

REGULATION (EEC) No 823/68 OF THE COUNCIL

of 28 June 1968

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 804/68¹ of 27 June 1968 on the common organisation of the market in milk and milk products, and in particular Article 14 (6) thereof;

Having regard to the proposal from the Commission;

Whereas the products referred to in Article 1 (a) 2 and (b) to (g) of Regulation (EEC) No 804/68 should be divided into groups, each group being composed of products with sufficiently comparable characteristics for trade purposes; whereas the most representative product for each group should be described as the pilot product;

Whereas, however, special provisions must be made for calculating the levy on assimilated products where the levy calculated for the pilot product does not correspond to the difference between the prices of those products in world trade and on the Community market;

Whereas, for products in small packages, the levy must be calculated on the basis not only of the price difference for the product itself but also of a fixed component intended to give a certain amount of protection to the Community processing industry;

Whereas, for products containing sugar, the levy must include a fixed component representing the value of the sugar used in their manufacture; whereas in such cases the milk component of the levy on those products must be derived by means of a coefficient expressing the weight ratio between the milk ingredients and the product itself;

Whereas, for powders with a fat content of over 1.5%, the levy, or in the case of compound products or products in small packages the milk component of the levy, should be calculated on the basis of the fat content of the pilot product unless the fat content of those various products is greater than that of the pilot product; whereas, in the latter case, the levy or the milk component of the levy must be calculated on the basis of a standard fat content corresponding to that of the products on the market;

Whereas the most usual ingredients of compound feeding-stuffs and those having most effect on price formation are cereal products and milk products; whereas, therefore, provision should be made for calculating the levy on these foodstuffs on the basis of their starch and milk product content; whereas, however, a starch content of not more than 10% need not be taken into account; whereas, with this method of calculation, feeding-stuffs must be grouped under tariff headings according to the contents referred to above and a standard starch and milk product content must be taken into account for each tariff heading; whereas the lowest possible starch content and the highest possible milk product content should be used for this purpose; whereas in fact milk ingredients have a much greater effect on price formation than cereal ingredients; whereas the cereal component of the levy may be derived, on the basis of the starch content assumed, from the average levy on maize, that being the product most commonly used in the manufacture of compound feeding-stuffs; whereas the most usual milk ingredient of compound feeding-stuffs is skimmed milk powder; whereas, therefore, the levy on that product should be used to calculate the milk component of the levy; whereas the levy on compound feeding-stuffs must include a fixed component for the protection of the processing industry and whereas that component is likely to offset the disparity between Community prices and world market prices for products other than cereals and milk products which may be used in compound feeding-stuffs;

Whereas, for processed cheeses other than those derived from Emmenthaler, Gruyère or Appenzell and

¹ OJ No L 148, 28.6.1968, p. 13.

for the same reasons as led to the adoption of the present system, a system for deriving the levy should be adopted which is identical to that used for those products up to the present time; whereas a central feature of this system is the use as calculation factors of the levies on butter and on the pilot product of Group 11; whereas a change in the manufacturing process of these products and a growth in demand for a product with a higher fat content have shown that the percentages used up till now for such derivation do not in all cases allow the objectives of the levy system to be attained; whereas therefore they must be fixed at more suitable levels;

Whereas the quantity of primary milk products required for the manufacture of fresh cheeses and curds is less than that required for the manufacture of the pilot product of the group; whereas, therefore, a levy derived from the levy on the pilot product should be applied to these primary products, that levy being adjusted by a coefficient expressing the overall ratio of the above-mentioned quantities;

Whereas for certain kinds of fresh, condensed or concentrated milk with a high fat content the levy may be calculated on the basis of the levy on butter, using standard coefficients representing the fat content ratio; whereas the same applies to butter other than that falling within the same tariff sub-heading as the pilot product;

Whereas, because of their composition and in particular their very high fat content, certain products falling within tariff sub-heading No 04.04 E II are likely, after importation into the Community, to be used as a basic product in place of butter for the manufacture of other goods; whereas, consequently, the levy must be fixed at a level which will ensure that outlets for Community produced butter used in the manufacture of these other goods are not diminished by the importation of the products in question;

Whereas the import levy on special milk for infants, Havarti cheese and processed cheeses derived from Emmenthaler, Gruyère or Appenzell must be calculated consistently with relevant Community commitments; whereas precise rules must be laid down to that end;

HAS ADOPTED THIS REGULATION:

Article 1

1. The groups of products referred to in Article 14 (3) of Regulation (EEC) No 804/68 and the pilot product for each group are determined in Annex I.
2. The goods covered by tariff descriptions mentioned in this Regulation are as listed in Annex II.

