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I

(Acts whose publication is obligatory)

COMMISSION REGULATION (EEC) No 1767/82**of 1 July 1982****laying down detailed rules for applying specific import levies on certain milk products**

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 1183/82 ⁽²⁾, and in particular Article 14 (7) thereof,

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 ⁽³⁾, as last amended by Regulation (EEC) No 3605/81 ⁽⁴⁾, and in particular Article 6 thereof,

Whereas Council Regulation (EEC) No 2915/79 ⁽⁵⁾, as last amended by Regulation (EEC) No 1463/82 ⁽⁶⁾, provides for specific levies on certain cheeses from non-member countries;

Whereas the conditions for admission to the tariff headings given for most of these cheeses are laid down in Commission Regulation (EEC) No 1054/68 ⁽⁷⁾, as last amended by Regulation (EEC) No 584/82 ⁽⁸⁾, and in Commission Regulation (EEC) No 2965/79 ⁽⁹⁾, as last amended by Regulation (EEC) No 1898/81 ⁽¹⁰⁾; whereas, as a result of the most recent amendment to

Regulation (EEC) No 2915/79, admission to tariff headings is no longer the sole factor to be considered for the purposes of applying the specific levy; whereas, therefore, the Commission Regulations in this field should be amended;

Whereas, for the sake of clarity and administrative efficiency, all the provisions relating to application of the specific levy should be brought together in a single Regulation;

Whereas the detailed description of goods complicates the import procedure; whereas the import procedure could be considerably simplified if the exporting country gave an assurance that the product exported met the description of the goods in question; whereas, therefore, a product should not qualify for the specific levy unless it is accompanied by a certificate issued in a prescribed form on the responsibility of the exporting country and providing the said assurance; whereas this system of certificates is also used by non-member countries to monitor compliance with tariff quotas; whereas, consequently, no Community system need be introduced for this purpose;

Whereas Commission Regulation (EEC) No 1055/68 ⁽¹¹⁾, as amended by Regulation (EEC) No 2751/80 ⁽¹²⁾, sets the fixed amount representing delivery costs to Community customs territory in respect of certain cheeses from Finland; whereas this fixed amount is no longer a factor to be taken into consideration in respect of import of cheese from Finland; whereas the Regulation in question should therefore be repealed;

Whereas the measures provided for in this Regulation are in accordance with the opinion of the Management Committee for Milk and Milk Products,

⁽¹⁾ OJ No L 148, 28. 6. 1968, p. 13.

⁽²⁾ OJ No L 140, 20. 5. 1982, p. 1.

⁽³⁾ OJ No L 106, 12. 5. 1971, p. 1.

⁽⁴⁾ OJ No L 362, 17. 12. 1981, p. 2.

⁽⁵⁾ OJ No L 329, 24. 12. 1979, p. 1.

⁽⁶⁾ OJ No L 159, 10. 6. 1982, p. 1.

⁽⁷⁾ OJ No L 179, 25. 7. 1968, p. 25.

⁽⁸⁾ OJ No L 70, 13. 3. 1982, p. 9.

⁽⁹⁾ OJ No L 336, 29. 12. 1979, p. 15.

⁽¹⁰⁾ OJ No L 188, 10. 7. 1981, p. 14.

⁽¹¹⁾ OJ No L 179, 25. 7. 1968, p. 27.

⁽¹²⁾ OJ No L 284, 29. 10. 1980, p. 28.

HAS ADOPTED THIS REGULATION :

Article 1

1. The import levies applicable to the products listed in Annex II to Regulation (EEC) No 2915/79 shall be those listed in Annex I to this Regulation.

2. The products listed in Annex I shall qualify for the abovementioned import levies only on production of an IMA 1 certificate drawn up according to the specimen in Annex II, subject to compliance with the conditions laid down in this Regulation.

3. Admission :

- to subheading 04.02 B I a) of the Common Customs Tariff of special milk for infants, in hermetically sealed containers of a net content not exceeding 500 grams and with a fat content, by weight, exceeding 10 % but not exceeding 27 %, and
- of Glarus herb cheese (known as Schabziger), to subheading 04.04 B of the Common Customs Tariff made from skimmed milk with finely-ground herbs added,

shall be subject to production of the certificate referred to in paragraph 2 and to compliance with the conditions laid down in this Regulation.

Article 2

1. The dimensions of the form referred to in Article 1 (2) shall be 210 × 297 mm. The paper used shall weigh at least 40 g/m² and shall be white in colour.

2. The forms shall be printed and completed in an official Community language. They may also be printed and completed in an official language of the exporting country in addition to an official Community language.

3. The form shall be completed, either in typescript or in manuscript. Block letters shall be used for forms completed in manuscript.

4. Each certificate shall bear a serial number allocated to it by the issuing agency.

Article 3

1. A separate certificate must be drawn up for each type and each form of presentation of the products referred to in Article 1.

2. The certificate must contain, in respect of each type and each form of presentation, the particulars set out in Annex III.

Article 4

Within three months of the date of issue of the certificate, the original thereof shall be presented to the customs authorities of the importing Member State, together with the products to which it relates, except in unforeseeable circumstances or in cases of *force majeure*.

Article 5

1. A certificate shall be valid only if duly completed and authenticated by an issuing agency listed in Annex IV.

2. The certificate shall be regarded as duly authenticated when it shows the date and place of issue, is stamped by the issuing agency and bears the signature or signatures of the person or persons qualified to sign it.

3. A certificate on which the free-at-frontier price must be shown shall be regarded as valid even where the free-at-frontier value to be observed has altered during the period between the issue of the certificate and the placing of the product into free circulation in the Community, provided that :

- (a) the free-at-frontier price shown on the certificate is not less than the free-at-frontier value applicable on the date of issue ;
and
- (b) the certificate was issued less than a month before the change in the free-at-frontier value.

Article 6

1. An issuing agency may be listed in Annex IV only if :

- (a) it is recognized as such by the exporting country ;
- (b) it undertakes to verify the particulars set out in the certificates ;
- (c) it undertakes to supply the Commission and the Member States, upon request, with any information that may be required to assess the particulars set out in the certificates.

