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COMMISSION REGULATION (EC) No 1374/98

of 29 June 1998

laying down detailed rules for the application of the import arrangements and opening tariff quotas for milk and milk products

(OJ L 185, 30.6.1998, p. 21)

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►**M2**	Commission Regulation (EC) No 2809/1999 of 23 December 1999	L 340	77	31.12.1999
►**M3**	Commission Regulation (EC) No 249/2000 of 1 February 2000	L 26	4	2.2.2000
►**M4**	Commission Regulation (EC) No 970/2000 of 8 May 2000	L 112	27	11.5.2000
►**M5**	Commission Regulation (EC) No 1491/2000 of 7 July 2000	L 168	10	8.7.2000

Corrected by:

►**C1** Corrigendum, OJ L 163, 4.7.2000, p. 38 (970/2000)

►**C2** Corrigendum, OJ L 192, 28.7.2000, p. 44 (970/2000)

NB: This consolidated version contains references to the European unit of account and/or the ecu, which from 1 January 1999 should be understood as references to the euro — Council Regulation (EEC) No 3308/80 (OJ L 345, 20.12.1980, p. 1) and Council Regulation (EC) No 1103/97 (OJ L 162, 19.6.1997, p. 1).

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COMMISSION REGULATION (EC) No 1374/98

of 29 June 1998

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 organisation 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(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,

Having regard to Council Regulation (EC) No 779/98 of 7 April 1998 on the import into the Community of agricultural products originating in Turkey, repaling Regulation (EEC) No 4115/86 and amending Regulation (EC) No 3010/95 [4], and in particular Article 1 thereof,

Whereas Commission Regulation (EC) No 1600/95 of 30 June 1995 laying down detailed rules for the application of the import arrangements and opening tariff quotas for milk and milk products [5], as last amended by Regulation (EC) No 1129/98 [6], has been substantially amended several times; whereas, since further amendments are to be made, it should be recast in the interests of clarity and efficiency;

Whereas the Agreement on Agriculture concluded during the Uruguay Round of multilateral trade negotiations (hereinafter referred to as the 'Agreement') provides for certain tariff quotas for milk and milk products under the 'current acess' and 'minimum access' arrangements; whereas those quotas should be opened; whereas rules should be laid down for the management of those quotas;

Whereas tariff quotas are opened under the current access arrangements for specified countries; whereas, in order to check that products imported under the quotas conform to the product description laid down and that the tariff quotas are complied with, use should be made of the arrangements under which certificates are issued on the responsibility of the exporter country;

Whereas certain special conditions previously applied to imports authorised under special arrangements should be applied to imports of New Zealand butter under the quota provided for in the Agreement in order to monitor their origin and destination;

Whereas tariff quotas under the minimum access arrangements are opened for unspecified countries; whereas, in order to ensure correct and equitable management of the quotas, acceptance of licence applications should be subject to the lodging of a security greater than that required for normal imports and certain conditions should be laid down for the submission of licence applications; whereas the quotas should be spread out over the year and the procedure for the allocation of licences and their period of validity should be laid down; whereas this type of management requires close cooperation between the Member States and the Commission;

Whereas the Regulation should contain provisions on the import of milk products under tariff quotas opened pursuant to other international agreements and on the import of milk products under preferential quota

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[1] OJ L 148, 28. 6. 1968, p. 13.
[2] OJ L 206, 16. 8. 1996, p. 21.
[3] OJ L 146, 20. 6. 1996, p. 1.
[4] OJ L 113, 15. 4. 1998, p. 1.
[5] OJ L 151, 1. 7. 1995, p. 12.
[6] OJ L 157, 30. 5. 1998, p. 91.

▼B

arrangements; whereas checks on the description of the products concerned and, where appropriate, on compliance with the quota may be made on the basis of the system of certificates issued by the exporter country; whereas, however, in the case of imports from Switzerland under the special arrangement agreed between that country and the Community and imports from Turkey under the preferential arrangements provided for in Protocol 1 to Decision No 1/98 of the EC-Turkey Association Council of 25 February 1998 on the trade regime for agricultural products [1], import checks are based solely on Community import licences;

Whereas the special provisions of this Regulation are either supplementary to, or derogate from Regulation (EEC) No 3719/88 of 16 November 1988 laying down common detailed rules for the application of the system of import and export licences and advance fixing certificates for agricultural products [2], as last amended by Regulation (EC) No 1044/98 [3];

Whereas, in order to permit the timely submission of licence applications in respect of the quotas opened by this Regulation, provision should be made for its entry into force on the day following that of its publication;

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:

CHAPTER I

General arrangements

Article 1

All imports into the Community of any of the products listed in Article 1 of Regulation (EEC) No 804/68 (here-inafter referred to as 'milk products') shall be subject to the presentation of an import licence.

Notwisthstanding the fourth indent of Article 5(1) of Regulation (EEC) No 3719/88, however, no import licence shall be required for operations involving not more than:

(a) 150 kilograms for products falling within CN codes 0405 and 0406, and

(b) 300 kilograms for other milk products.

Article 2

1. The special rules set out in paragraphs 2 to 5 shall apply to import licences.

2. The security referred to in Article 14(2) of Regulation (EEC) No 3719/88 shall be ECU 10 per 100 kilograms net of product.

3. The Combined Nomenclature product code shall be entered in section 16 of both the import licence application and the licence itself. The licence shall only be valid for the product so designated.

4. The licence shall be valid from the day of issue within the meaning of Article 21(1) of Regulation (EEC) No 3719/88 until the end of the third month following.

5. The licence shall be issued on the first working day following the day on which the application is submitted.

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[1] OJ L 86, 20. 3. 1998, p. 3.
[2] OJ L 331, 2. 12. 1988, p. 1.
[3] OJ L 149, 20. 5. 1998, p. 11.

▼B

Article 3

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

(a) a licence issued in accordance with Article 23 for imports coming from Switzerland under the special arrangement concluded between that country and the Community;

(b) an IMA 1 certificate fulfilling the conditions laid down in Chapter IV for other third countries.

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

Article 4

For the purposes of this Regulation 'year of import' means:

(a) the calendar year for the arrangements referred to in sections 1 and 3 of Chapter II;

(b) the 12-month period beginning on 1 July for the arrangements referred to in section 2 of Chapter II.

CHAPTER II

Tariff quota arrangements

Section 1

Imports of milk products under tariff quotas referred to in the GATT/WTO Agreements opened for specified countries of origin

Article 5

The section shall apply to certain tariff quotas for milk products referred to in the Agreements concluded under the Uruguay Round of multilateral trade negotiations (hereinafter referred to as 'the Agreement') opened for specified countries of origin.

Article 6

The tariff quotas referred to in Article 5 and the duties to be applied shall be as set out in Annex I.

▼M4

Article 7

1. An import licence for the products listed in Annex I at the rate of duty indicated shall only be issued on presentation of a corresponding IMA 1 certificate, for the total net quantity indicated therein fulfilling the conditions laid down in Article 9(9) or in Chapter IV as appropriate; it shall bear the number and date of issue of that corresponding certificate.

Except in the case of butter referred to in Article 5 and reduced duty imports referred to in Annex IV, the import licence may only be issued following verification by the competent authority that the provisions in Article 28(1)(f) have been respected. The licence issuing authority shall send to the Commission by fax a copy of the IMA 1 certificate lodged with each import licence application on the day it is lodged and by 18.00 at the latest. The licence issuing authority shall issue the import licence on the fourth working day following provided the Commission has not taken any special measures before that date.

The competent import licence issuing authority shall retain a copy of each IMA 1 presented.

2. The period of validity of the IMA 1 certificate shall be from its date of issue up to the end of the eighth month following, but in no case may it extend beyond the validity of its corresponding import licence nor the 31 December of the year of import for which it is issued.

▼M4

3. From 1 November of each year IMA 1 certificates valid from the following 1 January may be issued for quantities covered by the quota for the year of import. However import licence applications shall only be lodged from the first working day of the year of import.

4. The circumstances under which an IMA 1 certificate may be cancelled, amended, replaced or corrected are indicated in Annex XIII.

5. By way of derogation from Article 8(4) of Regulation (EEC) No 3719/88, the quantity imported may not exceed that shown in boxes 17 and 18 of the import licence. To that end, the figure '0' shall be entered in box 19 of the licence.

▼B

Article 8

1. The import licence application and the import licence itself shall show the following entries:

(a) in boxes 7 and 8, the name of the country of provenance and country of origin;

(b) in box 15, the product description in accordance with Annex I;

(c) in box 16, the subheading of the Combined Nomenclature preceded by 'ex' where appropriate;

▼M4

(d) in box 19 the figure '0' shall be indicated;

(e) in box 20 the serial number of the IMA 1 certificate and its date of issue in one of the following ways:

— Válido si va acompañado del certificado IMA 1 nº … expedido el …

— Kun gyldig ledsaget af IMA 1-certifikat nr. …, udstedt den …

— Nur gültig in Verbindung mit der Bescheinigung IMA 1 Nr. …, ausgestellt am …

— Έγκυρο μόνο εφόσον συνοδεύεται από το πιστοποιητικό IMA 1 αριθ. … που εξεδόθη στις …

— Valid if accompanied by the IMA 1 certificate No … issued on …

— Valable si accompagné du certificat IMA 1 nº …, délivré le …

— Valido se accompagnato da un certificato IMA 1

— Geldig indien vergezeld van een certificaat IMA 1 nr. … dat is afgegeven op …

— Válido quando acompanhado do certificado IMA 1 com o número … emitido …

— Voimassa vain … myönnetyn IMA 1 -todistuksen N:o … kanssa

— Gäller endast tillsammans med IMA 1-intyg nr … utfärdat den …

▼B

2. The licence shall carry an obligation to import from the country of origin indicated.

▼M4

Article 9

1. The special rules set out in this Article shall apply to New Zealand butter subject to the tariff quota referred to in Article 5.

For the purpose of implementing the tariff quota referred to in the first subparagraph, 'at least six weeks old' shall be interpreted as meaning at least six weeks old on the date a declaration for release for free circulation is presented to customs.

2. By way of derogation from Article 2(2), the security shall be EUR 5 per 100 kilograms net of product.

3. Import licence applications may be submitted only in the United Kingdom.

▼**M4**

The United Kingdom shall monitor all IMA 1 certificates issued, cancelled, amended, corrected, or in respect of which copies were issued. It shall ensure that the total quantity in respect of which import licences are issued does not exceed the quota for any year of import.

