COMMISSION REGULATION (EEC) No 611/88

of 4 March 1988

amending Regulations (EEC) No 1767/82 and (EEC) No 3938/87 as regards the non-application of monetary compensatory amounts for certain cheeses imported under special conditions

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 804/68 of 27 June 1968 on the common organization of the market in milk and milk products (1), as last amended by Regulation (EEC) No 3904/87 (2), and in particular Article 14 (7) thereof,

Having regard to Council Regulation (EEC) No 1677/85 of 11 June 1985 on monetary compensatory amounts in agriculture (3), as last amended by Regulation (EEC) No 1889/87 (4), and in particular Article 12 thereof,

Whereas Article 8 of Commission Regulation (EEC) No 1767/82 of 1 July 1982 laying down detailed rules for applying specific import levies on certain milk products (5), as last amended by Regulation (EEC) No 222/88 (6), provides that no compensatory amount is to apply when certain cheeses imported from third countries meeting certain conditions are put into free circulation; whereas it should be specified that only monetary compensatory amounts are involved; whereas it should be stipulated that the rule also applies where the product imported into the Community without having to comply with the minimum price is despatched from the importing Member State to another Member State or re-exported to a third country;

Whereas, for the sake of clarity, the particulars in tables 11, 13 and 14 in Part 5 of Annex I (Appendix to Annex I) to Commission Regulation (EEC) No 3938/87 of 23 December 1987 fixing the monetary compenstory amounts applicable in the agricultural sector and certain coefficients and rates required for their application (7), as last amended by Regulation (EEC) No 602/88 (8), should be amended accordingly and at the same time certain material errors relating to the combined nomenclature should be corrected;

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

Article 8 of Regulation (EEC) No 1767/82 is hereby replaced by the following:

'*Article 8*

1. No monetary compensatory amounts shall apply when the products listed in Annex I (b), (c), (d), (g), (h), (i), (j), (m), (n), (o), (p) and (s) are put into free circulation.

2. Where products listed in Annex I (b), (h), (i) or (s), after being put into free circulation in the importing Member State, are despatched to another Member State or re-exported, no monetary compensatory amounts shall apply.'

Article 2

Part 5 of Annex I to Regulation (EEC) No 3938/87 is hereby amended as follows:

(a) the line opposite CN code 0406 30 31 and additional code 7239 is deleted;

(b) the particulars relating to CN code 0406 90 89 are amended as follows:

(1) OJ No L 148, 28. 6. 1968, p. 13.
(2) OJ No L 370, 30. 12. 1987, p. 1.
(3) OJ No L 164, 24. 6. 1985, p. 6.
(4) OJ No L 182, 3. 7. 1987, p. 1.
(5) OJ No L 196, 5. 7. 1982, p. 1.
(6) OJ No L 28, 1. 2. 1988, p. 1.
(7) OJ No L 372, 31. 12. 1987, p. 1.
(8) OJ No L 61, 7. 3. 1988, p. 1.

'CN code	Table	Additional code	Notes	Positive		Negative								
				Germany DM	Netherlands Fl	United Kingdom £	Belgium/ Luxembourg Bfrs/Lfrs	Denmark Dkr	Italy Lit	France FF	Greece Dr	Ireland £ Irl	Spain Pta	Portugal Esc
0406 90 89	14	7253		—	—	—	—	—	—	—	—	—	—	—
	14	7254		—	—	—	—	—	—	—	—	—	—	—
	14	7255		6,94	7,78	21,619	—	—	13 928	53,79	12 319,3	5,988	—	—
	14	7256		8,13	9,11	25,319	—	—	16 311	63,00	14 427,7	7,012	—	—
	14	7257		4,77	5,35	14,863	—	—	9 575	36,98	8 469,5	4,116	—	—
	14	7258		6,36	7,13	19,822	—	—	12 770	49,32	11 295,6	5,490	—	—'

Article 3

In the Appendix to Annex I (additional codes) to Regulation (EEC) No 3938/87:

(a) tables 11, 13 and 14 are replaced by the following:

'TABLE 11

CN code	Description				
0406 90 11	– Mixtures of different types of cheese with a free-at-frontier price of less than 140 ECU per 100 kg net weight:	– Cheeses imported from third countries under the provisions laid down in Regulation (EEC) No 1767/82 provided that they are covered by Annex I (i) to that Regulation if it is established that they correspond to the description given therein: – Cheeses as referred to above despatched from the importing Member State to another Member State or exported:	– Other		
			– – Of a water content calculated by weight of the non-fatty matter:	– – Of a fat content by weight in the dry matter:	
	7242	7243	– – – Not exceeding 62 %:	– – – Of less than 10 %:	7244
				– – – Of 10 % or more:	7245
			– – – Exceeding 62 %:	– – – Of less than 10 %:	7246
				– – – Of 10 % or more:	7247'

'TABLE 13

CN code	Description	
0406 90 21	– Cheeses imported from third countries under the provisions laid down in Regulation (EEC) No 1767/82 provided that the free-at-frontier value applicable for the cheese in question is respected (89), or provided that they are covered by Annex I (g) or (h) to that Regulation if it is established that they correspond to the description given therein : – Cheeses as referred to above, provided they appear in Annex (h) to Regulation (EEC) No 1767/82, despatched from the importing Member State to another Member State or exported :	– Other
	7251	7252

TABLE 14

CN code	Description				
0406 90 23 0406 90 25 0406 90 27 0406 90 29 0406 90 31 0406 90 33 0406 90 39 0406 90 50 0406 90 89	– Cheeses made exclusively from goat or sheep milk :	– Cheeses imported from third countries under the provisions laid down in Regulation (EEC) No 1767/82 provided that the import price is not less than the amount specified in Article 8 of Regulation (EEC) No 2915/79 for the cheese in question, and/or that they are covered by Annex I (m), (n), (o), (p) or (s) to Regulation (EEC) No 1767/82 if it is established that they correspond to the description given therein : – Cheeses as referred to above provided they appear in Annex I (s) to Regulation (EEC) No 1767/82, despatched from the importing Member State to another Member State or exported :	– Other :		
			– – Of a water content calculated by weight of the non-fatty matter :	– – Of a fat content by weight in the dry matter :	
	7253	7254	– – – Not exceeding 62 % :	– – – Of less than 10 % :	7255
				– – – Of 10 % or more :	7256
			– – – Exceeding 62 % :	– – – Of less than 10 % :	7257
				– – – Of 10 % or more :	7258'

(b) CN code 0406 90 89 is deleted from Table 15.

Article 4

This Regulation shall enter into force on the third 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, 4 March 1988.

For the Commission
Frans ANDRIESSEN
Vice-President