COMMISSION REGULATION (EEC) No 1311/89

of 11 May 1989

fixing the export refunds on milk and milk products and amending Regulation (EEC) No 3846/87 establishing an agricultural product nomenclature for export refunds

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 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 763/89 [2], and in particular Article 17 (5) thereof,

Having regard to the opinion of the Monetary Committee,

Whereas Article 17 of Regulation (EEC) No 804/68 provides that the difference between prices in international trade for the products listed in Article 1 of that Regulation and prices for those products within the Community may be covered by an export refund;

Whereas Council Regulation (EEC) No 876/68 of 28 June 1968 laying down general rules for granting export refunds on milk and milk products and criteria for fixing the amount of such refunds [3], as last amended by Regulation (EEC) No 1344/86 [4], provides that when the refunds on the products listed in Article 1 of Regulation (EEC) No 804/68, exported in the natural state, are being fixed account must be taken of:

— the existing situation and the future trend with regard to prices and availabilities of milk and milk products on the Community market and prices for milk and milk products in international trade,

— marketing costs and the most favourable transport charges from Community markets to ports or other points of export in the Community, as well as costs incurred in placing the goods on the market of the country of destination,

— the aims of the common organization of the market in milk and milk products which are to ensure equilibrium and the natural development of prices and trade on this market,

— the need to avoid disturbances on the Community market, and

— the economic aspect of the proposed exports;

Whereas Article 3 (1) of Regulation (EEC) No 876/68 provides that when prices within the Community are being determined account should be taken of the ruling prices which are most favourable for exportation, and that when prices in international trade are being determined particular account should be taken of:

(a) prices ruling on third country markets;

(b) the most favourable prices in third countries of destination for third country imports;

(c) producer prices recorded in exporting third countries, account being taken, where appropriate, of subsidies granted by those countries; and

(d) free-at-Community-frontier offer prices;

Whereas Article 4 of Regulation (EEC) No 876/68 provides that the world market situation or the specific requirements of certain markets may make it necessary to vary the refund on the products listed in Article 1 of Regulation (EEC) No 804/68 according to destination;

Whereas Article 5 (1) of Regulation (EEC) No 876/68 provides that the list of products on which export refunds are granted and the amount of such refunds should be fixed at least once every four weeks; whereas the amount of the refund may, however, remain at the same level for more than four weeks;

Whereas, in accordance with Article 2 of Commission Regulation (EEC) No 1098/68 of 27 July 1968 on detailed rules for the application of export refunds on milk and milk products [5], as last amended by Regulation (EEC) No 222/88 [6], the refund granted for milk products containing added sugar is equal to the sum of the two components, one of which is intended to take account of the quantity of milk products and the other is intended to take account of the quantity of added sucrose; whereas, however, the latter component is applied only if the added sucrose was produced from sugar beet or cane harvested in the Community;

[1] OJ No L 148, 28. 6. 1968, p. 13.
[2] OJ No L 84, 29. 3. 1989, p. 1.
[3] OJ No L 155, 3. 7. 1968, p. 1.
[4] OJ No L 119, 8. 5. 1986, p. 36.
[5] OJ No L 184, 29. 7. 1968, p. 10.
[6] OJ No L 28, 1. 2. 1988, p. 1.

Whereas, for products falling within subheadings ex 0402 99 11, ex 0402 99 19, ex 0404 90 51, ex 0404 90 53, ex 0404 90 91 and ex 0404 90 93 of the combined nomenclature, with a fat content by weight not exceeding 9,5 % and a non-fatty milk content in the dry matter equal to or greater than 15 % by weight, the former abovementioned component is fixed for 100 kilograms of the whole product; whereas, for the other products containing added sugar falling within headings 0402 and 0404, that component is calculated by multiplying the basic amount by the milk products content of the product concerned; whereas that basic amount is equal to the refund to be fixed for one kilogram of milk products contained in the whole product;

Whereas the second component is calculated by multiplying the sucrose content of the product by the basic amount of the refund valid on the day of exportation for the products listed in Article 1 (1) (d) of Council Regulation (EEC) No 1785/81 of 30 June 1981 on the common organization of the markets in the sugar sector [1], as last amended by Regulation (EEC) No 2306/88 [2];

Whereas, if the refund system is to operate normally, refunds should be calculated on the following basis:

— in the case of currencies which are maintained in relation to each other at any given moment within a band of 2,25 %, a rate of exchange based on their central rate, multiplied by the corrective factor provided for in the last paragraph of Article 3 (1) of Council Regulation (EEC) No 1676/85 [3], as last amended by Regulation (EEC) No 1636/87 [4],