4. An import licence, for endorsement in accordance with Article 22 of Regulation (EEC) No 3719/88, shall be used for a single customs declaration for release for free circulation and shall cover a single lot. If the quantity released into free circulation is lower than the quantity indicated in boxes 17 and 18 of the import licence, the security relating to the unreleased part shall be forfeited, and the licence in question may not be used to import any further quantity.

5. Where the compositional requirements are not met for the butter subject to the tariff quota referred to in Article 5 no preferential treatment shall be given for the whole lot. Where a declaration for release into free circulation has been accepted, customs shall, on determining non-conformity, collect the import duty set in Annex I to Council Regulation (EEC) No 2658/87 [1], attribute the quantity in box 29 of the import licence and send it to the import licence issuing authority which shall amend it with a view to converting it into a full duty import licence.

By way of derogation from Article 24 of Regulation (EEC) No 3719/88, the competent licence issuing authority shall endorse the licence in box 20 with one of the following:

— Certificado de importación con tipo reducido para el producto con el número de orden … que se ha convertido en un certificado de importación con tipo pleno para el que se adeudaba, y se ha abonado, el tipo de derecho de …/100 kg; certificado ya anotado

— Ændret fra en importlicens med nedsat toldsats for et produkt under nr. … til en importlicens med fuld toldsats, hvor den skyldige importtold på …/100 kg er betalt; licensen er allerede afskrevet

— Umwandlung einer Einfuhrlizenz zum ermäßigten Zollsatz für das Erzeugnis mit der lfd. Nr. … in eine Einfuhrlizenz zum vollen Zollsatz von …/100 kg, der entrichtet wurde; Lizenz abgeschrieben

— Μετατροπή από πιστοποιητικό εισαγωγής με μειωμένο δασμό για προϊόν βάσει του αύξοντος αριθμού … σε πιστοποιητικό εισαγωγής με πλήρη δασμό για το οποίο το ποσοστό δασμού ποσού …/100 kg οφείλετο και πληρώθηκε· το πιστοποιητικό ήδη χορηγήθηκε

— Converted from a reduced duty import licence for product under order No … to a full duty import licence on which the rate of duty of …/100 kg was due and has been paid; licence already attributed

— Certificat d'importation à droit réduit pour le produit correspondant au nº d'ordre …, converti en un certificat d'importation à taux plein, pour lequel le taux du droit applicable de …/100 kg a été acquitté; certificat déjà imputé

— Conversione da un titolo d'importazione a dazio ridotto per il prodotto del n. d'ordine … ad un titolo d'importazione a dazio pieno, per il quale è stata pagata l'aliquota di …/100 kg; titolo già attribuito

— Invoercertificaat met verlaagd recht voor onder volgnummer … vallend product omgezet in een invoercertificaat met volledig recht waarvoor het recht van …/100 kg verschuldigd was en is betaald; hoeveelheid reeds op het certificaat afgeschreven

— Obtido por conversão de um certificado de importação com direito reduzido para o produto com o número de ordem … num certificado de importação com direito pleno, relativamente ao qual a taxa de direito aplicável de …/100 kg foi paga; certificado já imputado

— Muutettu etuuskohteluun oikeuttavasta kiintiötuontitodistuksesta vakiotuontitodistukseksi tavaralle, joka kuuluu järjestysnumeroon … ja josta on kannettu tariffin mukainen tulli …/100 kg; vähennysmerkinnät tehty

[1] OJ L 256, 7.9.1987, p. 1.

▼M4

— Omvandlad från importlicens med sänkt tull för produkt med löpnummer … till importlicens med hel tullavgift för vilken gällande tullsats …/100 kg har betalats. Redan avskriven licens.

The licence authority shall modify all counting data to take this amendment into account. The customs authority shall ensure the appropriate modifications are carried out to the trade and the own resources accounting.

6. For the purposes of monitoring the quantities of the tariff quota referred to in paragraph 1, account shall be taken of all quantities for which declarations for release for free circulation have been accepted during the quota period concerned.

7. Member States shall notify the Commission, by 31 January following the end of a given quota year, of the definitive monthly quantities and the total quantity for that quota year of butter for which declarations for release for free circulation have been accepted under the tariff quota referred to in paragraph 1 during the previous quota year. The monthly notification shall be made by the 10th of the month following that during which the declarations for release for free circulation have been accepted.

By 28 February of each year, the United Kingdom shall communicate to the Commission, in respect of the tariff quota referred to in paragraph 1 for the previous quota year, the quantity of butter for which a security has been lodged and the quantity of butter released into free circulation in respect of which the security has been released. In the case where the complete data is not available on 28 February it shall be completed without undue delay.

8. The United Kingdom shall communicate to the Commission by 31 January following the end of each quota year on the basis of the data referred to in Article 28(1)(g) a detailed inventory for the quota year of each IMA 1 issued, its identification number and the quantity covered by it together with the total number of certificates and the total quantity covered by them for the year. It shall include all the relevant details of any cancellation, correction or amendment to any IMA 1 and of any copy of an IMA 1 issued.

9. The rules to be followed concerning the completion of the IMA 1 certificate, the monitoring of the weight and fat content of the butter, and the consequences of such monitoring are set out in Annex XI.

The typical process standard deviation of the fat content referred to in point 1(e) of Annex XI notified in accordance with Article 28(1)(e) shall be approved by the Commission and the list shall be communicated to the Member States together with their date of entry into force for the purpose of issuing IMA 1 certificates. The typical process standard deviation shall be valid for at least one year unless exceptional circumstances, brought to the attention of the Commission by the New Zealand issuing agency, justify a modification, which must be approved by the Commission. Each modified or additional typical process standard deviation approved by the Commission shall be communicated to the Member States together with the entry into force date for the purpose of issuing IMA 1 certificates.

10. Member States shall communicate the results of the monitoring carried out under Annex XI to the Commission using the standard form set out in Annex XII for each quarter by the 10th of the following month.

Article 10

At all stages of marketing New Zealand butter imported into the Community pursuant to this section shall state its New Zealand origin on its packaging and on the corresponding invoice or invoices.

By way of derogation from the first subparagraph, where New Zealand butter is blended with Community butter and where the blended butter is intended for direct consumption and is put up in packages of 500 grams or less, the blended butter need only state its New Zealand origin on the corresponding invoice.

▼M4

In either case, the invoice shall also state: 'Butter imported under Article 5 of Commission Regulation (EC) No 1374/98: not eligible for the grant of aid for butter referred to in Article 1(1) of Commission Regulation (EEC) No 429/90 nor for aid for butter referred to in Article 1(2)(a) of Commission Regulation (EC) No 2571/97 nor for the grant of export refund in conformity with Article 31(10) and (11) of Council Regulation (EC) No 1255/1999 except where provided for in paragraph 12 thereof and in Article 7(a) of Commission Regulation (EC) No 1222/94'.

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Section 2

Imports of milk products under tariff quotas referred to in the GATT/WTO Agreements opened for unspecified countries of origin

Article 11

This section shall apply to tariff quotas for milk products referred to in the Agreement opened for unspecified countries of origin.

Article 12

1. The tariff quotas referred to in Article 11 and the duties to be applied shall be as set out in Annex II.

▼M5

2. The quantities set out in Annex II for each year of import shall be divided into two equal parts for the six-month periods commencing on 1 July and 1 January of each year.

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Article 13

1. At the time that import licence applications are submitted, applicants must prove to the satisfaction of the competent authorities of the Member State concerned that they have regularly imported into the Community and/or exported from the Community milk or milk products during the preceding 12 months. However, retail establishments or restaurants selling their products to final consumers are excluded from these arrangements.

2. Licence applications and the licences themselves may show only one of the CN codes set out in Annex II; the licence application must be for a minimum of 10 tonnes and a maximum of 25 % of the quantity of the product or products concerned available for each period as referred to in Article 12(2) for which the licence application is submitted.

3. Licence applications and licences shall show:

(a) in box 8, the country of origin (licences shall carry with them an obligation to import from the country indicated);

(b) in box 15, a detailed description of the product, in particular:

(i) the raw material used,

(ii) the fat content, by weight (%), in the dry matter,

(iii) the water content, by weight (%), in the non-fatty matter,

(iv) the fat content, by weight (%);

(c) in box 20, one of the following entries:

— Reglamento (CE) nº 1374/98, artículo 12
— Forordning (EF) nr. 1374/98, artikel 12
— Verordnung (EG) Nr. 1374/98, Artikel 12
— Κανονισμός (ΕΚ) αριθ. 1374/98, άρθρο 12
— Article 12 of Regulation (EC) No 1374/98
— Règlement (CE) nº 1374/98, article 12
— Regolamento (CE) n. 1374/98, articolo 12
— Verordening (EG) nr. 1374/98, artikel 12
— Regulamento (CE) n.º 1374/98, artigo 12.º
— Asetus (EY) N:o 1374/98, 12 artikla

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— Förordning (EG) nr 1374/98, artikel 12.

(d) in box 24, the rate of duty applicable.

4. The licence shall carry an obligation to import from the country indicated.

Article 14

1. Licence applications may be lodged only during the first 10 days of each period as specified in Article 12(2).

2. Licence applications shall be admissible only where applicants declare in writing that they have not submitted, and undertake not to submit, any other applications under the import arrangements referred to in this section for the same period for products falling within the same code in the Member State in which the application is being submitted or in any Member State. In the event that an applicant submits more than one application for the same product, all applications from that applicant shall be invalid.

3. The Member States shall notify the Commission, on the fifth working day following the end of the application period, of applications submitted for each of the products listed in Annex II. Such notification shall comprise the list of applicants and the quantities applied for by CN code. All notifications, including any notification of a total absence of applications, shall be made by telex or fax on the working day stipulated, in accordance with the specimen in Annex VIII where no application has been made and with the specimens in Annexes VIII and IX where applications have been made.

4. The Commisson shall decide as quickly as possible to what extent applications may be granted and shall inform the Member States of its decision.

Notwithstanding Article 2(5), licences shall be issued to applicants whose applications have been notified in accordance with paragraph 3 not more than three working days after the Member States have been informed of the Commission's decision as provided for in the first subparagraph.

Where the total quantity covered by licence applications exceeds the quantity fixed, the Commission may apply an allocation factor to the quantities applied for.

Where the total quantity covered by licence applications is less than the quantity available, the Commission shall determine the quantity remaining, which shall be added to that available for the following period of the same year of import.

5. If the allocation factor referred to in the third subparagraph of paragraph 4 is less than 0,8000, applicants may withdraw their applications. In such cases, they shall notify the competent authority within three working days of publication of the Commission decision fixing the allocation factor, whereupon their security shall immediately be released. The competent authority shall notify the Commission, within four working days of publication of the decision, of the quantities for which applications have been withdrawn and for which the security referred to in Article 16 has been released.