Article 2

The levy on 100 kg of a product in Group 2 shall be equal:

1. if it falls within tariff sub-heading No 04.02 A II (a), to the sum of the following components:
 - (a) a component equal to the levy on the pilot product; and
 - (b) a component equal to 6 units of account;
2. if it falls within tariff sub-heading No 04.02 B I (b) 1 (aa), to the sum of the following components:
 - (a) a component calculated in accordance with 3 (a);
 - (b) a component equal to 6 units of account; and
 - (c) a component to take account of the quantity of added sugar;
3. if it falls within tariff sub-heading No 04.02 B I (b) 1 (aa), to the sum of the following components:
 - (a) a component equal to the levy on the pilot product, multiplied by a coefficient expressing the weight ratio between the milk powder content of the product and the product itself; and
 - (b) a component to take account of the quantity of added sugar;
4. if it falls within tariff sub-heading No ex 23.07 B, to the sum of the following components:
 - (a) a component applicable only if the starch content of the product in question exceeds 10% and equal to the average of the levies for 100 kg of maize, multiplied by a coefficient of
 - 0.16 for products falling within tariff sub-heading No 23.07 B I (b) 3;
 - 0.50 for products falling within tariff sub-heading No 23.07 B I (c) 3.

The average of the levies on 100 kg of maize shall be equal to the average of the levies calculated for the first twenty-five days of the month preceding the month of importation, adjusted where necessary by reference to the threshold price ruling in the month of importation;
 - (b) a component equal to the levy on the pilot product of Group 2 multiplied by a coefficient of
 - 0.75 for products falling within tariff sub-heading No 23.07 B I (a) 3;

— 0.98 for products falling within tariff sub-headings Nos 23.07 B I (a) 4 and 23.07 B II;

— 0.90 for products falling within tariff sub-heading No 23.07 B I (b);

— 0.70 for products falling within tariff sub-heading No 23.07 B I (c) 3; and

(c) a component equal to 2 units of account.

Article 3

The levy on 100 kg of a product in Group 3 shall be equal:

1. if it falls within tariff sub-heading No 04.02 A II (a) 3, to the sum of the following components:

(a) a component equal to the levy on the pilot product; and

(b) a component equal to 6 units of account;

2. if it falls within tariff sub-heading No 04.02 A II (a) 3, to the sum of the following components:

(a) a component equal to the levy calculated in accordance with point 4; and

(b) a component equal to 6 units of account;

3. if it falls within tariff sub-heading No 04.02 A II (a) 4, to the sum of the following components:

(a) a component equal to the levy calculated in accordance with point 5; and

(b) a component equal to 6 units of account;

4. if it falls within tariff sub-heading No 04.02 A II (b) 3, to the sum of the following components:

(a) a component equal to the levy on the pilot product, and

(b) a component equal to 2 units of account;

5. if it falls within tariff sub-heading No 04.02 A II (b) 4, to the sum of the following components:

(a) a component equal to the levy on the pilot product; and

(b) a component fixed on the basis of the amount by which the value of a product falling within that sub-heading and with a fat content by weight of 45%, or with a higher fat content if it is found that products with a higher content are on the market, exceeds the value of the pilot product;

6. if it falls within:

— tariff sub-heading No 04.02 B I (a) 1, to 29 units of account;

— tariff sub-heading No 04.02 B 1 (a) 2, to 33 units of account;

— tariff sub-heading No 04.02 B 1 (a) 3, to 36 units of account;

— tariff sub-heading No 04.02 B 1 (a) 4, to 38 units of account;

7. if it falls within tariff sub-heading No 04.02 B 1 (b) 1 (bb), to the sum of the following components:

(a) a component calculated in accordance with point 9 (a),

(b) a component equal to 6 units of account; and

(c) a component to take account of the quantity of added sugar;

8. if it falls within tariff sub-heading No 04.02 B 1 (b) 1 (cc), to the sum of the following components:

(a) a component calculated in accordance with point 10 (a),

(b) a component equal to 6 units of account; and

(c) a component to take account of the quantity of added sugar;

9. if it falls within tariff sub-heading No 04.02 B 1 (b) 2 (bb), to the sum of the following components:

(a) a component equal to the levy on the pilot product, multiplied by a coefficient expressing the weight ratio between the milk powder contained in the product and the product itself, and

(b) a component to take account of the quantity of added sugar;

10. if it falls within tariff sub-heading No 04.02 B 1 (b) 2 (cc), to the sum of the following components:

(a) a component equal to the levy calculated in accordance with point 5, multiplied by a coefficient expressing the weight ratio between the milk powder contained in the product and the product itself; and

(b) a component to take account of the quantity of added sugar.

