

COMMISSION REGULATION (EC) No 50/2004
of 9 January 2004

amending Regulation (EC) No 2535/2001 laying down detailed rules for applying Council Regulation (EC) No 1255/1999 as regards the import arrangements for milk and milk products and opening tariff quotas, and derogating from that Regulation

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

Whereas:

- (1) Chapter III of Commission Regulation (EC) No 2535/2001 ⁽²⁾ mainly concerns an annual quota for butter, which is not shared out over the year. To allow imports under this quota to be spread evenly throughout the quota year, with a view to ensuring an appropriate supply of the internal market, the quota in question should be allocated in two six-month tranches, taking account of the historic development of the product concerned within the quota period.
- (2) Chapter I of Regulation (EC) No 2535/2001 concerns quotas allocated on the basis of two six-month periods in January and July each year. In view of the accession of 10 new Member States on 1 May 2004, operators in these countries should be given the opportunity to participate in Community quotas from that date. To this end, the quantities opened in January 2004 should be limited to the quantities equivalent to the period from January to April 2004. However, this allocation should not apply to quotas for the calendar year, where those quotas are characterised by under-utilisation during the previous periods.
- (3) Regulation (EC) No 2535/2001 includes detailed rules for applying, in the milk and milk products sector, the import arrangements provided for in the Europe Agreements between the Community and its Member States, of the one part, and certain countries of central and eastern Europe, of the other part. In order to implement the concessions provided for in Council Decision 2003/452/EC of 26 May 2003 on the conclusion of a Protocol adjusting the trade aspects of the Europe Agreement establishing an association between the European

Communities and their Member States, acting within the framework of the European Union, of the one part, and the Republic of Slovenia, of the other part, to take account of the outcome of negotiations between the parties on new mutual agricultural concessions ⁽³⁾, certain existing quotas should be increased.

- (4) In order to keep the Commission informed of changes in the composition of the cheese imported under the different quotas, under Article 19 of Regulation (EC) No 2535/2001 operators must indicate certain contents on import declarations. Where the contents shown exceed those given in Annex XIII, the competent authorities are to notify the Commission thereof. The notifications received by the Commission since imposing this obligation demonstrate a degree of stability in the composition of the cheese imported, as regards the type and origin of the cheese. The notifications generate a heavy workload for the customs services and the Commission, and produce a substantial volume of documents, while the overruns on the base contents are negligible in most cases. Notifications should therefore be limited to cases where the contents are abnormally high, by adapting the contents in Annex XIII. Moreover, for certain categories of cheese, the advantage of obtaining notifications of overruns of the contents in Annex XIII has proved negligible, as any variation in the contents concerned remains within the intervals fixed in the description of those products in the Combined Nomenclature. Notifications for the products in question should therefore be abolished.
- (5) New Zealand has sent the Commission information relating to the new issuing body. Annex XII to Regulation (EC) No 2535/2001 should therefore be updated.
- (6) In view of the accession of the new Member States on 1 May 2004, the period of validity of licences used for imports originating in the new Member States should be limited to 30 April 2004. A derogation should therefore be made from Article 16(3) of Regulation (EC) No 2535/2001.

⁽¹⁾ OJ L 160, 26.6.1999, p. 48. Regulation as last amended by Regulation (EC) No 1787/2003 (O J L 270, 21.10.2003, p. 121).

⁽²⁾ OJ L 341, 22.12.2001, p. 29. Regulation as last amended by Regulation (EC) No 2012/2003 (O J L 297, 15.11.2003, p. 19).

⁽³⁾ OJ L 152, 22.6.2003, p. 22.

- (7) The allocation of the quota for butter falling within Chapter III of Regulation (EC) No 2535/2001 in six-month tranches affects the rhythm of issue of IMA 1 certificates by the issuing body of the third country concerned. To enable the competent authorities of these countries and interested operators to take note of this amendment before it enters into force, and in compliance with the Community's international commitments, an adequate deadline should be laid down between publication and the date on which the allocation of the above quota takes effect. Moreover, since issuing bodies in third countries have been able to issue IMA 1 certificates for 2004 since 1 November 2003, the issue of import licences for all IMA 1 certificates issued up to the day before the day on which the allocation of the quota takes effect should be authorised.
- (8) Regulation (EC) No 2535/2001 should therefore be amended and derogated from.
- (9) The measures provided for in this Regulation are in accordance with the opinion of the Management Committee for Milk and Milk Products,

3. Annex I is amended as follows:
- (a) Part I.A is replaced by the text in Annex I to this Regulation.
- (b) In Part I.B, points 5, 6 and 10 are replaced by the text in Annex II to this Regulation.
- (c) Parts I.F and I.H are replaced by the text in Annex III to this Regulation;
4. in Annex III.A, the details relating to quota number 09.4589 are replaced by the text in Annex IV to this Regulation;
5. in Annex XII, the details relating to the issuing body for New Zealand are replaced by the following:

Name	Location
New Zealand Food Safety Authority	South Tower 68-86 Jervois Quay PO Box 2835 Wellington New Zealand Telephone: (64-4) 463 2500 Fax: (64-4) 463 2501

