

I

(Acts whose publication is obligatory)

COMMISSION REGULATION (EEC) No 164/78

of 27 January 1978

altering the monetary compensatory amounts

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

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 ⁽¹⁾, as last amended by Regulation (EEC) No 557/76 ⁽²⁾, and in particular Article 3 thereof,

Whereas the monetary compensatory amounts introduced by Regulation (EEC) No 974/71 were fixed by Commission Regulation (EEC) No 938/77 of 29 April 1977 ⁽³⁾, as last amended by Regulation (EEC) No 63/78 ⁽⁴⁾;

Whereas Parts 1 and 5 of Annex I to Regulation (EEC) No 938/77 were amended with effect from 30 January 1978 by Commission Regulation (EEC) No 3005/77 of 22 December 1977 altering the monetary compensatory amounts for certain milk products and cereals ⁽⁵⁾; whereas the new monetary compensatory amounts were fixed, according to

Article 1 of Regulation (EEC) No 3005/77, subject to their alteration to take account of movements of the exchange rates referred to in Article 2 (1) of Regulation (EEC) No 974/71;

Whereas the exchange rates for the French franc, the lira and the pound have since been adjusted and the other monetary compensatory amounts have already been altered in consequence; whereas the amounts listed in Regulation (EEC) No 3005/77 should therefore also be altered; whereas Annex I to Regulation (EEC) No 938/77 should therefore be amended accordingly,

HAS ADOPTED THIS REGULATION:

Article 1

Parts 1 and 5 of Annex I to Regulation (EEC) No 938/77 are amended to read as set out in the Annex to this Regulation.

Article 2

This Regulation shall enter into force on 30 January 1978.

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

Done at Brussels, 27 January 1978.

For the Commission

Finn GUNDELACH

Vice-President

⁽¹⁾ OJ No L 106, 12. 5. 1971, p. 1.

⁽²⁾ OJ No L 67, 15. 3. 1976, p. 1.

⁽³⁾ OJ No L 110, 30. 4. 1977, p. 6.

⁽⁴⁾ OJ No L 12, 16. 1. 1978, p. 1.

⁽⁵⁾ OJ No L 354, 31. 12. 1977, p. 1.

ANNEXE I — ANNEX I — ANHANG I — ALLEGATO I — BIJLAGE I — BILAG I

PARTIE 1 — PART 1 — TEIL 1 — PARTE 1^a — DEEL 1 — DEL 1SECTEUR DES CÉRÉALES — CEREALS — SEKTOR GETREIDE
SETTORE CEREALI — SECTOR GRANEN — KORNMontants compensatoires monétaires — Monetary compensatory amounts
Währungsausgleichsbeträge — Importi compensativi monetari
Monetaire compenserende bedragen — Monetære udligningsbeløb

Numéro du tarif douanier commun CCT heading No Nr. des Gemeinsamen Zolltarifs Numero della tariffa doganale comune Nr. van het gemeenschappelijk douanetarief Position i den fælles toldtarif	Montants à percevoir à l'importation et à octroyer à l'exportation Amounts to be charged on imports and granted on exports Beträge, die bei der Einfuhr erhoben und bei der Ausfuhr gewährt werden Importi da riscuotere all'importazione e da concedere all'esportazione Bij de invoer te heffen en bij de uitvoer te verstrekken bedragen Beløb, der skal opkræves ved indførsel og ydes ved udførsel			Montants à octroyer à l'importation et à percevoir à l'exportation Amounts to be granted on imports and charged on exports Beträge, die bei der Einfuhr gewährt und bei der Ausfuhr erhoben werden Importi da concedere all'importazione e da riscuotere all'esportazione Bij de invoer te verstrekken en bij de uitvoer te heffen bedragen Beløb, der skal ydes ved indførsel og opkræves ved udførsel			
	Deutschland DM/t	Belgique/ Luxembourg FB/Flux/t	Nederland Fl/t	United Kingdom £/t	Ireland £/t	Italia Lit/t	France FF/t
1	2	3	4	5	6	7	8
23.07 B I a) 1	4,83	13,0	0,90	3,235	0,293	4 746	21,18
23.07 B I a) 2 ⁽⁴⁾	4,83	13,0	0,90	3,235	0,293	4 746	21,18
23.07 B I b) 1	15,11	40,8	2,81	10,109	0,917	14 832	66,18
23.07 B I b) 2 ⁽⁴⁾	15,11	40,8	2,81	10,109	0,917	14 832	66,18
23.07 B I c) 1 ⁽⁵⁾	30,21	81,5	5,62	20,218	1,833	29 663	132,36
23.07 B I c) 2 ⁽⁴⁾ ⁽⁵⁾	30,21	81,5	5,62	20,218	1,833	29 663	132,36