Article 4

The levy on 100 kg of a product in Group 4 and falling within tariff sub-heading No 04.02 A III (a) 2 shall be equal to the levy on the pilot product multiplied by a coefficient of 1.35.

Article 5

The levy on 100 kg of a product in Group 6 shall be equal:

1. if it falls within tariff sub-heading No 04.01 B I, to the levy on the pilot product multiplied by a coefficient of 0.26;
2. if it falls within tariff sub-headings Nos 04.01 B II or 04.02 A III (b) 1, to the levy on the pilot product multiplied by a coefficient of 0.55;
3. if it falls within tariff sub-heading No 04.01 B III, to the levy on the pilot product multiplied by a coefficient of 0.85;
4. if it falls within tariff sub-heading No 04.02 B II (b) 1, to the sum of the following components:
 - (a) a component equal to the levy calculated in accordance with point 2, multiplied by a coefficient expressing the weight ratio between the milk ingredients of the product and the product itself, and
 - (b) a component to take account of the quantity of added sugar;
5. if it falls within tariff sub-heading No 04.02 B II (b) 2, to the sum of the following components:
 - (a) a component equal to the levy calculated in accordance with point 3, multiplied by a coefficient expressing the weight ratio between the milk ingredients of the product and the product itself; and
 - (b) a component to take account of the quantity of added sugar;
6. if it falls within tariff sub-heading No 04.03 B, to the levy on the pilot product multiplied by a coefficient of 1.22.

Article 6

The levy on 100 kg of a product in Group 7 shall be equal:

- if it falls within tariff sub-headings Nos 04.04 A I (a) I or 04.04 A I (b) 1 (aa), to 15 units of account;
- if it falls within tariff sub-heading No 04.04 D I (a), to 30 units of account;
- if it falls within tariff sub-heading No 04.04 D I (b), to 31 units of account;
- if it falls within tariff sub-heading No 04.04 D I (c), to 35 units of account.

Article 7

The levy on 100 kg of a product in Group 11 shall be equal:

1. if it falls within tariff sub-heading No 04.04 D II (a), to the sum of the following components:
 - (a) a component equal to 80% of the levy on the pilot product of Group 11,
 - (b) a component equal to 5% of the levy on the pilot product of Group 6, and
 - (c) a component equal to 10 units of account;
2. if it falls within tariff sub-heading No 04.04 D II (a) 2, to the sum of the following components:
 - (a) a component equal to 60% of the levy on the product of Group 11,
 - (b) a component equal to 24% of the levy on the pilot product of Group 6, and
 - (c) a component equal to 10 units of account;
3. if it falls within tariff sub-heading No 04.04 D II (b), to the sum of the following components:
 - (a) a component equal to the levy calculated in accordance with point 2; and
 - (b) a component equal to 80 units of account;
4. if it falls within tariff sub-heading No 04.04 E I (c), to 75% of the levy on the pilot product;
5. if it falls within tariff sub-heading No 04.04 E II, to the sum of the following components:
 - (a) a component equal to the levy on the pilot product of Group 11; and
 - (b) a component equal to 80 units of account.

Article 8

Where products in Group 11 falling within tariff sub-heading No 04.04 E I (b) 2, originating in and coming from the territory of third countries, are imported into the Community at a price not less than 85 units of account per 100 kg, the levy per 100 kg of such products shall be equal to the threshold price less 85 units of account.

Article 9

Where the price on importation into the Community of an assimilated product, the levy on which differs from that on its pilot product, is recorded as being considerably less than the price which would normally apply in relation to the price of the pilot product, the levy shall be equal to the sum of the following components:

- (a) a component equal to the amount resulting from those provisions of Articles 2 to 7 which apply to the assimilated product in question, and

(b) an additional component fixed at a level allowing the normal relationship between prices on importation into the Community to be re-established, taking into consideration the composition and quality of the assimilated products.