▼M5

Article 15

Nothwithstanding Article 2(4), import licences shall be valid for 150 days from the actual day of issue pursuant to Article 21(2) of Regulation (EEC) No 3719/88.

However, the period of validity of licences may not extend beyond 30 June following the date of issue referred to in the first paragraph.

Import licences issued pursuant to this section may be transferred only to the natural or legal persons fulfilling the conditions under Article 13(1).

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Article 16

Notwithstanding Article 2(2), the security shall be ECU 35 per 100 kilograms net of product.

Article 17

Notwithstanding Article 8(4) of Regulation (EEC) No 3719/88, the quantity imported pursuant to this section may not exceed that shown in boxes 17 and 18 of the import licence. To that end, the figure '0' shall be entered in box 19 of the licence.

Section 3

Imports of milk products under tariff quotas referred to in other international agreements

Article 18

1. Paragraphs 2 and 3 shall apply to imports of milk products from Norway under the EEA Agreement.

2. The milk products and the duties applicable shall be as set out in Annex III. A.

▼M4

3. Articles 7 and 8 shall apply *mutatis mutandis*.

▼M2

Article 19

1. This Article shall apply to milk products imported under the tariff quotas referred to in:

— Annex I to Protocol 1 to Decision No 1/98 of the EC-Turkey Association Council,

— Annex IV to the Agreement between the European Community and the Republic of South Africa.

2. The milk products and the duties applicable shall be:

— for Turkey, those set out in Annex III.B,

— for the Republic of South Africa, those set out in Annex III.C.

3. The quantities set out in Annex III.B and C for each year shall be divided into two equal parts for the half-year periods commencing on 1 January and 1 July.

4. The period of validity of licences may not extend beyond 31 December following the date of issue within the meaning of Article 21(1) of Regulation (EEC) No 3719/88. Import licences issued pursuant to this Article shall not be transferable.

5. Articles 13, 14, 16 and 17 shall apply *mutatis mutandis*.

However,

(a) notwithstanding Article 13(2), licence applications must be for a minimum of 10 tonnes and may not exceed the quantity available for each period referred to in paragraph 3;

(b) notwithstanding Article 13(3)(c), the entry in box 20 of licence applications and licences shall refer to Article 19 of this Regulation;

(c) notwithstanding Article 14(3), Member States shall notify the Commission, on the fifth working day following the end of the period for submission of applications, of applications lodged for each of the products listed in Annex III.B and C. Such notification shall comprise the list of applicants and the quantities applied for by CN code. All notifications, including notification of no applications, shall be made by telex or fax on the working day stipulated, in accordance with the specimen in Annex X.

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CHAPTER III

Non-quota preferential import arrangements

Article 20

This Chapter shall apply to certain milk products imported from third countries under special arrangements concluded between those countries and the Community, or under autonomous concessions, at reduced duties without restriction.

Article 21

The milk products referred to in Article 20 and the duties applicable shall be as set out in Annex IV.

▼M4

Article 7 shall apply *mutatis mutandis*.

▼B

Article 23

▼M2

1. ►M4 By way of derogation from Article 7: ◄

(a) paragraphs 2, 3 and 4 shall apply to imports coming from Switzerland under the special arrangement concluded between that country and the Community;

(b) paragraphs 2 and 4 shall apply:

(i) to imports of milk products as referred to in Annex I to Protocol 1 to Decision No 1/98 of the EC-Turkey Association Council, except for imports provided for in Article 19(1) of this Regulation;

(ii) to imports of milk products as referred to in Annex IV to the Agreement between the European Community and the Republic of South Africa [1], except for imports provided for in Article 19(1) of this Regulation.

▼B

2. Licence applications and licences shall show:

(a) in box 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;

(b) in box 16, the Combined Nomenclature code for the product;

(c) in box 20, one of the following entries:

— Reglamento (CE) nº 1374/98, artículo 23

— Forordning (EF) nr. 1374/98, artikel 23

— Verordnung (EG) Nr. 1374/98, Artikel 23

— Κανονισμός (ΕΚ) αριθ. 1374/98, άρθρο 23

— Article 23 of Regulation (EC) No 1374/98

— Règlement (CE) nº 1374/98, article 23

— Regolamento (CE) n. 1374/98, articolo 23

— Verordening (EG) nr. 1374/98, artikel 23

— Regulamento (CE) n.º 1374/98, artigo 23

— Asetus (EY) n:o 1374/98, 23 artikla

— Förordning (EG) nr 1374/98, artikel 23.

(d) in box 24, the rate of duty applicable.

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[1] OJ L 311, 4.12.1999, p. 3.

▼M4
▼C1

3. For products falling within CN codes 0406 90 02 to 0406 90 06 and for those listed in Annex IV under order Nos 3, 4 and 5, import licences shall be issued only where the applications are accompanied by a written declaration by the applicant that the minimum free-at-frontier value referred to in the Combined Nomenclature or in Annex IV will be complied with.

▼M4

The applicant shall 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 free-at-frontier value and to allow any auditing of accounts required by those authorities. He shall not accept any discount, refund, or any other rebate which may lead to the product in question having a value less than the minimum import value fixed for such a product.

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

▼M2

4. The reduced rate of duty shall be applied only on presentation of the declaration of release for free circulation accompanied by the import licence and the proof of origin issued under:

(a) Protocol 3 to the Agreement between the European Economic Community and the Swiss Confederation [1], for imports from Switzerland;

(b) Protocol 3 to Decision No 1/98 of the EC-Turkey Association Council, for imports from Turkey;

(c) Protocol 1 to the Agreement between the European Community and the Republic of South Africa, for imports from South Africa.

▼B

CHAPTER IV

Rules applicable to IMA 1 certificates

▼M4

Article 24

1. The IMA 1 certificate shall be drawn up according to the specimen in Annex V, except for butter subject to the tariff quota referred to in Article 5, in accordance with the conditions laid down in this chapter.

2. The IMA 1 certificate for butter subject to the tariff quota referred to in Article 5 shall be drawn up according to the specimen in Annex Va in accordance with the conditions laid down in this chapter and in Article 9(9) of this Regulation.

3. By way of derogation from the conditions laid down in this chapter for drawing up IMA 1 certificates referred to in paragraph 1 and 2, box 3 of the IMA 1 relating to the buyer and box 6 relating to the country of destination shall not be completed except in the case of Cheddar cheese provided for under order No 43 of Annex I.

▼B

Article 25

1. The dimensions of the form referred to in Article 24 shall be 210×297 mm. The paper used shall weigh at least 40 g/m^2 and shall be white in colour.

2. The forms shall be printed and completed in one of the official languages of the Community. They may also be printed and completed in the official language or one of the official languages of the exporting country.

[1] OJ L 300, 31.12.1972, p. 189.

▼B

3. The form shall be completed either in typescript or in manuscript. Block letters shall be used if the form is completed in manuscript.

4. Each certificate shall bear a serial number allocated by the issuing agency.

Article 26

1. A separate certificate must be drawn up for each type of product as referred to in Annexes I, III.A and IV and each form of presentation thereof, except for imports as referred to in Article 23.

▼M4

2. The certificate must contain, for each type and each form of presentation, except for butter subject to the tariff quota referred to in Article 5, the particulars set out in Annex VI.

▼B

Article 27

▼M4

1. The original of the certificate shall be presented, along with the corresponding import licence and the products to which they relate, to the custom authorities of the importing Member State at the time of lodging the declaration for release for free circulation. Without prejudice to Article 7(2) it shall be presented during the period of validity of the certificate, except in the case of *force majeure*.

However, a copy duly authenticated and appropriately identified by the issuing agency may be presented to the licensing authority and to the competent customs authority in the case where the original is lost or rendered unsuitable for use.

▼B

2. Certificates shall be valid only if duly completed and authenticated by an issuing agency listed in Annex VII.

3. Certificates shall be regarded as duly authenticated where they show the date and place of issue, are stamped by the issuing agency and bear the signature or signatures of the person or persons authorised to sign them.

Article 28

1. An issuing agency may be listed in Annex VII only if:

(a) it is recognised as such by the exporting country;

(b) it undertakes to verify the particulars set out in the certificates;

(c) it undertakes to supply the Commission and the Member States, upon request, with any information that may be required to assess the particulars set out in the certificates;

▼M4

(d) it undertakes for the products listed in Annex I, Annex IIIA and Annex IV to issue the IMA 1 certificate for the total quantity covered by it before the product covered by it leaves the territory of the country issuing it;

(e) it undertakes to notify the Commission by 1 June 2000 at the latest of the typical process standard deviation of the fat content, referred to in Annex XI(1)(e), of the butter subject to the tariff quota referred to in Article 5, manufactured by each producer referred to in Annex XI(1)(a) according to each product purchasing specification;

(f) it undertakes to send to the Commission, and in the case of butter referred to in Article 5 to the United Kingdom competent licence issuing authority also, by fax a copy of each authenticated IMA 1 certificate for the total quantity covered by it on the date of issue but within seven days of that date at the latest and, where appropriate, notification of any cancellation, correction or amendment;

(g) as far as New Zealand butter referred to in Article 5 is concerned it undertakes to communicate to the United Kingdom licence issuing

▼M4

authority the following information before the 10th of the following month for each month in the period January to October, and before Friday of the following week for each week or part thereof in the months of November and December, separately for IMA 1 certificates issued for the current and following quota year:

(i) the number of IMA 1 certificates issued in the month or week concerned, as the case may be, with their identification numbers and the quantities covered by those certificates, together with the total number of certificates issued and the quantities covered by them for the quota year in question, and

(ii) notification of the cancellation, correction or amendment of those IMA 1 certificates or the issuing of copies of IMA 1 certificates, as provided for in Annex XIII, paragraphs 1, 2, 4 and 5, and in Article 27(1), and all relevant details thereof.

(h) As far as products falling under CN code 0406 are concerned it undertakes to communicate to the Commission by 15 January for each order number separately:

(i) the number of IMA 1 certificates issued for the previous quota year with the identification number of each and the quantity covered by it together with the total number of certificates issued and the total quantity covered by them for the quota year in question, and

(ii) notification of the cancellation, correction or amendment of those IMA 1 certificates or the issuing of copies of IMA 1 certificates, as provided for in Annex XIII, paragraphs 1 to 5, and in Article 27(1), and all the relevant details thereof.

▼B

2. Annex VII shall be revised when the condition referred to in paragraph 1(a) is no longer fulfilled or when an issuing agency fails to fulfil one of the obligations it has undertaken.

