COMMISSION REGULATION (EC) No 1165/97

of 26 June 1997

amending Regulation (EC) No 1600/95 laying down detailed rules for the application of the import arrangements and opening tariff quotas for milk and milk products

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European 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 (EC) No 1587/96 [2], and in particular Articles 13 (3) and 16 (1) and (4) thereof,

Having regard to Council Regulation (EC) No 1095/96 of 18 June 1996 on the implementation of the concessions set out in Schedule CXL drawn up in the wake of the conclusion of the GATT XXIV.6 negotiations [3], and in particular Article 1 (1) thereof,

Whereas Commission Regulation (EC) No 1600/95 [4], as last amended by Regulation (EC) No 503/97 [5], replaces, in respect of imports coming from Switzerland under the special arrangement concluded between that country and the Community, the IMA-1 certificate arrangements with a system based solely on the Community import licence; whereas it has been found that certain provisions do not cover all the products subject to the system; whereas the provisions concerned should accordingly be adapted;

Whereas the tariff quotas for milk products referred to in the GATT/WTO Agreement and not specified by country of origin must be adjusted with effect from 1 July 1997; whereas, therefore, Annex II to Regulation (EC) No 1600/95 should be amended;

Whereas ambiguities have been found in the notifications referred to in Annex VIII; whereas, to guarantee correct and complete notifications, that Annex should be amended and the time allowed for the notifications should be extended from three to five days;

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 (EC) No 1600/95 is hereby amended as follows:

1. Article 3 is replaced by the following:

   'Article 3

   Classification of cheeses falling within CN codes 0406 20 10, 0406 90 02 to 0406 90 06 and 0406 90 19 shall be subject to the presentation of:

   — a licence issued in accordance with Article 22a for imports coming from Switzerland under the special arrangement concluded between that country and the Community,

   — an IMA-1 certificate fulfilling the conditions laid down in Title IV for other third countries.

   CN code 0406 90 01 shall apply only to cheeses imported from third countries.';

2. in Article 14 (3), 'third working day' is replaced by 'fifth working day';

3. Article 22a is amended as follows:

   (a) paragraph 1 is replaced by the following:

   '1. Article 22 notwithstanding, this Article shall apply to imports coming from Switzerland under the special arrangement concluded between that country and the Community.';

   (b) paragraph 2 is replaced by the following:

   '2. Licence applications and licences shall contain:

   — in Section 15, the detailed description of the product referred to in Annex IV or, for products falling within CN codes 0406 90 02 to 0406 90 06, the description in the combined nomenclature,

   — in Section 16, the combined nomenclature code for the product.';

   (c) paragraph 4 is replaced by the following:

   '4. For products falling within CN codes 0406 90 02 to 0406 90 06 and for those listed in Annex IV under order numbers 3, 4 and 5, import licences shall be issued only where the applications are accompanied by:

[1] OJ No L 148, 28. 6. 1968, p. 13.
[2] OJ No L 206, 16. 8. 1996, p. 21.
[3] OJ No L 146, 20. 6. 1996, p. 1.
[4] OJ No L 151, 1. 7. 1995, p. 12.
[5] OJ No L 78, 20. 3. 1997, p. 12.

(a) a written declaration by the applicant that the minimum prices referred to in Annex IV or in the combined nomenclature for products falling within CN codes 0406 90 02 to 0406 90 06 have been complied with;

(b) a written undertaking by the applicant to supply, at the request of the competent authorities, any information and additional supporting documentation which they may judge necessary with regard to compliance with the minimum price and to allow any auditing of accounts required by those authorities.

In cases of non-compliance with the minimum price, in addition to the import duty set in Annex I to Council Regulation (EEC) No 2658/87 (*), a penalty shall be paid equal to 25 % of the amount of the duty.

(*) OJ No L 256, 7. 9. 1987, p. 1.';

4. Annex II is replaced by Annex I to this Regulation;

5. Annex VIII is replaced by Annex II to this Regulation.

Article 2

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

Article 1 shall apply from:

— 1 May 1997 where point 3 is concerned,

— 1 July 1997 where the other points are concerned.

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

Done at Brussels, 26 June 1997.