2. Annex IV shall be revised when the condition referred to in paragraph 1 (a) is no longer fulfilled or when an issuing agency does not fulfil one of the obligations it has undertaken.

Article 7

Member States shall take the measures necessary to check that the system of certificates established by this Regulation is operating correctly.

Article 8

No monetary compensatory amounts shall apply when the products specified in Annex I (a), (b), (d), (e), (f), (g), (i), (k), (l), and (m) are put into free circulation.

Article 9

Regulations (EEC) No 1054/68, (EEC) No 1055/68 and (EEC) No 2965/79 are hereby repealed.

Article 10

This Regulation shall enter into force on 5 July 1982.

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

Done at Brussels, 1 July 1982.

For the Commission

Poul DALSGER

Member of the Commission

ANNEX I

CCT heading No	Description	Country of origin	Import levy in ECU per 100 kg net weight
(a) ex 04.04 A	Emmentaler, Gruyère, Sbrinz, Appenzell, Vacherin fribourgeois and Tête de moine, not grated or powdered, of a minimum fat content of 45 % by weight, in the dry matter, matured for at least two months in the case of Vacherin fribourgeois and at least three months in the case of the others : — Whole cheeses with rind ⁽¹⁾ (a), of a free-at-frontier value ⁽²⁾ of not less than 348.46 ECU but less than 372.64 ECU per 100 kg net weight, — Pieces packed in vacuum or in inert gas, with rind ⁽¹⁾ (a) on at least one side, of a net weight of not less than 1 kg but less than 5 kg and of a free-at-frontier value of not less than 372.64 ECU but less than 396.82 ECU per 100 kg net weight	Switzerland	18.13
(b) ex 04.04 A	Emmentaler, Gruyère, Sbrinz, Appenzell, Vacherin fribourgeois and Tête de Moine, not grated or powdered, of a minimum fat content of 45 % by weight, in the dry matter, matured for at least two months in the case of Vacherin fribourgeois, and at least three months in the case of the others : — Whole cheeses with rind ⁽¹⁾ (a), of a free-at-frontier value ⁽²⁾, not less than 372.64 ECU per 100 kg net weight, — Pieces packed in vacuum or in inert gas ⁽³⁾, with rind ⁽¹⁾ (a) on at least one side, of a net weight of not less than 1 kg and of a free-at-frontier value ⁽²⁾ not less than 396.82 ECU per 100 kg net weight, — pieces packed in vacuum or in inert gas ⁽³⁾, of a net weight not exceeding 450 g and of a free-at-frontier value ⁽²⁾ of not less than 430.67 ECU per 100 kg net weight	Switzerland	9.07
(c) ex 04.04 A	Emmentaler, Gruyère, Sbrinz, and Bergkäse, not grated or powdered, of a minimum fat content of 45 % by weight, in the dry matter, matured for at least three months : — Whole cheeses with rind ⁽¹⁾ (a), subject to an annual tariff quota of : (a) 5 000 tonnes originating in Austria, (b) 2 950 tonnes originating in Finland — Pieces packed in vacuum or in inert gas, with rind ⁽¹⁾ (a) on at least one side, of a net weight of not less than 1 kg but less than 5 kg, subject to an annual tariff quota of : (a) 3 000 tonnes originating in Austria, (b) 1 350 tonnes originating in Finland	Austria, Finland	18.13
(d) ex 04.04 E I b) 1	Cheddar, made from unpasteurized milk, of a minimum fat content of 50 % by weight, in the dry matter, matured for at least nine months, of a free-at-frontier value ⁽²⁾ per 100 kg net weight of not less than : — 277.96 ECU in the case of whole cheeses ⁽¹⁾ (b), — 296.10 ECU in the case of cheeses of a net weight of not less than 500 g, — 308.19 ECU in the case of cheeses of a net weight of less than 500 g, subject to an annual tariff quota of 3 250 tonnes for 1982	Canada	12.09

CCT heading No	Description	Country of origin	Import levy in ECU per 100 kg net weight
(e) ex 04.04 E I b) 1	Whole cheddar cheeses ⁽¹⁾ (b), of a minimum fat content of 50 % by weight, in the dry matter, matured for at least three months and of a free-at-frontier value of not less than 271.92 ECU per 100 kg net weight, subject to an annual tariff quota of 9 000 tonnes	Australia, New Zealand	12.09
(f) ex 04.04 E I b) 1 and ex 04.04 E I b) 2	— Cheddar and — Other cheeses falling within subheading 04.04 E I b) 2, intended for processing, of a free-at-frontier value ⁽²⁾ of not less than 247.74 ECU per 100 kg net weight, subject to an annual tariff quota of 3 500 tonnes	Australia, New Zealand	12.09
(g) ex 04.04 D	Processed cheese, not grated or powdered, 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 free-at-frontier value of not less than 243 ECU per 100 kg net weight and of a fat content not exceeding 56 % by weight, in the dry matter	Switzerland	36.27
(h) ex 04.04 D	Processed cheese, not grated or powdered, 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 free-at-frontier value of not less than 243 ECU per 100 kg net weight and of a fat content not exceeding 56 % by weight, in the dry matter, subject to an annual tariff quota of (a) 3 700 tonnes originating in Austria, (b) 500 tonnes originating in Finland	Austria, Finland	36.27
(i) ex 04.04 E I b) 2	Tilsit, of a fat content not exceeding 48 % by weight, in the dry matter	Romania, Switzerland	77.70
(k) ex 04.04 E I b) 2	Tilsit, of a fat content exceeding 48 % by weight, in the dry matter	Romania, Switzerland	101.88
(l) ex 04.04 E I b) 2	Kashkaval	Bulgaria, Hungary, Israel, Romania, Turkey	65.61
(m) ex 04.04 E I b) 2	Cheese of sheep's milk or buffalo milk, in containers containing brine, or in sheepskin or goatskin bottles	Bulgaria, Hungary, Israel, Romania, Turkey, Cyprus	65.61
(n) ex 04.04 E I b) 2	Tilsit, not pressed, matured for at least one month, and Butterkäse, subject to an annual tariff quota of 1 500 tonnes, originating in Austria	Austria	55.00
(o) ex 04.04 C and ex 04.04 E I b) 2	— Blue-veined cheese, not grated or powdered, and — Edam with a fat content by weight, in the dry matter, of more than 40 % but less than 48 %, put up in forms of a net weight not exceeding 350 g (known as Geheimrat-käse), subject to an annual tariff quota of 800 tonnes, originating in Austria	Austria	50.00

