

GENERAL AGREEMENT ON TARIFFS AND TRADE

RESTRICTED

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ARTICLE XIX - ACTION BY SPAIN

Cheese

Consultations between Spain and the European Communities

The delegations of Spain and the Commission of the European Communities have notified the secretariat in a joint communication dated 22 June 1970 that they have held consultations concerning the Article XIX action by Spain with regard to cheese (tariff item 04.04) which was notified in document L/2670.

The result of the consultations is contained in the following agreement.

AGREEMENT BETWEEN SPAIN AND THE EUROPEAN ECONOMIC COMMUNITY

1. Within the framework of the consultations opened under Article XIX of the General Agreement on the subject of the placing again by Spain under licence of certain cheeses, Spain and the European Economic Community have agreed on the following provisions.
2. Subject to the provisions of paragraph 3:
 - (a) the importation into Spain of the cheeses indicated in Annex I is liberated;
 - (b) the import régime and the nomenclature under heading 04.04 of the Spanish Customs Tariff are replaced by those resulting from Annexes I and II.
3. The two Parties, conscious of the need to assess in the light of experience the incidence of the provisions of the present Agreement, on the one hand on trade and on the other on the equilibrium of the Spanish home market for cheese products, reserve the rights they held at the opening of the aforesaid consultations under the provisions of the General Agreement, in particular Articles II and XIX.
4. The provisions contained in Annexes I and II are an integral part of the present Agreement.

For the Delegation of Spain

Geneva, 5 June 1970

For the Delegation of the
Commission of the
European Communities

Annex IREGIME FOR THE IMPORTATION INTO SPAIN OF CERTAIN CHEESES

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

No. in Spanish Customs Tariff	Description of goods	Regulating duty Pesetas per 100 kgs. net weight	Customs duty Pesetas per 100 kgs. net weight	Threshold price Pesetas per 100 kgs. net weight
1	04.04 Cheese and curd: A. Emmenthaler, Gruyère, Sbrinz, Bergkäse and Appenzell;	2	3	5
	1. Of a minimum fat content of 45 per cent in weight of the dry matter and ripened for at least three months, which fulfil the conditions stipulated in Note 1: (a) In standard loaves and of a value c.i.f.: 1. of or exceeding Ptas 7,60 per 100 kgs., net and less than Ptas 8,55 per 100 kgs. net 100 Ptas 2,238/100 kgs. 11,230.10 2. of or exceeding Ptas 8,553 per 100 kgs. net 100 Ptas 1,800/100 kgs. 12,014.80 (b) In the form of vacuum- packaged pieces, with rind at least on the end, of a weight greater than 1 kg. and of a value c.i.f.: 100 Ptas 1,800/100 kgs. 12,014.80			

1	2	3	4	5
04.04 (cont'd)				
1.	of or exceeding Ptas 8,366 per 100 kgs. net and less than Ptas 9,458 per 100 kgs. net	100	Ptas 2,238/100 kgs.	12,280.10
2.	of or exceeding Ptas 9,458 per 100 kgs. net	100	Ptas 1,800/100 kgs.	13,064.80
(c)	In the form of vacuum-packaged pieces, with rind at least on the end, of a weight of or less than 1 kg. and exceeding 75 grs., and of a value c.i.f.:			-
1.	of or exceeding Ptas 8,970 per 100 kgs. net and less than Ptas 10,062 per 100 kgs. net	100	Ptas 2,238/100 kgs.	12,980.10
2.	of or exceeding Ptas 10,062 per 100 kgs. net	100	Ptas 1,800/100 kgs.	13,764.80
2.	Otner	variable	4.5%	11,230.10
B.	Glaris cheeses containing herbs (known as Schabziger) with a basis of skim milk and mixed with finely-ground herbs, even in powder, which fulfil the conditions stipulated in Note 2	1	4.5%	-
C.	Blue-veined cheese:			
1.	Roquefort, which fulfills the conditions stipulated in Note 2	1	4.5%	-
2.	Gorgonzola, Bleu des Causses, Bleu d'Auvergne, Bleu de Bresse, Fourme d'Amboise, Saingorlon, Edelpilzkäse, Bleufort, Bleu de Gex, Bleu du Jura, Bleu de Septmoncel, which fulfil the conditions stipulated in Note 2	1	4.5%	-
3.	Other	variable	4.5%	12,014.80

1	2	3	4	5
04.04 (cont'd)	D.	Processed cheeses:		
1.	which fulfil the conditions stipulated in Note 1 and in the manufacture of which no cheeses were used other than Emmenthaler, Gruyère and Appenzell and, possibly, as an addition, Glaris containing herbs (known as Schabziger) put up in boxes or slices and of a fat content of a weight calculated on the dry product:			
(a)	exceeding 40 per cent and of or less than 48 per cent in respect of the aggregate of portions or slices	100	Ptas 2,300/100 kgs.	11,230.10
(b)	exceeding 40 per cent and of or less than 48 per cent in respect of 5/6ths of the aggregate of portions or slices and less than 56 per cent in respect of the remaining 1/6th	100	Ptas 2,300/100 kgs.	11,230.10
(c)	exceeding 48 per cent and of or less than 56 per cent in respect of the aggregate of portions or slices	100	Ptas 2,400/100 kgs.	11,530.10
2.	Others, which fulfil the conditions stipulated in Note 1, of a dry content of or exceeding 40 per cent in weight and of a fat content of a weight calculated on the dry product:			
(a)	of or less than 48 per cent	100	45%	10,530.10