Notes

(⁴) If the product contains powdered or granulated milk (excluding whey), the amount shown shall be increased by the following supplementary amount:

Content by weight of powdered or granulated milk (excluding whey) in the finished product of:	Germany DM/t	Belgium/ Luxembourg Bfrs/Lfrs/t	Netherlands Fl/t	United Kingdom £/t	Ireland £/t	Italy Lit/t	France FF/t
10 % or more but less than 30 %	28·20	76·1	5·25	19·805	1·712	27 690	123·56
30 % or more but less than 50 %	56·40	152·2	10·50	39·610	3·424	55 381	247·12

(a) In trade with non-member countries, the coefficient 1·71 shall be applied to the amounts indicated. The coefficient shall, however, be 1·47 in the case of products containing skimmed-milk powder sold pursuant to Regulation (EEC) No 2054/76 (OJ No L 228, 20. 8. 1976, p. 17).

(b) In intra-Community trade and in trade with non-member countries, where these products contain skimmed-milk powder and either fish meal or fish oil and/or fish liver oil or iron carbonate and/or iron sulphate and/or copper sulphate, the coefficient 0·25 shall be applied to the amounts indicated in this footnote.

(c) When completing customs formalities, the applicant shall state on the declaration provided for this purpose the content, expressed in actual weight per tonne of finished product, of:

- powdered or granulated milk (excluding whey),
- powdered or granulated whey,
- added casein or caseinate.

(⁵) For products falling within subheading 23.07 B I c) 1 or 2 of the Common Customs Tariff, containing more than 50 % by weight of products falling within heading No 07.06 or 11.04 C thereof the monetary compensatory amounts shall be those applicable to products falling within subheading 07.06 A thereof (Regulation (EEC) No 1497/76, OJ No L 167, 26. 6. 1976, p. 27).