— for other currencies, an exchange rate based on the arithmetic mean of the spot market rates of each of these currencies recorded over a given period in relation to the Community currencies referred to in the previous indent, and the aforesaid coefficient;

Whereas the level of refund for cheeses is calculated for products intended for direct consumption; whereas the cheese rinds and cheese wastes are not products intended for this purpose; whereas, to avoid any confusion in interpretation, it should be specified that there will be no refund for cheeses of a free-at-frontier value less than 140 ECU/100 kg;

Whereas Commission Regulation (EEC) No 896/84 [5], as last amended by Regulation (EEC) No 222/88, laid down additional provisions concerning the granting of refunds on the change from one milk year to another; whereas those provisions provide for the possibility of varying refunds according to the date of manufacture of the products;

Whereas Commission Regulation (EEC) No 3846/87 [6], as last amended by Regulation (EEC) No 96/89 [7], establishes an agricultural product nomenclature for export refunds;

Whereas certain processed cheeses produced in the Community do not appear in the list of descriptions of goods in sector 10 of the Annex to Regulation (EEC) No 3846/87; whereas, in order to fix a refund for such processed cheeses, the relevant code numbers must be inserted in sector 10 of the Annex to that Regulation;

Whereas footnote 10 on butter exported pursuant to Commission Regulation (EEC) No 765/86 [8] in Chapter 10 of the Annex to Regulation (EEC) No 3846/87 should be deleted since the export operation has been completed;

Whereas for the calculation of the refund for processed cheese provision must be made where casein or caseinates are added for that quantity not to be taken into account;

Whereas it follows from applying the rules set out above to the present situation on the market in milk and in particular to quotations or prices for milk products within the Community and on the world market that the refund should be as set out in the Annex to this Regulation;

Whereas, pursuant to Article 275 of the Act of Accession of Spain and Portugal, refunds may be granted in the case of exports to Portugal; whereas, in the light of the situation and the level of prices no refund should be fixed in the case of exports to Portugal;

Whereas the Management Committee for Milk and Milk Products has not delivered an opinion within the time limit set by its chairman,

HAS ADOPTED THIS REGULATION:

Article 1

1. The export refunds referred to in Article 17 of Regulation (EEC) No 804/68 for unprocessed products shall be those indicated in Annex I hereto. The export refunds for headings 0405 00 and 0406 30 of the agricultural product nomenclature in sector 10 of the Annex to Regulation (EEC) No 3846/87 are hereby replaced by those in Annex II hereto.

[1] OJ No L 177, 1. 7. 1981, p. 4.
[2] OJ No L 201, 27. 7. 1988, p. 65.
[3] OJ No L 164, 24. 6. 1985, p. 1.
[4] OJ No L 153, 13. 6. 1987, p. 1.
[5] OJ No L 91, 1. 4. 1984, p. 71.
[6] OJ No L 366, 24. 12. 1987, p. 1.
[7] OJ No L 14, 18. 1. 1989, p. 7.
[8] OJ No L 72, 15. 3. 1986, p. 11.

2. There shall be no refunds for exports to Zone E for products falling within CN codes 0401, 0402, 0403, 0404, 0405 and 2309.

3. There shall be no refunds for exports to Portugal, including the Azores and Madeira for milk and milk products listed in Article 1 of Regulation (EEC) No 804/68.

Article 2

This Regulation shall enter into force on 13 May 1989.

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

Done at Brussels, 11 May 1989.

For the Commission

Ray MAC SHARRY

Member of the Commission

ANNEX I

to the Commission Regulation of 11 May 1989 fixing the export refunds on milk and milk products

(in ECU/100 kg net weight unless otherwise indicated)

Product code	Destination (*)	Amount of refund
0401 10 10 000		5,00
0401 10 90 000		5,00
0401 20 11 100		5,00
0401 20 11 500		8,17
0401 20 19 100		5,00
0401 20 19 500		8,17
0401 20 91 100		11,14
0401 20 91 500		13,12
0401 20 99 100		11,14
0401 20 99 500		13,12
0401 30 11 100		17,08
0401 30 11 400		26,78
0401 30 11 700		40,64
0401 30 19 100		17,08
0401 30 19 400		26,78
0401 30 19 700		40,64
0401 30 31 100		48,56
0401 30 31 400		76,29
0401 30 31 700		84,21
0401 30 39 100		48,56
0401 30 39 400		76,29
0401 30 39 700		84,21
0401 30 91 100		96,09
0401 30 91 400		141,63
0401 30 91 700		165,39
0401 30 99 100		96,09
0401 30 99 400		141,63
0401 30 99 700		165,39
0402 10 11 000		55,00
0402 10 19 000		55,00
0402 10 91 000		0,5500
0402 10 99 000		0,5500
0402 21 11 200		55,00
0402 21 11 300		85,94
0402 21 11 500		91,77
0402 21 11 900		100,00
0402 21 17 000		55,00
0402 21 19 300		85,94
0402 21 19 500		91,77
0402 21 19 900		100,00
0402 21 91 100		100,88
0402 21 91 200		101,72
0402 21 91 300		103,26
0402 21 91 400		112,27
0402 21 91 500		115,34
0402 21 91 600		127,00
0402 21 91 700		134,08
0402 21 91 900		141,89
0402 21 99 100		100,88

