COMMISSION REGULATION (EC) No 2185/98

of 9 October 1998

opening the procedure for the allocation of export licences for cheeses to be exported in 1999 to the United States of America under certain quotas resulting from the GATT Agreements

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 Article 17(8) thereof,

Having regard to Commission Regulation (EC) No 1466/95 of 27 June 1995 laying down special detailed rules of application for export refunds on milk and milk products [3], as last amended by Regulation (EC) No 2184/98 [4], and in particular Article 9a(l) thereof,

Whereas Article 9a of Regulation (EC) No 1466/95 provides that export licences for cheese exported to the United States of America as part of the additional quota under the Agreements concluded during the Uruguay Round of multilateral trade negotiations (hereinafter known as 'the Agreements') may be allocated according to a special procedure by which preferred importers in the United States may be designated; whereas that procedure should be opened for exports during 1999 and the additional rules relating to it should be determined; whereas, given the time limit for notification of the preferred importers in the United States, the procedure should be opened without delay;

Whereas for the administration of imports the competent authorities in the USA make a distinction between the additional quota granted to the European Community under the Uruguay Round and the quotas for Austria, Finland and Sweden originally resulting from the Tokyo Round; whereas conformity of that practice with the GATT rules is being examined; whereas, however, in order to avoid problems with the functioning of the arrangements for exports in 1999, export licences should be allocated bearing in mind, where necessary, the distribution of certain groups of products according to the nature of the quota;

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

Whereas the measures provided for in this Regulation are in accordance with the opinion of the Management Committee for Milk and Milk Products,

HAS ADOPTED THIS REGULATION:

Article 1

Export licences for products falling within CN code 0406 to be exported in 1999 to the United States of America under the additional quota resulting from the Agreements (hereinafter known as the 'UR quota') and the tariff quotas originally resulting from the Tokyo Round and granted to Austria, Finland and Sweden by the United States of America in Uruguay Round list XX (hereinafter known as the 'TR quota') as referred to in Annex I shall be issued in accordance with the provisions of Article 9a of Regulation (EC) No 1466/95.

Article 2

1. Applications for provisional licences shall be lodged with the competent authorities by 15 October 1998 at the latest. They shall not be admissible unless they contain all the details referred to in Article 9a(2) of Regulation (EC) No 1466/95 and the documents mentioned therein.

2. Where, for the same group of products referred to in Annex I, column 2, the available quantity is divided between the UR quota and the TR quota, licence applications may cover only one of those quotas and must indicate the quota concerned, specifying the identification of the group and of the quota indicated in Annex I, column 3.

3. Licence applications must cover no more than 40 % of the quantity available for the group of products indicated in Annex I, column 4, and for the quota concerned.

4. Applications shall not be admissible unless applicants declare in writing that they have not lodged other applications for the same group of products and the same quota and undertake not to do so. If an applicant lodges different applications for the same group of products and the same quota in one or more Member States, his applications shall be deemed inadmissible.

[1] OJ L 148, 28. 6. 1968, p. 13.
[2] OJ L 206, 16. 8. 1996, p. 21.
[3] OJ L 144, 28. 6. 1995, p. 22.
[4] See page 21 of this Official Journal.

5. The details referred to in paragraphs 1 and 2 shall be presented in accordance with the model shown in Annex II.

6. For the purposes of Article 1(1) of Regulation (EC) No 1466/95, all applications lodged within the time limit shall be deemed to have been lodged on 12 October 1998. Article 8(4) of Regulation (EC) No 1466/95 shall not apply to applications for provisional licences lodged pursuant to this paragraph.

Article 3

Member States shall notify the Commission within four working days of the end of the period for lodging applications of the applications lodged for each of the groups of products and, where applicable, the quotas indicated in Annex I. Notification shall comprise for each group and, where applicable, for each quota:

— a list of applicants,

— the quantities applied for by each applicant broken down by code of the export refund nomenclature for milk products and by their description in accordance with the Harmonized Tariff Schedule of the United States of America (1998),

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

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

All notifications, including 'nil' notifications, shall be made by telex or fax, by 21 October 1998 at the latest, on the model form shown in Annex III.

Article 4

The Commission shall, pursuant to Article 9a(3) of Regulation (EC) No 1466/95, determine the allocation of licences without delay and shall notify the Member States thereof by 31 October 1998 at the latest.

Article 5

The information referred to in Article 3 hereto and in Article 9a(2) of Regulation (EC) No 1466/95 shall be verified before the final licences are issued and by 31 December 1998 at the latest.

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

Article 6

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

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

Done at Brussels, 9 October 1998.

For the Commission

Franz FISCHLER

Member of the Commission

ANNEX I

Cheese to be exported to the United States of America in 1999 under certain quotas resulting from the GATT Agreements

Article 9a of Regulation (EC) No 1466/95 and Regulation (EC) No 2185/98

Identification of group in accordance with Additional Notes in Chapter 4 of the Harmonised Tariff Schedule of the United States of America			Quantity available for 1999	Maximum quantity per application
Note No	Group	Identification of group and quota	Tonnes	Tonnes
(1)	(2)	(3)	(4)	(5)
16	Not specifically provided for (NSPF)	16 — Tokyo	908,877	363,550
		16 — Uruguay	1 955,000	782,000
17	Blue Mould	17	250,000	100,000
18	Cheddar	18	833,333	333,333
19	American type	19	83,333	33,333
20	Edam/Gouda	20	833,334	333,333
21	Italian type	21	583,334	233,333
22	Swiss or Emmenthaler cheese other than with eye formation	22 — Tokyo	393,006	157,202
		22 — Uruguay	316,666	126,666
25	Swiss or Emmenthaler cheese with eye formation	25 — Tokyo	4 003,172	1 601,268
		25 — Uruguay	1 066,666	426,666

ANNEX II

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

Identification of the United States of America quota group applied for

Identification of group and quota referred to in column 3 of Annex I to Regulation (EC) No 2185/98

Name of group indicated in column 2 of Annex I to Regulation (EC) No 2185/98

Origin of quota: Uruguay Round/Tokyo Round (1)

Name/address of applicant	Refund Nomenclature product code	Quantity applied for	Export to the United States of America				Harmonised Tariff Schedule of the USA code	Name/address of designated importer	Importer is branch of applicant	
			1995	1996	1997	Average 1995-1997			Yes ☐	No ☐
	Total					∅				

(1) Delete where applicable.

ANNEX III

Notification by Member State in accordance with Article 3 of Regulation (EC) No 2185/98

Identification of the United States of America quota group applied for

Identification of group and quota referred to in column 3 of Annex I to Regulation (EC) No 2185/98

Name of group indicated in column 2 of Annex I to Regulation (EC) No 2185/98

Origin of quota: Uruguay Round/Tokyo Round (1)

No	Name/address of applicant	Refund Nomenclature product code	Quantity applied for	Export to the United States of America				Harmonised Tariff Schedule of the USA code	Name/address of designated importer	Importer is subsidiary of applicant	
				1995	1996	1997	Average 1995-1997			Yes	No
1										☐	☐
		Total					Ø				
2										☐	☐
		Total					Ø				
3										☐	☐
		Total					Ø				
4										☐	☐
		Total					Ø				

(1) Delete where applicable.