

COMMISSION REGULATION (EEC) No 4024/87
of 23 December 1987

amending Regulation (EEC) No 606/86 laying down detailed rules for applying the supplementary trade mechanism (STM) to milk products imported into Spain from the Community of Ten

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to the Act of Accession of Spain and Portugal, and in particular Articles 83 (1) and 84 (3) thereof,

Having regard to Council Regulation (EEC) No 569/86 of 25 February 1986 laying down general rules for the application of the supplementary trade mechanism applicable to trade ⁽¹⁾, as last amended by Regulation (EEC) No 2297/86 ⁽²⁾, and in particular Article 7 (1) thereof,

Whereas the supplementary trade mechanism in respect of milk and milk products was implemented by Commission Regulation (EEC) No 606/86 ⁽³⁾ as last amended by Regulation (EEC) No 3952/86 ⁽⁴⁾; whereas provision should be made, on the basis of the forward estimate for milk products for 1988 referred to in Article 83 (1) of the Act of Accession, for the fixing of the indicative ceilings for imports into Spain from the Community of Ten, and whereas the 'guide' quantities for 1988 must be broken down or allocated;

Whereas Commission Regulation (EEC) No 574/86 of 28 February 1986 laying down detailed rules for the application of the supplementary trade mechanism (STM) ⁽⁵⁾, as last amended by Regulation (EEC) No 215/87 ⁽⁶⁾, provides that the STM licence application may be withdrawn if, as a result of application of the single reducing coefficient; the licence is valid only for a quantity less than that applied for; whereas, for milk and milk products, a large number of applications are always submitted, especially for certain types of cheese; whereas the use made of the right to withdraw the licence application interferes with the proper operation of the STM; whereas, accordingly, this facility should be discontinued and the rule that the STM licence must be used even for quantities which prove to be smaller than those applied for should be

maintained and whereas the duration of validity of the licence should therefore be lengthened;

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

Regulation (EEC) No 606/86 is hereby amended as follows:

1. In Article 1 (1), '1987' is replaced by '1988'.
2. Article 2 is replaced by the following:

Article 2

1. For the period 1 January to 31 December 1988 the "guide" quantities referred to in Article 84 of the Act of Accession shall be broken down as follows:

- (a) as regards milk and milk cream falling within heading 0401 and subheadings 0403 10 11, 0403 10 13, 0403 10 19, 0403 90 51, 0403 90 53, 0403 90 59, 0404 10 91, 0404 90 11, 0404 90 13, 0404 90 19, 0404 90 31, 0404 90 33 and 0404 90 39 of the combined nomenclature other than in immediate packings of a net capacity of two litres or less:

— January 1988 :	30 000 tonnes,
— February 1988 :	30 000 tonnes,
— March 1988 :	20 000 tonnes,
— April 1988 :	12 000 tonnes,
— May 1988 :	8 000 tonnes,
— June 1988 :	5 000 tonnes,
— July 1988 :	5 000 tonnes,
— August 1988 :	5 000 tonnes,
— September 1988 :	8 000 tonnes,
— October 1988 :	15 000 tonnes,
— November 1988 :	30 000 tonnes,
— December 1988 :	30 000 tonnes;

- (b) as regards the other products, at the rate of one-twelfth per month.

2. In addition, as regard cheese falling within heading ex 0406 of the combined nomenclature, the "guide" quantity referred to in Article 84 of the Act of Accession shall be broken down by category.

⁽¹⁾ OJ No L 55, 1. 3. 1986, p. 106.

⁽²⁾ OJ No L 201, 24. 7. 1986, p. 3.

⁽³⁾ OJ No L 58, 1. 3. 1986, p. 28.

⁽⁴⁾ OJ No L 365, 24. 12. 1986, p. 49.

⁽⁵⁾ OJ No L 57, 1. 3. 1986, p. 1.

⁽⁶⁾ OJ No L 202, 23. 7. 1987, p. 30.