CCT heading No	Description	Country of origin	Import levy in ECU per 100 kg net weight
(p) ex 04.04 E I b) 2	Feta and Kefalotyri, made from cow's milk, of a fat content not exceeding 48 % by weight, in the dry matter, subject to an annual tariff quota of 150 tonnes, originating in Austria	Austria	50.00
(q) ex 04.04 E I b) 2	Finlandia, of a minimum fat content of 45 % by weight, in the dry matter, matured for at least 100 days, in rectangular blocks of a net weight of not less than 30 kg, subject to an annual tariff quota of 2 900 tonnes	Finland	18.13

(¹) (a) 'Whole cheeses, with rind' means whole cheeses of the following net weights :

- Emmentaler : not less than 60 kg but not more than 130 kg inclusive,
- Gruyère : not less than 20 kg but not more than 45 kg inclusive,
- Bergkäse : not less than 20 kg but not more than 60 kg inclusive,
- Appenzell : not less than 6 kg but not more than 8 kg inclusive,
- Vacherin fribourgeois : not less than 6 kg but not more than 10 kg inclusive,
- Tête de moine : not less than 0.700 kg but not more than 4 kg inclusive.

For the purposes of these provisions, 'rind' is defined as follows :

'The rind of such cheeses is the outer layer formed from the cheese itself, having a distinctly more solid consistency and a distinctly darker colour.'

(b) 'Whole cheddar cheeses' means :

- whole cheeses of a net weight of not less than 33 kg but not more than 44 kg inclusive,
- cubic blocks or parallelepipeds of cheese of a net weight of not less than 10 kg.

(²) 'Free-at-frontier value' means the free-at-frontier price or fob price in the country of exportation, plus a fixed amount, where appropriate, for delivery costs to the customs territory of the Community.

(³) The concession shall apply to vacuum-packed pieces of a net weight of less than 450 g provided that the packings of such goods bear at least the following particulars :

- the name of the cheese,
- the fat content by weight in the dry matter,
- the packer responsible,
- the country of origin of the cheese.

(⁴) The expression 'put up for retail sale' shall be taken to apply to cheese put up in immediate packings of a net weight not exceeding 1 kg containing portions or slices of an individual net weight not exceeding 100 g.

1. Seller	2. Serial No of issue	ORIGINAL							
3. Buyer	CERTIFICATE for the admission of certain milk products to certain headings or subheadings of the Common Customs Tariff								
4. Number and date of invoice				5. Country of origin	6. Member State of destination				
IMPORTANT A. A separate certificate must be made out for each form of presentation of each product. B. The certificate must be in an official language of the European Economic Community. It may also contain a translation into the official language or one official language of the exporting country. C. The certificate must be made out in accordance with the Community provisions in force. D. The original and, where appropriate, a copy of the certificate must be presented to the customs office in the Community at the time when the product is being put into free circulation.									
7. Marks, numbers, number and kind of packages ; detailed description of product and particulars of its form of presentation		8. Gross weight (kg)	9. Net weight (kg)						
10. Raw material used									
11. Fat content by weight (kg) referred to dry matter									
12. Water content by weight (kg) in non-fat matter									
13. Fat content by weight (kg)									
14. Ripening period									
15. Community free-at-frontier price per 100 kg net weight (in ECU) equal to or more than :									
16. Observations : (a) tariff quota (¹) (b) intended for processing (¹)									
17. IT IS HEREBY CERTIFIED — that the particulars set out above are accurate and comply with the Community provisions in force, — that for the products described above, no discount, refund, or any other rebate will be granted to the buyer, which may lead to the product in question having a value less than the minimum import value fixed for such product (²).									
18. Issuing agency		Place : <table border="1" style="display: inline-table; vertical-align: middle;"> <tr> <td style="width: 40px; height: 20px;"></td> <td style="width: 40px; height: 20px;"></td> <td style="width: 40px; height: 20px;"></td> </tr> <tr> <td style="text-align: center;">Year</td> <td style="text-align: center;">Month</td> <td style="text-align: center;">Day</td> </tr> </table>					Year	Month	Day
Year	Month	Day							
		(Signature and stamp of issuing agency)							

ANNEX III

RULES FOR COMPLETING CERTIFICATES

The following must be completed, in addition to boxes 1 to 6, 9, 17 and 18 :

A. As regards special milk for infants falling within subheading 04.02 B I a) of the Common Customs Tariff :

1. Box 7 by specifying 'special milk for infants which is free from toxicogenic or pathogenic germs and contains per gram less than 10 000 revivifiable aerobic bacteria and less than two coliform bacteria',
2. Box 10 by specifying 'exclusively home-produced cows' milk',
3. Box 13 by specifying 'exceeding 10 % but not exceeding 27 %'.

B. As regards Emmentaler, Gruyère, Sbrinz, Bergkäse, Appenzell, Vacherin fribourgeois or Tête de moine cheese falling within subheading 04.04 A of the Common Customs Tariff :

1. Box 7 by specifying, as appropriate, 'Emmentaler cheese', 'Gruyère cheese', 'Sbrinz cheese', 'Bergkäse cheese', 'Appenzell cheese', 'Vacherin fribourgeois cheese' or 'Tête de moine cheese' and, as appropriate,
'in whole cheeses, with rind',
'in pieces packed in vacuum or in inert gas, with rind on at least one side, and of a weight of not less than 1 kg but less than 5 kg',
'in pieces packed in vacuum or in inert gas, with rind on at least one side, and of a net weight of not less than 1 kg',
'in pieces packed in vacuum or in inert gas, of a net weight not exceeding 450 g',
2. Box 10 by specifying 'exclusively home-produced cows' milk',
3. Box 11 by specifying 'at least 45 %',
4. Boxes 14 and 15 ; in the case of products originating in Austria or Finland, however, box 15 need not be completed.