(in ECU/100 kg net weight unless otherwise indicated)

Product code	Destination (*)	Amount of refund
0402 21 99 200		101,72
0402 21 99 300		103,26
0402 21 99 400		112,27
0402 21 99 500		115,34
0402 21 99 600		127,00
0402 21 99 700		134,08
0402 21 99 900		141,89
0402 29 15 200		0,5500
0402 29 15 300		0,8594
0402 29 15 500		0,9177
0402 29 15 900		1,0000
0402 29 19 200		0,5500
0402 29 19 300		0,8594
0402 29 19 500		0,9177
0402 29 19 900		1,0000
0402 29 91 100		1,0088
0402 29 91 500		1,1227
0402 29 99 100		1,0088
0402 29 99 500		1,1227
0402 91 11 110		5,00
0402 91 11 120		11,14
0402 91 11 310		18,33
0402 91 11 350		23,16
0402 91 11 370		29,00
0402 91 19 110		5,00
0402 91 19 120		11,14
0402 91 19 310		18,33
0402 91 19 350		23,16
0402 91 19 370		29,00
0402 91 31 100		22,82
0402 91 31 300		34,27
0402 91 39 100		22,82
0402 91 39 300		34,27
0402 91 51 000		26,78
0402 91 59 000		26,78
0402 91 91 000		96,09
0402 91 99 000		96,09
0402 99 11 110		0,0500
0402 99 11 130		0,1114
0402 99 11 150		0,1897
0402 99 11 310		21,15
0402 99 11 330		26,07
0402 99 11 350		35,72
0402 99 19 110		0,0500
0402 99 19 130		0,1114
0402 99 19 150		0,1897
0402 99 19 310		21,15
0402 99 19 330		26,07
0402 99 19 350		35,72
0402 99 31 110		0,2480
0402 99 31 150		37,31
0402 99 31 300		0,4856
0402 99 31 500		0,8421
0402 99 39 110		0,2480
0402 99 39 150		37,31
0402 99 39 300		0,4856

(in ECU/100 kg net weight unless otherwise indicated)

Product code	Destination (*)	Amount of refund
0402 99 39 500		0,8421
0402 99 91 000		0,9609
0402 99 99 000		0,9609
0403 10 11 100		5,00
0403 10 11 300		8,17
0403 10 13 000		11,14
0403 10 19 000		17,08
0403 10 31 100		0,0500
0403 10 31 300		0,0817
0403 10 33 000		0,1114
0403 10 39 000		0,1708
0403 90 11 000		55,00
0403 90 13 000		55,00
0403 90 19 000		100,88
0403 90 31 000		0,5500
0403 90 33 000		0,5500
0403 90 39 000		1,0088
0403 90 51 100		5,00
0403 90 51 300		8,17
0403 90 53 000		11,14
0403 90 59 110		17,08
0403 90 59 140		26,78
0403 90 59 170		40,64
0403 90 59 310		48,56
0403 90 59 340		76,29
0403 90 59 370		84,21
0403 90 59 510		96,09
0403 90 59 540		141,63
0403 90 59 570		165,39
0403 90 61 100		0,0500
0403 90 61 300		0,0817
0403 90 63 000		0,1114
0403 90 69 000		0,1708
0404 90 11 100		55,00
0404 90 11 910		5,00
0404 90 11 950		18,33
0404 90 13 120		55,00
0404 90 13 130		85,94
0404 90 13 140		91,77
0404 90 13 150		100,00
0404 90 13 911		5,00
0404 90 13 913		11,14
0404 90 13 915		17,08
0404 90 13 917		26,78
0404 90 13 919		40,64
0404 90 13 931		18,33
0404 90 13 933		23,16
0404 90 13 935		29,00
0404 90 13 937		34,27
0404 90 13 939		35,87
0404 90 19 110		100,88
0404 90 19 115		101,72
0404 90 19 120		103,26
0404 90 19 130		112,27
0404 90 19 135		115,34

(in ECU/100 kg net weight unless otherwise indicated)