Article 29

Member States shall take the measures necessary to check that the system of certificates established by this Chapter is operating correctly.

▼M4

CHAPTER IV*a*

Control provisions applicable to imports under Chapter II and Chapter III of this Regulation and to imports pursuant to Commission Regulation (EC) No 2508/97 [1]

*Article 29*a

1. The Community customs offices where the products are declared for release for free circulation into the Community shall carry out:

(a) scrutiny of the documents submitted in support of a declaration for release for free circulation claiming reduced tariff treatment, and

(b) physical checks on the products, on the basis of documents referred to under point (a).

2. Member States shall take the necessary measures to establish a system to carry out the physical checks under paragraph 1(b) without prior warning, according to a risk analysis assessment.

However, up to the end of the third calendar year following entry into force of this Regulation the system shall ensure that at least 3 % of the declarations for release for free circulation by Member State per calendar year are physically checked. However, for the period 1 July to 31 December 2000 this percentage shall be replaced by 1,5 %.

[1] OJ L 345, 16.12.1997, p. 31.

▼M4

When calculating the minimum rate of physical controls to be carried out Member States may opt to disregard import declarations involving quantities not exceeding 500 kg.

3. Commission Regulation (EC) No 1854/96 [1] shall apply as regards reference methods to be applied for the analysis of the products provided for in this regulation to determine their conformity as regards composition with the declaration for release for free circulation.

4. Each customs office shall produce a detailed examination account on each physical check carried out. The examination account shall bear the examination date and shall be retained for at least three calendar years.

5. Where a physical check has been carried out box 32 of the import licence or the message box in the case of an electronic licence shall be endorsed with one of the following entries:

— Se ha realizado el control material (Reglamento (CE) nº 1374/98)

— Fysisk kontrol (forordning (EF) nr. 1374/98)

— Warenkontrolle durchgeführt [Verordnung (EG) Nr. 1374/98]

— Πραγματοποιήθηκε φυσικός έλεγχος [Κανονισμός (ΕΚ) αριθ. 1374/98]

— Physical check carried out (Regulation (EC) No 1374/98)

— Contrôle physique effectué [règlement (CE) nº 1374/98]

— Controllo fisico effettuato [regolamento (CE) n. 1374/98]

— Fysieke controle uitgevoerd (Verordening (EG) nr. 1374/98)

— Controlo fisico em conformidade com [Regulamento (CE) n.º 1374/98]

— Fyysinen tarkastus suoritettu (asetus (EY) N:o 1374/98)

— Fysisk kontroll utförd (förordning (EG) Nr 1374/98)

Within 20 working days from the date of carrying out the physical check, the results of the first analysis shall be determined by customs. Within 10 working days from the date of establishing the definitive non-conforming results, these results, and where appropriate, the licence shall be sent to the competent licence issuing authority.

Without prejudice to Article 248 of Commission Regulation (EEC) No 2454/93 [2] in the case where a physical check for composition has been carried out prior to the presentation of the endorsed import licence pursuant to Article 31(1)(a) of Regulation (EEC) No 3719/88 the security shall be released.

6. Each case of non-conformity with the declaration for release for free circulation shall be notified to the Commission within 10 working days of such non-conformity being determined by customs.

*Article 29*b

1. For the purpose of monitoring the quantities of the tariff quotas to which this chapter applies, account shall be taken of all quantities for which declarations for release for free circulation have been accepted during the quota period concerned.

2. Member States shall notify the Commission by 15 March following each quota year ending on 31 December and by 15 September following each quota year ending on 30 June, separately for each quota, and country of origin, except for butter referred to in Article 5, of the definitive total quantity for the quota year for which declarations for release for free circulation have been accepted in that Member State.

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[1] OJ L 246, 27.9.1996, p. 5.
[2] OJ L 253, 11.10.1993, p. 1.

▼B

CHAPTER V

General and final provisions

Article 30

Chapter I shall apply to import licences issued under the arrangements laid down in Chapters II and III except where otherwise stated.

▼M4

*Article 30*a

1. The provisions of this Article shall apply to provide for the transition to the system established by this Regulation following its amendment by Regulation (EC) No 970/2000.

2. From 1 July 2000 until 31 August 2000, IMA 1 certificates issued before 1 July 2000 may be used for the purpose of presenting New Zealand butter and cheese for release into free circulation in the Community.

3. The validity of IMA 1 certificates issued before 1 July 2000 and the validity of import licences issued on presentation of such IMA 1 certificates for the products under order Nos 35, 40 and 42 of Annex I originating in New Zealand shall not extend beyond 31 August 2000.

4. The issue of an import licence on presentation of an IMA 1 certificate issued by the New Zealand Ministry of Agriculture and Forestry's Food Assurance Authority from 1 July 2000 onwards for the products under order Nos 35, 40 and 42 of Annex I originating in New Zealand, may only take place from 1 September 2000 on the basis of licence applications lodged from that date.

5. The import licence issuing authority of each Member State which has issued import licences for the products under order Nos 35, 40 and 42 in Annex I originating in New Zealand for the quota period 1 January to 31 December 2000 shall request the New Zealand Dairy Board to provide a detailed inventory of IMA 1 certificates issued before 1 July 2000, of their use for obtaining an import licence and of their use for releasing products into free circulation in the Community before 1 September 2000. The IMA 1 issuing agency and the import licence issuing authority shall use this information to determine the quantity in respect of which IMA 1 certificates may be issued for the period from 1 July to 31 December 2000 which may be used to obtain import licences which may be used for release into free circulation in the Community from 1 September to 31 December 2000.

6. Each Member State's import licence issuing authority shall, before issuing import licences from 1 September 2000, confirm with the New Zealand Ministry of Agriculture and Forestry's Food Assurance Authority separately for each of the products under order Nos 35, 40 and 42, in respect of the quota period 1 January to 31 December 2000:

— the quantity in respect of which IMA 1 certificates have been issued before 1 July 2000,

— the quantity covered by those IMA 1 certificates which has been released into free circulation in the Community before 1 September 2000,

— the quantity for which it may issue IMA 1 certificates for the period from 1 July to 31 December 2000.

7. Member States shall communicate to the Commission for the quota period from 1 January to 31 December 2000:

— by 5 July 2000 the quantity in respect of which IMA 1 certificates have been issued before 1 July 2000 for products under order Nos 35, 40 and 42 separately,

— by 5 September 2000 the quantity in respect of which import licences have been issued up to 31 August 2000 on presentation of the IMA 1s referred to in the first indent, separately for each order number,

— by 15 September 2000 the quantity in respect of which a declaration for release for free circulation in the Community has been accepted

▼M4

before 1 September 2000 using IMA 1s and import licences referred to in the first and second indents respectively, separately for each order number,

— by 15 September 2000 the details of the confirmation referred to in paragraph 6.

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Article 31

Regulation (EEC) No 1600/95 is hereby repealed.

References to that Regulation shall be construed as references to this Regulation.

Article 32

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

It shall apply from 1 July 1998.

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

▼M4

ANNEX I

TARIFF QUOTAS PURSUANT TO THE GATT/WTO AGREEMENTS SPECIFIED BY COUNTRY OF ORIGIN

(Calendar year)

Order number in Annex 7 to the Combined Nomenclature (TARIC order number)	CN code	Description	Country of origin	Quota quantity (annual) (tonnes)	Import duty (EUR/100 kg net weight)	Rules for completing IMA 1 certificates
35 (09.4589)	ex 0405 10 11 ex 0405 10 19 ex 0405 10 30	Butter, at least six weeks old, of a fat content by weight of not less than 80 % but less than 82 %, manufactured directly from milk or cream without the use of stored materials, in a single, self-contained and uninterrupted process Butter, at least six weeks old, of a fat content by weight of not less than 80 % but less than 82 %, manufactured directly from milk or cream without the use of stored materials, in a single, self-contained and uninterrupted process which may involve the cream passing through a stage of concentrated milkfat and/or the fractionation of such milkfat (the processes referred to as 'Ammix' and 'Spreadable')	New Zealand	76 667	86,88	see Annex XI
40 (09.4515)	0406 90 01	Cheese for processing ([1])	New Zealand Australia	4 000 500	17,06 17,06	see Annex VI(C) and (D)
42 (09.4514)	ex 0406 90 21	Whole Cheddar cheeses (of the conventional flat cylindrical shape of a net weight of not less than 33 kg but not more than 44 kg and cheeses in cubic blocks or in parallelepiped shape, of a net weight of 10 kg or more) of a fat content of 50 % or more by weight in the dry matter, matured for at least three months	New Zealand Australia	7 000 3 250	17,06 17,06	see Annex VI(B)

▼M4

Order number in Annex 7 to the Combined Nomenclature (TARIC order number)	CN code	Description	Country of origin	Quota quantity (annual) (tonnes)	Import duty (EUR/100 kg net weight)	Rules for completing IMA 1 certificates
43 (09.4513)	ex 0406 90 21	Cheddar made from unpasteurised milk, of a fat content of 50 % or more, by weight, in the dry matter, matured for at least nine months, with a free-at-frontier (2) value per 100 kg net, of not less than: — EUR 334,20 in whole cheeses — EUR 354,83 for cheeses of a net weight of not less than 500 g — EUR 368,58 for cheeses of a net weight less than 500 g The expression 'whole cheeses' means cheeses of the: — Conventional flat cylindrical shape of a net weight of not less than 33 kg but not more than 44 kg — Cubic blocks or parallelepipeds, of a net weight of 10 kg or more	Canada	4 000	13,75	see Annex VI(A)

(1) Utilisation for this particular purpose will be monitored by applying the Community provisions laid down on the subject.
(2) 'Free-at-frontier value' means the free-at-frontier price or fob price in the country of export, plus an amount, where appropriate, for delivery and insurance costs to the customs territory of the Community.