6. Annex XIII is replaced by the text in Annex V to this Regulation.

HAS ADOPTED THIS REGULATION:

Article 1

Regulation (EC) No 2535/2001 is hereby amended as follows:

1. Article 24(2) is replaced by the following:
- '2. Annex III to this Regulation sets out the duties to be applied and, in the case of imports as referred to in paragraph 1(a), the maximum quantities to be imported by quota period.'
2. the following subparagraph is added to Article 26(2):
- 'However, for quota number 09.4589, IMA 1 certificates may be issued:
- (a) from 1 November each year, valid from the following 1 January, for quantities not exceeding the maximum quantity for the first quota period of that year, as referred to in Annex III.A. However, import licence applications may be lodged only from the first working day of January;
- (b) from 1 May each year, valid from the following 1 July, for the remaining quantities of the annual quantity of the quota, as referred to in Annex III.A. However, import licence applications may be lodged only from the first working day of July.'

Article 2

By derogation from Article 16(3) of Regulation (EC) No 2535/2001, the period of validity of licences shall expire on 30 April 2004 for:

- (a) imports under the quotas referred to points 1 to 4 and 7 to 10 of Annex I.B;
- (b) imports originating in the new Member States under the quotas referred to in Annex I.A.

Article 3

By derogation from Articles 24(2) and 26(2), for 2004, for quota number 09.4589, import licences may be issued on presentation of IMA 1 certificates issued up to the day before the day on which the provisions referred to in points 1 and 2 of Article 1 enter into application.

Article 4

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

Points 1, 2 and 4 of Article 1, and Article 3, shall apply from the 21st day following the day of publication of this Regulation in the *Official Journal of the European Union*.

Points 3, 5 and 6 of Article 1, and Article 2, shall apply from 1 January 2004.

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

Done at Brussels, 9 January 2004.

For the Commission
Franz FISCHLER
Member of the Commission

ANNEX I

I.A

TARIFF QUOTAS NOT SPECIFIED BY COUNTRY OF ORIGIN

Quota number	CN code	Description (1)	Country of origin	Annual quota	Quota from 1 January to 30 April 2004	Quota from 1 May to 30 June 2004	Import duty (EUR/100 kg net weight)
09.4590	0402 10 19	Skimmed-milk powder	All third countries	68 000	22 667	11 333	47,50
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	3 333	1 667	94,80
				in butter equivalent			
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 with a net content of 5 kg or more, of a water content, by weight, of 52 % or more, and a fat content by weight in the dry matter of 38 % or more	All third countries	5 300	1 767	883	13,00
09.4592	ex 0406 30 10	Processed Emmentaler	All third countries	18 400	6 133	3 067	71,90
	0406 90 13	Emmentaler					85,80
09.4593	ex 0406 30 10	Processed Gruyère	All third countries	5 200	1 733	867	71,90
	0406 90 15	Gruyère, Sbrinz					85,80
09.4594	0406 90 01	Cheese for processing (2)	All third countries	20 000	6 667	3 333	83,50
09.4595	0406 90 21	Cheddar	All third countries	15 000	5 000	2 500	21,00

Quota number	CN code	Description (*)	Country of origin	Annual quota	Quota from 1 January to 30 April 2004	Quota from 1 May to 30 June 2004	Import duty (EUR/100 kg net weight)
09.4596	ex 0406 10 20	Fresh (unripened or uncured) cheese, including whey cheese, and curd, other than pizza cheese of quota number 09.4591	All third countries	19 500	6 500	3 250	92,60
	ex 0406 10 80						106,40
	0406 20 90	Other grated or powdered cheese					94,10
	0406 30 31	Other processed cheese					69,00
	0406 30 39						71,90
	0406 30 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						

Quota number	CN code	Description ⁽¹⁾	Country of origin	Annual quota	Quota from 1 January to 30 April 2004	Quota from 1 May to 30 June 2004	Import duty (EUR/100 kg net weight)
09.4596 (cont'd)	ex 0406 90 79	Esrom, Italice, Kernhem, Saint-Paulin Cheshire, Wensleydale, Lancashire, Double Gloucester, Blarney, Colby, Monterey					
	ex 0406 90 81						
	0406 90 82						
	0406 90 84						
	0406 90 86						
	0406 90 87						
0406 90 88	Exceeding 62 % but not exceeding 72 %						
0406 90 93	Exceeding 72 %						
0406 90 99	Other						
							92,60
							106,40

(*) 1 kg product = 1,22 kg butter.

(1) Irrespective of the rules for the interpretation of the Combined Nomenclature, the wording of the product description must be considered to have merely indicative value, since the applicability of the preferential arrangements is determined in the context of this Annex by the scope of the CN code. Where ex CN codes are indicated, the applicability of the preferential scheme is determined on the basis of the CN code and the corresponding description taken jointly.

(2) The cheeses referred to are considered as processed when they have been processed into products falling within subheading 0406 30 of the Combined Nomenclature. Articles 291 to 300 of Regulation (EEC) No 2454/93 apply.

