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**COUNCIL DECISION****of 27 October 1970****on the conclusion of a tariff Agreement in respect of certain cheeses negotiated with Spain  
during consultations with that country under Article XIX of GATT****(70/498/EEC)****THE COUNCIL OF THE EUROPEAN COMMUNITIES,****Having regard to the Treaty establishing the European Economic Community, and in particular Article 113 thereof;****Having regard to the Report from the Commission;****Whereas Spain, invoking Article XIX of GATT, has made certain cheeses subject to import licensing;****Whereas the modification of the arrangements for importing those products into Spain affects the European Economic Community;****Whereas the Commission, after consultations with Spain pursuant to Article XIX of GATT, has reached a satisfactory agreement with that country,****HAS DECIDED AS FOLLOWS:***Article 1***The tariff Agreement negotiated with Spain under Article XIX of GATT is concluded on behalf of the European Community; the text of that Agreement is annexed to this Decision.***Article 2***The conclusion of the Agreement shall be notified to the Contracting Parties to the General Agreement on Tariffs and Trade.****Done at Luxembourg, 27 October 1970.***For the Council**The President***W. SCHEEL**

**ANNEX I****AGREEMENT****between Spain and the European Economic Community**

1. After consultations held pursuant to Article XIX of the General Agreement on the reintroduction by Spain of import licences for certain cheeses, Spain and the European Economic Community have agreed as follows:
2. Subject to the provisions of paragraph 3:
  - (a) The importation into Spain of the cheeses listed in Annex I shall be liberalized;
  - (b) The import arrangements and nomenclature of products set out in Annexes 1 and 2 shall be substituted for those falling within heading No 04.04 of the Spanish Customs tariff.
3. Both Parties, conscious of the need to assess in the light of experience the effect of the provisions of this Agreement upon trade and upon the balance of the Spanish domestic market for cheese products, reserve the rights they held, prior to the consultations mentioned above, under the General Agreement, and in particular Articles II and XIX thereof.
4. The provisions set out in Annexes 1 and 2 shall form an integral part of this Agreement.

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*For the Spanish Delegation*

Geneva, 5 June 1970

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*For the Delegation of the  
Commission of the European  
Communities*

## Arrangements for the importation of certain cheeses into Spain

## 1. The provisions of this Annex shall apply to the following cheeses:

Spanish Customs Tariff No	Description	Compensating duty	Customs duty	Threshold price
		Pesetas per 100 kg (net weight)		Pesetas per 100 kg (net weight)
1	2	3	4	
04.04	Cheese and curd:			
	A. Emmentaler, Gruyère, Sbrinz, Bergkäse and Appenzel:			
	1. Of a minimum fat content of 45 % by weight, referred to dry matter, matured for at least 3 months and fulfilling the conditions stipulated in footnote (1):			
	(a) Whole cheeses of a cif value of:			
	1. 7 460 pesetas or more but less than 8 553 pesetas per 100 kg net weight	100	2 238 ptas/ 100 kg	11 230-10
	2. 8 553 pesetas or more per 100 kg net weight	100	1 800 ptas/ 100 kg	12 014-80
	(b) Vacuum-packed pieces, with rind on at least one side, of a weight exceeding 1 kg and of a cif value of:			
	1. 8 366 pesetas or more but less than 9 458 pesetas per 100 kg net weight	100	2 238 ptas/ 100 kg	12 280-10
	2. 9 458 pesetas or more per 100 kg net weight	100	1 800 ptas/ 100 kg	13 064-80
	(c) Vacuum-packed pieces, with rind on at least one side, of a weight not exceeding 1 kg but exceeding 75 g, and of a cif value of:			
	1. 8 970 pesetas or more but less than 10 062 pesetas per 100 kg net weight	100	2 238 ptas/ 100 kg	12 980-10
	2. 10 062 pesetas or more per 100 kg net weight	100	1 800 ptas/ 100 kg	13 764-80
	2. Other	variable	45 %	11 230-10
	B. Glarus herb cheese (known as Schabziger), made from skimmed milk and mixed with finely ground herbs, whether or not powdered, fulfilling the conditions stipulated in footnote 2	1	45 %	—
	C. Blue-veined cheese:			
	1. Roquefort, fulfilling the conditions stipulated in footnote (2)	1	45 %	—
	2. Gorgonzola, Bleu des Causses, Bleu d'Auvergne, Bleu de Bresse, Fourme d'Ambert, Saingorlon, Edelpilzkäse, Bleufort, Bleu de Gex, Bleu du Jura and Bleu de Septmoncel, fulfilling the conditions stipulated in footnote (2)	1	45 %	—
	3. Other	variable	45 %	12 014-80

