

COMMISSION OF THE EUROPEAN COMMUNITIES

COM(75) 117 final

Brussels, 18 March 1975

PROPOSAL FOR A REGULATION (EEC) OF THE COUNCIL

amending Regulation (EEC) No 823/68 as regards the conditions for the entry of certain cheese under certain tariff headings, and Regulation (EEC) No 950/68 on the Common Customs Tariff

(submitted to the Council by the Commission)

COM(75) 117 final

EXPLANATORY MEMORANDUM

1. In negotiations under Article XXIV-6, the Community has concluded with Canada an agreement concerning the entry of Cheddar cheese under certain conditions. If these conditions are met the import levy is fixed at 15 units of account per 100 kg net weight.

2. The entry conditions include in particular the obligation to abide by a free-at-frontier value, as in the case of Emmentaler cheese which is bound under GATT. The free-at-frontier values are linked to the target price for milk in the case of Emmentaler and to the treshold price for Cheddar.

Since the Council has decided that the prices in the Community for the 1975/76 milk year will be raised as from 16 September 1975 it is desirable, in order to avoid having to amend Regulation (EEC) No 823/68 again, to fix right away the free-at-frontier values which will be applicable on that date.

3. Regulation (EEC) No 950/68 on the Common Customs Tariff has been amended as regards the exchange rate to be used for converting into national currency the unit of account by reference to which the subheadings for Emmentaler cheese are determined. It is therefore also desirable in the interests of clarity to incorporate this amendment in Regulation (EEC) No 823/68.

Proposal for a
REGULATION (EEC) OF THE COUNCIL

- (i) amending Regulation (EEC) No 823/68 as regards the conditions for the entry of certain cheeses under certain tariff headings and (ii) Regulation (EEC) No 950/68 on the Common Customs Tariff.
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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⁽¹⁾ of 27 June 1968 on the common organization of the market in milk and milk products, as last amended by Regulation (EEC) No 465/75⁽²⁾, and in particular Article 14(6) thereof ;

Having regard to the proposal from the Commission ;

Whereas, in an arrangement concluded with Canada on 28 February 1975, it is provided that the Community shall establish, in the framework of its autonomous policy, special import arrangements for Cheddar which meets certain conditions; whereas these arrangements provide for a levy of 15 units of account per 100 kg.

Whereas Council Regulation (EEC) No 823/68⁽³⁾ of 28 June 1968 determining the groups of products and the special provisions for calculating levies on milk and milk products, as last amended by Regulation (EEC) No 467/75⁽⁴⁾, must therefore be amended ;

Whereas the price for milk and the threshold prices are to be altered with effect from 16 September 1975; whereas the free-at-frontier values of Emmentaler, Gruyere, Strinz and Appenzoll cheeses falling within subheading No 04.04 A I and the free-at-frontier value of Cheddar falling within subheading 04.04 E I (b) 1 (aa) must therefore be adjusted accordingly ;

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

(2) OJ No L 52, 28.2.1975, p. 8

(3) OJ No L 151, 30.6.1968, p. 3

(4) OJ No L 52, 28.2.1975, p. 10

Whereas Council Regulation (EEC) No 950/68⁽⁵⁾ of 28 June 1968 on the **Common Customs Tariff** was last amended by Regulation (EEC) No /75⁽⁶⁾; whereas in the interests of clarity this amendment should be incorporated in Annex II to Regulation (EEC) No 823/68 ;

Whereas the tariff nomenclature in Annex II to Regulation (EEC) No 823/68 is used in the Common Customs Tariff ;

HAS ADOPTED THIS REGULATION :

Article 1

An Article 6b as follows is inserted in Regulation (EEC) No 823/68:

"Article 6b

The levy per 100 kg of a product in Group 10 and falling within subheading 04.04 E I (b) 1 (aa) shall be equal to 15 units of account".

Article 2

Annex II to Regulation (EEC) No 823/68 is amended as follows :

(1) The description of the goods falling within subheading 04.04 E I (b) 1 of the Common Customs Tariff is replaced by the description in Annex I to this Regulation.

(2) The text of footnote 4 is replaced by the following :

"4(a) In the case of Emmentaler, Gruyère, Sbrinz, Bergkäse and Appenzell, "whole cheeses" means whole cheeses of the conventional flat cylindrical shape of the following net 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.

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(5) OJ No L 172, 22.7.1968, p. 1

(6) OJ No L p.

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(b) In the case of Cheddar, "whole cheeses" means :

- whole cheeses of the conventional flat cylindrical shape of a net weight of not less than 39 kg but not more than 44 kg
- cubic blocks of cheese of a net weight of not less than 16 kg but not more than 21 kg."

Article 3

With effect from 16 september 1975 the descriptions of the goods falling within subheadings 04.04 A I and 04.04 E I (b) 1 (aa) of the Common Customs Tariff contained in Annex II to Regulation (EEC) No 823/68 are replaced by those contained in Annex II to this Regulation.

Article 4

The following text is added after the footnotes at the end of Annex II to Regulation (EEC) No 823/68 :

"NB. For the purposes of heading No 04.04, the exchange rate to be applied in converting into national currencies the unit of account referred to in the subdivisions of this heading shall, notwithstanding General Rule C 3 contained in Part I, Section I, be the representative rate, if such a rate is fixed pursuant to Council Regulation No 129 on the value of the unit of account and the exchange rates to be applied for the purposes of the common agricultural policy (OJ No 106, 30.10.1962, p. 2553/62)."

Article 5

1. The Common Customs Tariff annexed to Regulation (EEC) No 950/68 is amended in accordance with Annex III to this Regulation.
2. With effect from 16 September 1975 the Common Customs Tariff annexed to Regulation (EEC) No 950/68 is amended in accordance with Annex IV to this Regulation.

Article 6

The changes in nomenclature provided for in Articles 1, 2, 3 and 4 shall not affect import or export licences or certificates issued before the date from which such changes are to apply.

Article 7

This Regulation shall enter into force on 1 April 1975.

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

Done at Brussels,

For the Council
The President

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ANNEX I

Amendment to Annex II to Regulation (EEC) No 823/68 as from 1 April 1975 :

Heading number	Description
04.04	<p>E. (unchanged)</p> <p>1. (unchanged)</p> <p>(a) (unchanged)</p> <p>(b) (unchanged)</p> <p>1. Cheddar, including Chester :</p> <p>(aa) Whole Cheddar cheeses⁽⁴⁾ made from unpasteurized milk, of a minimum fat content of 50% by weight, in the dry matter, matured for at least 9 months and a free-at-frontier value of not less than 186.20 UA per 100 kg net weight⁽²⁾</p> <p>(bb) Other</p>

Amendments to Annex II to Regulation (EEC) No 823/68 as from 16 September 1975 :

Heading number	Description
04.04	<p>Cheese and curd :</p> <p>A. Emmentaler, Gruyère, Sbrinz, Bergkäse and Appenzell, not grated or powdered :</p> <p>1. Of a minimum fat content of 45% by weight, in the dry matter, matured for at least 3 months⁽²⁾ :</p> <p>(a) Whole cheeses⁽⁴⁾ of a free-at-frontier value⁽⁵⁾ per 100 kg net weight of :</p> <p>1. 196.06 UA^(a) or more, but less than 216.06 UA^(a)</p> <p>2. 216.06 UA^(a) or more</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>(aa) Of not less than 1 kg but less than 5 kg and of a free-at-frontier value⁽⁵⁾ of not less than 216.06 UA^(a) but less than 244.06 UA^(a) per 100 kg net weight</p> <p>(bb) Of not less than 450 g and of a free-at-frontier value⁽⁵⁾ of not less than 244.06 UA^(a) per 100 kg net weight</p> <p>2. Other, of a net weight of not less than 95 g but not more than 250 g⁽⁶⁾ and of a free-at-frontier value⁽⁵⁾ of not less than 264.06 UA^(a) per 100 kg net weight</p> <p>II. (unchanged)</p>

(a) For imports into the United Kingdom, this free-at-frontier value shall be reduced by 9,99 UA per 100 kg net weight.