C. As regards Glarus herb cheese (known as Schabziger) falling within subheading 04.04 B of the Common Customs Tariff :

1. Box 7 by specifying 'Glarus cheese (known as Schabziger)',
2. Box 10 by specifying 'exclusively home-produced skimmed milk with finely-ground herbs added'.

D. As regards the processed cheeses listed under (g) in Annex I and falling within subheading 04.04 D I of the Common Customs Tariff :

1. Box 7 by specifying 'processed cheese, put up in immediate packaging of a weight not exceeding 1 kg containing portions or slices each weighing not more than 100 g',
2. Box 10 by specifying 'exclusively home-produced Emmentaler, Gruyère and Appenzell and possibly as an addition, Glarus herb cheese (known as Schabziger)',
3. Box 11 by specifying 'not more than 56 %',
4. Box 15 ; in the case of products originating in Austria or Finland, however, Box 15 need not be completed.

E. As regards cheddar cheese listed under (d) in Annex I and falling within subheading 04.04 E I b) 1 of the Common Customs Tariff :

1. Box 7 by specifying, as appropriate :
'whole cheddar cheeses',
'cheddar cheeses in forms other than whole cheeses, of a net weight of not less than 500 g',
'cheddar cheese in forms other than whole cheeses, of a net weight of less than 500 g',

2. Box 10 by specifying 'exclusively unpasteurized home-produced cows' milk',
 3. Box 11 by specifying 'at least 50 %',
 4. Box 14 by specifying 'at least nine months',
 5. Boxes 15 and 16 by specifying the period for which the quota is valid.
- F. As regards cheddar cheeses listed under (e) in Annex I and falling within subheading 04.04 E I b) 1 of the Common Customs Tariff:
1. Box 7 by specifying 'whole cheddar cheeses',
 2. Box 10 by specifying 'exclusively home-produced cows' milk',
 3. Box 11 by specifying 'at least 50 %',
 4. Box 14 specifying 'at least three months',
 5. Boxes 15 and 16 by specifying the period for which the quota is valid.
- G. As regards cheddar cheese intended for processing as listed under (f) in Annex I and falling within subheading 04.04 E I b) 1 of the Common Customs Tariff:
1. Box 7 by specifying 'whole cheddar cheeses',
 2. Box 10 by specifying 'exclusively home-produced cows' milk',
 3. Boxes 15 and 16 by specifying the period for which the quota is valid.
- H. As regards Tilsit and Butterkäse cheeses listed under (i) and (k) in Annex I and falling within subheading 04.04 E I b) 2 of the Common Customs Tariff:
1. Box 7 by specifying as appropriate, 'Tilsit cheese' or 'Butterkäse cheese',
 2. Box 10 by specifying 'exclusively home-produced cows' milk',
 3. Boxes 11 and 12.
- I. As regards Kashkaval cheeses listed under (1) in Annex I and falling within subheading 04.04 E I b) 2 of the Common Customs Tariff:
1. Box 7 by specifying 'Kashkaval cheese',
 2. Box 10 by specifying 'exclusively home-produced sheep's milk',
 3. Boxes 11 and 12.
- K. As regards cheeses of sheep's milk or buffalo milk in containers containing brine, or in sheepskin or goatskin bottles, as listed under (m) in Annex I and falling within subheading 04.04 E I b) 2 of the Common Customs Tariff:
1. Box 7 by specifying, as appropriate, 'cheese of sheep's milk' or 'cheese of buffalo milk' and 'in containers containing brine' or 'in sheepskin or goatskin bottles',
 2. Box 10 by specifying, as appropriate, 'exclusively home-produced sheep's milk' or 'exclusively home-produced buffalo milk',
 3. Boxes 11 and 12.
- L. As regards other cheese, other than cheddar, intended for processing, as listed under (f) in Annex I and falling within subheading 04.04 E I b) 2 of the Common Customs Tariff:
1. Box 7 by specifying 'exclusively home-produced cows' milk',
 2. Boxes 15 and 16 by specifying the period for which the quota is valid.

M. As regards Edam cheese listed under (o) in Annex I and falling within subheading 04.04 E I b) 2 of the Common Customs Tariff:

1. Box 7 by specifying 'Edam cheese in forms of a net weight not exceeding 350 g (known as Gheimratskäse)',
2. Box 11 by specifying 'not less than 40 % but less than 48 %'.

N. As regards blue-veined cheeses listed under (o) in Annex I and falling within subheading 04.04 C of the Common Customs Tariff:

Box 7 by specifying 'blue-veined cheese, not grated or powdered'.

O. As regards Feta and Kefalotyri cheeses listed under (p) in Annex I and falling within subheading 04.04 E I b) 2 of the Common Customs Tariff:

1. Box 7 by specifying, as appropriate, 'Feta' or 'Kefalotyri',
2. Box 10 by specifying 'exclusively home-produced cows' milk',
3. Box 11 by specifying 'less than 48 %'.