▼M5

ANNEX II

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

(GATT/WTO year)

Order number in Annex 7 to the Combined Nomenclature (TARIC order number)	CN code	Description	Country of origin	Quota quantity (tonnes)		Import duty (EUR/100 kg net weight)
				Annual	Half-yearly	
33 (09.4590)	0402 10 19	Skimmed milk powder	all third countries	68 000	34 000	47,50
34 (09.4599)	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	10 000	5 000	94,80
				in butter equivalent		
36 (09.4591)	ex 0406 10 20 ex 0406 10 80	Pizza cheese, frozen, cut into pieces each weighing not more than 1 gram, in containers of a net content of 5 kg or more, of a water content, by weight, of 52 % or more, and of a fat content by weight in the dry matter of 38 % or more	all third countries	5 300	2 650	13,00
37 (09.4592)	ex 0406 30 10 0406 90 13	Processed Emmental Emmental	all third countries	18 400	9 200	71,90 85,80
38 (09.4593)	ex 0406 30 10 0406 90 15	Processed Gruyère Gruyère, Sbrinz	all third countries	5 200	2 600	71,90 85,80
39 (09.4594)	0406 90 01	Cheese for processing ([1])	all third countries	20 000	10 000	83,50
41 (09.4595)	0406 90 21	Cheddar	all third countries	15 000	7 500	21,00

▼M5

Order number in Annex 7 to the Combined Nomenclature (TARIC order number)	CN code	Description	Country of origin	Quota quantity (tonnes)		Import duty (EUR/100 kg net weight)
				Annual	Half-yearly	
44 (09.4596)	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 36	all third countries	19 500	9 750	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 cheese				70,40
	0406 90 17	Bergkäse and Appenzell				85,80
	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				
	ex 0406 90 63	Pecorino				94,10
	0406 90 69	Other				
	0406 90 73	Provolone				75,50
	ex 0406 90 75	Caciocavallo				
	ex 0406 90 76	Danbo, Fontal, Fynbo, Havarti, Maribo, Samsø				
	0406 90 78	Gouda				
	ex 0406 90 79	Esrom, Italico, Kernhem, Saint-Paulin				

▼M5

Order number in Annex 7 to the Combined Nomenclature (TARIC order number)	CN code	Description	Country of origin	Quota quantity (tonnes)		Import duty (EUR/100 kg net weight)
				Annual	Half-yearly	
	ex 0406 90 81	Cheshire, Wensleydale, Lancashire, Double Gloucester, Blarney, Colby, Monterey				
	0406 90 82	Camembert				
	0406 90 84	Brie				
	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.
(1) Utilisation for this particular purpose will be monitored by applying the Community provisions laid down on the subject.

ANNEX III

TARIFF QUOTAS PURSUANT TO OTHER INTERNATIONAL AGREEMENTS

A. NORWAY

(Calendar year)

Order number (TARIC order number)	CN code	Description	Country of origin	Quota quantity (annual) (tonnes)	Import duty (ECU/ 100 kg net weight)	Rules for completing IMA 1 certificates
12 (09.4597)	ex 0406 90 39 ex 0406 90 86 ex 0406 90 87 ex 0406 90 88	— Jarlsberg, of a minimum fat content of 45 % by weight in the dry matter, and of a minimum dry matter content of 56 %, matured for at least three months: — Whole cheeses with rind, from 8 to 12 kg — Rectangular blocks of a net weight not exceeding 7 kg (1) — Pieces packed in vacuum or inert gas, of a net weight of not less than 150 g but not exceeding 1 kg (1) — Ridder, of a minimum fat content of 60 % by weight in the dry matter, matured for at least four weeks: — Whole cheeses with rind, from 1 to 2 kg — Pieces packed in vacuum or inert gas, with rind on at least one side, of a net weight of not less than 150 g (1)	Norway	2 351	66,41	see Annex VI H
	ex 0406 10 20 ex 0406 10 80	— Whey cheese		357	7,50	see Annex VI I
	0406 30	Processed cheese, not grated or powdered		8	43,80	

(1) The concession applies to rectangular blocks or pieces packed in vacuum or inert gas provided that the packaging of such goods bears at least the following particulars:
— the name of the cheese,
— the fat content by weight in the dry matter,
— the packer responsible,
— the country of origin of the cheeses.

▼B

B. TURKEY

(Calendar year)

Serial number (TARIC order number)	CN code	Description	Country of origin	Quota (tonnes)		Import duty (ECU/100 kg net weight)
				annual	half-yearly	
13 (09.4101)	0406 90 29	Kashkaval cheese	Turkey	1 500	750	0
	ex 0406 90 31	Cheese made exclusively from sheep's milk or buffalo milk, in containers containing brine, or in sheep's or goatskin bottles				
	ex 0406 90 50	Other cheese made exclusively from sheep's milk or buffalo milk, in containers containing brine, or in sheep or goatskin bottles				
	ex 0406 90 86 ex 0406 90 87 ex 0406 90 88	Tulum Peyniri, made from sheep's milk or buffalo milk, in packings of less than 10 kg				

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C. SOUTH AFRICA

(Calendar year)

Serial number (TARIC order number)	CN code	Description (1)	Country of origin	Year of importation	Quota (tonnes)		Import duty (EUR/100 kg net)
					Annual	Half-yearly	
15 (09.4151)	0406 10 0406 20 90 0406 30 0406 40 90 0406 90 01 0406 90 21 0406 90 50 0406 90 69 0406 90 78 0406 90 86 0406 90 87 0406 90 88 0406 90 93 0406 90 99		Republic of South Africa	2000	5 000	2 500	0
				2001	5 250	2 625	
				2002	5 500	2 750	
				2003	5 750	2 875	
				2004	6 000	3 000	
				2005	6 250	3 125	
				2006	6 500	3 250	
				2007	6 750	3 375	
				2008	7 000	3 500	
				2009	7 250	3 625	
				2010	unlimited	unlimited	

(1) See Annex I to Regulation (EEC) No 2658/87.

ANNEX IV

NON-QUOTA PREFERENTIAL IMPORT ARRANGEMENTS

Order No	CN code	Description	Country of origin	Import duty (ECU/100 kg net weight)	Rules for completing IMA 1 certificates
1	0402 29 11 ex 0404 90 83	Special milk, for infants (1), in hermetically sealed containers of a net content not exceeding 500 g, of a fat content by weight exceeding 10 % but not exceeding 27 %	Switzerland	43,80	—
2	0406 20 10 0406 90 19	Glaris herb cheese (known as Schabziger) made from skimmed milk and mixed with finely ground herbs	Switzerland	6 % of the customs value	—
3	ex 0406 90 18	Fromage Fribourgeois, Vacherin Mont d'Or and Tête de Moine, of a minimum fat content of 45 % by weight in the dry matter, matured for at least 18 days in the case of Vacherin Mont d'Or, at least two months in the case of Fromage Fribourgeois and at least three months in the case of Tête de Moine: — Whole cheeses with rind (2) (a) with a free-at-frontier value (3) of not less than ECU 401,85 but less than ECU 430,62 per 100 kg net weight — Pieces packed in vacuum or inert gas (4), with rind (2) (a) on at least one side, of a net weight of at least 1 kg but less than 5 kg and with a free-at-frontier value (3) of not less than ECU 430,62 but less than ECU 459,39 per 100 kg net weight	Switzerland	19,32	—
4	ex 0406 90 13 ex 0406 90 15 ex 0406 90 17 ex 0406 90 18	Emmental, Gruyère, Sbrinz and Appenzell, of a minimum fat content of 45 % by weight in the dry matter, matured for at least three months: — Pieces with rind packed in vacuum or inert gas (4) of a net weight of not more than 450 g and with a free-at-frontier value (3) of not less than ECU 499,67 per 100 kg net weight Fromage Fribourgeois, Vacherin Mont d'Or and Tête de Moine, of a minimum fat content of 45 % by weight in the dry matter, matured for at least 18 days in the case of Vacherin Mont d'Or, at least two months in the case of Fromage Fribourgeois and at least three months in the case of Tête de Moine: — Whole cheeses with rind (2) (a), with a free-at-frontier value (3) of not less than ECU 430,62 per 100 kg net weight — Pieces packed in vacuum or inert gas (4), with rind (2) (a) on at least one side, of a net weight of not less than 1 kg and with a free-at-frontier value (3) of not less than ECU 459,39 per 100 kg net weight — Pieces packed in vacuum or inert gas (4), of a net weight of not more than 450 g and with a free-at-frontier value (3) of not less than ECU 499,67 per 100 kg net weight	Switzerland	9,66	—

▼B

Order No	CN code	Description	Country of origin	Import duty (ECU/100 kg net weight)	Rules for completing IMA 1 certificates
5	ex 0406 30 10	Processed cheese, not grated or powdered, in the manufacture of which only Emmental, Gruyère and Appenzell have been used and which may contain, as an addition, Glarus herb cheese (known as Schabziger), put up for retail sale ([5]); with a free-at-frontier value ([3]) of not less than ECU 289,14 per 100 kg net weight and of a fat content not exceeding 56 % by weight in the dry matter	Switzerland	43,80	—
6	ex 0406 90 25	Tilsit, of a fat content not exceeding 48 % by weight in the dry matter	Romania Switzerland	81,76	See Annex VI (E) —
7	ex 0406 90 25	Tilsit, of a fat content exceeding 48 % by weight in the dry matter	Romania Switzerland	110,96	See Annex VI (E) —
▼M1 8	ex 0406 90 29	Kashkaval, made exclusively from sheep's milk, matured for at least two months, of a minimum fat content of 45 % in the dry matter and a minimum dry matter content of 58 %, in whole cheeses not exceeding 10 kg, whether wrapped in plastic or not	Cyprus Hungary Israel Romania Bosnia-Herzegovina, Croatia, Slovenia and the former Yugoslav Republic of Macedonia Turkey	67,19	See Annex VI (F) —
9	ex 0406 90 31 ex 0406 90 50	Cheeses made exclusively from sheep's milk or buffalo milk, in containers containing brine, or in sheep or goatskin bottles	Cyprus Hungary Israel Romania Bosnia-Herzegovina, Croatia, Slovenia and the former Yugoslav Republic of Macedonia Turkey	67,19	See Annex VI (G) —

Order No	CN code	Description	Country of origin	Import duty (ECU/100 kg net weight)	Rules for completing IMA 1 certificates
10	ex 0406 90 86 ex 0406 90 87 ex 0406 90 88	Tulum Peyniri, made from sheep's milk or buffalo milk, in packings of less than 10 kg	Turkey	67,19	—
11	ex 0406 90 50 ex 0406 90 86 ex 0406 90 87 ex 0406 90 88	Halloumi	Cyprus	27,63	See Annex VI (G)

([1]) 'Special milk for infants' means products free from pathogenic germs and which have fewer than 10 000 revivifiable aerobic bacteria and fewer than two coliform bacteria per gram.

([2]) (a) 'Whole cheeses, with rind' means whole cheeses of the following net weights:

— Emmental: not less than 60 kg but not more than 130 kg,
— Gruyère: not less than 20 kg but not more than 45 kg,
— Sbrinz: not less than 20 kg but not more than 50 kg,
— Bergkäse: not less than 20 kg but not more than 60 kg,
— Appenzell: not less than 6 kg but not more than 8 kg,
— Fromage Fribourgeois: not less than 6 kg but not more than 10 kg,
— Tête de moine: not less than 0,700 kg but not more than 4 kg,
— Vacherin Mont d'Or: not less than 0,400 kg but not more than 3 kg.