For the period 1 January to 31 December 1988, the breakdown by category shall be as follows:

Category	Quantity (tonnes)
1. Emmentaler, gruyère	2 446
2. Roquefort	158
3. Blue-veined cheese	3 306
4. Processed cheese	926
5. Parmigiano Reggiano, Grana Padano	147
6. Havarti, fat content 60 %	1 190
7. Edammer in balls, Gouda	6 084
8. Soft ripened cow's milk cheese	1 124
9. Cheddar, Chester	158
10. Other	2 976

3. STM licence applications for cheese must specify the category of each quantity and, where appropriate, the type concerned.
3. In Article 2a, 'heading No 04.04 in the Common Customs Tariff' is replaced by '0406 in the Combined nomenclature'.
4. In Article 3:
- the first subparagraph of paragraph one is replaced by the following:

'1. The quantity for which STM licences are applied for may not exceed by undertaking, the monthly quantity provided for in Article 2 nor be less than:

 - 100 tonnes for products falling within heading No 0401 and subheadings 0403 10 11, 0403 10 13, 0403 10 19, 0403 90 51, 0403 90 53, 0403 90 59, 0404 10 91, 0404 90 11, 0404 90 13, 0404 90 19, 0404 90 31, 0404 90 33, 0404 90 39, other than in packaging of a net content not exceeding two litres,
 - 10 tonnes for products falling within subheadings 0401 10, 0401 20, 0403 10 11, 0403 10 13, 0403 10 19, 0403 90 51, 0403 90 53, 0403 90 59,

0404 10 91, 0404 90 11, 0404 90 13, 0404 90 19, 0404 90 31, 0404 90 33, 0404 90 39, in packings of a net content not exceeding two litres,

- one tonne for products falling within subheadings 0401 30 11, 0401 30 31 and 0401 30 91, of headings 0402, 0405 and 0406 and those falling within heading Nos 0403 and 0404 not mentioned in this paragraph.'
 - paragraph 3 is replaced by the following:

'3. The STM licences shall not be valid after the end of the second month falling the month in which the licence was applied for.'
 - the following paragraph 5 is added:

'5. Notwithstanding the second paragraph of Article 6 (4) of Regulation (EEC) No 574/87, the licence must still be used in cases of application of the single reducing coefficient.'
5. Article 4 is replaced by the following:
- Article 4*
- The amount of the guarantee referred to in Article 1 (3) of Regulation (EEC) No 569/86, as regards the products listed in the Annex, shall be:
- 4 ECU per 100 kilograms products falling within heading No 0401 and subheadings 0403 10 11, 0403 13 10 to 0403 10 39, 0403 90 51 to 0403 90 69, 0404 10 91, 0404 10 99 of the combined nomenclature,
 - 6 ECU per 100 kilograms for products falling within heading No 0402 and subheadings 0403 90 11 to 0403 90 39, 0404 10 11, 0404 10 19 and 0404 90 of the combined nomenclature,
 - 15 ECU per 100 kilograms for products falling within heading No 0405 of the combined nomenclature,
 - 25 ECU per 100 kilograms for products falling within heading No 0406 of the combined nomenclature.'
6. In Article 5 (1) 'heading No 04.04 of the Common Customs Tariff' is replaced by 'heading No 0406 of the combined nomenclature.'

7. The Annex is replaced by the following:

'ANNEX

Indicative ceilings

CN code	Description	Quantity (tonnes)
0401	Milk and cream, not concentrated nor containing added sugar or other other sweetening matter	} 250 000
ex 0403	Buttermilk, curdled milk and cream, yoghurt, kephir and other fermented or acidified milk and cream, not concentrated or containing added sugar or other sweetening matter or flavoured or containing added fruit or cocoa	

<i>(tonnes)</i>		
CN code	Description	Quantity
0402	Milk and cream, concentrated or containing added sugar or other sweetening matter :	} 5 000
ex 0401 10 11 ex 0402 10 19 ex 0402 21	— in powder, granules or other solid forms, not containing added sugar or other sweetening matter :	
	— for human consumption	
0402 29 11	— in powder, granules or other solid forms, containing added sugar or other sweetening matter :	
	— special milk, for infants, in hermetically sealed containers, of a net content not exceeding 500 g and of a fat content by weight exceeding 10 % and not exceeding 27 %	
0405	Butter and other fats and oils derived from milk	2 000
ex 0406	Cheese, excluding curd	20 000'

Article 2

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

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

Done at Brussels, 23 December 1987.

For the Commission
Frans ANDRIESEN
Vice-President