Heading number	Description
04.04	<p>E. (unchanged)</p> <p>1. (unchanged)</p> <p>(a) (unchanged)</p> <p>(b) (unchanged)</p> <p>1. Cheddar, including Chester⁽⁴⁾</p> <p>(aa) Whole Cheddar cheeses⁽⁴⁾, made from unpasteurized milk, of a minimum fat content of 50% by weight, in the dry matter, matured for at least 9 months and of a free-at-frontier value of not less than 193.10 UA per 100 kg net weight⁽²⁾</p> <p>(bb) Other</p>

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ANNEX III

Amendments to the Common Tariff as from 1 April 1975.

Chapter 4 of the Common Customs Tariff is amended as follows :

1. The text of Additional Note 4 is replaced by the following :

"(a) The expression "whole cheeses", as used in subheading 04.04 A I (a), shall be taken to apply to whole cheeses of the conventional flat cylindrical shape of the following net 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.

(b) The expression "whole cheeses", as used in subheading 04.04 E I (b) 1 (aa), shall be taken to apply to :

- Whole cheeses of the conventional flat cylindrical shape of a net weight of not less than 39 kg but not more than 44 kg ;
- cubic blocks of cheese of a net weight of not less than 16 kg but not more than 21 kg."

2. Subheading 04.04 E I (b) is amended as follows :

Heading number	Description	Rate of duty	
		autonomous % or levy (L)	conventional %
04.04	E. (unchanged)		
	1. (unchanged)		
	(a) (unchanged)		
	(b) (unchanged)		
	1. Cheddar, including Chester :		
	(aa) Whole Cheddar cheeses, made from unpasteurized milk, of a minimum fat content of 50% by weight, in the dry matter, matured for at least 9 months and of a free-at-frontier value of not less than 186.20 UA per 100 kg net weight (b)	23 (L)	-
	(bb) Other	23 (L)	-

(b) Entry under this subheading is subject to conditions to be determined by the competent authorities.

ANNEX IV

Amendments to the Common Customs Tariff as from 16 September 1975.

In Chapter 4 of the Common Customs Tariff the entries relating to subheadings 04.04 A I and E I (b) 1 (aa) are amended as follows :

Heading number	Description	Rate of duty	
		autonomous % or levy (L)	conventional %
04.04	<p>Cheese and curd (a) :</p> <p>A. Emmentaler, Gruyère, Sbrinz, Bergkäse and Appenzell, not grated or powdered :</p> <p>1. Of a minimum fat content of 45% by weight, in the dry matter, matured for at least 3 months (b) :</p> <p>(a) Whole cheeses of a free-at-frontier value per 100 kg net weight of :</p> <p>1. 196.06 UA (*) or more, but less than 216.06 UA (*)</p> <p>2. 216.06 UA (*) or more</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>(aa) Of not less than 1 kg but less than 5 kg and of a free-at-frontier value of not less than 216.06 UA (*) but less than 244.06 UA (*) per 100 kg net weight</p> <p>(bb) Of not less than 450 g and of a free-at-frontier value of not less than 244.06 UA (*) per 100 kg net weight</p>	<p>23 (L)</p> <p>23 (L)</p> <p>23 (L)</p> <p>23 (L)</p>	<p>(c)</p> <p>(c)</p> <p>(c)</p> <p>(c)</p>

ANNEX IV (contd)

1	2	3	4
	2. Other, of a net weight of not less than 75 g but not more than 250 g and of a free-at-frontier value of not less than 264.06 UA(*) per 100 kg net weight II. (unchanged)	23 (L) 23 (L)	(c) (c)

(*) For imports into the United Kingdom, this free-at-frontier value shall be reduced by 9,99 UA per 100 kg net weight.

Heading number	Description	Rates of duty	
		autonomous % or levy (L)	conventional %
04.04	E. (unchanged) I. (unchanged) (a) (unchanged) (b) (unchanged) 1. Cheddar, including Chester : (aa) Whole Cheddar cheeses, made from unpasteurized milk, of a minimum fat content of 50% by weight, in the dry matter, matured for at least 9 months and of a free-at-frontier value of not less than 193.10 UA per 100 kg net weight (b) (bb) Other	23 (L) 23 (L)	- -