COMMISSION REGULATION (EC) No 1876/97

of 26 September 1997

opening the procedure for the allocation of export licences for products to be exported in 1998 to the United States of America under the additional quota for cheese resulting from the GATT Agreements

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to the 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 Article 17 (8) thereof,

Having regard to Commission Regulation (EC) No 1466/95 of 27 June 1995 laying down special detailed rules of application for export refunds on milk and milk products [3], as last amended by Regulation (EC) No 1811/97 [4], and in particular Article 9a (1) thereof,

Whereas Article 9a of Regulation (EC) No 1466/95 provides that export licences for cheese exported to the United States of America as part of the additional quota under the Agreements concluded during the Uruguay Round of multilateral trade negotiations (hereinafter known as 'the Agreements') may be allocated according to a special procedure by which preferred importers in the United States may be designated; whereas that procedure should be opened for exports during 1998 and the additional rules relating to it should be determined; whereas, given the time limit for notification of the preferred importers in the United States, the procedure should be opened without delay;

Whereas the additional quota of the Community under the Agreements includes from 1998 the individual quotas of Austria, Finland and Sweden;

Whereas in order to provide stability and security for operators lodging demands under this special regime, it is appropriate to fix the day on which applications are deemed to have been lodged for the purposes of Article 1 (1) of Regulation (EC) No 1466/95;

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

Export licences for products falling within CN code 0406 to be exported in 1998 to the United States of America under the additional quota resulting from the Agreements as referred to in Annex I shall be issued in accordance with the provisions of Article 9a of Regulation (EC) No 1466/95.

Article 2

Applications for provisional licences shall be lodged with the competent authorities by 3 October 1997 at the latest. They shall not be admissible unless they contain all the details referred to in Article 9a (2) of Regulation (EC) No 1466/95 and the documents mentioned therein.

Those details shall be presented in accordance with the model shown in Annex II.

For the purposes of Article 1 (1) of Regulation (EC) No 1466/95, all demands lodged within the time limit shall be deemed to have been lodged on 29 September 1997. Article 8 (4) of Regulation (EC) No 1466/95 shall not apply to applications for provisional licences lodged pursuant to this paragraph.

Article 3

Member States shall notify the Commission within four working days of the end of the period for lodging applications of the applications lodged for each of the groups of products covered by the American quota indicated in Annex I. Notification shall comprise for each group:

— a list of applicants,

— the quantities applied for by each applicant broken down by code of the export refund nomenclature for milk products and by their description in accordance with the Harmonized Tariff Schedule of the United States of America (1997),

— the quantities of those products exported by the applicant during the previous three years,

— the name and address of the importer designated by the applicant and whether the importer is a branch of the applicant.

[1] OJ L 148, 28. 6. 1968, p. 13.
[2] OJ L 206, 16. 8. 1996, p. 21.
[3] OJ L 144, 28. 6. 1995, p. 22.
[4] OJ L 257, 20. 9. 1997, p. 4.

All notifications, including 'nil' notifications, shall be made by telex or fax, by 9 October 1997 at the latest, on the model form shown in Annex III.

Article 4

The Commission shall, pursuant to Article 9a (3) of Regulation (EC) No 1466/95, determine the allocation of licences without delay and shall notify the Member States thereof by 31 October 1997 at the latest.

Article 5

The information referred to in Article 3 hereto and in Article 9a (2) of Regulation (EC) No 1466/95 shall be verified before the final licences are issued and by 31 December 1997 at the latest.

Where it is found that incorrect information has been supplied by an operator to whom a provisional licence has been issued, the licence shall be cancelled and the security forfeited.

Article 6

This Regulation shall enter into force on the 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 Brussels, 26 September 1997.

For the Commission

Franz FISCHLER

Member of the Commission

ANNEX I

Cheese to be exported to the United States of America in 1998 under the additional quota resulting from the GATT Agreements

Article 9a of Regulation (EC) No 1466/95 and Regulation (EC) No 1876/97

Identification of group in accordance with Additional Notes in Chapter 4 of the Harmonized Tariff Schedule of the United States of America		Quantity available for 1998	Maximum quantity per application
Note No	Group	Tonnes	Tonnes
16	Not specifically provided for (NSPF)	2 472,877	989,150
17	Blue Mould	200,000	80,000
18	Cheddar	666,667	266,666
19	American type	66,667	26,666
20	Edam/Gouda	666,667	266,666
21	Italian type	466,667	186,666
22	Swiss or Emmenthaler cheese other than with eye formation	646,339	258,535
25	Swiss or Emmenthaler cheese with eye formation	4 916,506	1 966,602

ANNEX II

Presentation of details required pursuant to Article 9a (2) of Regulation (EC) No 1466/95

Identification of the United States of America quota group applied for

Additional Note to the Harmonized Tariff Schedule of the United States of America No ☐

Name of group: .....

Name/address of applicant	Refund nomenclature product code	Quantity applied for	Export to the United States of America				Harmonized Tariff Schedule of the USA code	Name/address of designated importer	Importer is branch of applicant yes ☐ no ☐
			1994	1995	1996	Average Ø 1994 to 1996			
	Total					Ø			

ANNEX III

Notification by Member State in accordance with Article 3 of Regulation (EC) No 1876/97

Identification of the United States of America quota group applied for

Additional Note to the Harmonized Tariff Schedule of the United States of America No ☐

Name of group: .....

No	Name/address of applicant	Refund nomenclature product code	Quantity applied for	Export to the United States of America				Harmonized Tariff Schedule of the USA code	Name/address of designated importer	Importer is subsidiary of applicant yes ☐ no ☐
				1994	1995	1996	Average Ø 1994 to 1996			
1										
		Total					Ø			☐ ☐
2										
		Total					Ø			☐ ☐
3										
		Total					Ø			☐ ☐