COMMISSION REGULATION (EC) No 806/2001

of 26 April 2001

amending Regulation (EC) No 174/1999, as regards management of the milk powder quota for export to the Dominican Republic

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 1255/1999 of 17 May 1999 on the common organisation of the market in milk and milk products [1], as last amended by Regulation (EC) No 1670/2000 [2], and in particular Article 30(1) thereof,

Whereas:

(1) Article 20a of 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 [3], as last amended by Regulation (EC) No 2884/2000 [4], lays down the provisions applicable to the management of the milk powder quota for export to the Dominican Republic under the Memorandum of Understanding concluded between the European Community and the Dominican Republic and approved by Council Decision 98/486/EC [5].

(2) In view of the difficulties encountered in the Dominican Republic during 2000 in implementing the Memorandum, that year should be excluded from the reference period for future applications under the quota. Measures should also be taken to avoid the cancellation of licences. Accordingly, the amount of the security for exports under the quota should be increased and release of that security should be conditional upon proof being provided that the products had been declared for import in the Dominican Republic during the year of the quota. Other provisions should be adapted in order to guarantee better administration of the scheme.

(3) In view of the fact that the period for the submission of licence applications is fixed at 1 to 10 May 2001, this Regulation should enter into force immediately.

(4) 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

Article 20a of Regulation (EC) No 174/1999 is amended as follows:

1. Paragraph 4(a) is replaced by the following wording:

   '(a) the first part, equal to 80 % or 17 920 t, shall be distributed among Community exporters who can prove that they have exported products as referred to in paragraph 3 to the Dominican Republic during each of the three calendar years prior to the period for submission of applications, excluding 2000;'

2. In paragraph 5, the first indent is replaced by the following:

   '— for the part referred to in paragraph 4(a), a quantity equal to 110 % of the total quantity of products referred to in paragraph 3 exported during one of the three calendar years prior to the period for submission of applications, excluding 2000,'

3. In paragraph 6(b), the first indent is replaced by the following:

   '— lodge a security of EUR 15 per 100 kilogrammes,'

4. Paragraph 9(c) is replaced by the following:

   '(c) in section 20, one of the following indications:

   — Artículo 20 *bis* del Reglamento (CE) nº 174/1999:

   contingente arancelario de leche en polvo del año 1.7.....-30.6..... fijado en el Memorándum de acuerdo celebrado entre la Comunidad Europea y la República Dominicana y aprobado mediante la Decisión 98/486/CE del Consejo.

   — Artikel 20a i forordning (EF) nr. 174/1999:

   toldkontingent for perioden 1.7..... til 30.6..... for mælkepulver i henhold til den aftale, som blev indgået mellem Det Europæiske Fællesskab og Den Dominikanske Republik og godkendt ved Rådets afgørelse 98/486/EF.

   — Artikel 20a der Verordnung (EG) Nr. 174/1999:

   Milchpulverkontingent für das Jahr 1.7.....-30.6..... gemäß der mit dem Beschluss 98/486/EG des Rates genehmigten Vereinbarung zwischen der Europäischen Gemeinschaft und der Dominikanischen Republik.

   — Άρθρο 20α του κανονισμού (ΕΚ) αριθ. 174/1999:

   δασμολογική ποσόστωση, για το έτος 1.7.....-30.6....., γάλακτος σε σκόνη δυνάμει του μνημονίου συμφωνίας που συνήφθη μεταξύ της Ευρωπαϊκής Κοινότητας και της Δομινικανικής Δημοκρατίας και εγκρίθηκε από την απόφαση 98/486/ΕΚ του Συμβουλίου.

[1] OJ L 160, 26.6.1999, p. 48.
[2] OJ L 193, 29.7.2000, p. 10.
[3] OJ L 20, 27.1.1999, p. 8.
[4] OJ L 333, 29.12.2000, p. 76.
[5] OJ L 218, 6.8.1998, p. 45.

— Article 20a of Regulation (EC) No 174/1999:

tariff quota for 1.7.....-30.6....., for milk powder under the Memorandum of Understanding concluded between the European Community and the Dominican Republic and approved by Council Decision 98/486/EC.

— Article 20 *bis* du règlement (CE) nº 174/1999:

contingent tarifaire pour l'année 1.7.....-30.6....., de lait en poudre au titre du mémorandum d'accord conclu entre la Communauté européenne et la République dominicaine et approuvé par la décision 98/486/CE du Conseil.

— Articolo 20 bis del regolamento (CE) n. 174/1999:

contingente tariffario per l'anno 1.7.....-30.6....., di latte in polvere a titolo del memorandum d'intesa concluso tra la Comunità europea e la Repubblica dominicana e approvato con la decisione 98/486/CE del Consiglio.

— Artikel 20 bis van Verordening (EG) nr. 174/1999:

tariefcontingent melkpoeder voor het jaar 1.7.....-30.6..... krachtens het memorandum van overeenstemming tussen de Europese Gemeenschap en de Dominicaanse Republiek, goedgekeurd bij Besluit 98/486/EG van de Raad.

— Artigo 20.ºA do Regulamento (CE) n.º 174/1999:

contingente pautal do ano 1.7.....-30.6....., de leite em pó ao abrigo do memorando de acordo concluído entre a Comunidade Europeia e a República Dominicana e aprovado pela Decisão 98/486/CE do Conselho.

— Asetuksen (EY) N:o 174/1999 20 a artikla:

neuvoston päätöksellä 98/486/EY hyväksytyn Euroopan yhteisön ja Dominikaanisen tasavallan yhteismärryspöytäkirjan mukainen maitojauheen tariffikiintiö 1.7..... ja 30.6..... välisenä aikana.

— Artikel 20a i förordning (EG) nr 174/1999:

tullkvot för året 1.7.....—30.6....., för mjölkpulver enligt avtalsmemorandumet mellan Europeiska gemenskapen och Dominikanska republiken, godkänt genom rådets beslut 98/486/EG.'

5. In paragraph 12, the first subparagraph is replaced by the following:

'Licences shall be issued at the request of the operator, not earlier than 1 June and not later than 15 February the following year. They shall be issued only to operators whose licence applications were notified in accordance with paragraph 10.'

6. In paragraph 14, the first subparagraph is replaced by the following:

'The security shall be released only in one of the following two cases:

(a) on presentation of the proof referred to in Article 35(5) of Commission Regulation (EC) No 1291/2000 (*) accompanied by a copy of the export declaration duly initialled by the competent authorities of the Dominican Republic;

(b) in respect of the quantities covered by applications for which no licence could be issued.

(*) OJ L 152, 24.6.2000, p. 1.'

7. Paragraph 17 is replaced by the following:

'Chapter 1 shall apply, with the exception of Articles 6, 9 and 10.'

Article 2

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

It shall apply to licences applied for from 1 May 2001.

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

Done at Brussels, 26 April 2001.

For the Commission

Franz FISCHLER

Member of the Commission