Article 10

A component to take account of the quantity of added sugar shall be equal to the average of the levies on 50 kg of white sugar during the first twenty days of the month preceding the month when the levy on the milk product in question is applicable.

Article 11

1. The milk product content of products falling within tariff sub-heading No ex 23.07 B shall be

determined by applying a coefficient of 2 to the lactose content per 100 kg of the product in question.

2. The methods for defining the starch content of products falling within tariff sub-heading No ex 23.07 B shall be determined according to the procedure laid down in Article 26 of Regulation No 120/67/EEC¹.

Article 12

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

It shall apply from 29 July 1968.

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

Done at Luxembourg, 28 June 1968.

For the Council

The President

E. FAURE

¹ OJ No 117, 19. 6. 1967, p. 2269/67.

ANNEX I

Number of Group	Groups of products according to the nomenclature in Annex II	Pilot product for each group of products
1	04.02 A I	Powdered whey, obtained by the spray process, with a water content less than 5% by weight, in packages normally used in the trade of a net content of 25 kg or more.
2	04.02 A II (a) 1 04.02 A II (b) 1 04.02 B I (b) 1 (aa) 04.02 B I (b) 2 (aa) ex 23.07 B	Milk powder, obtained by the spray process, with a fat content less than 1.5% by weight and a water content less than 5% by weight, in packages normally used in the trade of a net content of 25 kg or more.
3	04.02 A II (a) 2 04.02 A II (a) 3 04.02 A II (a) 4 04.02 A II (b) 2 04.02 A II (b) 3 04.02 A II (b) 4 04.02 B I (a) 04.02 B I (b) 1 (bb) 04.02 B I (b) 1 (cc) 04.02 B I (b) 2 (bb) 04.02 B I (b) 2 (cc)	Milk powder, obtained by the spray process, with a fat content of 26% by weight and a water content less than 5% by weight, in packages normally used in the trade of a net content of 25 kg or more.
4	04.02 A III (a)	Concentrated milk, with a fat content of 7.5% by weight and a dry matter content of 25% by weight, in cases or cartons of 96 tins of a net content of 170 g.
5	04.02 B II (a)	Concentrated milk with added sugar, with a fat content of 9% by weight and a lactic dry matter content of 31% by weight, in cases or cartons of 48 tins of a net content of 397 g.
6	04.01 B 04.02 A III (b) 04.02 B II (b) 04.03	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.
7	04.04 A 04.04 D I	Emmentaler loaf cheese having matured for 3 to 4 months, with a fat content of 45% by weight referred dry matter, without packaging.
8	04.04 C	Blue-veined cheese, whole with a fat content of 45% by weight referred to dry matter, in packages normally used in the trade.
9	04.04 E I (a) 04.04 B	Parmigiano Reggiano loaf cheese having matured for 18 months, with a fat content by weight of 32% referred to dry matter, unpacked.
10	04.04 E I (b) 1	Cheddar cheese, whole, having matured for 3 months, with a fat content by weight of 50% referred to dry matter and a water content by weight of the non-fatty matter greater than 50% and not more than 57% packed.
11	04.04 D II 04.04 E I (b) 2 04.04 E I (b) 3 04.04 E I (c) 04.04 E II	Whole cheese, having matured for 6 to 8 weeks, with a fat content of 45% by weight referred to dry matter unpacked.
12	17.02 A II 17.05 A	Lactose containing, in the dry state, 98.5% by weight of the pure product, in packages normally used in the trade.