For the purposes of these provisions, 'rind' is defined as follows: 'The rind of such cheeses is the outer layer formed from the cheese itself, having a distinctly more solid consistency and a distinctly darker colour'.

(b) 'Whole Cheddar cheeses' means:
— whole cheeses of a net weight of not less than 33 kg but not more than 44 kg,
— cubic blocks or parallelepipeds of cheese of a net weight of not less than 10 kg.

([3]) 'Free-at-frontier value' means the free-at-frontier price or fob price in the country of export, plus an amount, where appropriate, for delivery and insurance costs to the customs territory of the Community.

([4]) The concession applies to rectangular blocks or pieces packed in vacuum or inert gas provided that the packaging of such goods bears at least the following particulars:
— the name of the cheese,
— the fat content by weight in the dry matter,
— the packer responsible,
— the country of origin of the cheese.

([5]) 'Put up for retail sale' means cheese put up in immediate packings of a net weight not exceeding 1 kg containing portions or slices of an individual net weight not exceeding 100 g.

▼M2

Serial number	CN code	Description (1)	Country of origin	Import duty as a % of the basic duty										
				Year										
				2000	2001	2002	2003	2004	2005	2006	2007	2008	2009	2010
14	0401 0403 10 11 0403 10 13 0403 10 19 0403 10 31 0403 10 33 0403 10 39		Republic of South Africa	91	82	73	64	55	45	36	27	18	9	0
	0402 91 0402 99 0403 90 51 0403 90 53 0403 90 59 0403 90 61 0403 90 63 0403 90 69 0404 10 48 0404 10 52 0404 10 54 0404 10 56 0404 10 58 0404 10 62 0404 10 72 0404 10 74 0404 10 76 0404 10 78 0404 10 82 0404 10 84		Republic of South Africa	100	100	100	100	100	83	67	50	33	17	0

▼M2

Serial number	CN code	Description (1)	Country of origin	Import duty as a % of the basic duty										
				Year										
				2000	2001	2002	2003	2004	2005	2006	2007	2008	2009	2010
	0406 10 20 0406 10 80 0406 20 90 0406 30 0406 40 90 0406 90 01 0406 90 21 0406 90 50 0406 90 69 0406 90 78 0406 90 86 0406 90 87 0406 90 88 0406 90 93 0406 90 99	for the quantities imported in excess of the quotas referred to in Annex III.C												
	1702 11 00 1702 19 00													
	2106 90 51													
	2309 10 15 2309 10 19 2309 10 39 2309 10 59 2309 10 70 2309 90 35 2309 90 39 2309 90 49 2309 90 59 2309 90 70													

(1) See Annex I to Regulation (EEC) No 2658/87.

▼B

ANNEX V

IMA 1 CERTIFICATE

1. Seller	2. Serial No of issue	**ORIGINAL**
3. Buyer	**CERTIFICATE** **for the entry of certain milk products under certain headings or subheadings of the Combined Nomenclature**	
4. Number and date of invoice	5. Country of origin	6. Member State of destination

IMPORTANT

A. A separate certificate must be made out for each form of presentation of each product.

B. The certificate must be in an official language of the European Community. It may also contain a translation into the official language or one official language of the exporting country.

C. The certificate must be made out in accordance with the Community provisions in force.

D. The original, and where appropriate, a copy of the certificate must be presented to the customs office in the Community at the time when the product is being put into free circulation.

7. Marks, numbers, number and kind of packages; detailed description of product and particulars of its form of presentation	8. Gross weight (kg)	9. Net weight (kg)

10. Raw material used

11. Fat content by weight (%), in the dry matter

12. Water content by weight (%), in the non-fatty matter

13. Fat content, by weight (%)

14. Ripening period

15. Community free-at-frontier price (ECU) per 100 kg net weight equal to or more than:

16. Observations: (a) tariff quota (1)
(b) intended for processing (1)

17. IT IS HEREBY CERTIFIED

— that the particulars set out above are accurate and comply with the Community provisions in force.

— that for the products described above no discount, refund, or any other rebate will be granted to the buyer which may lead to the product in question having a value less than the minimum import value fixed for such product (2).

18. Issuing agency	Place Year Month Day (Signature and stamp of issuing agency)

(1) Delete where not applicable.
(2) This clause is deleted for cheeses of sheep's or buffalo milk, for Glaris, Tilsit and Butterkäse and for special milk for infants.

▼M4

ANNEX Va

IMA 1 CERTIFICATE

1. Seller	2. Serial No of issue	**ORIGINAL**
	CERTIFICATE **for the entry of certain New Zealand butter subject to the tariff quota referred to under order No 35 in Annex 7 of the Combined Nomenclature**	
4. Number and date of invoice	5. Country of origin	

IMPORTANT

A. A separate certificate must be made out for each form of presentation of each product.
B. The certificate must be in an official language of the European Community. It may also contain a translation into the official language or one official language of the exporting country.
C. The certificate must be made out in accordance with the Community provisions in force.
D. The original, and where appropriate, a copy of the certificate together with its corresponding import licence and a declaration for release for free circulation must be presented to the customs office in the Community at the time when the product is being released into free circulation.

7. Marks, numbers, number and kind of packages, detailed CN description and eight-digit CN code of the product preceeded by "ex" and particulars of its form of presentation.	8. Gross weight (kg)	9. Net weight (kg)
— See product identification list attached reference: — CN code: ex 0405 10 — Butter, at least six weeks old, of a fat content by weight not less than 80 %, but less than 82 %, manufactured directly from milk or cream — Product purchasing specification — Factory registration No — Date of manufacture — Arithmetic mean of the tare weight of plastic wrapping		►(1) μ σ ◄

10. Raw material used

13. Fat content by weight (%)
Typical process standard deviation of the fat content of the butter made in the factory according to the product purchasing specifications which are indicated in box 7 and its date of entry into force for the purpose of issuing IMA 1 certificates

16. Observations: (a) tariff quota (1)
(b) intended for processing (1)

17. IT IS HEREBY CERTIFIED:

— that the most recently manufactured butter covered by this certificate is/will be (1) at least six weeks old since/on (1): Year Month Day
— that the particulars set out above are accurate and comply with the Community provisions in force.
— that the total quota for the year 200_ ..... kg.

..... Place Year Month Day

Valid up to: Year Month Day

18. Issuing agency

(Signature and stamp of issuing agency)

(1) Delete where not applicable.

►(1) C2

▼M4

ANNEX VI

RULES FOR COMPLETING CERTIFICATES

The following must be completed, in addition to boxes 1, 2, 4, 5, 9, 17 and 18 of the IMA 1 certificate:

A. As regards Cheddar listed under order No 43 in Annex I and covered by CN code ex 0406 90 21:

1. box 3 by specifying the buyer;
2. box 6 by specifying the country of destination;
3. box 7 by specifying, as appropriate:
   — 'whole Cheddar cheeses',
   — 'Cheddar cheese other than whole cheeses, of a net weight of not less than 500 g',
   — 'Cheddar cheese other than whole cheeses, of a net weight of less than 500 g';
4. box 10 by specifying 'exclusively unpasteurised home-produced cows' milk';
5. box 11 by specifying 'at least 50 %';
6. box 14 by specifying 'at least nine months';
7. boxes 15 and 16 by specifying the period for which the quota is valid.

B. As regards Cheddar cheese listed under No 42 in Annex I and covered by CN code ex 0406 90 21:

1. box 7 by specifying 'whole Cheddar cheeses';
2. box 10 by specifying 'exclusively home-produced cows' milk';
3. box 11 by specifying 'at least 50 %';
4. box 14 by specifying 'at least three months';
5. box 16 by specifying the period for which the quota is valid.

C. As regards Cheddar cheese intended for processing listed under No 40 in Annex I and covered by CN code ex 0406 90 01:

1. box 7 by specifying 'whole Cheddar cheeses';
2. box 10 by specifying 'exclusively home-produced cows' milk';
3. box 16 by specifying the period for which the quota is valid.

D. As regards cheese other than Cheddar, intended for processing listed under No 40 in Annex I and covered by CN code ex 0406 90 01:

1. box 7 by specifying 'exclusively home-produced cows' milk';
2. box 16 by specifying the period for which the quota is valid.

E. As regards Tilsit listed under Nos 6 and 7 in Annex IV and covered by CN code ex 0406 90 25:

1. box 7 by specifying 'Tilsit cheese';
2. box 10 by specifying 'exclusively home-produced cows' milk';
3. box 11 and 12.

F. As regards Kashkaval cheeses listed under No 8 in Annex IV and covered by CN code ex 0406 90 29:

1. box 7 by specifying 'Kashkaval cheese, made from sheep's milk, matured for at least two months, of a minimum dry matter content of 58 %, in whole cheeses not exceeding 10 kg net, whether wrapped in plastic or not';
2. box 10 by specifying 'exclusively home-produced sheep's milk';
3. box 11.

G. As regards cheeses of sheep's milk or buffalo milk in containers containing brine, or in sheep or goatskin bottles, and 'Halloumi' cheese listed under Nos 9, 10 and 11 in Annex IV and covered by CN codes ex 0406 90 31, ex 0406 90 50, ex 0406 90 86, ex 0406 90 87 and ex 0406 90 88:

1. box 7 by specifying, as appropriate, 'cheese of sheep's milk' or 'cheese of buffalo milk' and 'in containers containing brine' or 'in sheep or goatskin bottles' or 'Halloumi' cheese is to be presented in individual plastic packings of a net content not exceeding 1 kg or in metal or plastic containers of a net content not exceeding 12 kg;

▼**M4**

2. box 10 by specifying, as appropriate ‘exclusively home-produced sheep's milk’ or ‘exclusive home-produced buffalo milk’ or, in the case of ‘Halloumi’ cheese, ‘home-produced milk’;

3. box 11 and 12.

H. As regards Jarlsberg and Ridder cheeses listed under No 12 in Annex IIIA and covered by CN codes ex 0406 90 39, ex 0406 90 86, ex 0406 90 87 and ex 0406 90 88:

1. box 7 by specifying either ‘Jarlsberg cheese’ and as appropriate:

— ‘Whole cheeses, with rind, of a net weight of 8 to 12 kg inclusive’,

— ‘Rectangular blocks of a net weight of not more than 7 kg’,

or

— ‘Pieces packed in vacuum or inert gas, of a net weight of at least 150 g and not more than 1 kg’,

or ‘Ridder cheese’, and as appropriate:

— ‘Whole cheeses, with rind, of 1 kg to 2 kg’,

or

— ‘Pieces packed in vacuum or inert gas, with rind on at least one side, of a net weight of at least 150 g’;

2. box 11 by specifying, as appropriate ‘at least 45 %’ or ‘at least 60 %’;

3. box 14 by specifying as appropriate ‘at least three months’ or ‘at least four months’.