ANNEX II

I.B

5. Products originating in Romania

Quota number	CN code	Description ⁽¹⁾	Applicable duty (% of MFN)	Quantities (tonnes)			
				Annual Quota	Quantities from 1.1.2004 to 30.4.2004	Quantities from 1.5.2004 to 30.6.2004	Annual increase from 1 July 2004
09.4758	0406	Cheese and curd ⁽²⁾	Free	2 600	867	433	200

6. Products originating in Bulgaria

Quota number	CN code	Description ⁽¹⁾	Applicable duty (% of MFN)	Quantities (tonnes)			
				Annual Quota	Quantities from 1.1.2004 to 30.4.2004	Quantities from 1.5.2004 to 30.6.2004	Annual increase from 1 July 2004
09.4675	0403 10 11 0403 10 13 0403 10 19 0403 10 31 0403 10 33 0403 10 39		Free	500	167	83	0
09.4660	0406	Cheese and curd ⁽²⁾	Free	6 400	2 133	1 067	300

10. Products originating in Slovenia

Quota number	CN code	Description ⁽¹⁾ ⁽²⁾	Applicable duty (% of MFN)	Annual quantities (tonnes)		2004 quantities (tonnes)
				From 1.1.2003	Quantities opened in 2003	Opened in January 2004
09.4086	0402 10 0402 21		20 %	1 500	1 500	750
09.4087	0403 10		20 %	750	750	375
09.4088	0406 90		Free	600	450	450 (= 300 + 150)'

ANNEX III

I.F

TARIFF QUOTAS UNDER ANNEXES II AND III TO THE AGREEMENT BETWEEN THE EUROPEAN COMMUNITY AND SWITZERLAND ON TRADE IN AGRICULTURAL PRODUCTS

Quota number	CN code	Description	Customs duty	Quantities of quotas				
				2003/2004 quota				2004 and following from 1 July to 30 June
				Total	from 1.7 to 31.12.2003	from 1.1 to 30	from 1.5 to 30.6.2004	
09.4155	ex 0401 30 0403 10	Cream, of a fat content by weight exceeding 6 % Yoghurt	} exemption	2 000	1 000	667	333	2 000

Quota number	CN code	Description	Customs duty	Quantities of quotas							
				2003/2004 quota				2004	2005	2006	from 1.6.2007
				Total	from 1.7. to 31.12.2003	from 1.1. to 30.4.2004	from 1.5. to 30.6. 2004	from 1 July to 30 June		from 1 July to 31 May	
09.4156	ex 0406	Cheeses other than those referred to in Annex II.D	exemption	4 250	2 125	1 417	708	5 500	6 750	7 646	unlimited

I.H

TARIFF QUOTAS UNDER ANNEX I TO THE AGREEMENT WITH THE KINGDOM OF NORWAY

in tonnes

Quota number	CN code	Description (1)	Customs duty	Quota				
				annual	six-monthly	2003/2004		
						six-monthly from 1 July to 31 December 2003	from 1 January to 30 April 2004	from 1 May to 30 June 2004
09.4781	ex 0406 90 23 0406 90 39 ex 0406 90 78 0406 90 86 0406 90 87 0406 90 88	Norwegian Edam Jarlsberg Norwegian Gouda Other cheeses	} exemption	3 467	1 733,5	1 733,5	1 155,7	577,8

Quota number	CN code	Description ⁽¹⁾	Customs duty	Quota				
				annual	six-monthly	2003/2004		
						six-monthly from 1 July to 31 December 2003	from 1 January to 30 April 2004	from 1 May to 30 June 2004
09.4782	0406 10	Fresh cheeses	exemption	533	266,5	266,5	177,7	88,8

⁽¹⁾ Notwithstanding the rules for the interpretation of the Combined Nomenclature, the wording of the description of the products is to be considered as having no more than an indicative value, the preferential arrangements being determined, within the context of this Annex, by the coverage of the CN codes.

ANNEX IV

Quota number	CN code	Description	Country of origin	Annual quota from January to December (quantities in tonnes)	Maximum quota January — June (quantities in tonnes)	Import duty (EUR/100 kg net weight)	Rules for completing IMA 1 certificates
'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 where the butterfat is concentrated and/or fractionated (the processes referred to as "Ammix" and "Spreadable")	New Zealand	76 667	42 167	86,88	See Annex IV'

ANNEX V

'ANNEX XIII

CN code	Description ⁽¹⁾	Dry matter content by weight (%)	Fat content by weight (%) in the dry matter	Fat content by weight (%)
0406 10 20	Fresh cheese	58	71	
0406 30	Processed cheese	—	56	—
0406 90 01	Cheese for processing	65	52	
0406 90 13	Emmentaler	65	48	
0406 90 21	Cheddar	65	52	
0406 90 23	Edam	58	44	
0406 90 69	Hard cheeses	65	40	
0406 90 78	Gouda	59	50	
0406 90 81	Cantal, Cheshire, Wensleydale, etc...	64	52	
0406 90 99	Other cheeses			42

⁽¹⁾ Despite the rules for the interpretation of the Combined Nomenclature, the description of the products is deemed to be indicative only.'