PART 5

MILK AND MILK PRODUCTS

Monetary compensatory amounts

CCT heading No	Description	Notes	Amounts to be granted on imports and charged on exports			
			United Kingdom £/100 kg (a)	Ireland £/100 kg (a)	Italy Lit/100 kg (a)	France FF/100 kg (a)
1	2	3	7	8	9	10
ex 04.01 A I	With the exception of whey		1-363 (d)	0-118 (d)	1 905 (d)	8-50 (d)
04.01 A II			1-292 (c)	0-112 (c)	1 806 (c)	8-06 (c)
04.01 B I			1-217 (d)	0-105 (d)	1 701 (d)	7-59 (d)
04.01 B II			0-948 (d)	0-082 (d)	1 325 (d)	5-91 (d)
04.01 B III			0-764 (d)	0-066 (d)	1 068 (d)	4-77 (d)
04.02 A II a) 1			16-913	1-462	23 647	105-51
04.02 A II a) 2			11-518 (d)	0-995 (d)	16 104 (d)	71-86 (d)
04.02 A II a) 3			11-518 (d)	0-995 (d)	16 104 (d)	71-86 (d)
04.02 A II a) 4			9-339 (d)	0-807 (d)	13 057 (d)	58-26 (d)
04.02 A II b) 1			16-913	1-462	23 647	105-51
04.02 A II b) 2			11-518 (d)	0-995 (d)	16 104 (d)	71-86 (d)
04.02 A II b) 3			11-518 (d)	0-995 (d)	16 104 (d)	71-86 (d)
04.02 A II b) 4			9-339 (d)	0-807 (d)	13 057 (d)	58-26 (d)
04.02 A III a)			3-001 (d)	0-259 (d)	4 196 (d)	18-72 (d)
04.02 A III b)						
			Of a non-fatty lactic dry matter content, by weight:			
	— of less than 10 %		1-090 (d)	0-094 (d)	1 523 (d)	6-80 (d)
	— of 10 % or more but less than 25 %		3-001 (d)	0-259 (d)	4 196 (d)	18-72 (d)
	— of 25 % or more		5-456 (d)	0-472 (d)	7 628 (d)	34-04 (d)
04.02 B I a)		(^a)	21-026	1-817	29 396	131-17
04.02 B I b) 1 aa)		(^b)	16-913	1-462	23 647	105-51
04.02 B I b) 1 bb)		(^b)	11-518 (d)	0-995 (d)	16 104 (d)	71-86 (d)
04.02 B I b) 1 cc)		(^b)	9-339 (d)	0-807 (d)	13 057 (d)	58-26 (d)
04.02 B I b) 2 aa)		(^b)	16-913	1-462	23 647	105-51

CCT heading No	Description	Notes	Amounts to be granted on imports and charged on exports			
			United Kingdom £/100 kg (a)	Ireland £/100 kg (a)	Italy Lit/100 kg (a)	France FF/100 kg (a)
1	2	3	7	8	9	10
04.02 B I b) 2 bb)	Of a non-fatty lactic dry matter content, by weight: — of less than 15 % — of 15 % or more	(3)	11·518 (d)	0·995 (d)	16 104 (d)	71·86 (d)
04.02 B I b) 2 cc)			9·339 (d)	0·807 (d)	13 057 (d)	58·26 (d)
04.02 B II a)			1·363 (d)	0·118 (d)	1 905 (d)	8·50 (d)
04.02 B II b)	Of a non-fatty lactic dry matter content, by weight: — of less than 15 % — of 15 % or more but less than 25 % — of 25 % or more	(3)	3·829 (d)	0·331 (d)	5 354 (d)	23·89 (d)
			1·090 (d)	0·094 (d)	1 523 (d)	6·80 (d)
			3·829 (d)	0·331 (d)	5 354 (d)	23·89 (d)
04.03 A	Of a fatty content by weight: — of less than 80 % — of 80 % or more but less than 82 % — of 82 % or more	(4)	5·470 (d)	0·473 (d)	7 648 (d)	34·13 (d)
			— (b)	— (b)	— (b)	— (b)
			40·502	3·500	56 627	252·67
04.03 B	Of a fat content by weight in the dry matter: — of less than 10 % — of 10 % or more but less than 30 % — of 30 % or more	(4) (5)	41·514	3·588	58 042	258·99
04.04 A II			— (b)	— (b)	— (b)	— (b)
04.04 C			35·250	3·046	49 284	219·91
04.04 D II a) 1	Of a fat content by weight in the dry matter: — of less than 10 % — of 10 % or more but less than 30 % — of 30 % or more	(6)	28·953	2·502	40 480	180·63
			10·861	0·939	15 185	67·76
			16·014	1·384	22 390	99·91
04.04 D II a) 2	Of a fat content by weight in the dry matter: — of less than 55 % — of 55 % or more	(6)	23·418	2·024	32 742	146·10
			23·418	2·024	32 742	146·10
			27·772	2·400	38 828	173·26
04.04 D II b)	With the exception of Grana Padano and Parmigiano Reggiano	(6)	27·772	2·400	38 828	173·26
ex 04.04 E I a)			39·811	3·440	55 660	248·36
04.04 E I b) 1 bb)			32·726	2·828	45 755	204·16
04.04 E I b) 2		(6)	30·033	2·595	41 989	187·36

