COMMISSION REGULATION (EC) No 2319/1999

of 29 October 1999

establishing the allocation of export licences for cheeses to be exported in 2000 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 Commission Regulation (EC) No 174/1999 of 26 January 1999 laying down special detailed rules for the application of Council Regulation (EEC) No 804/68 as regards export licences and export refunds in the case of milk and milk products [1], as last amended by Regulation (EC) No 1596/1999 [2], and in particular Article 20(3) thereof,

Whereas:

(1) Commission Regulation (EC) No 2084/1999 [3] opens the procedure for the allocation of export licences for cheese to be exported in 2000 to the United States of America under certain quotas resulting from the GATT Agreements;

(2) in the case of applications for provisional licences lodged pursuant to Regulation (EC) No 2084/1999 relating to quantities of products in each product group greater than those available, the allocation of licences may take into account the quantity of the same products exported to the United States of America by the applicant in the past and preference may be given to applicants whose designated importers are subsidiaries; whereas licences should be allocated to applicants who exported the cheeses in question to the United States of America in at least two of the preceding three years; whereas a preference should be accorded to those applicants whose designated importers are subsidiaries by fixing higher allocation coefficients for such applicants; whereas all other applications should be rejected;

(3) the regime does not foresee the possibility for an operator to renounce the delivery of a certificate in cases where the quantity resulting from the application of the allocation coefficients is very small; whereas experience has shown that there is a risk of an operator in such circumstances being unable to fulfil his obligation to export with the consequent loss of the security; whereas it is therefore appropriate to ensure the allocation of a minimum quantity;

(4) in the case of products groups for which the applications lodged are for quantities less than those available, it is appropriate to provide for the allocation of the remaining quantities to the applicants in proportion to the quantities applied for; whereas the allocation of such further quantities should be conditional upon the interested operator making a request and lodging a security,

HAS ADOPTED THIS REGULATION:

Article 1

1. Applications for provisional export licences lodged pursuant to Regulation (EC) No 2084/1999 in respect of the product groups and quotas identified by 16-Tokyo, 16-Uruguay, 17-, 20-, 21- and 25-Tokyo and 25-Uruguay in column 3 of the Annex hereto:

— by applicants whose designated importers are subsidiaries shall be accepted:

  (a) for the quantity applied for per product code of the export refund nomenclature not exceeding that indicated in column 5 of the Annex; and

  (b) for the quantity applied for per product code of the export refund nomenclature exceeding that indicated in column 5 in so far as the allocation coefficients indicated in column 6 of the Annex allow,

— by applicants other than those provided for under the first indent which show an export to the United States of America of the products in question during at least one of the preceding three years shall be accepted:

  (a) for the quantity applied for per product code of the export refund nomenclature not exceeding that indicated in column 7 of the Annex; and

  (b) for the quantity applied for per product code of the export refund nomenclature exceeding that indicated in column 7 in so far as the allocation coefficients indicated in column 8 of the Annex allow,

— by applicants other than those provided for under the first and second indents above shall be rejected.

2. Applications for provisional export licences lodged pursuant to Regulation (EC) No 2084/1999 in respect of the product groups and quotas identified by 18- and 22-Tokyo and 22-Uruguay in column 3 of the Annex hereto shall be accepted for the quantities requested. On the further application of the trader within 15 working days of the entry into force of this Regulation and subject to the lodging of the security applicable, provisional export licences may be issued for further quantities in so far as the coefficients in column 9 of the Annex allow.

[1] OJ L 20, 27.1.1999, p. 8.
[2] OJ L 188, 21.7.1999, p. 39.
[3] OJ L 256, 1.10.1999, p. 50.

Article 2

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, 29 October 1999.

For the Commission

Franz FISCHLER

Member of the Commission

ANNEX

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 2000	Article 1(1) first indent		Article 1(1) second indent		Article 1(2)
Note No	Group	Identification of group and quota	(t)	Quantity referred to under (a) (t)	Allocation coefficient provided for under (b)	Quantity referred to under (a) (t)	Allocation coefficient provided for under (b)	
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)
16	Not specifically provided for (NSPF)	16-Tokyo	908,877	10	0,3820509	10	0,1910254	
		16-Uruguay	2 346,000	10	0,4141677	10	0,2070838	
17	Blue mould	17-Tokyo	300,000	10	0,3053987	10	0,1526994	
18	Cheddar	18-Tokyo	1 000,000	0	1,0000000	0	1,0000000	1,5673981
20	Edam/Gouda	20-Tokyo	1 000,000	10	0,9787234	10	0,4893617	
21	Italian type	21-Tokyo	700,000	10	0,3635460	10	0,1211820	
22	Swiss or Emmenthaler cheese other than with eye formation	22-Tokyo	393,006	0	1,0000000			1,0737869
		22-Uruguay	380,000	0	1,0000000			1,2101911
25	Swiss or Emmenthaler cheese with eye formation	25-Tokyo	4 003,172	10	0,4893127	10	0,2446563	
		25-Uruguay	1 220,000	10	0,5115207	10	0,2557604	