ANNEX II

CCT heading No	Description of goods
04.01	<p>Milk and cream, fresh, not concentrated or sweetened:</p> <p>B. Other with a fat content by weight :</p> <p style="padding-left: 20px;">I. Exceeding 6% but not exceeding 20%</p> <p style="padding-left: 20px;">II. Exceeding 20% but not exceeding 45%</p> <p style="padding-left: 20px;">III. Exceeding 45%</p>
04.02	<p>Milk and cream, preserved, concentrated or sweetened:</p> <p>A. Not containing added sugar:</p> <p style="padding-left: 20px;">I. Whey</p> <p style="padding-left: 20px;">II. Milk and cream, in powder or granules:</p> <p style="padding-left: 40px;">(a) in immediate packings of a net capacity of 5 kg or less and of a fat content by weight:</p> <p style="padding-left: 60px;">1. Not exceeding 1.5%</p> <p style="padding-left: 60px;">2. Exceeding 1.5% but not exceeding 27%</p> <p style="padding-left: 60px;">3. Exceeding 27% but not exceeding 29%</p> <p style="padding-left: 60px;">4. Exceeding 29%</p> <p style="padding-left: 40px;">(b) Other, of a fat content by weight:</p> <p style="padding-left: 60px;">1. Not exceeding 1.5%</p> <p style="padding-left: 60px;">2. Exceeding 1.5% but not exceeding 27%</p> <p style="padding-left: 60px;">3. Exceeding 27% but not exceeding 29%</p> <p style="padding-left: 60px;">4. Exceeding 29%</p> <p style="padding-left: 20px;">III. Milk and cream, other than in powder or granules:</p> <p style="padding-left: 40px;">(a) in hermetically sealed cans of a net content of 454 g or less and of a fat content by weight:</p> <p style="padding-left: 60px;">1. Not exceeding 8%</p> <p style="padding-left: 60px;">2. Exceeding 8% but not exceeding 11%</p> <p style="padding-left: 40px;">(b) Other, of a fat content by weight:</p> <p style="padding-left: 60px;">1. Not exceeding 45%</p> <p style="padding-left: 60px;">2. Exceeding 45%</p> <p>B. Containing added sugar:</p> <p style="padding-left: 20px;">I. Milk and cream in powder or granules:</p> <p style="padding-left: 40px;">(a) Special milk for infants¹ in hermetically sealed cans of a net capacity of 500 g or less and of a fat content by weight²:</p> <p style="padding-left: 60px;">1. Exceeding 10% but not exceeding 11%</p> <p style="padding-left: 60px;">2. Exceeding 14.5% but not exceeding 15.5%</p> <p style="padding-left: 60px;">3. Exceeding 17% but not exceeding 18%</p> <p style="padding-left: 60px;">4. Exceeding 23% but not exceeding 24%</p>

CCT heading No	Description of goods
04.02 (Cont'd)	<p>(b) Other:</p> <ol style="list-style-type: none"> 1. in immediate packings of a net capacity of 5 kg or less and of a fat content by weight: <ol style="list-style-type: none"> (aa) Not exceeding 1.5 %³ (bb) Exceeding 1.5 % but not exceeding 27 %³ (cc) Exceeding 27 %³ 2. Other, of a fat content by weight: <ol style="list-style-type: none"> (aa) Not exceeding 1.5 %³ (bb) Exceeding 1.5 % but not exceeding 27 %³ (cc) Exceeding 27 %³ <p>II. Milk and cream, other than in powder or granules:</p> <ol style="list-style-type: none"> (a) In hermetically sealed cans, of a net capacity of 454 g or less and of a fat content by weight not exceeding 9.5 % (b) Other, of a fat content by weight: <ol style="list-style-type: none"> 1. Not exceeding 45 %³ 2. Exceeding 45 %³
04.03	<p>Butter:</p> <ol style="list-style-type: none"> A. Of a fat content by weight not exceeding 84 % B. Other
04.04	<p>Cheese and curd:</p> <ol style="list-style-type: none"> A. Emmenthaler, Gruyère, Sbrinz, Bergkäse and Appenzell: <ol style="list-style-type: none"> I. Of a minimum fat content of 45 % by weight referred to dry matter, matured for at least 3 months² <ol style="list-style-type: none"> (a) Whole cheeses⁴ of a free-at-frontier value⁵ per 100 kg net weight of: <ol style="list-style-type: none"> 1. 117 u.a. or more, but less than 141.75 u.a. 2. 141.75 u.a. or more (b) Vacuum-packed pieces: <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 value⁵ of not less than 137 u.a. but less than 170 u.a. per 100 kg net weight. (bb) Of not less than 450 g and of a free-at-frontier value⁵ of not less than 170 u.a. per 100 kg net weight. 2. Other, of a net weight of not less than 75 g but not more than 250 g⁶ and of a free-at-frontier value⁵ of not less than 190 u.a. per 100 kg net weight. II. Other B. Glarus herb cheese (known as Schabziger) made from skim milk and mixed with finely ground herbs² C. Blue-veined cheese