CCT heading No	Description	Notes	Amounts to be granted on imports and charged on exports			
			United Kingdom £/100 kg (a)	Ireland £/100 kg (a)	Italy Lit/100 kg (a)	France FF/100 kg (a)
1	2	3	7	8	9	10
04.04 E I b) 5	<p>— Asiago, Caciocavallo, Provolone, Ragusano, Danbo, Edam, Fontal, Fontina, Fynbo, Gouda, Havarti, Maribo, Samsø, Tilsit as well as the cheeses other than salted Ricotta of a water content, calculated by weight of the non-fatty matter, not exceeding 62 % and of a fat content, by weight, referred to dry matter:</p> <p>— of less than 10 %</p> <p>— of 10 % or more</p> <p>— Esrom, Italice, Kernhem, Saint-Nectaire, Saint-Paulin, Taleggio, Butterkäse as well as the cheeses of a water content, calculated by weight of the non-fatty matter, exceeding 62 % and of a fat content, by weight, referred to dry matter:</p> <p>— of less than 10 %</p> <p>— of 10 % or more</p> <p>Of a fat content, by weight in the dry matter:</p> <p>— of less than 10 %</p> <p>— of 10 % or more</p>	(⁶) (⁶) (⁶) (⁶) (⁶) (⁶) (⁶) (⁶) (⁷) (⁷) (⁷) (⁷) (⁷)	22.640 30.033 15.565 23.427 7.075 11.829 39.811 25.216 — — 0.323 1.011 —	1.956 2.595 1.345 2.025 0.611 1.022 3.440 2.179 — — 0.029 0.092 —	31.654 41.989 21.762 32.754 9.892 16.538 55.660 35.255 — — 475 1.483 —	141.24 187.36 97.10 146.15 44.14 73.80 248.36 157.31 — — 2.12 6.62 —
04.04 E I c)						
04.04 E II a)						
04.04 E II b)						
23.07 B I a) 3						
23.07 B I a) 4						
23.07 B I b) 3						
23.07 B I c) 3						
23.07 B II						
(a) Basic amount per 100 kg net of product.			0.488	0.042	683	3.05
(b) Supplementary amount per 100 kg net of product for each % of milk fat content:			0.457	0.040	639	2.85
(c) Supplementary amount per 100 kg net of product for each % of milk fat content:			0.468	0.040	654	2.92
(d) Supplementary amount per 100 kg net of product for each % of milk fat content:						

Notes

- (¹) For skimmed-milk powder sold pursuant to Regulation (EEC) No 2054/76 (OJ No L 228, 20. 8. 1976) the amount indicated shall be multiplied by the coefficient 0.86.

For skimmed-milk powder consigned to Italy from another Member State in accordance with Regulation (EEC) No 1624/76 (OJ No L 180, 6. 7. 1976) the amount indicated shall be multiplied by the coefficient 0.59.

For skimmed-milk powder sold pursuant to Regulation (EEC) No 368/77 (OJ No L 52, 24. 2. 1977) or Regulation (EEC) No 443/77 (OJ No L 58, 3. 3. 1977), consigned in the natural state to another Member State, the amount indicated shall be multiplied by the coefficient 0.15.

- (²) In intra-Community trade, where the product has been denatured in accordance with Article 2 of Regulation (EEC) No 990/72 (OJ No L 115, 17. 3. 1972), the basic amount and any additional amount shall be replaced by a single amount of:

- £ 9.903 per 100 kg for the United Kingdom,
- £ 0.856 per 100 kg for Ireland,
- Lit 13 845 per 100 kg for Italy,
- FF 61.78 per 100 kg for France.

