# COMMISSION REGULATION (EEC) No 1859/86

## of 16 June 1986

## amending Annex I to Regulation (EEC) No 1057/86 in respect of the monetary compensatory amounts applicable to milk and milk products

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to the Act of Accession of Spain and Portugal,

Having regard to Council Regulation (EEC) No 1677/85 of 11 June 1985 on monetary compensatory amounts in agriculture (1), as amended by Regulation (EEC) No 1013/86 (2), and in particular Articles 9 (2) and 12 thereof,

Having regard to Council Regulation (EEC) No 1678/85 of 11 June 1985 fixing the conversion rates to be applied in agriculture (3), as last amended by Regulation (EEC) No 1333/86 (4),

Whereas the monetary compensatory amounts introduced by Regulation (EEC) No 1677/85 were fixed by Commission Regulation (EEC) No 1057/86 (5), as last amended by Regulation (EEC) No 1837/86 (6);

Whereas, in accordance with notes (3), (6), (7) and (8) of Part 5 of Annex I to Regulation (EEC) No 1057/86, when completing customs formalities, the applicant must state the content of added whey and/or added lactose and/or added casein and/or added caseinates in the finished product; whereas the applicant should also be required to state whether such products have been added or not, so that a declaration is submitted in all cases; whereas the coefficient 0,28 in the first indent of note (4) should also be amended to take account of the reduction in the selling price of intervention butter;

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*

The Notes in Part 5 of Annex I to Regulation (EEC) No 1057/86 are replaced by the Notes in 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 17 June 1986.

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

Done at Brussels, 16 June 1986.

*For the Commission*

Frans ANDRIESSEN

*Vice-President*

(1) OJ No L 164, 24. 6. 1985, p. 6.
(2) OJ No L 94, 9. 4. 1986, p. 18.
(3) OJ No L 164, 24. 6. 1985, p. 11.
(4) OJ No L 119, 8. 5. 1986, p. 1.
(5) OJ No L 98, 12. 4. 1986, p. 1.
(6) OJ No L 160, 16. 6. 1986, p. 1.

*ANNEX*

**'Notes**

(1) 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 0,54.

In intra-Community trade in skimmed-milk powder in the unaltered state, sold under Regulations (EEC) No 368/77 (OJ No L 52, 24. 2. 1977) and (EEC) No 443/77 (OJ No L 58, 3. 3. 1977), the amount indicated shall be multiplied by the coefficient 0,20.

(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 and/or casein and/or caseinates 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 added lactose and/or added casein and/or added caseinates 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, whether or not whey and/or lactose, and/or casein and/or caseinates have been added, and where this is the case:

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

and, in particular:

— the lactose content of the added whey.

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

— in Regulation (EEC) No 3143/85 (OJ No L 298, 12. 11. 1985, p. 9) the amount indicated shall be multiplied by the coefficient 0,22,

— in Regulations (EEC) No 262/79 (OJ No L 41, 16. 2. 1979), (EEC) No 442/84 (OJ No L 52, 23. 2. 1984) and (EEC) No 1932/81 (OJ No L 191, 14. 7. 1981), the amount indicated shall be multiplied by:

— the coefficient 0,31 where the butter is to be used in formula A, formula C or formula D products,

— the coefficient 0,50 where the butter is to be used in formula B products,

— in Regulation (EEC) No 2268/64 (OJ No L 208, 3. 8. 1984), the amount indicated shall be multiplied by the coefficient 0,91,

— in Regulation (EEC) No 2278/84 (OJ No L 209, 4. 8. 1984), the amount indicated shall be multiplied by the coefficient 0,89,

— in Article 13 (1) of Regulation (EEC) No 2956/84 (OJ No L 279, 23. 10. 1984), the amount indicated shall be multiplied by the coefficient 0,56.

— in Regulation (EEC) No 765/86 (OJ No L 72, 15. 3. 1986), the amount indicated shall be multiplied by a coefficient of 0,69.

(5) 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 per 100 kg.

Where cheese of low value, as defined above, is being exported from one Member State to another, the document used to show that the cheese is of Community origin shall contain, in the box labelled 'designation of goods', one of the following references:

« Queso de escaso valor, en aplicación de la nota 5 de la Parte 5 del Anexo I del Reglamento por el que se fijan los montantes compensatorios monetarios. »

»Oste af ringe værdi, anvendelse af bemærkning (5), i bilag I, del 5, til forordningen om fastsættelse af monetære udligningsbeløb.«

„Käse mit geringem Wert, Anwendung Fußnote (5) zum Anhang I Teil 5 der Verordnung zur Festsetzung der Währungsausgleichsbeträge."

«Τυριά χαμηλής αξίας κατ' εφαρμογή της σημείωσης (5) του μέρους 5 του παραρτήματος I του κανονισμού που καθορίζει τα νομισματικά εξισωτικά ποσά.»

'Cheese of low value in accordance with note (5) in part 5 of Annex I to the Regulation fixing monetary compensatory amounts.'

« Fromages de faible valeur, application de la note 5 de l'annexe I, partie 5, du règlement fixant les montants compensatoires monétaires. »

« Formaggi di scarso valore in applicazione della nota 5 dell'allegato I, parte 5ª, del regolamento che fissa gli importi compensativi monetari. »

„Kaas van geringe waarde, toepassing van voetnoot (5) van bijlage, I, deel 5, bij de verordening tot vaststelling van de monetaire compenserende bedragen.".

« Queijos de fraco valor, aplicação da nota 5 do Anexo I, Parte 5, do regulamento que fixa os montantes compensatórios monetários ».

No monetary compensatory amount shall be granted in the importing Member State where the document showing the Community origin of the product in question contains one of the above wordings.