I. As regards whey cheese listed under No 12 in Annex IIIA and covered by CN codes ex 0406 10 20 and ex 0406 10 80:

1. box 7 by specifying ‘whey cheese’.

▼M1

ANNEX VII

ISSUING AGENCIES

Third country	CN code and description		Issuing agency	
			Name	Location
Australia	0406 90 01 0406 90 21	Cheddar and other cheese for processing Cheddar	Australian Quarantine Inspection Service Department of Agriculture, Fisheries and Forestry	PO Box 60 World Trade Centre Melbourne, VIC 3005 Australia Tel.: (61 3) 92 46 67 10 Fax: (61 3) 92 46 68 00
Canada	0406 90 21	Cheddar	Canadian Dairy Commission Commission canadienne du lait	Ottawa 1525 Carling Avenue Suite 300 Tel.: (1 613) 998 44 92 Fax: (1 613) 998 44 92
Cyprus	ex 0406 90 29 0406 90 31 ex 0406 90 50 ex 0406 90 86 ex 0406 90 87 ex 0406 90 88	Kashkaval Cheeses of sheep's milk or buffalo milk Halloumi	Ministry of Commerce, Industry and Tourism	1421 Nicosia Cyprus Tel.: (02) 86 71 00 Fax: (02) 37 51 20
Hungary	ex 0406 90 29 0406 90 31 0406 90 50	Kashkaval Cheeses of sheep's milk or buffalo milk	Tejtermékek Magyar Allamí Elenörzö Allomasa	Budapest
Israel	ex 0406 90 29 0406 90 31 0406 90 50	Kashkaval Cheeses of sheep's milk or buffalo milk	Ministry of Industry and Trade, Food Division	Jerusalem
Norway	ex 0406 10 20 ex 0406 10 80 0406 30 ex 0406 90 39 ex 0406 90 86 ex 0406 90 87 ex 0406 90 88	Whey cheese Processed cheese Jarlsberg Ridder	Tine Norwegian Dairies BA O. Kavli AS	PO Box 9051 Grønland 0133 Oslo Tel.: 22 93 88 00 Fax: 22 17 23 75 Postboks 338 N — 5051 Nesttun Tel.: 55 10 00 00 Fax: 55 10 15 00

▼M4

Third country	CN code and description		Issuing agency	
			Name	Location
New Zealand	ex 0405 10 11 ex 0405 10 19 ex 0405 10 30 ex 0406 90 01 ex 0406 90 21	Butter Butter Butter Cheese for processing Cheddar	MAF Food Assurance Authority Ministry of Agriculture and Forestry	ASB Bank House 101-103 The Terrace PO Box 2526 Wellington New Zealand Tel. (64-4) 474 41 00 Fax (64-4) 474 42 40
▼M1 Romania	0406 90 25 ex 0406 90 29 0406 90 31 0406 90 50	Tilsit Kashkaval Cheeses of sheep's milk or buffalo milk	Organisatia de control al marfurilor ‘Romcontrol’	Bucharest
Yugoslavia	ex 0406 90 29 0406 90 31 0406 90 50	Kashkaval Cheeses of sheep's milk or buffalo milk		

▼M1

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

Member State:	Date: Commission Regulation (EC) No 1374/98

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:

▼B

ANNEX IX

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

Member State:

CN code	Order No in Annex 7 to the Combined Nomenclature	Applicant (name and address)	Quantity (tonnes)	Country of origin
		Total (tonnes) by order number	.....	

▼**M2**

ANNEX X

APPLICATION OF ARTICLE 19

Commission of the European Communities

DG AGRI/D/1 — Milk and Milk Products Sector

IMPORT DUTIES APPLICATIONS

Member State: Period:

CN code	Applicant (name and address)	Quantity (tonnes)	Country of origin
			Turkey
	Total (tonnes):		
			Republic of South Africa
	Total (tonnes):		

▼M4

ANNEX XI

CONTROL OF WEIGHT AND FAT CONTENT OF BUTTER ORIGINATING IN NEW ZEALAND IMPORTED PURSUANT TO ARTICLE 5 OF REGULATION (EC) No 1374/98

1. **Definitions**

For the purpose of this Annex the definitions set out below shall be applicable:

(a) 'producer': a single production plant or factory in which butter is produced for export to the Community under the tariff quota referred to in Article 5;

(b) 'cypher': the quantity of butter produced according to one product purchasing specification in one production plant during a single manufacturing run;

(c) 'lot': a quantity of butter covered by a single IMA 1 and by a single corresponding import licence, which has been issued for the identical product and quantity as the IMA 1 presented to the competent customs authority for release into free circulation under the tariff quota referred to in Article 5;

(d) 'competent authorities': the authorities in the Member States responsible for the control of imported products;

(e) 'typical process standard deviation of the fat content': the standard deviation of the fat content of butter recorded by the IMA 1 issuing agency;

(f) 'product identification list': a list which identifies in respect of each lot the serial number of its corresponding IMA 1 certificate, the single production plant or factory, the cypher or cyphers and which also provides a description of the butter. It may also identify the specification to which the butter was manufactured, the production season, the number of boxes corresponding to each cypher, the total number of boxes, the nominal weight of the boxes, the exporter's order number, the means of transport from New Zealand to the European Community and the voyage number.

2. **Completion and verification of the IMA 1 certificate**

2.1. An IMA 1 certificate shall cover butter manufactured according to one product purchasing specification in one plant. It may cover more than one cypher of the same product purchasing specification from the same plant.

2.2. The IMA 1 certificate shall be considered to be duly completed within the meaning of Article 27(2) only if it contains all of the following information:

(a) in box 1 the name and address of the seller;

(b) in box 2 the serial number of issue identifying the country of origin, the import regime, the product, the quota year and individual certificate number starting with one each year;

(c) in box 4 the number and date of the invoice;

(d) in box 5 'New Zealand';

(e) in box 7:

— reference to the product identification list (product ID list) which must be attached,

— the CN code preceded by 'ex' and the detailed description in Annex 7 to the Combined Nomenclature,

— identification of the product purchasing specification and the date of the last modification,

— the factory registration number,

— the date of manufacture of the butter, and

— the arithmetic mean of the tare weight of the wrapper;

(f) in box 8 the gross weight in kilograms;

(g) in box 9:

— the net nominal weight per box,

— the total net weight in kilograms,

— the number of boxes,

— the arithmetic mean of the net weight of the boxes designated by the symbol 'μ',

▼M4

— the standard deviation of the net weight of the boxes designated by the symbol 'σ';

(h) in box 10: from milk or cream;

(i) in box 13:

— not less than 80 but less than 82 % fat,

— the typical process standard deviation of the fat content of the butter, made to the product purchasing specification and in the factory indicated in box 7, and its entry into force date for the purpose of issuing IMA 1 certificates;

(j) in box 16: 'New Zealand butter quota for … (year) in accordance with Regulation (EC) No 1374/98';

(k) in box 17:

— the date on which the most recently manufactured butter covered by the IMA 1 was or will be six weeks old,

— the total quota for the year in question,

— the date of issue and, where appropriate, the last day of validity,

— signature and stamp of the issuing agency;

(l) in box 18, details of the coordinates of the issuing agency.

2.3. Verification of the percentage fat content in box 13, undertaken by the IMA 1 issuing agency pursuant to Article 28(1)(b), shall be taken to entail the checking of the arithmetic mean of the percentage fat content found by the producer by the analysis of between 10 and 25 samples per cypher.

Verification shall require that the arithmetic mean shall not exceed $\bar{M}$ (the maximum mean milk fat content of the sample) where:

$$\bar{M} = 81{,}99 - 1{,}645\ \sigma$$

where σ is the typical process standard deviation.

3. **Monitoring of weight**

3.1. *Community monitoring*

Monitoring by the competent authorities shall be carried out on a lot.

The competent authorities shall take a random sample from the lot. The sample size shall be determined according to the following formula:

$$n = \sqrt[3]{N}$$

where:

n is the sample size; and

N is the number of boxes in the lot.

However, the minimum sample size, n, shall be fixed at 10.

The competent authority shall calculate the arithmetic mean and standard deviation of the net weights obtained from the sample.

The competent authority shall make appropriate checks to verify the information on tare weight given on the IMA 1 certificate, which may include a comparison with weight of plastic wrappers used in the Community or examination of a certificate from the manufacturer of the plastic wrappers used on the lot.

3.2. *Interpretation of monitoring results — standard deviation*

The standard deviation of the net weight of the boxes specified in the IMA 1 certificate shall be checked according to the following procedure.

The ratio s/σ shall be compared with the minimum ratio specified for a given sample size in the following table, where s is the sample standard deviation and σ is the standard deviation of the net weight of the boxes specified in the IMA 1 certificate.

Where the ratio s/σ is lower than the appropriate minimum ratio in the reference data table then s shall be used when the control results are interpreted under point 3.3 rather than σ.

▼**M4**

Minimum ratio (*) s/σ for a given sample size (n)

n	s/σ
10 (**)	0,608
11	0,628
12	0,645
13	0,660
14	0,673
15	0,685
16	0,696
17	0,705
18	0,714
19	0,722
20	0,730
21	0,737
22	0,743
23	0,749
24	0,754
25	0,760
26	0,764
27	0,769
28	0,773
29	0,778
30	0,781
31	0,785
32	0,789
33	0,792
34	0,795
35	0,798
36	0,801
37	0,804
38	0,807
39	0,809
40	0,812
41	0,814
42	0,816
43	0,819

(*) The minimum ratios have been calculated using tabulated Chi^2 values (5 % quantile; $n - 1$ degrees of freedom).
(**) The minimum sample size, n, shall be fixed at 10.

3.3. *Interpretation of monitoring results — arithmetic mean*

The competent authority shall compare the results of sampling with the information on the IMA 1 certificate using the following formula:

$$w \leq W + \frac{2{,}326\ \sigma}{\sqrt{n}}$$

▼M4

where:

w is the arithmetic mean of the net weight of the sample boxes,

W is the mean net weight per box specified on the IMA 1 certificate,

σ is the standard deviation of the net weight per box specified on the IMA 1 certificate, however the sample standard deviation of the net weight per box (s) shall be used instead of σ where required according to point 3(2), and

n is the sample size.