- (³) The basic amount for 100 kg of product falling within this subheading shall be equal to the sum of the following:

- (a) the amount per 100 kg indicated multiplied by $\frac{1}{100}$ of the weight of milk and cream contained in 100 kg of the product;
- (b) a further amount for each percentage point of sucrose content in 100 kg net of the product, equal to $\frac{1}{100}$ of the amount indicated in Part 7 of Annex I to this Regulation under subheading 17.01 A (undenatured) of the Common Customs Tariff.

- (⁴) However, for butter covered by the measures provided for:

- in Regulation (EEC) No 1282/72 (OJ No L 142, 22. 6. 1972), the amount indicated shall be multiplied by the coefficient 0.42;
- in Regulation (EEC) No 1717/72 (OJ No L 181, 9. 8. 1972), the amount indicated shall be multiplied by the coefficient 0.40;
- in Regulation (EEC) No 349/73 (OJ No L 40, 13. 2. 1973), the amount indicated shall be multiplied by the coefficient 0.47;
- in Regulation (EEC) No 232/75 (OJ No L 24, 31. 1. 1975), the amount indicated shall be multiplied:
 - by the coefficient 0.34 where the butter is to be used in formula A products,
 - by the coefficient 0.54 where the butter is to be used in formula B products.

- (⁵) For imports into the United Kingdom from New Zealand pursuant to Protocol 18, the monetary compensatory amount shall be £ 21.190 per 100 kg and the coefficient shall not be applied to the special levy.

- (⁶) With respect to cheese rinds and wastes the monetary compensatory amount applicable shall be that applicable to products of subheading 04.04 E I c) of a fat content, by weight, in the dry matter of 10 % or more. Products unfit as such for human consumption shall be regarded as cheese wastes.

- (⁷) When completing customs formalities, the applicant shall state on the declaration provided for this purpose the content, expressed in actual weight per 100 kg of finished product, of:

- powdered or granulated milk (excluding whey),
- powdered or granulated whey,
- added casein and/or caseinate.

If the milk products contain powdered or granulated milk (excluding whey), the amount shown shall be increased by the following supplementary amounts:

Content by weight in powdered or granulated milk (excluding whey) in the finished product of:	United Kingdom £/100 kg	Ireland £/100 kg	Italy Lit/100 kg	France FF/100 kg
10 or more but less than 30 %	1.981	0.171	2 769	12.36
30 or more but less than 50 %	3.961	0.342	5 538	24.71
50 or more but less than 70 %	5.942	0.513	8 307	37.07
70 or more but less than 80 %	7.427	0.642	10 384	46.33
80 % or more	8.417	0.727	11 768	52.51

In trade with third countries, the coefficient 1.71 shall be applied to the amounts indicated above. The coefficient shall, however, be 1.47 in the case of products containing skimmed-milk powder sold pursuant to Regulation (EEC) No 2054/76 (OJ No L 228, 20. 8. 1976).

In intra-Community trade, where the product has not been produced in accordance with Regulation (EEC) No 990/72 (OJ No L 115, 17. 3. 1972), the coefficient 1.71 shall be applied to the amounts indicated above. However, this coefficient shall not be applied to products consigned to Italy from another Member State in accordance with Regulation (EEC) No 1624/76 (OJ No L 180, 6. 7. 1976).

In intra-Community trade and in trade with third countries, where these products contain skimmed-milk powder denatured pursuant to Regulation (EEC) No 368/77 (OJ No L 52, 24. 2. 1977), to Regulation (EEC) No 443/77 (OJ No L 58, 3. 3. 1977), or to Regulation (EEC) No 1844/77 (OJ No L 205, 11. 8. 1977), and either fish meal or fish oil and/or fish liver oil or iron carbonate and/or iron sulphate and/or copper sulphate, the amounts indicated above shall be multiplied by the coefficient 0.25.

N.B. For the calculation of fat content, non-milk fats are not be taken into account.