Product code	Destination (*)	Amount of refund
0404 90 19 150		127,00
0404 90 19 160		134,08
0404 90 19 180		141,89
0404 90 19 900		—
0404 90 31 100		55,00
0404 90 31 910		5,00
0404 90 31 950		18,33
0404 90 33 120		55,00
0404 90 33 130		85,94
0404 90 33 140		91,77
0404 90 33 150		100,00
0404 90 33 911		5,00
0404 90 33 913		11,14
0404 90 33 915		17,08
0404 90 33 917		26,78
0404 90 33 919		40,64
0404 90 33 931		18,33
0404 90 33 933		23,16
0404 90 33 935		29,00
0404 90 33 937		34,27
0404 90 33 939		35,87
0404 90 39 110		100,88
0404 90 39 115		101,72
0404 90 39 120		103,26
0404 90 39 130		112,27
0404 90 39 150		115,34
0404 90 39 900		—
0404 90 51 100		0,5500
0404 90 51 910		0,0500
0404 90 51 950		21,15
0404 90 53 110		0,5500
0404 90 53 130		0,8594
0404 90 53 150		0,9177
0404 90 53 170		1,0000
0404 90 53 911		0,0500
0404 90 53 913		0,1114
0404 90 53 915		0,1708
0404 90 53 917		0,2678
0404 90 53 919		0,4064
0404 90 53 931		21,15
0404 90 53 933		26,07
0404 90 53 935		35,72
0404 90 53 937		37,31
0404 90 53 939		—
0404 90 59 130		1,0088
0404 90 59 150		1,1227
0404 90 59 930		0,5846
0404 90 59 950		0,8421
0404 90 59 990		0,9609
0404 90 91 100		0,5500
0404 90 91 910		0,0500
0404 90 91 950		21,15
0404 90 93 110		0,5500
0404 90 93 130		0,8594
0404 90 93 150		0,9177

(in ECU/100 kg net weight unless otherwise indicated)

Product code	Destination (*)	Amount of refund
0404 90 93 170		1,0000
0404 90 93 911		0,0500
0404 90 93 913		0,1114
0404 90 93 915		0,1708
0404 90 93 917		0,2678
0404 90 93 919		0,4064
0404 90 93 931		21,15
0404 90 93 933		26,07
0404 90 93 935		35,72
0404 90 93 937		37,31
0404 90 93 939		—
0404 90 99 130		1,0088
0404 90 99 150		1,1227
0404 90 99 930		0,5846
0404 90 99 950		0,8421
0404 90 99 990		0,9609
0405 00 10 100		—
0405 00 10 200		128,54
0405 00 10 300		161,71
0405 00 10 500		165,85
0405 00 10 700		170,00
0405 00 90 100		170,00
0405 00 90 900		214,00
0406 10 10 000		—
0406 10 90 000		—
0406 20 90 100		—
0406 20 90 913	028	—
	032	—
	400	87,74
	404	—
	***	87,74
0406 20 90 915	028	—
	032	—
	400	116,99
	404	—
	***	116,99
0406 20 90 917	028	—
	032	—
	400	124,30
	404	—
	***	124,30
0406 20 90 919	028	—
	032	—
	400	138,92
	404	—
	***	138,92
0406 20 90 990		—
0406 30 10 100		—
0406 30 10 150	028	—
	032	—
	036	—
	038	—
	400	20,03
	404	—
	***	23,26

(in ECU/100 kg net weight unless otherwise indicated)

Product code	Destination (*)	Amount of refund
0406 30 10 200	028	—
	032	—
	036	—
	038	—
	400	43,52
	404	—
	***	50,52
0406 30 10 250	028	—
	032	—
	036	—
	038	—
	400	43,52
	404	—
	***	50,52
0406 30 10 300	028	—
	032	—
	036	—
	038	—
	400	63,88
	404	—
	***	74,16
0406 30 10 350	028	—
	032	—
	036	—
	038	—
	400	43,52
	404	—
	***	50,52
0406 30 10 400	028	—
	032	—
	036	—
	038	—
	400	63,88
	404	—
	***	74,16
0406 30 10 450	028	—
	032	—
	036	—
	038	—
	400	93,03
	404	—
	***	108,00
0406 30 10 500		—
0406 30 10 550	028	—
	032	—
	036	—
	038	—
	400	43,52
	404	20,00
	***	50,52

(in ECU/100 kg net weight unless otherwise indicated)

Product code	Destination (*)	Amount of refund
0406 30 10 600	028	—
	032	—
	036	—
	038	—
	400	63,88
	404	28,00
	***	74,16
0406 30 10 650	028	—
	032	—
	036	—
	038	—
	400	93,03
	404	—
	***	108,00
0406 30 10 700	028	—
	032	—
	036	—
	038	—
	400	93,03
	404	—
	***	108,00
0406 30 10 750	028	—
	032	—
	036	—
	038	—
	400	113,54
	404	—
	***	131,82
0406 30 10 800	028	—
	032	—
	036	—
	038	—
	400	113,54
	404	—
	***	131,82
0406 30 10 900		—
0406 30 31 100		—
0406 30 31 300	028	—
	032	—
	036	—
	038	—
	400	20,03
	404	—
	***	23,26
0406 30 31 500	028	—
	032	—
	036	—
	038	—
	400	43,52
	404	—
	***	50,52