If the cheese is being imported from a non-Community country, no monetary compensatory amount shall be granted where the free-at-frontier price, corrected to take account of the levy and the monetary compensatory amount for cheese of normal value, is less than 140 ECU per 100 kg.

If a monetary compensatory amount is chargeable in respect of a consignment consisting of different types of cheese, of a value of less than 140 ECU per 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 10 % or more.

(6) When completing customs formalities, the party concerned shall state in the declaration provided for this purpose, in particular the actual content by weight per 100 kg of finished product of :

— milk powder or granules (other than whey),

whether or not whey and/or lactose and/or casein and/or caseinates have been added, and where this is the case :

— the content by weight of the added whey and/or added lactose and/or added casein and/or added caseinates, and

— the lactose content of the added whey

per 100 kg of finished product.

For milk powder or granules (other than the added whey and/or added lactose and/or added casein and/or added caseinates) which have been denatured in accordance with Article 2 of Regulation (EEC) No 1725/79 (OJ No L 199, 7. 8. 1979) or in accordance with Article 1 of Regulation (EEC) No 3714/84 (OJ No L 341, 29. 12. 1984) and feedingstuffs the lactic part of which contains milk powder or granules (other than whey), the amount shown shall be increased by the supplementary amounts indicated in the table below (where no amount is shown, only the supplementary amount shall apply) :

| Content by weight of milk powder or granules (other than the added whey and/or added lactose and/or added casein and/or added caseinates) in the finished product | Germany DM/100 kg | Netherlands Fl/100 kg | United Kingdom £/100 kg | Belgium/ Luxembourg Bfrs/Lfrs/ 100 kg | Denmark Dkr/100 kg | Italy Lit/100 kg | France FF/100 kg | Greece Dr/100 kg | Ireland £ Irl/100 kg | | |
|---|---|---|---|---|---|---|---|---|---|---|---|
| More than 12 % but less than 30 % | 1,31 | 1,48 | 0,921 | | | 438 | 2,34 | 528,8 | | | |
| 30 % or more but less than 50 % | 2,63 | 2,96 | 1,841 | | | 877 | 4,68 | 1 057,7 | | | |
| 50 % or more but less than 70 % | 3,94 | 4,44 | 2,762 | | | 1 315 | 7,01 | 1 586,5 | | | |
| 70 % or more but less than 80 % | 4,93 | 5,56 | 3,452 | | | 1 644 | 8,77 | 1 983,2 | | | |
| 80 % or more but less than 88 % | 5,52 | 6,22 | 3,866 | | | 1 841 | 9,82 | 2 221,2 | | | |
| 88 % or more | 5,92 | 6,67 | 4,142 | | | 1 973 | 10,52 | 2 379,8 | | | |

Where the products contain skimmed-milk powder purchased under the terms of Regulation (EEC) No 368/77 (OJ No L 52, 24. 2. 1977), (EEC) No 443/77 (OJ No L 58, 3. 3. 1977) or (EEC) No 1844/77 (OJ No L 205, 11. 8. 1977) and more than 9,0 grams of iron and/or 1,2 grams of copper per 100 kilograms, the supplementary amounts indicated above shall be multiplied by the coefficient 0,37.

If the product has not been produced in accordance with one of the Regulations referred to in the second and third paragraphs in this note, the coefficient 1,85 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 where Regulation (EEC) No 1624/76 (OJ No L 180, 6. 7. 1976) applies.

(7) 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 and/or casein and/or caseinates 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 and/or added casein and/or added caseinates, 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 declarations provided for this purpose, whether or not whey and/or lactose, and/or casein and/or caseinates have been added, and where this is the case :

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

and, in particular,

— the lactose content of the added whey.

(8) 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 and/or casein and/or caseinates 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 and/or added casein and/or added caseinates, 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, whether or not whey and/or lactose, and/or casein and/or caseinates have been added, and where this is the case:

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

and, in particular,

— the lactose content of the added whey.

(9) In the case of products to which whey and/or lactose and/or casein and/or caseinates 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 export formalities carried out in a Member State the currency of which has appreciated,

— customs import formalities carried out in a Member State the currency of which has depreciated,

— customs export formalities carried out in a Member State making use of the option provided in Article 10 of Regulation (EEC) No 1677/85,

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

(10) For cream covered by the measures provided for in Regulation (EEC) No 649/78 (OJ No L 86, 1. 4. 1978), the monetary compensatory amount shall be multiplied by the coefficient 0,51.

(11) For cheeses manufactured exclusively from sheep or goat milk:

— the analysis check shall be carried out by immunological methods such as double immuno-diffusion and radial immuno-diffusion, supplemented as necessary by electrophoresis of the caseins,

— the party concerned shall be obliged, when completing the customs formalities, to state in the declaration provided for this purpose that the cheese in question was manufactured exclusively from sheep and/or goat milk.

(12) No compensatory amounts shall be applicable on imported cheeses covered by the provisions of Articles 7 (1), 9 (1), 10 and 11 of amended Regulation (EEC) No 2915/79, provided that the free-at-frontier value applicable for the cheese in question, if one has been laid down, is respected or that the import price is not less than the amount specified in Article 11 (1) of that Regulation for the cheese in question, or on the cheeses specified in Articles 9 (1) and 11 (2) of that Regulation, provided that they are covered by (e), (f) or (r) of Annex II to that Regulation if it is established that they correspond to the description given therein.

(13) In the case of cheeses presented in containers which also contain conserving liquid, in particular brine, the monetary compensatory amount is granted on the net weight, the weight of the liquid being deducted.

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*NB:* For the calculation of fat content, non-milk fats are not to be taken into account.'