COMMISSION REGULATION (EEC) No 548/79

of 22 March 1979

amending Part 8 of Annex I to Regulation (EEC) No 1036/78 fixing the monetary compensatory amounts and certain coefficients and rates for their application

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 6 thereof,

Whereas the monetary compensatory amounts introduced under Regulation (EEC) No 974/71 were fixed by Commission Regulation (EEC) No 1036/78 (3), as last amended by Regulation (EEC) No 547/79 (4);

Whereas no monetary compensatory amount is applied to unprocessed whey or whey incorporated in other products of the milk and milk products sector; whereas in the last few weeks preparations containing whey and a small quantity of cocoa have been manufactured for the purpose of profiting from monetary compensatory amounts applicable to goods not listed in Annex II to the Treaty; whereas these preparations fall within tariff subheading 18.06 D and the characteristics of goods falling within tariff subheading 21.07 G II are such that there is a risk of similar abuse; whereas it is consequently necessary to discount the milk component of such products in calculating the monetary compensatory amount if whey and/or lactose has been added; whereas goods made up in small packages can however be excluded from the scope of this provision;

Whereas the above measure is limited for the moment to products for which the situation referred to above has arisen or might easily arise; whereas its extension to other products if similar operations are mounted must be anticipated;

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

Part 8 of Annex I to Regulation (EEC) No 1036/78 is amended as follows:

1. In respect of goods falling within tariff subheadings 18.06 D I b), 18.06 D II a) 2, 21.07 G II a), 21.07 G II b) and 21.07 G II c) a note as follows is added:

'(8) If the product contains added whey and/or lactose no compensatory amount shall be granted for the milk products incorporated; in such cases the compensatory amount is to be calculated on the quantities of common wheat and sugar indicated in the Annex to Regulation (EEC) No 1060/69, less 10 %.

When completing customs formalities:

— in respect of exports from a Member State with a depreciated currency,

— in respect of imports from a Member State with an appreciated currency,

— in respect of exports from a Member State making use of the option provided for in Article 2a of Regulation (EEC) No 974/71,

the applicant shall state on the declaration provided for this purpose whether or not whey and/or lactose have been added to the product.

However, if compensatory amounts have to be charged, the amounts fixed shall apply normally.'

2. In respect of goods falling within tariff subheadings 21.07 G II a), 21.07 G II b) and 21.07 G II c) a note as follows is added:

'(9) The first and second parts of note (8) shall not apply to goods in immediate packings of a net capacity of 1 kg or less.'

Article 2

This Regulation shall enter into force on the 15th day following its publication in the *Official Journal of the European Communities.*

(1) OJ No L 106, 12. 5. 1971, p. 1.
(2) OJ No L 67, 15. 3. 1976, p. 1.
(3) OJ No L 133, 22. 5. 1978, p. 1.
(4) See page 19 of this Official Journal.

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

Done at Brussels, 22 March 1979.

For the Commission

Finn GUNDELACH

Vice-President