P. As regards Finlandia cheeses listed under (q) in Annex I and falling within subheading 04.04 E I b) 2 of the Common Customs Tariff:

1. Box 7 by specifying 'Finlandia cheese in rectangular blocks, of a net weight of not less than 30 kg',
 2. Box 11 by specifying 'at least 45 %',
 3. Box 14 by specifying 'at least 100 days'.
-

ANNEX IV

Non-member country	CCT subheading and description		Issuing agency	
			Name	Location
Australia	04.04 E I b) 1 and 04.04 E I b) 2	Cheddar and cheese for processing	Department of Primary Industry	Canberra
Austria	04.04 A 04.04 C 04.04 D 04.04 E I b) 2 04.04 E I b) 2	Emmentaler Gruyère Bergkäse Blue-veined cheese Processed cheese Edam Tilsit and Butterkäse Feta and Kefalotyri	Milchwirtschaftsfonds and Österreichische Hartkäse Export-Gesellschaft, either jointly or separately	Vienna Innsbrück
Bulgaria	04.04 E I b) 2	Kashkaval and cheeses of sheep's milk or buffalo milk	Darjavna Inspektzia za Kontrol na Stokite za Iznos (DIKSI)	Sofia
Canada	04.04 E I b) 1	Cheddar	Canadian Dairy Commission Commission canadienne du lait	Ottawa
Cyprus	04.04 E I b) 2	Cheeses of sheep's milk or buffalo milk	Ministry of Commerce and Industry	Nicosia
Finland	04.04 A 04.04 D 04.04 E I b) 2	Emmentaler, Gruyère Processed cheese Finlandia	Maitotaloustuotteiden Tarkastuslaitos	Helsinki
Hungary	04.04 E I b) 2	Kashkaval and cheeses of sheep's milk or buffalo milk	Tejtermékek Magyar Allami Ellenőrző Allomasa	Budapest
Israel	04.04 E I b) 2	Cheeses of sheep's milk	Ministry of Industry and Trade, Food Division	Jerusalem
New Zealand	04.04 E I b) 1 and 04.04 E I b) 2	Cheddar and cheese for processing	New Zealand Dairy Board	Wellington
Romania	ex 04.04 E I b) 2 04.04 E I b) 2	Tilsit Kashkaval and cheeses of sheep's milk or buffalo milk	Oficiul de Control al Marfurilor	Bucharest
Switzerland	04.04 B I a)	Special milk for infants	Office fédéral de l'agriculture du département fédéral de l'économie publique	Berne
	04.04 A	Appenzell	Office commercial pour le fromage d'Appenzell	St. Gallen
	04.04 A	Emmentaler, Gruyère, Sbrinz	Union suisse du commerce de fromage SA	Berne

Non-member country	CCT subheading and description		Issuing agency	
			Name	Location
Switzerland (cont'd)	04.04 A	Vacherin fribourgeois, Tête de moine	Société suisse des fabricants de fromages à pâte molle et mi-dure SFPM	Berne
	04.04 B	Glarus herb cheese	Chambre de commerce glaronaise and Société suisse des fabricants de fromages aux herbes à rl	Glarus
	04.04 D	Processed cheese	Union suisse du commerce de fromage SA	Berne
	04.04 E I b) 2	Tilsit	Central suisse du Commerce du Tilsit and Office fédéral de l'agriculture du département fédéral de l'économie publique	Weinfelden Berne
Turkey	ex 04.04 E I b) 2	Kashkaval and cheeses of sheep's milk or buffalo milk	TC Tarim Bakanligi	Veterinary services of the Tarim Bankanligi at various locations in Turkey

COMMISSION REGULATION (EEC) No 1768/82

of 1 July 1982

amending Regulation (EEC) No 2729/81 with regard to import licences for milk
and milk products and amending Regulation (EEC) No 210/69THE 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 (EEC) No 1183/82 ⁽²⁾, and in particular Articles 13
(3), 14 (7) and 28 thereof,

Whereas Council Regulation (EEC) No 2915/79 ⁽³⁾, as
last amended by Regulation (EEC) No 1463/82 ⁽⁴⁾,
amended the Common Customs Tariff annexed to
Regulation (EEC) No 950/68 ⁽⁵⁾; whereas, as a result of
this change, import licences for certain cheeses from
certain non-member countries no longer show the
information required for monitoring the quantities
imported which qualify for a special levy; whereas it
must consequently be made compulsory to show on
applications for import licences for these cheeses and
on the licences themselves the information required to
enable the flow of imports to be monitored by amend-
ing Regulation (EEC) No 2729/81 ⁽⁶⁾, as amended by
Regulation (EEC) No 45/82 ⁽⁷⁾;

Whereas provision should also be made for the
Commission to be provided with details of import
licences; whereas an addition should therefore be
made to Commission Regulation (EEC) No 210/69 ⁽⁸⁾,
as last amended by Regulation (EEC) No 772/82 ⁽⁹⁾;

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 following Article 3a is hereby inserted in Regula-
tion (EEC) No 2729/81:

⁽¹⁾ OJ No L 148, 28. 6. 1968, p. 13.
⁽²⁾ OJ No L 140, 20. 5. 1982, p. 1.
⁽³⁾ OJ No L 329, 24. 12. 1979, p. 1.
⁽⁴⁾ OJ No L 159, 10. 6. 1982, p. 1.
⁽⁵⁾ OJ No L 172, 22. 7. 1968, p. 1.
⁽⁶⁾ OJ No L 272, 26. 9. 1981, p. 19.
⁽⁷⁾ OJ No L 5, 9. 1. 1982, p. 5.
⁽⁸⁾ OJ No L 28, 5. 2. 1969, p. 1.
⁽⁹⁾ OJ No L 88, 2. 4. 1982, p. 12.

Article 3a

For qualification for the levies provided for in
Annex I to Regulation (EEC) No 1767/82, the
application for the licence and the licence itself
shall show:

- in box 7 the designation of the products as in
the specifications given in Annex I to that
Regulation,
- in box 8 the Common Customs Tariff sub-
heading preceded by "ex",
- in box 12 the words 'valid if accompanied by
an IMA 1 certificate (Regulation (EEC) No
1767/82)',
- in boxes 13 and 14 the country of origin.

The licence carries with it an obligation to import
from the country of origin indicated.'

Article 2

The following paragraph is hereby added to Article 5a
of Regulation (EEC) No 210/69:

'Member States shall notify the Commission by
telex, by Friday of each week at the latest, of the
quantities for which import licences were issued
under Article 3a of Regulation (EEC) No 2729/81
in the previous week. These quantities shall be
broken down by country of origin and subdivision
as laid down in Annex I to Regulation (EEC) No
1767/82.'