Where w satisfies the above formula, the mean net weight specified on the IMA 1 certificate (W) shall be used to determine the net weight of the lot imported into the Community.

Where w does not satisfy the above formula, w shall be used to determine the net weight of the lot imported into the Community. The declared weight shall be attributed in part 2 of box 29 of the import licence and the excess over the declared weight shall be imported in accordance with Article 26 of Council Regulation (EC) No 1255/1999 (OJ L 160, 26.6.1999, p. 48).

4. **Control of the fat content**

4.1. *Community monitoring*

The competent authorities shall carry out monitoring of the percentage fat content on half of the boxes which are sampled under point 3. However, the minimum sample size, n, shall be fixed at 5.

The sampling method to be used shall be International Dairy Federation (IDF) Standard 50C/1995.

The method for determining the fat content to be used shall be that laid down in Commission Regulation (EC) No 880/98, Annexes I, II and III (OJ L 124, 25.4.1998, p. 16).

4.2. *Interpretation of monitoring results — standard deviation*

The standard deviation of the fat content of the butter specified in the IMA 1 certificate shall be checked according to the following procedure.

The ratio s/σ shall be compared with the maximum ratio specified for a given sample size in the following table where s is the sample standard deviation and σ is the standard deviation of the fat content of the butter specified in the IMA 1 certificate.

Where the ratio s/σ is higher than the appropriate reference value in the reference data table then s shall be used when the control results are interpreted under point 4.3 rather than σ.

Maximum ratio (*) s/σ for a given sample size (n)

n	s/σ
5 (**)	1,540
6	1,488
7	1,448
8	1,417
9	1,392
10	1,371
11	1,353
12	1,337
13	1,324
14	1,311
15	1,301
16	1,291
17	1,282
18	1,274
19	1,266
20	1,259

▼**M4**

n	s/σ
21	1,253
22	1,247

(*) The maximum ratios have been calculated using tabulated Chi² values (95 % quantile; $n - 1$ degrees of freedom).
►**C1** (**) The minimum sample size, n, shall be fixed at 5. ◄

4.3. *Interpretation of monitoring results — arithmetic mean*

Compliance with the fat content requirements shall be assumed, if the arithmetic mean of the sample results ($\bar{x}$) does not exceed $\bar{M}$ where:

$$\bar{M} = 81{,}99 - 1{,}645\ \sigma$$

where σ is the typical process standard deviation for the fat content specified on the IMA 1 certificate, however the sample standard deviation of the fat content (s) shall be used instead of σ where required according to point 4.2.

4.4. *Further monitoring*

Where the arithmetic mean of the sample results does exceed $\bar{M}$ in point 4.3, then a further calculation shall be carried out to establish the conditions of the import of the lot concerned.

In this calculation, the arithmetic mean of the test results ($\bar{x}$) shall be compared with $\bar{M}$ using the following formula:

$$\bar{x} < \bar{M} + 1{,}645\ \sigma_{\bar{x}}$$

where $\sigma_{\bar{x}}$ is obtained using the following formula:

$$\sigma_{\bar{x}} = \sqrt{\frac{\sigma^2}{n} + \sigma_L^2 + \frac{\sigma_r^2}{n}}$$

where:

σ is the typical process standard deviation for the fat content specified on the IMA 1 certificate,

σ_L is the between-laboratory standard deviation calculated as:

$$\sigma_L = \sqrt{\sigma_R^2 - \sigma_r^2} = 0{,}102\ \%$$

σ_r is the repeatability standard deviation = 0,079 %,

σ_R is the reproducibility standard deviation = 0,129 %, and

n is the sample size.

If $\bar{x}$ satisfies the above formula, then the lot may be imported under the quota referred to in Article 5.

If $\bar{x}$ does not satisfy the above equation then non-compliance with the fat content requirements shall be established. In this case the lot shall be imported in accordance with Article 9(5).

The competent authority shall notify the Commission without delay of each case dealt with under this point.

4.5. *Disputed results*

The importer concerned may challenge the results of the analysis obtained by a competent authority's laboratory within seven working days of receiving these results, undertaking to pay for the costs of testing the duplicate samples. In this case the competent authority shall send sealed duplicates of the samples analysed by its laboratory to a second laboratory. This second laboratory shall be authorised by a Member State to carry out official analyses and be recognised by that Member State as having competence in applying the method referred to in point 4.1, as demonstrated by meeting the repeatability criterion when analysing blind duplicates and by successful participation in proficiency tests.

▼**M4**

This second laboratory shall communicate the results of its analysis to the competent authority promptly.

The procedure laid down in point 4.6 shall apply for the evaluation of the results obtained by the two laboratories.

The result of this evaluation shall be communicated by the competent authority to the operator promptly.

4.6. Procedure applicable when the results of an analysis are disputed:

(a) where the reproducibility requirement is respected for each sample unit:

for each sample unit the arithmetic mean of the test results obtained by both laboratories is reported as the final result. The final results obtained in this way are used to test compliance as described in sections 4.2, 4.3 and 4.4. One non-compliance with the reproducibility limit per 10 sample units is accepted.

$\bar{y}$: arithmetic mean of all results obtained by both laboratories

R: reproducibility limit (R = 0,36 %).

(b) where the reproducibility requirement is not respected in more than one case (more than one sample unit per 10 sample units analysed):

the consignment is finally rejected, if the results of both laboratories lead to this conclusion. Otherwise, the consignment is accepted.

▼M4

ANNEX XII

Application of Article 9(10) of Commission Regulation (EC) No 1374/98

COMMISSION OF EUROPEAN COMMUNITIES
DG AGRI/D/1 — 'Milk unit'

		Description of the field *(Column 1)*	Box No *(Column 2)*	Value *(Column 3)*	Unit or format
General information		Name of the butter manufacturer:	1		—
		Lot identification code:	2		—
		Size of the lot:	3		kg
		Date of control:	4		day/month/year
Weight control		Size of the random sample:	5		No of boxes
	Mean	Arithmetic mean of the net weight per box: *(as specified on the IMA 1 certificate — box 9)*	6		kg
		Arithmetic mean of the net weight of the sample boxes:	7		kg
		The arithmetic mean of the net weight determined in the EU shows a significant difference to the declared value:	8		N = No Y = Yes
	Standard deviation	Standard deviation of the net weight per box: *(as specified on the IMA 1 certificate — box 9)*	9		kg
		Standard deviation of the net weight of the sample boxes:	10		kg
		The standard deviation of the net weight determined in the EU shows a significant difference to the declared value:	11		N = No Y = Yes
Control of the fat content		Size of the random sample:	12		No of boxes
	Mean	Maximum mean fat content resulting from the reported typical standard deviation:	13		% fat
		Arithmetic mean of the fat content of the sample boxes:	14		% fat
		The arithmetic mean of the fat content determined in the EU shows a significant difference to the maximum mean fat content:	15		N = No Y = Yes
	Standard deviation	Typical standard deviation of the fat content: *(as specified on the IMA 1 certificate — box 13)*	16		% fat
		Standard deviation of the fat content of the sample boxes:	17		% fat
		The standard deviation of the fat content determined in the EU shows a significant difference to the declared value:	18		N = No Y = Yes

To be sent to the European Commission by e-mail (DGAGRI-D1-Milk@cec.eu.int) or by fax ((32-2) 295 55 03)

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ANNEX XIII

CIRCUMSTANCES UNDER WHICH AN IMA 1 CERTIFICATE OR PART THEREOF MAY BE CANCELLED, AMENDED, REPLACED OR CORRECTED

1. **Cancellation of IMA 1 when full duty is due and paid for non-respect of compositional requirements**

   Where full duty is paid on a lot because the maximum fat content requirement is not respected the corresponding IMA 1 certificate may be cancelled and the IMA 1 issuing agency may add these quantities to those in respect of which IMA 1 certificates may be issued for the same quota year. The customs authority shall retain the corresponding import licence, send it to the import licence issuing authority, which shall amend it to convert it into a full duty import licence for the quantity in question in accordance with Article 9(5).

2. **Produce destroyed or rendered unfit for sale**

   The IMA 1 issuing agency may cancel an IMA 1 or part thereof for a quantity covered by it which is destroyed or rendered unfit for sale in circumstances beyond the control of the exporter. Where part of the quantity covered by an IMA 1 is destroyed or rendered unfit for sale, a replacement IMA 1 may be issued for the remaining quantity. In the case of New Zealand butter referred to in Article 5, the original product identification list shall be used for this purpose. The replacement certificate shall be valid only up to the same date as the original. In this case, box 17 of the replacement IMA 1 shall contain the terms ‘valid up to 00.00.0000’.

   In the case where the total quantity covered by an IMA 1 or part thereof is destroyed or rendered unfit for sale due to circumstances beyond the exporters' control, the IMA 1 issuing agency may add these quantities to those in respect of which IMA 1 certificates may be issued for the same quota year.

3. **Change of Member State of destination**

   When the exporter is obliged to change the Member State of destination indicated on an IMA 1, before a corresponding import licence is issued, the original IMA 1 may be amended by the IMA 1 issuing agency. Such an amended original IMA 1 certificate, duly authenticated and appropriately identified by the issuing agency may be presented to the licensing authority and to the customs authorities.

4. When a clerical or technical error is discovered on an IMA 1 certificate before a corresponding import licence is issued the original IMA 1 may be corrected by the issuing agency. Such a corrected original IMA 1 may be presented to the licensing authority and to the customs authorities.

5. When, for exceptional reasons and in circumstances beyond the control of the exporter, product destined for import in a given year becomes unavailable and the only means, in the light of normal shipping time from the country of origin, of filling the quota is to replace it with product originally intended for import for the following year, the issuing agency may, on the sixth working day after giving due notification to the Commission of the details of the IMA 1 certificate or part thereof to be cancelled for the year in question and of the first IMA 1 certificate or part thereof issued for the following year to be cancelled, issue a new IMA 1 certificate for the replacement quantity.

   If the Commission considers that the circumstances of the case concerned do not fall within this provision it may object, within five working days, stating the reason for this objection. Where the quantity to be replaced is greater than that covered by the first IMA 1 certificate issued for the following year the required quantity may be obtained by cancelling an additional IMA 1 certificate, in sequence, or part thereof as necessary.

   All quantities in respect of which IMA 1 certificates or part thereof have been cancelled for the year in question shall be added to the quantities for which an IMA 1 certificate may be issued for that quota year. All quantities brought forward from the following quota year, in respect of which an IMA 1 certificate or certificates have been cancelled, shall be added back to the quantities for which IMA 1 certificates may be issued for that quota year.