 2 (4)';

   (b) note (3) is replaced by the following:

   '(3) Applicable to groats and meal of maize imported from non-member countries.';

   (c) note (4) is replaced by the following:

   '(4) Applicable to intra-Community trade in groats and meal of maize intended for the brewing industry (cf. Regulation (EEC) No 1570/78 (OJ No L 185, 7. 7. 1978, p. 22).'

2. In note (5) of part 5:

   (a) the first paragraph is replaced by the following:

   'No monetary compensatory amount shall be paid in respect of exported cheese of which the free-at-frontier price, before application of a monetary compensatory amount and, where applicable, the refund in the exporting Member State, is less than 140 ECU/100 kg.'

   (b) the following paragraph is added:

   'If a monetary compensatory amount is chargeable in respect of a consignment consisting of

(1) OJ No L 106, 12. 5. 1971, p. 1.
(2) OJ No L 199, 22. 7. 1983, p. 11.
(3) OJ No L 132, 21. 5. 1983, p. 33.
(4) OJ No L 186, 9. 7. 1983, p. 24.
(5) OJ No L 135, 23. 5. 1983, p. 3.
(6) OJ No L 25, 30. 1. 1984, p. 1.
(7) OJ No L 138, 25. 5. 1981, p. 1.
(8) OJ No L 283, 15. 10. 1983, p. 14.

different types of cheese, of a value of less than 140 ECU/100 kg, the monetary compensatory amount applicable shall, by way of derogation from Article 30 of Regulation (EEC) No 1371/81 (OJ No L 138, 25. 5. 1981, p. 1) be that for products falling within subheading ex 04.04 E I b) 2 of the Common Customs Tariff of a water content, calculated by weight in the non-fatty matter, exceeding 62 % and of a fat content, by weight in the dry matter, of not less than 10 %.'

Article 2

This Regulation shall enter into force on 6 February 1984.

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

Done at Brussels, 1 February 1984.

For the Commission

Poul DALSAGER

Member of the Commission