Article 3

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, 1 July 1982.

For the Commission

Poul DALSGER

Member of the Commission

COMMISSION REGULATION (EEC) No 1769/82
of 2 July 1982
fixing the import levies on milk and milk products

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 1183/82⁽²⁾, and in particular
Article 14(8) thereof,

Having regard to the opinion of the Monetary
Committee,

Whereas Article 14 of Regulation (EEC) No 804/68
provides for charging a levy on imports of the
products listed in Article 1 of that Regulation;
whereas these products may be divided into groups;
whereas the product groups and the pilot groups and
the pilot product for each of these groups are set out
in Annex I to Council Regulation (EEC) No 2915/79
of 18 December 1979 determining the groups of
products and the special provisions for calculating
levies on milk and milk products and amending Regu-
lation (EEC) No 950/68 on the Common Customs
Tariff⁽³⁾, as last amended by Regulation (EEC) No
1463/82⁽⁴⁾;

Whereas the levy on the products in any one group
must be equal to the threshold price for the pilot
product less the free-at-frontier price; whereas these
threshold prices were fixed for the 1982/83 milk year
by Council Regulation (EEC) No 1185/82 of 18 May
1982⁽⁵⁾;

Whereas, however, Regulation (EEC) No 2915/79 lays
down special provisions for calculating the levy on
certain assimilated products; whereas these products
are listed and the method of calculating the levy on
them described in Annex II and in Articles 2 to 11 of

that Regulation respectively; whereas this method
consists in adding together the various components
defined in those Articles;

Whereas Commission Regulation (EEC) No 1073/68
of 24 July 1968 laying down detailed rules for deter-
mining free-at-frontier prices and for fixing levies in
respect of milk and milk products⁽⁶⁾, provides that the
component of the levy fixed by means of a coefficient
expressing the weight ratio between the milk powder
contained in the product and the product itself is, for
the products falling within subheading 04.02 B I b),
calculated by multiplying the basic amount by the
quantity of milk powder contained in the product;
whereas the same applies to products falling within
subheading 04.02 B II b) as regards the component of
the levy fixed by means of a coefficient expressing the
weight ratio between the milk components contained
in the product and the product itself;

Whereas the basic amount must be equal to one
hundredth part of the levy set out for each product in
the second subparagraph of Article 9(1) and the
second subparagraph of Article 9(2) of Regulation
(EEC) No 1073/68;

Whereas Annex II to Regulation (EEC) No 2915/79
listed certain products of Group 11 originating in and
consigned from certain non-member countries;
whereas the levy applicable to these products is set out
in Annex I to Regulation (EEC) No 1767/82⁽⁷⁾;

Whereas Commission Regulation (EEC) No 3700/81
of 23 December 1981⁽⁸⁾ laid down detailed interim
rules in respect of the cheese agreements with Austria
and Finland;

Whereas, within the tariff quotas referred to in Annex
I to Regulation (EEC) No 1767/82, the levy on 100
kilograms of a product of Group 10 or 11 and falling
within subheadings 04.04 E I b) 1 and b) 2 shall be
equal to 12.09 ECU;

⁽¹⁾ OJ No L 148, 28. 6. 1968, p. 13.

⁽²⁾ OJ No L 140, 20. 5. 1982, p. 1.

⁽³⁾ OJ No L 329, 24. 12. 1979, p. 1.

⁽⁴⁾ OJ No L 159, 10. 6. 1982, p. 1.

⁽⁵⁾ OJ No L 140, 20. 5. 1982, p. 4.

⁽⁶⁾ OJ No L 180, 26. 7. 1968, p. 25.

⁽⁷⁾ See page 1 of this Official Journal.

⁽⁸⁾ OJ No L 369, 24. 12. 1981, p. 33.

Whereas, for as long as it is found that on importation into the Community the price of an assimilated product for which the levy is not equal to the levy on its pilot product is considerably lower than the price which would obtain if the ratio to the price of the pilot product were normal, the levy must be equal to the sum of two components:

- one component equal to the amount resulting from the provisions of Articles 2 to 7 of Regulation (EEC) No 2915/79 applicable to the assimilated product in question,
- an additional component fixed at a level which, the composition and quality of the assimilated product being taken into account, makes it possible to re-establish normal price ratios for imports into the Community;

Whereas Article 14 (3) of Regulation (EEC) No 804/68 provides that the levy on products in respect of which the customs duty has been bound within GATT must be limited to the amount resulting from that binding;

Whereas Regulation (EEC) No 1073/68 provides that a free-at-frontier price must be established for each of the pilot products defined in Annex I to Regulation (EEC) No 2915/79; whereas these prices must be determined for products of good marketable quality;

Whereas the free-at-frontier prices must be established on the basis of the most favourable purchasing opportunities in international trade for the products listed in Article 1 (a) 2 and (b) to (g) of Regulation (EEC) No 804/68 other than assimilated products for which the levy is not equal to the levy on the related pilot products; whereas, when recording these purchasing opportunities, the Commission must take account of all information obtained direct or through the Member States concerning prices for delivery of third-country products free-at-Community-frontier and prices on third-country markets;

Whereas, however, no account should be taken of information relating to small quantities which are not representative of trade in the products in question and quantities in respect of which price trends in general or other information available to it lead the Commission to believe that the price in question is unrepresentative of the real trend of the market;

Whereas the prices used must be adjusted where they are not quoted free-at-Community-frontier or where they do not apply to products of good marketable quality; whereas the adjustment in respect of an assi-

milated product the levy on which is equal to the levy on its pilot product must be effected in such a way as to allow, in particular, for differences in composition, maturity, quality and presentation between the assimilated product and the related pilot product; whereas adjustments relating to composition must be calculated by multiplying the difference between the milk component content of the pilot product and that of the assimilated product in question by the value attributed in international trade to one unit of weight of the milk component in question; whereas, when the other adjustments are being effected, the difference between the value attributed on the Community market to each of the relevant characteristics of the pilot product and the value attributed on that market to the corresponding characteristics of the assimilated product in question must be taken into account;

