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(Acts whose publication is obligatory)

COUNCIL REGULATION (EEC) No 3207/89**of 23 October 1989****amending Regulation (EEC) No 3034/80 fixing the quantities of basic products considered to have been used in the manufacture of goods covered by Regulation (EEC) No 3033/80**

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

HAS ADOPTED THIS REGULATION:

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 3033/80 of 11 November 1980 laying down the trade arrangements applicable to certain goods resulting from the processing of agricultural products⁽¹⁾, as amended by Regulation (EEC) No 3743/87⁽²⁾, and in particular Article 4 (1) thereof,

Having regard to the proposal from the Commission,

Whereas experience has shown that, for goods with a milkfat content of between 3 and 40 %, certain quantities of basic products mentioned in Annex II to Regulation (EEC) No 3034/80⁽³⁾, as last amended Regulation (EEC) No 4091/87⁽⁴⁾, must be changed; whereas this measure calls for a modification of the table with the additional codes in Annex III to that Regulation;

Whereas the parameter 'milk proteins' used for calculating the variable component to be charged on importation must be further defined,

Article 1

Regulation (EEC) No 3034/80 is hereby amended as follows:

1. Annex II, Part A, with respect to the milkfat contents of between 3 and 40 %, is amended as shown in Annex I to this Regulation.
2. Annex III is replaced by the Annex appearing in Annex II to this Regulation.

Article 2

This Regulation shall enter into force on 1 January 1990.

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

Done at Luxembourg, 23 October 1989.

For the Council

The President

H. NALLET

⁽¹⁾ OJ No L 323, 29. 11. 1980, p. 1.

⁽²⁾ OJ No L 352, 15. 12. 1987, p. 29.

⁽³⁾ OJ No L 323, 29. 11. 1980, p. 7.

⁽⁴⁾ OJ No L 382, 31. 12. 1987, p. 27.

ANNEX I

Milk fat, milk proteins, sucrose, inert sugar and isoglucose : Starch and glucose contents	(per 100 kg of goods)		
	Skimmed-milk powder (PG 2)	Whole milk powder (PG 3)	Butter (PG 6)
	kg	kg	kg
Containing 3 % or more but less than 6 % by weight of milk fats :			
Containing no milk proteins or containing less than 2,5 % by weight of such proteins			6
Containing by weight of milk proteins :			
2,5 % or more but less than 12 %	12	20	
12 % or more	71		6
Containing 6 % or more but less than 9 % by weight of milk fats :			
Containing no milk proteins or containing less than 4 % by weight of such proteins			10
Containing by weight of milk proteins :			
4 % or more but less than 15 %	10	32	
15 % or more	71		10
Containing 9 % or more but less than 12 % by weight of milk fats :			
Containing no milk proteins or containing less than 6 % by weight of such proteins			14
Containing by weight of milk proteins :			
6 % or more but less than 18 %	9	43	
18 % or more	70		14
Containing 12 % or more but less than 18 % by weight of milk fats :			
Containing no milk proteins or containing less than 6 % by weight of such proteins			20
Containing by weight of milk proteins :			
6 % or more but less than 18 %		56	2
18 % or more	65		20
Containing 18 % or more but less than 26 % by weight of milk fats :			
Containing no milk proteins or containing less than 6 % by weight of such proteins			29
Containing 6 % or more by weight of milk proteins	50		29
Containing 26 % or more but less than 40 % by weight of milk fats :			
Containing no milk proteins or containing less than 6 % by weight of such proteins			45
Containing 6 % or more by weight of milk proteins	38		45