	1	2	3	4	5
0.4.0 ₄ (cont'd)					
(b) exceeding 48 per cent and of or less than 63 per cent		100	45%		10,880.10
(c) exceeding 63 per cent and of or less than 73 per cent		100	45%		11,230.10
2. Other		variable	45%		14,000.00
E. Curd (5)		100	45%		..
F. Goat cheese which fulfills the conditions stipulated in Note 2		100	45%		..
G. Not specified:		100	45%		..
1. of a fat content by weight of or less than 40 per cent and of a water content by weight in the non-fat content:					
(a) of or less than 47 per cent:					
1. Parmigiano Reggiano, Grana Padano, Pecorino and Fiore sardo, even grated or in powder, which fulfil the conditions stipulated in Note 2	1	45%			12,014.80
2. Other	variable	45%			..
(b) exceeding 47 per cent and of or less than 72 per cent:					
1. Cheddar and Chester which fulfil the conditions stipulated in Note 1	100	45%			10,964.80 ¹
2. Provolone, Asiago, Caciocavollo and Pugliese which fulfil the conditions stipulated in Note 2	1	45%			..

¹/For processed Cheddar, see point 4 of this annex.

1	2	3	4	5
04.04 (cont'd)	4. Cunembert, Brie, Talleggio, Maroilles, Coulommiers, Carré de l'Est, Reblochon, Pont l'Evêque, Neufchâtel, Limburger, Romadour, Herve, Harzer Käse, Fromage de Bruxelles, Stracchino, Crescenza, Robiola, Livarot and Munster, which fulfil the conditions stipulated in Note 2	1	variable 45%	12,014.80
	5. Not specified			
	(c) exceeding 72 per cent and put up in immediate packagings of a net content:			
	1. of or less than 500 grs., which fulfil the conditions stipulated in Note 2	100 variable	45% 45%	12,014.80 12,014.80
	2. exceeding 500 grs.	variable	45%	12,014.80
	2. Other	variable	45%	12,014.80
	(1) Entry under this sub-heading is subject to the presentation of a certificate issued by the competent authority of the exporting country, and approved by the Spanish authorities, of which the model has also been approved by the Spanish authorities. Lack of the certificate shall entail classification according to the particular case under one of the following sub-headings: 04.04 G 2, 04.04 G 1(b) 5.			
	(2) Entry under this sub-heading is subject to the presentation of a certificate issued by the competent authority of the exporting country, and approved by the Spanish authorities, of which the model has also been approved by the Spanish authorities. Lack of the certificate shall entail classification according to the particular case under one of the following sub-headings: 04.04 G 2, 04.04 G 1(a) 2, 04.04 G 1(b) 5.			
	(3) Under this sub-heading are included only the products obtained by precipitation due to heat with an acidifier of cheese serum proteins so as to make a malleable mixture of them.			

2. On the importation into Spain of the cheeses under the sub-headings:

(i) 04.04 A 1

04.04 D 1

04.04 D 2

04.04 G 1 (b) 1

fulfilling the conditions stated in Note (1) of point (1) of the present 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 stated in Note (2) of point (1) of the present annex, and

(iii) 04.04 E

fulfilling the conditions stated in Note (3) of point (1) of the present annex

the following charges shall be levied:

(a) the customs duties in column 4;

(b) the tax compensating for internal charges, and other charges and fees;

(c) the fixed regulating duties in column 3.

3. On the importation into Spain of the cheeses under the sub-headings 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 in column 4;

(b) the tax compensating for internal charges, and other charges and fees;

(c) a variable regulating duty calculated in accordance with the difference between the following factors:

(i) on the one hand, the threshold price indicated in column 5;

(ii) on the other, the most favourable offer price ascertained in international trade, to which are added the customs duties together with the charges and other dues mentioned above under (a) and (b). "Pilot products" may be established for the purpose of ascertaining the prices in international trade.

4. On the importation into Spain of Cheddar coming under sub-heading 04.04 G 1 (b) 1, intended for processing, the threshold price applicable is Ptas 9,800/100 kgs. net weight.

Annex II

REGIME FOR THE IMPORTATION INTO SPAIN OF CHEESES
UNDER SUB-HEADING 04.04 G 1 (b) 3 (GOUDA, EDAM, ETC.)

1. The provisions of the present annex apply to the following cheeses:

04.04 Cheese and curd:

G. Not specified:

1. of a fat content by weight of or less than 40 per cent and of a water content by weight in the non-fat content:
 - (b) exceeding 47 per cent and of or less than 72 per cent:
3 "Butter cheese" (Butterkäse), Cantal, Edam, Fontal, Fontina, Gouda, Italico, Kernhem, Mimolette, St. Nectaire, St. Paulin and Tilsit.

2. Spain is opening a global annual import quota of 2,000 tons.

The distribution of this quota between supplying countries is done quarterly and on the basis of the imports into Spain in 1963/1964/1965, the EEC counting as a whole.

3. To imports of the cheeses indicated above, Spain applies the following duties and charges:

- (a) customs duties of 45 per cent ad valorem,
- (b) the tax compensating for internal charges, and other charges and fees.