Whereas, if no information on prices is available, the free-at-frontier price may, by way of exception, be established on the basis of the value of the raw materials contained in the pilot product in question (calculated on the basis of the prices of milk products for which prices are available), average processing costs and average yields;

Whereas, in exceptional circumstances, a free-at-frontier price may remain unchanged for a limited period where the new level of the price for a given quality or a specific origin, used as a basis for establishing the previous free-at-frontier price, has not reached the Commission to enable it to establish the next free-at-frontier price and if the Commission considers that the prices which are available could lead to sudden and considerable changes in the free-at-frontier price because they are not sufficiently representative of real market trends;

Whereas, in accordance with Article 19 (1) of Regulation (EEC) No 804/68, the nomenclature provided for in this Regulation is incorporated in the Common Customs Tariff;

Whereas Article 8 of Regulation (EEC) No 1073/68 provides that the levies are fixed every fortnight; whereas they may be altered in the intervening period if necessary; whereas the levy remains valid until another becomes applicable;

Whereas, if the levy 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,

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

Whereas it follows from applying these provisions that the levies on milk and milk products should be as set out in the Annex hereto,

HAS ADOPTED THIS REGULATION:

Article 1

The import levies referred to in Article 14 (1) of Regulation (EEC) No 804/68 shall be as set out in the Annex hereto.

Article 2

This Regulation shall enter into force on 5 July 1982.

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

Done at Brussels, 2 July 1982.

For the Commission

Poul DALSAGER

Member of the Commission

ANNEX

to the Commission Regulation of 2 July 1982 fixing the import levies on milk and milk products

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

CCT heading No	Description	Code	Import levy
04.01	Milk and cream, fresh, not concentrated or sweetened :		
	A. Of a fat content, by weight, not exceeding 6 % :		
	I. Yoghourt, kephir, curdled milk, whey, buttermilk and other fermented or acidified milk :		
	a) In immediate packings of a net capacity of two litres or less	0110	19.59
	b) Other	0120	17.18
	II. Other :		
	a) In immediate packings of a net capacity of two litres or less, and of a fat content, by weight :		
	1. Not exceeding 4 %	0130	17.18
	2. Exceeding 4 %	0140	21.02
	b) Other, of a fat content, by weight :		
	1. Not exceeding 4 %	0150	15.97
	2. Exceeding 4 %	0160	19.81
	B. Other, of a fat content, by weight :		
	I. Exceeding 6 % but not exceeding 21 %	0200	41.93
	II. Exceeding 21 % but not exceeding 45 %	0300	88.70
	III. Exceeding 45 %	0400	137.09
04.02	Milk and cream, preserved, concentrated or sweetened :		
	A. Not containing added sugar :		
	I. Whey	0500	10.95
	II. Milk and cream, in powder or granules :		
	a) In immediate packings of a net capacity of 2.5 kg or less and of a fat content, by weight :		
	1. Not exceeding 1.5 %	0620	75.36
	2. Exceeding 1.5 % but not exceeding 27 %	0720	132.76
	3. Exceeding 27 % but not exceeding 29 %	0820	135.18
	4. Exceeding 29 %	0920	152.52
	b) Other, of a fat content, by weight :		
	1. Not exceeding 1.5 %	1020	68.11
	2. Exceeding 1.5 % but not exceeding 27 %	1120	125.51
	3. Exceeding 27 % but not exceeding 29 %	1220	127.93
	4. Exceeding 29 %	1320	145.27

CCT heading No	Description	Code	Import levy
04.02 (cont'd)	III. Milk and cream, other than in powder or granules : a) In immediate packings of a net capacity of 2.5 kg or less and of a fat content, by weight, not exceeding 11 % : 1. Of a fat content, by weight, not exceeding 8.9 % 2. Other b) Other, of a fat content, by weight : 1. Not exceeding 45 % 2. Exceeding 45 % B. Containing added sugar : I. Milk and cream, in powder or granules : a) Special milk for infants ⁽¹⁾, in hermetically sealed containers of a net capacity of 500 g or less and of a fat content, by weight, exceeding 10 % but not exceeding 27 % ⁽²⁾ b) Other : 1. In immediate packings of a net capacity of 2.5 kg or less and of a fat content, by weight : aa) Not exceeding 1.5 % ⁽³⁾ bb) Exceeding 1.5 % but not exceeding 27 % ⁽³⁾ cc) Exceeding 27 % ⁽³⁾ 2. Other, of a fat content, by weight : aa) Not exceeding 1.5 % ⁽³⁾ bb) Exceeding 1.5 % but not exceeding 27 % ⁽³⁾ cc) Exceeding 27 % ⁽³⁾ II. Milk and cream, other than in powder or granules : a) In immediate packings of a net capacity of 2.5 kg or less and of a fat content, by weight, not exceeding 9.5 % b) Other, of a fat content, by weight : 1. Not exceeding 45 % ⁽³⁾ 2. Exceeding 45 % ⁽³⁾	1420 1520 1620 1720 1820 2220 2320 2420 2520 2620 2720 2820 2910 3010	26.11 35.25 88.70 137.09 36.27 0.6811 ⁽⁴⁾ per kg 1.2551 ⁽⁴⁾ per kg 1.4527 ⁽⁴⁾ per kg 0.6811 ⁽⁵⁾ per kg 1.2551 ⁽⁵⁾ per kg 1.4527 ⁽⁵⁾ per kg 46.11 0.8870 ⁽⁵⁾ per kg 1.3709 ⁽⁵⁾ per kg
04.03	Butter : A. Of a fat content, by weight, not exceeding 85 % B. Other	3110 3210	161.28 196.76
04.04	Cheese and curd : A. Emmentaler, Gruyère, Sbrinz, Bergkäse, Appenzell, Vacherin fribourgeois and Tête de moine, not grated or powdered B. Glaurus herb cheese (known as Schabziger), made from skimmed milk and mixed with finely-ground herbs ⁽²⁾ C. Blue-veined cheese, not grated or powdered	3300 3900 4000	177.87 ⁽⁶⁾ 200.91 ⁽⁷⁾ 136.17 ⁽⁸⁾