ANNEX II

ANNEX III

Milk fat (% by weight)	Milk proteins (% by weight) (***)	Starch/Glucose (% by weight) (*)																		
		≥ 0 < 5					≥ 5 < 25					≥ 25 < 50				≥ 50 < 75			≥ 75	
		Sucrose/Invert sugar/Isoglucose (% by weight) (**)																		
		≥ 0 < 5	≥ 5 < 30	≥ 30 < 50	≥ 50 < 70	≥ 70	≥ 0 < 5	≥ 5 < 30	≥ 30 < 50	≥ 50 < 70	≥ 70	≥ 0 < 5	≥ 5 < 30	≥ 30 < 50	≥ 50	≥ 0 < 5	≥ 5 < 30	≥ 30	≥ 0 < 5	≥ 5
≥ 0 < 1,5	≥ 0 < 2,5 ≥ 2,5 < 6 ≥ 6 < 18 ≥ 18 < 30 ≥ 30 < 60 ≥ 60	000 020 040 060 080 800	001 021 041 061 081 801	002 022 042 062 082 802	003 023 043 063 083 x	004 024 044 064 084 x	005 025 045 065 085 805	006 026 046 066 086 806	007 027 047 067 087 807	008 028 048 068 088 x	009 029 049 069 x	010 030 050 070 090 810	011 031 051 071 091 811	012 032 052 072 092 x	013 033 053 073 x	015 035 055 075 095 x	016 036 056 076 096 x	017 037 057 077 x	758 768 778 788 x	759 769 779 789 x
≥ 1,5 < 3	≥ 0 < 2,5 ≥ 2,5 < 6 ≥ 6 < 18 ≥ 18 < 30 ≥ 30 < 60 ≥ 60	100 120 140 160 180 820	101 121 141 161 181 821	102 122 142 162 182 822	103 123 143 163 183 x	104 124 144 164 184 x	105 125 145 165 185 825	106 126 146 166 186 826	107 127 147 167 187 827	108 128 148 168 188 x	109 129 149 169 190 x	110 130 150 170 191 830	111 131 151 171 191 831	112 132 152 172 192 x	113 133 153 173 192 x	115 135 155 175 195 x	116 136 156 176 196 x	117 137 157 177 197 x	798 808 818 828 x	799 809 819 829 x
≥ 3 < 6	≥ 0 < 2,5 ≥ 2,5 < 12 ≥ 12	840 200 260	841 201 261	842 202 262	843 203 263	844 204 264	845 205 265	846 206 266	847 207 267	848 208 268	849 209 269	850 210 270	851 211 271	852 212 272	853 213 273	855 215 275	856 216 276	857 217 x	858 220 838	859 221 x
≥ 6 < 9	≥ 0 < 4 ≥ 4 < 15 ≥ 15	860 300 360	861 301 361	862 302 362	863 303 363	864 304 364	865 305 365	866 306 366	867 307 367	868 308 368	869 309 369	870 310 370	871 311 371	872 312 372	873 313 373	875 315 375	876 316 376	877 317 x	878 320 378	879 321 x
≥ 9 < 12	≥ 0 < 6 ≥ 6 < 18 ≥ 18	900 400 460	901 401 461	902 402 462	903 403 463	904 404 464	905 405 465	906 406 466	907 407 467	908 408 468	909 409 x	910 410 470	911 411 471	912 412 472	913 413 x	915 415 475	916 416 476	917 417 x	918 420 x	919 421 x
≥ 12 < 18	≥ 0 < 6 ≥ 6 < 18 ≥ 18	940 500 560	941 501 561	942 502 562	943 503 563	944 504 564	945 505 565	946 506 566	947 507 567	948 508 568	949 509 x	950 510 570	951 511 571	952 512 572	953 513 x	955 515 575	956 516 576	957 517 x	958 520 x	959 521 x
≥ 18 < 26	≥ 0 < 6 ≥ 6	960 600	961 601	962 602	963 603	964 604	965 605	966 606	967 607	968 608	969 609	970 610	971 611	972 612	973 613	975 615	976 616	977 x	978 620	979 x
≥ 26 < 40	≥ 0 < 6 ≥ 6	980 700	981 701	982 702	983 703	984 x	985 705	986 706	987 707	988 708	x	990 710	991 711	992 712	x	995 715	996 716	x	x	x
≥ 40 < 55 ≥ 55 < 70 ≥ 70 < 85 ≥ 85		720 740 760 780	721 741 761 781	722 742 762 x	723 x x x	x x x	725 745 765 785	726 746 766 786	727 747 x x	728 x x x	x x x	730 750 770 x	731 751 771 x	732 x x x	x x x x	735 x x x	736 x x x	x x x x	x x x x	

(*) Starch/Glucose
The content of the goods (as presented) in starch, its degradation products, i.e. all the polymers of glucose, and the glucose, determined as glucose and expressed as starch (on a dry matter basis, 100 % purity, factor for conversion of glucose to starch : 0,9).
However, where a mixture of glucose and fructose is declared (in whatever form) and/or is found to be present in the goods, the amount of glucose to be included in the above calculation is that which is in excess of the fructose content of the goods.

(**) Sucrose/Invert sugar/Isoglucose
The content of the goods (as presented), in sucrose, together with the sucrose which results from expressing as sucrose any mixture of glucose and fructose (the arithmetical sum of the amounts of these two sugars multiplied by 0,95), which is declared (in whatever form) and/or found to be present in the goods.
However, where the fructose content of the goods is less than the glucose content, the amount of glucose to be included in the above calculation shall be an amount equal, by weight, to that of fructose.

Note : In all cases, where a hydrolysis product of lactose is declared, and/or galactose is found to be present among the sugars, then the amount of glucose equal to that of galactose is deducted from the total glucose content before any other calculations are carried out.

(***) Milk proteins
Caseins and/or caseinates forming part of goods shall not be regarded as milk proteins if the goods do not have any other constituent of lactic origin.
Milkfat contained in the goods at less than 1 %, and lactose at less than 1 %, by weight, are not considered as other constituents of lactic origin.
When customs formalities are completed, the person concerned must include in the appropriate declaration :
"only milk ingredient : casein/caseinate", if such is the case."