

COUNCIL REGULATION (EEC) No 1361/80

of 5 June 1980

amending Regulation (EEC) No 2915/79 in respect of the conditions for the admission of certain cheeses into certain tariff subheadings, 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 Regulation (EEC) No 1761/78⁽²⁾, 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⁽³⁾ lays down certain conditions for admission into the Community of Emmenthal, Gruyère, Sbrinz, Bergkäse and Appenzel cheeses falling within subheading 04.04 A I, of Cheddar cheese falling within subheading 04.04 E I b) 1 (aa) of the Common Customs Tariff and other cheeses intended for processing and falling within subheading 04.04 E I b) 5 (aa) set out in Annex II to Regulation (EEC) No 2915/79; whereas those conditions include free-at-frontier values corresponding to those bound under GATT; whereas the said values should be adapted to the target price for milk and the threshold price for Group 10 in the Community as fixed for the 1980/81 milk year;

Whereas, in order to avoid difficulties on import of certain cheeses of a format not provided for in note (4) of Annex II to Regulation (EEC) No 2915/79, that note should be amended;

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

Whereas the arrangement applicable until 31 May 1980 having been kept in application by Regulation (EEC) No 1390/80⁽⁴⁾, as a precaution and subject to new provisions, the new arrangement should be applied with retroactive effect as from 1 June,

HAS ADOPTED THIS REGULATION :

Article 1

Annex II to Regulation (EEC) No 2915/79 is hereby amended as follows :

1. The description of the goods falling within subheadings 04.04 A, 04.04 E I b) 1 and 04.04 E I b) 5 (aa) are replaced by those given in Annex I to this Regulation.
2. The text of the second indent of note (4) (b) is replaced by the following :

'— cheeses of the conventional flat cylindrical shape or cheeses in parallelepiped shape, of a net weight of 10 kg or more.'

Article 2

The Annex 'Common Customs Tariff' to Regulation (EEC) No 950/68 is hereby amended as follows :

1. The descriptions of the goods falling within subheading 04.04 A are replaced by those given in Annex II to this Regulation.
2. The amount '199.48 ECU' in note (b) to subheading 04.04 E I b) 1 is replaced by '208.53 ECU'.
3. Note (b) 2 to subheading 04.04 E I b) 1 is replaced by the following :

'2. cheeses of the conventional flat cylindrical shape or cheeses in parallelepiped shape, of a net weight of 10 kg or more.'
4. The amount '175.30 ECU' in note (c) to subheading 04.04 E I b) 1 is replaced by '184.35 ECU'.

Article 3

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

It shall apply as from 1 June 1980.

⁽¹⁾ OJ No L 148, 28. 6. 1968, p. 13.

⁽²⁾ OJ No L 204, 28. 7. 1978, p. 6.

⁽³⁾ OJ No L 329, 24. 12. 1979, p. 1.

⁽⁴⁾ OJ No L 136, 1. 6. 1980, p. 1.

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

Done at Brussels, 5 June 1980.

For the Council

The President

G. MARCORA

ANNEX I

CCT heading No	Description
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 ⁽²⁾ :</p> <p>a) Whole cheeses ⁽⁴⁾ of a free-at-frontier value ⁽⁵⁾ per 100 kg net weight of :</p> <ol style="list-style-type: none"> 1. 284.78 ECU or more, but less than 308.96 ECU 2. 308.96 ECU or more <p>b) Pieces packed in vacuum or in inert gas :</p> <ol style="list-style-type: none"> 1. With rind on at least one side, of a net weight : <ol style="list-style-type: none"> aa) Of not less than 1 kg but less than 5 kg and of a free-at-frontier value ⁽⁵⁾ of not less than 308.96 ECU but less than 342.81 ECU per 100 kg net weight bb) Not less than 450 g and of a free-at-frontier value ⁽⁵⁾ of not less than 342.81 ECU per 100 kg net weight 2. Other, of a net weight of not less than 75 g but not more than 250 g ⁽⁶⁾ and of a free-at-frontier value ⁽⁵⁾ of not less than 366.99 ECU per 100 kg net weight <p>II. Other</p> <p>B. (unchanged)</p> <p>C. (unchanged)</p> <p>D. (unchanged)</p> <p>E. Other :</p> <p>I. Not grated or powdered, of a fat content, by weight, not exceeding 40 % and a water content, calculated by weight of the non-fatty matter :</p> <p>a) Not exceeding 47 %</p> <p>b) Exceeding 47 % but not exceeding 72 % :</p> <ol style="list-style-type: none"> 1. Cheddar : <ol style="list-style-type: none"> (aa) Cheddar, made from unpasteurized milk, of a minimum fat content of 50 % by weight, in the dry matter, matured for at least nine months ⁽²⁾ : <ol style="list-style-type: none"> (11) In standard whole sizes ⁽⁴⁾ of a free-at-frontier value ⁽⁵⁾ of not less than 214.57 ECU per 100 kg net weight ⁽⁸⁾ (22) Other, of a net weight : <ol style="list-style-type: none"> (aaa) Of not less than 500 g and of a free-at-frontier value ⁽⁵⁾ of not less than 232.71 ECU per 100 kg net weight ⁽⁸⁾ (bbb) Of less than 500 g ⁽⁶⁾ and of a free-at-frontier value ⁽⁵⁾ of not less than 244.80 ECU per 100 kg net weight ⁽⁸⁾ (bb) Whole Cheddar cheeses ⁽⁴⁾ of a minimum fat content of 50 % by weight, in the dry matter, matured for at least three months and of a free-at-frontier value ⁽⁵⁾ of not less than 208.53 ECU per 100 kg net weight ⁽²⁾ ⁽⁸⁾

CCT heading No	Description
04.04 (cont'd)	E. I. b) 1. (cc) Cheddar for processing ⁽⁹⁾ of a free-at-frontier value ⁽⁵⁾ of not less than 184.35 ECU per 100 kg net weight ⁽²⁾ ⁽⁸⁾ (dd) Other 2. (unchanged) 3. (unchanged) 4. (unchanged) 5. Other : (aa) For processing ⁽⁹⁾ of a free-at-frontier value ⁽⁵⁾ of not less than 184.35 ECU per 100 kg net weight ⁽²⁾ ⁽⁸⁾ (bb) (unchanged) c) (unchanged) II. (unchanged)

ANNEX II

Heading number	Description	Rate of duty	
		Autonomous % or levy (L)	Conventional %
1	2	3	4
04.04	<p>Cheese and curd (a) :</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 (b) :</p> <p>a) Whole cheeses of the conventional flat cylindrical shape of a free-at-frontier value per 100 kg net weight of :</p> <p>1. 284.78 ECU or more, but less than 308.96 ECU 23 (L) (c)</p> <p>2. 308.96 ECU or more 23 (L) (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>aa) Of not less than 1 kg but less than 5 kg and of a free-at-frontier value of not less than 308.96 ECU but less than 342.81 ECU per 100 kg net weight 23 (L) (c)</p> <p>bb) Of not less than 450 g and of a free-at-frontier value of not less than 342.81 ECU per 100 kg net weight 23 (L) (c)</p> <p>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 366.99 ECU per 100 kg net weight 23 (L) (c)</p> <p>II. Other 23 (L) —</p>		

(a) The exchange rate to be applied in converting into national currencies the ECU referred to in the subdivisions of this heading shall, notwithstanding General Rule C 3 contained in Part I, Section 1, be the representative rate, if such rate is fixed for the purposes of the common agricultural policy.

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

(c) See Annex.