For the Commission

Franz FISCHLER

Member of the Commission

ANNEX I

'ANNEX II

TARIFF QUOTAS PURSUANT TO GATT/WTO AGREEMENTS, NOT SPECIFIED BY COUNTRY OF ORIGIN

(GATT/WTO year)

Order number in Annex 7 to the combined nomenclature	CN code	Description	Country of origin	Quota quantity in tonnes		Import duty (in ecus per 100 kg net weight)
				Annual	Quarterly	
37	0402 10 19	Skimmed milk powder	all third countries	51 441	12 860,25	47,50
38	0405 10 11 0405 10 19 0405 10 30 0405 10 50 0405 10 90 0405 90 10 (*) 0405 90 90 (*)	Butter and other fats and oils derived from milk	all third countries	4 000 in butter equivalent	1 000	94,80
40	ex 0406 10 20 ex 0406 10 80	Pizza cheese, frozen, cut into pieces each weighing not more than 1 gram, in containers with a net content of 5 kg or more, of a water content, by weight, of 52 % or more, and a fat content by weight in the dry matter of 38 % or more	all third countries	2 787	696,75	13,00
41	ex 0406 30 10 0406 90 13	Processed Emmentaler Emmentaler	all third countries	9 120	2 280	71,90 85,80
42	ex 0406 30 10 0406 90 15	Processed Gruyère Gruyère, Sbrinz	all third countries	2 520	630	71,90 85,80
43	0406 90 01	Cheese for processing (1)	all third countries	10 400	2 600	83,50
45	0406 90 21	Cheddar	all third countries	7 800	1 950	21,00
48	ex 0406 10 20 ex 0406 10 80	Fresh (unripened or uncured) cheese including whey cheese, and curd, other than pizza cheese of order No 40	all third countries	9 896	2 474	92,60 106,40
	0406 20 90	Other grated or powdered cheese				94,10
	0406 30 31 0406 30 39 0406 30 90	Other processed cheese				69,00 71,90 102,90
	0406 40 10 0406 40 50 0406 40 90	Blue-veined vheese				70,40
	0406 90 17	Bergkäse and Appenzell				85,80

Order number in Annex 7 to the combined nomenclature	CN code	Description	Country of origin	Quota quantity in tonnes		Import duty (in ecus per 100 kg net weight)
				Annual	Quarterly	
	0406 90 18	Fromage fribourgeois, Vacherin Mont d'Or and Tête de Moine				75,50
	0406 90 23	Edam				
	0406 90 25	Tilsit				
	0406 90 27	Butterkäse				
	0406 90 29	Kashkaval				
	0406 90 31	Feta, of sheep's milk or buffalo milk				
	0406 90 33	Feta, other				
	0406 90 35	Kefalo-Tyri				
	0406 90 37	Finlandia				
	0406 90 39	Jarlsberg				
	0406 90 50	Cheese of sheep's milk or buffalo milk				
	0406 90 61	Grana Padano, Parmigiano Reggiano				94,10
	0406 90 63	Fiore Sardo, Pecorino				
	0406 90 69	Other				
	0406 90 73	Provolone				75,50
	0406 90 75	Asiago, Caciocavallo, Montasio, Ragusano				
	0406 90 76	Danbo, Fontal, Fontina, Fynbo, Havarti, Maribo, Samsoe				
	0406 90 78	Gouda				
	0406 90 79	Esrom, Italico, Kernhem, Saint-Nectaire, Saint-Paulin, Taleggio				
	0406 90 81	Cantal, Cheshire, Wensleydale, Lancashire, Double Gloucester, Blarney, Colby, Monterey				
	0406 90 82	Camembert				
	0406 90 84	Brie				
	0406 90 85	Kefalograviera, Kasseri				
	0406 90 86	Exceeding 47 % but not exceeding 52 %				
	0406 90 87	Exceeding 52 % but not exceeding 62 %				
	0406 90 88	Exceeding 62 % but not exceeding 72 %				
	0406 90 93	Exceeding 72 %				92,60
	0406 90 99	Other				106,40

(*) 1 kg product = 1,22 kg butter.

(!) Monitoring utilization for this particular purpose will be done by applying the Community provisions laid down on the subject.'

ANNEX II

'ANNEX VIII

APPLICATION OF ARTICLE 14

(Page /)

COMMISSION OF THE EUROPEAN COMMUNITIES
DG VI/D/1 — MILK AND MILK PRODUCTS

APPLICATIONS FOR IMPORT LICENCES AT REDUCED DUTIES ... THREE-MONTH PERIOD

	Date:
Member State:	Commission Regulation (EC) No 1600/95

Consigner:

Contact:

Telephone:

Fax:

Part I: Summary

Order number in Annex 7 to the combined nomenclature	CN code	Quantity applied for per CN code
	Subtotal	

Part II: Applications per order number

Serial numbers of applications:

Total quantity applied for (tonnes):

Number of pages: