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(Acts whose publication is obligatory)

COUNCIL REGULATION (EEC) No 3116/90

of 15 October 1990

amending Regulations (EEC) No 2658/87 on the tariff and statistical nomenclature and on the Common Customs Tariff and (EEC) No 2915/79 determining the groups of products and the special provisions for calculating levies on milk and milk products

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 3879/89 ⁽²⁾, and in particular Article 14 (6) thereof,

Having regard to the proposal from the Commission,

Whereas Regulation (EEC) No 804/68 provides for a subdivision for unflavoured yoghurts in powder form corresponding to that already provided for in the case of flavoured products; whereas, therefore, this should be incorporated, in accordance with Article 19 (1) of Regulation (EEC) 804/68, into Regulation (EEC) No 2658/87 ⁽³⁾, as last amended by Regulation (EEC) No 2943/90 ⁽⁴⁾;

Whereas, therefore, so that appropriate levies can be fixed for these products, Regulation (EEC) No 2915/79 ⁽⁵⁾, as last amended by Regulation (EEC) No 3884/89 ⁽⁶⁾, should be amended,

HAS ADOPTED THIS REGULATION:

Article 1

1. The combined nomenclature annexed to Regulation (EEC) No 2658/87 shall be amended as shown in Annex I hereto.

⁽¹⁾ OJ No L 148, 28. 6. 1968, p. 13.

⁽²⁾ OJ No L 378, 27. 12. 1989, p. 1.

⁽³⁾ OJ No L 256, 7. 9. 1987, p. 1.

⁽⁴⁾ OJ No L 281, 12. 10. 1990, p. 22.

⁽⁵⁾ OJ No L 329, 24. 12. 1979, p. 1.

⁽⁶⁾ OJ No L 378, 27. 12. 1989, p. 9.

2. The amendments to the CN codes provided for in this Regulation shall be applicable as subheadings of the integrated customs tariff of the European Communities (Taric) in accordance with Annex II until their inclusion in the combined nomenclature under the conditions laid down in Article 12 of Regulation (EEC) No 2658/87.

Article 2

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

1. In Article 3:

— the introductory words of point 1 are replaced by the following:

'1. if it falls within CN code 0402 10 11, 0403 10 02, 0403 90 11, 0404 90 11 or 0404 90 31, to the sum of the following components:'

— the introductory words of point 2 are replaced by the following:

'2. if it falls within CN code 0402 10 91, 0403 10 12 or 0403 90 31, to the sum of the following components:'

2. In Article 4:

— the introductory words of point 1 are replaced by the following:

'1. if it falls within CN code 0402 21 11, 0403 10 04, 0403 90 13, 0404 90 13 or 0404 90 33, to the sum of the following components:'

— the introductory words of point 2 are replaced by the following:

'2. if it falls within CN code 0402 21 91, 0403 10 06, 0403 90 19, 0404 90 19 or 0404 90 39, to the sum of the following components:'

— the introductory words of point 4 are replaced by the following:

'4. if it falls within CN code 0402 29 11, 0402 29 15, 0403 10 14 or 0403 90 33, to the sum of the following components:'

- the introductory words of point 5 are replaced by the following:
 - '5. if it falls within CN code 0402 29 91, 0403 10 16, 0403 90 39, 0404 90 59 or 0404 90 99, to the sum of the following components:'.
3. In Article 6:
- in point 17, 'CN code 0403 10 11' is replaced by 'CN code 0403 10 22',
 - in point 18, 'CN code 0403 10 13' is replaced by 'CN code 0403 10 24',
 - in point 19, 'CN code 0403 10 19' is replaced by 'CN code 0403 10 26',
 - in point 20, 'CN code 0403 10 31' is replaced by 'CN code 0403 10 32',
 - in point 21, 'CN code 0403 10 33' is replaced by 'CN code 0403 10 34',
 - in point 22, 'CN code 0403 10 39' is replaced by 'CN code 0403 10 36'.
4. In the Annex:
- in group 2, CN codes '0403 10 02' and '0403 10 12' are inserted before CN code 0403 90 11,
 - in group 3, CN codes '0403 10 04', '0403 10 06', '0403 10 14' and '0403 10 16' are inserted before CN code 0403 90 13,
 - in group 6, the groups of products are replaced by the following:

Number of group	Groups of products according to the combined nomenclature	Pilot product for each group of products
6	0401 0402 91 51 0402 91 59 0402 91 91 0402 91 99 0402 99 31 0402 99 39 0402 99 91 0402 99 99 0403 10 22 0403 10 24 0403 10 26 0403 10 32 0403 10 34 0403 10 36 0403 90 51 0403 90 53 0403 90 59 0403 90 61 0403 90 63 0403 90 69 0405	Butter with a fat content of 82% by weight, in packages normally used in the trade of a net content of 25 kg or more'

Article 3

This Regulation shall enter into force on the 21st day following 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 Luxembourg, 15 October 1990.