(in ECU/100 kg net weight unless otherwise indicated)

Product code	Destination (*)	Amount of refund
0406 30 31 710	028	—
	032	—
	036	—
	038	—
	400	43,52
	404	—
	***	50,52
0406 30 31 730	028	—
	032	—
	036	—
	038	—
	400	63,88
	404	—
	***	74,16
0406 30 31 910	028	—
	032	—
	036	—
	038	—
	400	43,52
	404	—
	***	50,22
0406 30 31 930	028	—
	032	—
	036	—
	038	—
	400	63,88
	404	—
	***	74,16
0406 30 31 950	028	—
	032	—
	036	—
	038	—
	400	93,03
	404	—
	***	108,00
0406 30 39 100		—
0406 30 39 300	028	—
	032	—
	036	—
	038	—
	400	43,52
	404	20,00
	***	50,52
0406 30 39 500	028	—
	032	—
	036	—
	038	—
	400	63,88
	404	28,00
	***	74,16

(in ECU/100 kg net weight unless otherwise indicated)

Product code	Destination (*)	Amount of refund
0406 30 39 700	028	—
	032	—
	036	—
	038	—
	400	93,03
	404	—
	***	108,00
0406 30 39 930	028	—
	032	—
	036	—
	038	—
	400	93,03
	404	—
	***	108,00
0406 30 39 950	028	—
	032	—
	036	—
	038	—
	400	113,54
	404	—
	***	131,82
0406 30 90 000	028	—
	032	—
	036	—
	038	—
	400	113,54
	404	—
	***	131,82
0406 40 00 100		—
0406 40 00 900	028	—
	032	—
	038	—
	400	120,00
	404	—
	***	131,51
0406 90 13 000	028	—
	032	—
	036	—
	038	—
	400	113,00
	404	—
	***	164,34
0406 90 15 100	028	—
	032	—
	036	—
	038	—
	400	113,00
	404	—
	***	164,34
0406 90 15 900		—

(in ECU/100 kg net weight unless otherwise indicated)

Product code	Destination (*)	Amount of refund
0406 90 17 100	028	—
	032	—
	036	—
	038	—
	400	113,00
	404	—
	***	164,34
0406 90 17 900		—
0406 90 21 100		—
0406 90 21 900	028	—
	032	—
	036	—
	038	—
	400	130,00
	404	—
	732	144,68
	***	156,68
0406 90 23 100		—
0406 90 23 900	028	—
	032	—
	036	—
	038	—
	400	65,00
	404	—
	732	128,35
	***	140,35
0406 90 25 100		—
0406 90 25 900	028	—
	032	—
	036	—
	038	—
	400	65,00
	404	—
	732	128,35
	***	140,35
0406 90 27 100		—
0406 90 27 900	028	—
	032	—
	036	—
	038	—
	400	56,14
	404	—
	***	119,71
0406 90 31 111		—
0406 90 31 119	028	—
	032	—
	036	—
	038	15,00
	400	62,48
	404	16,00
	***	93,27

(in ECU/100 kg net weight unless otherwise indicated)

Product code	Destination (*)	Amount of refund
0406 90 31 151	028	—
	032	—
	036	—
	038	—
	400	58,40
	404	14,96
	***	87,18
0406 90 31 159		—
0406 90 31 900		—
0406 90 33 111		—
0406 90 33 119	028	—
	032	—
	036	—
	038	15,00
	400	62,48
	404	16,00
	***	93,27
0406 90 33 151	028	—
	032	—
	036	—
	038	—
	400	58,40
	404	14,96
	***	87,18
0406 90 33 159		—
0406 90 33 911		—
0406 90 33 919	028	—
	032	—
	036	—
	038	15,00
	400	62,48
	404	16,00
	***	93,27
0406 90 33 951	028	—
	032	—
	036	—
	038	—
	400	58,40
	404	14,96
	***	87,18
0406 90 33 959		—
0406 90 35 110		—
0406 90 35 190	028	—
	032	—
	036	42,66
	400	160,00
	404	90,00
	***	163,54

(in ECU/100 kg net weight unless otherwise indicated)