Spanish Customs Tariff No	Description	Compensating duty	Customs duty	Threshold price
		Pesetas per 100 kg (net weight)		Pesetas per 100 kg (net weight)
1	2	3	4	5
04.04 (cont'd)	D. Processed cheese:			
	1. fulfilling the conditions stipulated in footnote (1) in the blending of which only Emmentaler, 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 and of a fat content by weight referred to dry matter:			
	(a) exceeding 40 % but not exceeding 48 % in respect of the aggregate of portions or slices	100	2 300 ptas/ 100 kg	11 230-10
	(b) exceeding 40 % but not exceeding 48 % in respect of 5/6ths of the aggregate of portions or slices, and not exceeding 56 % in respect of the remaining 1/6th	100	2 300 ptas/ 100 kg	11 230-10
	(c) exceeding 48 % but not exceeding 56 % in respect of the aggregate of portions or slices	100	2 400 ptas/ 100 kg	11 580-10
	2. Other, fulfilling the conditions stipulated in footnote (1) and of a dry product content of 40 % or more by weight and a fat content by weight referred to dry matter:			
	(a) Not exceeding 48 %	100	45 %	10 530-10
	(b) Exceeding 48 % but not exceeding 63 %	100	45 %	10 880-10
	(c) Exceeding 63 % but not exceeding 73 %	100	45 %	11 230-10
	3. Other	variable	45 %	14 000
	E. Curd (3)	100	45 %	—
	F. Goats' cheese, fulfilling the conditions stipulated in footnote (2)	100	45 %	—
	G. Other:			
	1. Of a fat content by weight not exceeding 40 % and a water content calculated by weight of the non-fatty matter:			
	(a) Not exceeding 47 %			
	1. Parmigiano Reggiano, Grana padano, Pecorino and Fiore sardo, whether or not grated or powdered, fulfilling the conditions stipulated in footnote (2)	1	45 %	—
	2. Other	variable	45 %	12 014-80
	(b) exceeding 47 % but not exceeding 72 %:			
	1. Cheddar, including Chester, fulfilling the conditions stipulated in footnote (1)	100	45 %	10 964-80(*)
	2. Provolone, Asiago, Caciocavallo and Ragusano, fulfilling the conditions stipulated in footnote (2)	1	45 %	—
	4. Camembert, Brie, Taleggio, Maroilles, Coulommiers, Carré de l'Est, Reblochon, Pont l'Évêque, Neufchatel, Limburger, Romadour, Herve, Haizer Käse, Fromage de Bruxelles, Stracchino, Crescenza, Robiola, Livarot and Munster, fulfilling the conditions stipulated in footnote (2)	1	45 %	—

Spanish Customs Tariff No	Description	Compensating duty	Customs duty	Threshold price
		Pesetas per 100 kg (net weight)		Pesetas per 100 kg (net weight)
1	2	3	4	5
04.04 (cont'd)	5. Other	variable	45 %	12 014-80
	(c) exceeding 72 % and in immediate packings of a net capacity:			
	1. not exceeding 500 g, fulfilling the conditions stipulated in footnote <sup>(2)</sup>	100	45 %	12 014-80
	2. exceeding 500 g	variable	45 %	12 014-80
	2. Other	variable	45 %	12 014-80

<sup>(1)</sup> Admission under this subheading shall be subject to presentation of a certificate issued by the competent authority of the exporting country, recognized by the Spanish authorities. The form of the certificate must also have been approved by the Spanish authorities. In the absence of such certificate the goods shall be classified under one of the subheadings: 04.04 A 2, 04.04 D 3 or 04.04 G 1 (b) 5, as the case may be.

