

COMMISSION OF THE EUROPEAN COMMUNITIES

COM(82) 179 final

Brussels, 2 April 1982

Proposal for a
COUNCIL REGULATION (EEC)
amending Regulation (EEC) No 3661/81 on interim measures concerning
application of the arrangements with Austria and Finland
concerning cheeses

Proposal for a
COUNCIL REGULATION (EEC)
amending Regulation (EEC) No 2915/79 in respect of the conditions of
entry for certain kinds of cheese falling within certain tariff headings
and amending Regulation (EEC) No 950/68 on the Common Customs Tariff

(submitted to the Council by the Commission)

COM(82) 179 final



3

.



EXPLANATORY MEMORANDUM

Subject: Draft Council Regulation amending Regulation (EEC) No 3661/81 on interim measures concerning application of the arrangements with Austria and Finland concerning cheese.

Draft Council Regulation amending Regulation (EEC) No 2915/75 in respect of the conditions of entry for certain kinds of cheese falling within certain tariff headings and amending Regulation (EEC) No 950/68 on the Common Customs Tariff.

Among the draft Regulations in the "prices package" for the milk and milk products sector now before the Council is the Commission proposal for a Regulation amending Regulation (EEC) No 2915/79 in respect of the conditions of entry for certain kinds of cheese falling within certain tariff headings and amending Regulation (EEC) No 950/68 on the Common Customs Tariff.

In recent years these Regulations have been amended in connection with the fixing of new prices; but this time the Commission has proposed a more substantial amendment following the bilateral agreements with Austria and Finland on certain kinds of cheese and a judgment of the Court of Justice of 9 July 1979 on the classification of Emmental cheese.

In principle, the CCT is amended only twice a year (1 January and 1 July). If, in exceptional cases, an adjustment proves necessary in the interim at least six weeks must be allowed for the customs authorities of the Member States to implement the amendments to the tariff headings.

In addition, the expected delayed adoption of the amendment to Regulation (EEC) No 2915/79 laying down the permanent measures for the application of the arrangements concerning cheese with the above-mentioned countries is also liable to make the procedure take longer than the six-week period mentioned. The deadline of 16 April 1982 specified for the entry into force of these permanent measures will not therefore be met.

The above-mentioned factors call for the following amendments:

1. Deferment of the date of application specified in the draft Regulation amending Regulation (EEC) No 2915/79 and Regulation (EEC) No 950/68, currently before the Council (6 July 1982 instead of 16 April 1982);

Temporary amendment (for the period up to 5 July 1982) of Regulation (EEC) No 2915/79 relating only to the free-at-frontier values with a view to adjusting them to the target price for milk and the threshold prices for the forthcoming milk year. It should be noted that it is proposed in the draft referred to in paragraph 1 that the Commission be authorized to make the mathematical adjustments to the minimum prices in question following changes in the target price in future;

Extension of the mandate given by the Council to the Commission to adopt interim measures for the application of the cheese agreements with Austria and Finland. This mandate expires on 15 April 1982 (see Council Regulation (EEC) No 3661/81) and must therefore be extended until 5 July 1982 so as not to deprive the interim measures adopted by the Commission for application of the arrangements of their legal basis.

PROPOSAL FOR A
COUNCIL REGULATION (EEC)

amending Regulation (EEC) No 3661/81 on interim measures concerning application of the arrangements with Austria and Finland concerning cheeses

THE COUNCIL 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 the 1979 Act of Accession, and in particular Article 14 thereof,

Having regard to Council Decision of 19 October 1981 on the conclusion of an overall agreement resulting from the negotiations and consultations between Austria and the European Economic Community concerning trade in various agricultural products,

Having regard to the Council Decision of 3 December 1981 on the conclusion of an agreement resulting from the negotiations and consultations between the European Economic Community and the Republic of Finland concerning trade in various agricultural products⁽²⁾,

Having regard to the proposal from the Commission,

Whereas the said agreements lay down special conditions for import of the products in question; whereas they are to enter into force at the same time; whereas this entry into force is scheduled for 1 January 1982;

(1) OJ No L 148, 28. 6.1968, p.13

(2) OJ No L 359, 15.12.1981, p.24

Whereas Article 1 of Council Regulation (EEC) No 3661/81 lays down that the interim measures concerning application of the arrangements with Austria and Finland are to be adopted by the Commission; whereas Article 2 of the said Regulation, laying down as it does that the provisions relating to the interim measures are to apply until 15 April 1982, deprives the Commission Regulation of its legal basis after that date; whereas there is likely to be a delay in the adoption of the permanent measures for the application of the arrangements, and the customs authorities may therefore need extra time to implement the provisions concerned; whereas adjustments to the CCT also take some time; whereas the deadline of 15 April 1982 should therefore be extended,

HAS ADOPTED THIS REGULATION:

Article 1

The date 15 April 1982 referred to in the second subparagraph of Article 2 of Regulation (EEC) No 3661/81 is hereby replaced by 5 July 1982.

Article 2

This Regulation shall enter into force on the third day following its publication in the Official Journal of the European Communities.

It shall apply with effect from 16 April 1982.