Product code	Destination (*)	Amount of refund
0406 90 35 910		—
0406 90 35 990	028	—
	032	—
	036	—
	038	—
	400	130,00
	404	—
	***	135,00
0406 90 61 000	028	—
	032	—
	036	90,00
	400	190,00
	404	140,00
	***	190,00
0406 90 63 100	028	—
	032	—
	036	105,03
	400	220,00
	404	160,00
	***	217,12
0406 90 63 900	028	—
	032	—
	036	70,00
	400	150,00
	404	80,00
	***	170,00
0406 90 69 100		—
0406 90 69 910	028	—
	032	—
	036	70,00
	400	150,00
	404	80,00
	***	170,00
0406 90 69 990		—
0406 90 71 100		—
0406 90 71 930	028	13,50
	032	13,50
	036	—
	038	—
	400	87,23
	404	—
	***	91,15

(in ECU/100 kg net weight unless otherwise indicated)

Product code	Destination (*)	Amount of refund
0406 90 71 950	028	20,00
	032	20,00
	036	—
	038	—
	400	96,18
	404	—
	***	100,50
0406 90 71 970	028	24,00
	032	24,00
	036	—
	038	—
	400	109,31
	404	—
	***	114,22
0406 90 71 991	028	—
	032	—
	036	—
	038	—
	400	130,00
	404	—
	***	135,00
0406 90 71 995	028	27,50
	032	27,50
	036	—
	038	—
	400	65,00
	404	—
	***	140,35
0406 90 71 999		—
0406 90 73 100		—
0406 90 73 900	028	—
	032	—
	036	42,66
	400	160,00
	404	120,00
	***	156,00
0406 90 75 100		—
0406 90 75 900	028	—
	032	—
	036	—
	400	65,00
	404	—
	***	130,96
0406 90 77 100	028	24,00
	032	24,00
	036	—
	038	—
	400	58,77
	404	—
	***	114,22

(in ECU/100 kg net weight unless otherwise indicated)

Product code	Destination (*)	Amount of refund
0406 90 77 300	028	—
	032	—
	036	—
	038	—
	400	65,00
	404	—
	732	128,35
	***	140,35
0406 90 77 500	028	—
	032	—
	036	—
	038	—
	400	75,00
	404	—
	732	128,35
	***	140,35
0406 90 79 100		—
0406 90 79 900	028	—
	032	—
	036	—
	038	—
	400	56,14
	404	—
	***	119,71
0406 90 81 100		—
0406 90 81 900	028	—
	032	—
	036	—
	038	—
	400	130,00
	404	—
	***	135,00
0406 90 83 100		—
0406 90 83 910		—
0406 90 83 950	028	—
	032	—
	400	39,03
	404	—
	***	50,97
0406 90 83 990	028	—
	032	—
	400	39,03
	404	—
	***	50,97
0406 90 85 100		—
0406 90 85 910	028	—
	032	—
	036	42,67
	400	160,00
	404	90,00
	***	163,54

(in ECU/100 kg net weight unless otherwise indicated)

Product code	Destination (*)	Amount of refund
0406 90 85 991	028	—
	032	—
	036	—
	038	—
	400	130,00
	404	—
	***	135,00
0406 90 85 995	028	27,50
	032	27,50
	036	—
	038	—
	400	65,00
	404	—
	732	128,35
	***	140,35
0406 90 85 999		—
0406 90 89 100	028	13,50
	032	13,50
	036	—
	038	—
	400	87,23
	404	—
	***	91,15
0406 90 89 200	028	20,00
	032	20,00
	036	—
	038	—
	400	96,18
	404	—
	***	100,50
0406 90 89 300	028	24,00
	032	24,00
	036	—
	038	—
	400	109,31
	404	—
	***	114,22
0406 90 89 910		—
0406 90 89 951	028	—
	032	—
	036	42,66
	400	160,00
	404	90,00
	***	156,00
0406 90 89 959	028	—
	032	—
	036	—
	038	—
	400	130,00
	404	—
	***	135,00

(in ECU/100 kg net weight unless otherwise indicated)

Product code	Destination (*)	Amount of refund
0406 90 89 971	028	27,50
	032	27,50
	036	—
	038	—
	400	74,00
	404	—
	732	128,35
	***	140,35
0406 90 89 972	028	—
	032	—
	400	39,03
	404	—
	***	50,97
0406 90 89 979	028	27,50
	032	27,50
	036	—
	038	—
	400	74,00
	404	—
	732	128,35
	***	140,35
0406 90 89 990		—
0406 90 91 100		—
0406 90 91 300	028	—
	032	—
	036	—
	038	—
	400	21,46
	404	—
	***	21,46
0406 90 91 510	028	—
	032	—
	036	—
	038	—
	400	37,62
	404	—
	***	37,62
0406 90 91 550	028	—
	032	—
	036	—
	038	—
	400	45,81
	404	—
	***	45,81
0406 90 91 900		—
0406 90 93 000		—
0406 90 97 000		—
0406 90 99 000		—
2309 10 15 010		—
2309 10 15 100		—
2309 10 15 200		—
2309 10 15 300		—
2309 10 15 400		—
2309 10 15 500		—
2309 10 15 700		—