For the Council
The President
V. SACCOMANDI

ANNEX I

CN code	Description	Rate of duty		Supplementary unit
		autonomous (%) or levy (AGR)	conventional (%)	
1	2 /	3	4	5
0403 10	- Yoghurt:			
	- - Not flavoured nor containing added fruit or cocoa:			
	- - - In powder, granules or other solid forms:			
	- - - - Not containing added sugar or other sweetening matter, of a fat content, by weight:			
0403 10 02	- - - - - Not exceeding 1,5%	18 (AGR)	—	—
0403 10 04	- - - - - Exceeding 1,5 % but not exceeding 27 %	18 (AGR)	—	—
0403 10 06	- - - - - Exceeding 27 %	18 (AGR)	—	—
	- - - - - Other, of a fat content, by weight:			
0403 10 12	- - - - - Not exceeding 1,5%	23 (AGR)	—	—
0403 10 14	- - - - - Exceeding 1,5 % but not exceeding 27 %	23 (AGR)	—	—
0403 10 16	- - - - - Exceeding 27 %	23 (AGR)	—	—
	- - - - - Other			
	- - - - - Not containing added sugar or other sweetening matter, of a fat content, by weight:			
0403 10 22	- - - - - Not exceeding 3 %	18 (AGR)	—	—
0403 10 24	- - - - - Exceeding 3 % but not exceeding 6 %	18 (AGR)	—	—
0403 10 26	- - - - - Exceeding 6 %	18 (AGR)	—	—
	- - - - - Other, of a fat content, by weight:			
0403 10 32	- - - - - Not exceeding 3 %	23 (AGR)	—	—
0403 10 34	- - - - - Exceeding 3 % but not exceeding 6 %	23 (AGR)	—	—
0403 10 36	- - - - - Exceeding 6 %	23 (AGR)	—	—
0403 10 51 to 0403 10 99	} Unchanged			

ANNEX II

CN code 1. 1. 1991	CN code 1990	Taric subdivision	Description
	0403 10		– Yoghurt:
			– – Not flavoured nor containing added fruit or cocoa:
			– – – Not containing added sugar or other sweetening matter of a fat content, by weight:
	0403 10 11		– – – – Not exceeding 3%:
			– – – – – In powder, granules or other solid forms:
0403 10 02	0403 10 11	10	– – – – – Not exceeding 1,5%
0403 10 04	0403 10 11	20	– – – – – Exceeding 1,5%
0403 10 22	0403 10 11	90	– – – – – Other
	0403 10 13		– – – – – Exceeding 3% but not exceeding 6%:
0403 10 04	0403 10 13	10	– – – – – In powder, granules or other solid forms
0403 10 24	0403 10 13	90	– – – – – Other
	0403 10 19		– – – – – Exceeding 6%:
			– – – – – In powder, granules or other solid forms:
0403 10 04	0403 10 19	10	– – – – – Not exceeding 27%
0403 10 06	0403 10 19	20	– – – – – Exceeding 27%
0403 10 26	0403 10 19	90	– – – – – Other
			– – – Other, of a fat content, by weight:
	0403 10 31		– – – – Not exceeding 3%:
			– – – – – In powder, granules or other solid forms:
0403 10 12	0403 10 31	10	– – – – – Not exceeding 1,5%
0403 10 14	0403 10 31	20	– – – – – Exceeding 1,5%
0403 10 32	0403 10 31	90	– – – – – Other
	0403 10 33		– – – – – Exceeding 3% but not exceeding 6%:
0403 10 14	0403 10 33	10	– – – – – In powder, granules or other solid forms
0403 10 34	0403 10 33	90	– – – – – Other
	0403 10 39		– – – – – Exceeding 6%:
			– – – – – In powder, granules or other solid forms:
0403 10 14	0403 10 39	10	– – – – – Not exceeding 27%
0403 10 16	0403 10 39	20	– – – – – Exceeding 27%
0403 10 36	0403 10 39	90	– – – – – Other