CCT heading No	Description of goods
04.04 (Cont'd)	<p>D. Processed cheese:</p> <p>I. In the blending of which only Emmenthaler, Gruyère and Appenzell have been used and which may contain, as an addition, Glarus herb cheese (known as Schabziger), put up (in boxes or slices) for retail sale⁷ of a free-at-frontier value⁵ of not less than 120 u.a. per 100 kg net weight and of a fat content by weight referred to dry matter²:</p> <p>(a) Exceeding 40% but not exceeding 48% in respect of the aggregate of portions or slices.</p> <p>(b) Exceeding 40% but not exceeding 48% in respect of 5/6 of the aggregate of portions or slices, and not exceeding 56% for the remaining 1/6.</p> <p>(c) Exceeding 48% but not exceeding 56% in respect of the aggregate of portions or slices.</p> <p>II. Other, of a fat content by weight:</p> <p>(a) Not exceeding 36% and of a fat content by weight referred to dry matter:</p> <ol style="list-style-type: none"> 1. Not exceeding 46% 2. Exceeding 46% <p>(b) Exceeding 36%</p> <p>E. Other:</p> <p>I. Of a fat content by weight not exceeding 36% and a water content 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, including Chester 2. Tilsit, Havarti² 3. Other <p>(c) Exceeding 72%, put up in immediate packings of a net capacity not exceeding 125 g</p> <p>II. Other</p>
17.02	<p>Other sugars; sugar syrups; artificial honey (whether or not mixed with natural honey); caramel:</p> <p>A. Lactose and lactose syrup:</p> <p>II. Other (than those containing, in the dry state, 99% or more by weight of the pure product)</p>
17.05	<p>Flavoured or coloured sugars, syrups and molasses, but not including fruit juices containing added sugar in any proportion:</p> <p>A. Lactose and lactose syrup</p>

CCT heading No	Description of goods
23.07	<p>Sweetened forage; other preparations of a kind used in animal feeding (adjuvants etc.);</p> <p>ex B. Other, containing glucose or glucose syrup falling within subheadings 17.02 B and 17.05 B, or products containing starch or milk products⁸</p> <p>I. containing starch or glucose or glucose syrup, with a starch content by weight:</p> <p>(a) Not exceeding 10%</p> <ol style="list-style-type: none"> 1. 2. 3. containing not less than 50% but not more than 75% by weight of milk products 4. containing not less than 75% by weight of milk products <p>(b) Exceeding 10% but not exceeding 30%</p> <ol style="list-style-type: none"> 1. 2. 3. containing not less than 50% by weight of milk products <p>II. Containing no starch, glucose or glucose syrup but containing milk products.</p>

¹ For the purposes of this tariff sub-heading, special milk for infants means products free from pathogenic and toxicogenic germs and containing per gramme less than 10 000 revivifiable aerobic bacteria and less than 2 coliform bacteria.

² Inclusion under this tariff sub-heading is subject to conditions to be laid down by the competent authorities.

³ In calculating the fat content the weight of any added sugar shall be disregarded.

⁴ 'Whole cheeses' means whole cheeses having the following net weights:

- Emmentaler: not less than 60 kg but not more than 130 kg inclusive
- Gruyère and Sbrinz: not less than 20 kg but not more than 45 kg inclusive
- Bergkäse: not less than 20 kg but not more than 60 kg inclusive
- Appenzell: not less than 6 kg but not more than 8 kg inclusive

⁵ 'Free-at-frontier value' means: the free-at-frontier price or f.o.b. price in the country of exportation, plus a lump sum to be determined in respect of the expenses of delivery to the customs territory of the Community.

⁶ This tariff sub-heading number shall be taken to apply only to goods, the packings of which bear at least the following particulars:

- the description of the cheese,
- the fat content by weight referred to dry matter,
- the packer responsible,
- the country of origin of the cheese.

⁷ For the purposes of this tariff sub-heading, 'put up (in boxes or slices) for retail sale' means: cheese of the kinds classified under that sub-heading put up in individual portions or in slices and packed in one of the following forms:

- (a) in circular or semi-circular boxes containing:
 - at least 3 but not more than 12 individual portions, of an aggregate net weight not exceeding 250 g; or
 - a single portion of a net weight not exceeding 56 g;
- (b) in circular or polygonal boxes (other than rectangular) containing at least 12 individual portions of an aggregate net weight of not less than 450 g but not more than 1000 g;
- (c) in the form of slices wrapped separately in aluminium foil, the net weight of each slice not exceeding 30 g.

⁸ For the purposes of tariff sub-heading No ex 23.07 B, 'milk products' means the products falling within tariff headings and sub-headings Nos 04.01, 04.02, 04.03, 04.04, 17.02 A and 17.05 A.