(in ECU/100 kg net weight unless otherwise indicated)

Product code	Destination (*)	Amount of refund
2309 10 15 900		—
2309 10 19 010		—
2309 10 19 100		—
2309 10 19 200		—
2309 10 19 300		—
2309 10 19 400		—
2309 10 19 500		—
2309 10 19 600		—
2309 10 19 700		—
2309 10 19 800		—
2309 10 19 900		—
2309 10 70 010		—
2309 10 70 100		16,50
2309 10 70 200		22,00
2309 10 70 300		27,50
2309 10 70 500		33,00
2309 10 70 600		38,50
2309 10 70 700		44,00
2309 10 70 800		48,40
2309 10 70 900		—
2309 90 35 010		—
2309 90 35 100		—
2309 90 35 200		—
2309 90 35 300		—
2309 90 35 400		—
2309 90 35 500		—
2309 90 35 700		—
2309 90 35 900		—
2309 90 39 010		—
2309 90 39 100		—
2309 90 39 200		—
2309 90 39 300		—
2309 90 39 400		—
2309 90 39 500		—
2309 90 39 600		—
2309 90 39 700		—
2309 90 39 800		—
2309 90 39 900		—
2309 90 70 010		—
2309 90 70 100		16,50
2309 90 70 200		22,00
2309 90 70 300		27,50
2309 90 70 500		33,00
2309 90 70 600		38,50
2309 90 70 700		44,00
2309 90 70 800		48,40
2309 90 70 900		—

ANNEX II

to the Commission Regulation of 11 May 1989 amending Regulation (EEC) No 3846/87 establishing an agricultural product nomenclature for export refunds

CN code	Description	Product code
0405 00	Butter and other fats and oils derived from milk :	
0405 00 10	– Of a fat content, by weight, not exceeding 85 % :	
	– Of less than 62 %	0405 00 10 100
	– Of 62 % or more but less than 78 %	0405 00 10 200
	– Of 78 % ore more but less than 80 %	0405 00 10 300
	– Of 80 % or more but less than 82 %	0405 00 10 500
	– Of 82 % or more	0405 00 10 700
0405 00 90	– Other :	
	– Of a fat content, by weight :	
	– Not exceeding 99,5 %	0405 00 90 100
	– Exceeding 99,5 %	0405 00 90 900
0406 30	– Processed cheese, not grated or powdered (10) :	
0406 30 10	– – In the blending of which only Emmentaler, Gruyère and Appenzell have been used and which may contain, as an addition, Glarus herb cheese (known as Schabziger) ; put up for retail sale, of a fat content by weight in the dry matter, not exceeding 56 % :	
	– – – In the blending of which only Emmentaler and Gruyère have been used of a fat content by weight in the dry matter, not exceeding 56 % :	
	– – – – Of a fat content, by weight, not exceeding 36 % and of a fat content, by weight, in the dry matter :	
	– – – – – Not exceeding 48 % :	
	– Of a dry matter content, by weight :	
	– Of less than 27 %	0406 30 10 100
	– Of 27 % or more but less than 33 %	0406 30 10 150
	– Of 33 % or more but less than 38 %	0406 30 10 200
	– Of 38 % or more but less than 43 % and of a fat content, by weight, in the dry matter :	
	– Of less than 20 %	0406 30 10 250
	– Of 20 % or more	0406 30 10 300
	– Of 43 % or more and of a fat content, by weight, in the dry matter :	
	– Of less than 20 %	0406 30 10 350
	– Of 20 % or more but less than 40 %	0406 30 10 400
	– Of 40 % or more	0406 30 10 450
	– – – – – Exceeding 48 % :	
	– Of a dry matter content, by weight :	
	– Of less than 33 %	0406 30 10 500
	– Of 33 % or more but less than 38 %	0406 30 10 550
	– Of 38 % or more but less than 43 %	0406 30 10 600
	– Of 43 % or more but less than 46 %	0406 30 10 650
	– Of 46 % or more and of a fat content, by weight, in the dry matter :	
	– Of less than 55 %	0406 30 10 700
	– Of 55 % or more	0406 30 10 750
	– – – – Of a fat content, by weight, exceeding 36 %	0406 30 10 800
	– – – Other	0406 30 10 900
	– – Other :	
	– – – Of a fat content, by weight, not exceeding 36 % and of a fat content, by weight, in the dry matter :	