CCT heading No	Description	Code	Import levy
04.04 (cont'd)	D. Processed cheese, not grated or powdered, of a fat content, by weight : I. Not exceeding 36 % and of a fat content, by weight, in the dry matter : a) Not exceeding 48 % b) Exceeding 48 % II. Exceeding 36 % E. Other : I. Not grated or powdered, of a fat content, by weight, not exceeding 40 % and a water content, calculated by weight of the non-fatty matter : a) Not exceeding 47 % b) Exceeding 47 % but not exceeding 72 % : 1. Cheddar : 2. Other : c) Exceeding 72 % : 1. In immediate packings of a net capacity not exceeding 500 g 2. Other II. Other : a) Grated or powdered b) Other	 4410 4510 4610 4710 4800 5000 5210 5250 5310 5410	 138.57 ⁽⁹⁾ 139.61 ⁽⁹⁾ 236.33 200.91 188.69 ⁽¹⁰⁾ 148.02 ⁽¹¹⁾ 111.02 244.74 200.91 244.74
17.02	Other sugars in solid form ; sugar syrups, not containing added flavouring or colouring matter ; artificial honey, whether or not mixed with natural honey ; caramel : A. Lactose and lactose syrup : II. Other (than those containing, in the dry state, 99 % or more by weight of the pure product) ⁽¹²⁾	 5500	 35.30
21.07	F. Flavoured or coloured sugar syrups : I. Lactose syrup	 5600	 35.30
23.07	Sweetened forage ; other preparations of a kind used in animal feeding : B. Other, containing starch, glucose or glucose syrup falling within sub-headings 17.02 B and 21.07 F II, or milk products ⁽¹³⁾ : I. Containing starch or glucose or glucose syrup : a) Containing no starch or containing 10 % or less by weight of starch : 3. Containing not less than 50 % but not more than 75 % by weight of milk products 4. Containing not less than 75 % by weight of milk products b) Containing more than 10 % but not more than 30 % by weight of starch : 3. Containing not less than 50 % by weight of milk products c) Exceeding 30 % : 3. Containing 50 % or more by weight of milk products II. Containing no starch, glucose or glucose syrup, but containing milk products	 5700 5800 5900 6000 6100	 53.50 69.17 65.28 54.98 69.17

- (¹) For the purposes of this tariff subheading, 'special milk for infants' means products free from pathogenic toxicogenic germs and containing per gram less than 10 000 revivifiable aerobic bacteria and less than two coliform bacteria.
- (²) Inclusion under this tariff subheading is subject to conditions to be laid down by the competent authorities.
- (³) In calculating the fat content the weight of any added sugar shall be disregarded.
- (⁴) The levy on 100 kg of product falling within this subheading is equal to the sum of the following components :
- (a) the amount per kg shown, multiplied by the weight of milk and cream contained in 100 kg of product ;
 - (b) 7.25 ECU ; and
 - (c) 17.36 ECU.
- (⁵) The levy on 100 kg of product falling within this subheading is equal to the sum of the following components :
- (a) the amount per kg shown, multiplied by the weight of milk and cream contained in 100 kg of product ; and
 - (b) 17.36 ECU.
- (⁶) The levy is limited to :
- 18.13 ECU per 100 kg net weight for products listed under (a) in Annex I to Regulation (EEC) No 1767/82 imported from Switzerland and for products listed under (c) of that Annex imported from Austria or Finland,
 - 9.07 ECU per 100 kg net weight for products listed under (b) of Annex I to Regulation (EEC) No 1767/82 imported from Switzerland.
- (⁷) The levy is limited to 6 % of the customs value for imports from Switzerland, in accordance with Article 1 (3) of Regulation (EEC) No 1767/82.
- (⁸) The levy is limited to 50 ECU per 100 kg net weight for products listed under (o) and (p) of Annex I to Regulation (EEC) No 1767/82 imported from Austria.
- (⁹) The levy is limited to 36.27 ECU per 100 kg net weight for products listed under (g) of Annex I to Regulation (EEC) No 1767/82 imported from Switzerland and for products listed under (h) of that Annex imported from Austria or Finland.
- (¹⁰) The levy is limited to 12.09 ECU per 100 kg net weight :
- for products listed under (d) of Annex I to Regulation (EEC) No 1767/82 imported from Canada,
 - for products listed under (e) and (f) of that Annex imported from Australia or New Zealand.
- (¹¹) The levy is limited to :
- 77.70 ECU per 100 kg net weight for products listed under (i) of Annex I to Regulation (EEC) No 1767/82 imported from Romania or Switzerland,
 - 101.88 ECU per 100 kg net weight for products listed under (k) of that Annex imported from Romania or Switzerland,
 - 65.61 ECU per 100 kg net weight for products listed under (l) of that Annex imported from Bulgaria, Hungary, Israel, Romania or Turkey and for products listed under (m) of that Annex imported from Bulgaria, Hungary, Israel, Romania, Turkey or Cyprus,
 - to 55 ECU per 100 kg net weight for products listed under (n) of that Annex imported from Austria,
 - to 18.13 ECU per 100 kg net weight for products listed under (q) of that Annex imported from Finland.
- (¹²) Lactose and lactose syrup falling within subheading 17.02 A I are, in pursuance of Regulation (EEC) No 2730/75, subject to the same levy as that applicable to lactose and lactose syrup falling within subheading 17.02 A II.
- (¹³) For the purposes of tariff subheading ex 23.07 B 'milk products' means the products falling within tariff headings and sub-headings 04.01, 04.02, 04.03, 04.04, 17.02 A and 21.07 F I.
-

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