<sup>(2)</sup> Admission under this subheading shall be subject to presentation of a certificate issued by the competent authority of the exporting country, recognized by the Spanish authorities. The form of the certificate must also have been approved by the Spanish authorities. In the absence of such certificate the goods shall be classified under one of the subheadings: 04.04 C 3, 04.04 G 1 (a) 2, 04.04 G 1 (b) 5 or 04.04 G 2, as the case may be.

<sup>(3)</sup> Under this subheading shall be included only those products obtained by hot precipitation in an acid medium, of the proteins found in cheese whey, forming a soft paste.

(\*) For Cheddar intended for processing, see point 4 of this Annex.

## 2. On importation into Spain of cheese falling within subheadings:

(i) 04.04 A 1

04.04 D 1

04.04 D 2

04.04 G 1 (b) 1

fulfilling the conditions of footnote <sup>(1)</sup> of point 1 of this Annex,

(ii) 04.04 B, 04.04 C 1 and C 2

04.04 F, 04.04 G 1 (a) 1

04.04 G 1 (b) 2 and (b) 4

04.04 G 1 (c) 1

fulfilling the conditions of footnote <sup>(2)</sup> of point 1 of this Annex,

(iii) 04.04 E

fulfilling the conditions of footnote <sup>(3)</sup> of point of this Annex, the following charges shall be levied:

(a) the customs duties shown in column 4,

(b) a countervailing charge for internal taxes and other charges and expenses,

(c) the fixed compensating duties shown in column 3.

## 3. On importation into Spain of cheeses falling within subheadings 04.04 A 2, 04.04 C 3, 04.04 D 3, 04.04 G 1 (a) 2, 04.04 G 1 (b) 5, 04.04 G 1 (c) 2 and 04.04 G 2, the following charges shall be levied:

(a) the customs duties shown in column 4,

(b) a countervailing charge for internal taxes and other charges and expenses,

(c) a variable compensating duty obtained by calculating the difference between the following factors:

(i) the threshold price shown in column 5,

(ii) the price of the most favourable offer recorded in international trade to which shall be added the customs duties, the countervailing charge for internal taxes and other charges and expenses mentioned above under (a) and (b). 'Pilot products' may be established in order to ascertain prices in international trade.

## 4. On importation into Spain of Cheddar falling within subheading 04.04 G 1 (b) 1 and intended for processing, the threshold price applicable shall be 9 800 pesetas/100 kg net weight.

## ANNEX 2

**Arrangements for the importation into Spain of cheeses falling within subheading 04.04 G 1 (b) 3**

1. The provisions of this Annex shall apply to the following cheeses:

04.04 Cheese and curd:

G. Other:

1. of a fat content by weight not exceeding 40 % and a water content, calculated by weight, of the non-fatty matter:
    - (b) exceeding 47 % but not exceeding 72 %:
      3. Butterkäse, Cantal, Edam, Fontal, Fontina, Gouda, Italico, Kernhem, Mimolette, Saint-Nectaire, Saint-Paulin and Tilsit.
  2. Spain shall open an annual, global, import quota of 2 000 metric tons. The allocation of this quota between supplier countries shall be made quarterly and on the basis of imports effected into Spain in 1963/64/65, the European Economic Community counting as a single entity.
  3. On importation of the cheeses listed above, Spain shall apply the following duties and charges:
    - (a) customs duties of 45 % *ad valorem*,
    - (b) a countervailing charge for internal taxes and other charges and expenses.
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