CN code	Description	Product code
0406 30 31	– – – – Not exceeding 48 % :	
	– Of a dry matter content, by weight :	
	– Of less than 27 %	0406 30 31 100
	– Of 27 % or more but less than 33 %	0406 30 31 300
	– Of 33 % or more but less than 38 %	0406 30 31 500
	– Of 38 % or more but less than 43 % and of a fat content, by weight, in the dry matter :	
	– Of less than 20 %	0406 30 31 710
	– Of 20 % or more	0406 30 31 730
	– Of 43 % or more and of a fat content, by weight, in the dry matter :	
	– Of less than 20 %	0406 30 31 910
	– Of 20 % or more but less than 40 %	0406 30 31 930
	– Of 40 % or more	0406 30 31 950
0406 30 39	– – – – Exceeding 48 % :	
	– Of a dry matter content, by weight :	
	– Of less than 33 %	0406 30 39 100
	– Of 33 % or more but less than 38 %	0406 30 39 300
	– Of 38 % or more but less than 43 %	0406 30 39 500
	– Of 43 % or more but less than 46 %	0406 30 39 700
	– Of 46 % or more and of a fat content, by weight, in the dry matter :	
	– Of less than 55 %	0406 30 39 930
	– Of 55 % or more	0406 30 39 950
0406 30 90	– – – Of a fat content, by weight, exceeding 36 %	0406 30 90 000

(1) When the product falling within this subheading is a mixture containing added whey and/or added lactose and/or casein and/or caseinates, no export refund shall be granted.

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 to the product.

(2) The weight of the added non-lactic matter and/or added whey and/or added lactose and/or added casein and/or added caseinates shall not be taken into account for the purpose of calculation of the fat content by weight. When the product falling within this subheading is a mixture containing added whey and/or added lactose and/or added casein and/or added caseinates, the added whey and/or added casein and/or added caseinates shall not be taken into account in the calculation of the amount of refund.

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 kilograms of finished product, and in particular,

— the lactose content of the added whey.

(3) When the product contains casein and/or caseinates that were added before or at the time of processing, no refund shall be granted.

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.

(4) The weight of added non-lactic matter and/or added whey and/or added lactose and/or added casein and/or added caseinates shall not be taken into account for the purpose of calculation the fat content, by weight.

The refund per 100 kilograms of product falling within this subheading shall be equal to the sum of the following components:

(a) the amount per kilogram shown, multiplied by the weight of the lactic part contained in 100 kilograms of product; however, where whey and/or lactose and/or casein and/or caseinates have been added to the product, the amount per kilogram shown shall be multiplied by the weight of lactie part excluding the weight of added whey and/or added lactose and/or added caseinates, contained in 100 kilograms of product;

(b) a component calculated in accordance with the provisions of Article 2 (3) of Regulation (EEC) No 1098/68 (OJ No L 184, 29. 7. 1968, p. 10).

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 kilograms of finished products, and in particular.

— the lactose content of the added whey.

(5) The refund on 100 kilograms of product falling within this subheading is equal of the sum of the following elements:

(a) the amount per 100 kilograms shown; however, where whey and/or lactose and/or casein and/or caseinates have been added to the products, the amount per 100 kilograms shown shall be:

— multiplied by the weight of the lactic part other than the added whey and/or added lactose and/or added casein and/or added caseinates contained in 100 kilograms of product, and then

— divided by the weight of the lactic part contained in 100 kilograms of product;

(b) a component calculated in accordance with the provisions of Article 2 (3) of Regulation (EEC) No 1098/68.

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 kilograms of finished product, and, in particular,

— the lactose content of the added whey.

(6) No refund shall be paid in respect of exported cheese of which the free-at-frontier price, before application of the refund and the monetary compensatory amount, in the exporting Member State, is less than ECU 140 per 100 kilograms. This limitation to ECU per 100 kilograms does not apply to cheeses falling within subheadings 0406 90 91 and 93.

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

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

— the skimmed-milk-powder content, by weight,

— 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 kilograms of finished product.

(9) 'Special compound feedingstuffs' are compound feedingstuffs containing skimmed-milk powder and fish meal and/or more than 9 grams of iron and/or more than 1,2 grams of copper in 100 kilograms of product.

(10) The content by weight of added casein and/or added caseinates will not be taken into account for the purpose of calculating the fat content by weight. Where the product contains casein and/or caseinates, the part corresponding to the added casein and/or the added caseinates will not be taken into account for the purpose of calculating the refund.

When completing customs formalities, the party concerned is to state, on the declaration provided for the purpose, whether or not casein and/or caseinates have been added per 100 kilograms and where this is the case, the actual content by weight of added casein and/or added caseinates of finished product.