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

Done at Brussels,

For the Council

PROPOSAL FOR A
COUNCIL REGULATION (EEC)

amending Regulation (EEC) No 2915/79 in respect of the conditions of entry for certain kinds of cheese falling within certain tariff headings and amending Regulation (EEC) No 950/68 on the Common Customs Tariff

THE COUNCIL 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 the 1979 Act of Accession, and in particular Article 14(6) thereof,

Having regard to the proposal from the Commission,

Whereas Annex II 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⁽²⁾, as last amended by Regulation (EEC) No 3268/81⁽³⁾, lays down certain conditions for the entry into the Community of Emmentaler, Gruyère, Sbrinz, Bergkäse and Appensell cheeses falling within subheading 04.04 A 1 of the Common Customs Tariff, of Cheddar cheese falling within subheading 04.04 E I b) 1 and of other cheeses intended for processing and falling within subheading 04.04 E I b) 5 aa); whereas those conditions include the free-at-frontier values as bound under GATT; whereas those values should be adjusted to the target price for milk and the threshold price for group 10 in the Community as fixed for the 1982/83 milk year;

(1) OJ No L 148, 28.6.1968, p.13

(2) OJ No L 329, 24.12.1979, p.1

(3) OJ No L 330, 18.11.1981, p.1

Whereas the minimum prices listed in Article 11 of Regulation (EEC) No 2915/79 for Tilsit, Butterkäse, Kashkaval and cheese of sheep's milk or buffalo milk should also be adjusted to take account of world price trends;

Whereas the tariff nomenclature resulting from the application of Regulation (EEC) No 2915/79 is contained in the Common Customs Tariff,

HAS ADOPTED THIS REGULATION:

Article 1

Article 11 of Regulation (EEC) No 2915/79 shall be replaced by the following:

'Article 11

When it is observed that the price on importation into the Community from non-member countries of products falling within group II, originating in and coming from those non-member countries, is not less than:

- 221.34 ECU per 100 kilograms, in the case of products falling within subheading 04.04 E I b) 2, or
- 221.34 ECU per 100 kilograms, in the case of products falling within subheading 04.04 E I b) 3, or
- 233.43 ECU per 100 kilograms, in the case of products falling within subheading 04.04 E I b) 4,

the levy applicable per 100 kilograms shall be equal:

- (a) if the product falls within subheading 04.04 E I b) 2 aa), to the threshold price less 221.34 ECU;
- (b) if the product falls within subheading 04.04 E I b) 3 or subheading 04.04 E I b) 4, to the threshold price less 233.43 ECU;
- (c) if the product falls within subheading 04.04 E I b) 2 bb), to the sum of the following components:
 - a component equal to the levy calculated in accordance with point 1;
 - a component equal to 24.18 ECU.'

Article 2

1. The Common Customs Tariff annexed to Regulation (EEC) No 950/68 shall be amended as follows:
 - (a) as shown in Annex I to this Regulation:
 - (b) by replacement of '241.58 ECU' in note b) relating to subheading 04.04 E I b) 1 by '268.00 ECU' and
 - (c) by replacement of '217.82 ECU' in note c) relating to subheading 04.04 E I b) 1 by '243.82 ECU'.

2. Subheading 04.04 A of the Common Customs Tariff annex shall be amended as shown in Annex II to this Regulation.

Article 3

This Regulation shall enter into force on the third day following its publication in the Official Journal of the European Communities.

It shall apply with effect from 1 April 1982.

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

Done at Brussels,

For the Council

ANNEX II

CCT heading No	Description	Rate of conventional duty
04.04	<p>Cheese and curd</p> <p>A. Emmentaler, Gruyère, Sbrinz, Bergkäse and Appenzell, not grated or powdered :</p> <p>I. Of a minimum fat content of 45 % by weight, in the dry matter, matured for at least three months (a) :</p> <p>a) Whole cheeses (b) of a free-at-frontier value per 100 kg net weight of :</p> <p> ex 1. Not less than 141.45 ECU, but less than 171.37 ECU (excluding Appenzell (c) (d)</p> <p> ex 2. Not less than 171.37 ECU (excluding Bergkäse) (c)</p> <p>b) Pieces packed in vacuum or in inert gas :</p> <p> 1. With rind on at least one side, of a net weight :</p> <p> ex aa) Of not less than 1 kg but less than 5 kg and of a free-at-frontier value of not less than 165.63 ECU but less than 205.52 ECU per 100 kg net weight (excluding Appenzell) (c) (d)</p> <p> ex bb) Not less than 1 kg and of a free-at-frontier value of not less than 205.52 ECU per 100 kg net weight (excluding Bergkäse) (c)</p> <p> ex 2. Other, of a net weight of less than ^{or equal to} 450 g and of a free-at-frontier value of not less than 229.70 ECU per 100 kg net weight (other than Bergkäse) (c) (e)</p>	<p>24.18 ECU per 100 kg net weight</p> <p>9.07 ECU per 100 kg net weight</p> <p>24.18 ECU per 100 kg net weight</p> <p>9.07 ECU per 100 kg net weight</p> <p>9.07 ECU per 100 kg net weight</p>

- (a) Entry under this subheading is subject to conditions to be determined by the competent authorities.
- (b) The expression 'whole cheeses' shall be taken to apply to whole cheeses of the following weights : Emmentaler : not less than 60 kg but not more than 130 kg ; Gruyère and Sbrinz : not less than 20 kg but not more than 45 kg ; Bergkäse : not less than 20 kg but not more than 60 kg ; Appenzell : not less than 6 kg but not more than 8 kg.
- (c) The Community reserves the right to apply value limits lower than those specified in the text of the concessions. With effect from 1 July 1970 the value limits shall be adapted automatically on the basis of changes in the factors determining the formation of prices for Emmentaler in the Community. Such adjustment shall be based on an increase or reduction of 16.93 ECU in the minimum value for any upward or downward movement of 1.21 ECU per 100 kg of the common target price for milk in the Community.
- (d) The Community reserves the right to reduce customs duties autonomously from 24.18 ECU to 18.13 ECU subject to an increase of 6.04 ECU in the value limits.
- (e) Vacuum-packed pieces of a net weight of less than 450 g qualify for the concession only if their packings bear at least the following particulars :
 - description of the cheese,
 - fat content,
 - packer responsible,
 - country of manufacture.

