

COMMISSION REGULATION (EC) No 2809/1999

of 23 December 1999

amending Regulation (EC) No 1374/98 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,

HAS ADOPTED THIS REGULATION:

Having regard to the Treaty establishing the European Community,

Article 1

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⁾, and in particular Articles 26(3) and 29(1) thereof,

Regulation (EC) No 1374/98 is amended as follows:

1. Article 19 is replaced by the following:

Whereas:

‘Article 19

- (1) By Council Decision 1999/753/EC of 29 July 1999 concerning the provisional application of the Agreement on Trade, Development and Cooperation between the European Community and its Member States, of the one part, and the Republic of South Africa, of the other part ⁽²⁾ (hereinafter ‘the Agreement’), the Council provisionally brought forward the application of certain provisions of the Agreement. The Agreement provides for the removal of duties on imports into the Community of certain cheeses within the limits of tariff quotas and for the gradual elimination of import duties on certain other milk products from 1 January 2000.
- (2) Commission Regulation (EC) No 1374/98 ⁽³⁾, as last amended by Regulation (EC) No 1339/1999 ⁽⁴⁾, lays down detailed rules for the application of the import arrangements and opens tariff quotas for milk and milk products. That Regulation should therefore be amended in order to implement the provisions of the Agreement on imports of the products in question with effect from 1 January 2000.
- (3) To ensure the smooth operation of the preferential import arrangements for Turkey and the Republic of South Africa, prevent speculation and bring these arrangements into line with the relevant provisions on preferential imports in Commission Regulation (EC) No 2508/97 ⁽⁵⁾, as last amended by Regulation (EC) No 2631/1999 ⁽⁶⁾, laying down detailed rules for the application to milk and milk products of the schemes provided for in the Europe Agreements between the Community and certain central and eastern European countries, licences should not be transferable.
- (4) The measures provided for in this Regulation are in accordance with the opinion of the Management Committee for Milk and Milk Products,

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.’

⁽¹⁾ OJ L 160, 26.6.1999, p. 48.

⁽²⁾ OJ L 311, 4.12.1999, p. 1.

⁽³⁾ OJ L 185, 30.6.1998, p. 21.

⁽⁴⁾ OJ L 159, 25.6.1999, p. 22.

⁽⁵⁾ OJ L 345, 16.12.1997, p. 31.

⁽⁶⁾ OJ L 321, 14.12.1999, p. 13.

2. Article 23 is amended as follows:

(a) Paragraph 1 is replaced by the following:

'1. Notwithstanding Article 22:

(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 (*), except for imports provided for in Article 19(1) of this Regulation.

(*) OJ L 311, 4.12.1999, p. 3.'

(b) Paragraph 4 is replaced by the following:

'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 (*), 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.

(*) OJ L 300, 31.12.1972, p. 189.'

3. Annex I to this Regulation is inserted as Annex III.C.

4. Annex II to this Regulation is inserted in Annex IV as point 14.

5. Annex X to Regulation (EC) No 1374/98 is replaced by Annex III to this Regulation.

Article 2

This Regulation shall enter into force on 1 January 2000.

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

Done at Brussels, 23 December 1999.

For the Commission
Margot WALLSTRÖM
Member of the Commission

ANNEX I

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		Republic of South Africa	2000	5 000	2 500	0
	0406 20 90			2001	5 250	2 625	
	0406 30			2002	5 500	2 750	
	0406 40 90			2003	5 750	2 875	
	0406 90 01			2004	6 000	3 000	
	0406 90 21			2005	6 250	3 125	
	0406 90 50			2006	6 500	3 250	
	0406 90 69			2007	6 750	3 375	
	0406 90 78			2008	7 000	3 500	
	0406 90 86			2009	7 250	3 625	
	0406 90 87			2010	unlimited	unlimited	
	0406 90 88						
0406 90 93							
0406 90 99							

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

ANNEX II

'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 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 1702 11 00 1702 19 00 2106 90 51 2309 10 15 2309 10 19 2309 10 39 2309 10 59	for the quantities imported in excess of the quotas referred to in Annex III.C	Republic of South Africa	100	100	100	100	100	83	67	50	33	17	0

ANNEX III

'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):	