

I

(Acts whose publication is obligatory)

COMMISSION REGULATION (EC) No 1984/2006**of 20 December 2006****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**

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 products¹, and in particular Article 29(1) thereof,

Whereas:

- (1) Commission Regulation (EC) No 1301/2006 of 31 August 2006 laying down common rules for the administration of import tariff quotas for agricultural products managed by a system of import licences² applies to import licences for import tariff quota periods starting from 1 January 2007. That Regulation lays down in particular detailed provisions on applications for import licences, the status of applicants and the issue of licences. That Regulation limits the period of validity of licences to the last day of the import tariff quota period. The provisions of Regulation (EC) No 1301/2006 should apply to imports licences issued pursuant to Commission Regulation (EC) No 2535/2001³, without prejudice to additional conditions or derogations laid down in that Regulation, such as the special rules concerning the approval of importers which are necessary to secure that only genuine importers apply for licences. It is necessary to align the provisions of Regulation (EC) No 2535/2001 on Regulation (EC) No 1301/2006 where appropriate. Since Regulation (EC) No 1301/2006 applies to licences for import tariff quota periods starting from 1 January 2007, provision

¹ OJ L 160, 26.6.1999, p. 48. Regulation last amended by Regulation (EC) No 1913/2005 (OJ L 307, 25.11.2005, p. 2).

² OJ L 238, 1.9.2006, p. 13.

³ OJ L 341, 22.12.2001, p. 29. Regulation last amended by Regulation (EC) No 926/2006 (OJ L 170, 23.6.2006, p. 8).

should be made for a delayed application for tariff quotas covered by Regulation (EC) No 2535/2001 for which the import period starts from 1 July 2007.

- (2) Pursuant to Article 9 of Regulation (EC) No 2535/2001, the approval of importers in June 2006 is valid from 1 July 2006 to 30 June 2007. The provisions of Regulation (EC) No 1301/2006 concerning approval should therefore not apply before 1 July 2007.
- (3) Council Regulation (EC) No 1839/2006 of 28 November 2006 concerning the implementation of the Agreement concluded by the EC following negotiations in the framework of Article XXIV.6 of GATT 1994, amending and supplementing Annex I to Regulation (EEC) No 2658/87 on the tariff and statistical nomenclature and on the Common Customs Tariff⁴ provides for an additional quantity of 537 tonnes of skimmed milk powder under the annual import tariff quota. It is therefore appropriate to adjust the quantity of skimmed milk powder under quota No 09.4590 referred to in Annex I.A to Regulation (EC) No 2535/2001.
- (4) Council Decision 2006/909/EC of 4 December 2006 on the conclusion of the agreement in the form of an exchange of letters between the European Community and the Kingdom of Norway concerning adjustments of trade preferences in cheese undertaken on the basis of Article 19 of the Agreement on the European Economic Area⁵ provides for the merging as from 1 January 2007 of the two existing annual duty free tariff quotas of cheese originating in Norway. It is therefore appropriate to adapt Annex I.H to Regulation (EC) No 2535/2001 accordingly.
- (5) Commission Regulation (EC) No 1549/2006 of 17 October 2006 amending Annex I to Council Regulation (EEC) No 2658/87 on the tariff and statistical nomenclature and on the Common Customs Tariff⁶ provides for amendments from 1 January 2007 for certain products falling within CN code 0406. Annex I.A to Regulation (EC) No 2535/2001 should be amended accordingly.
- (6) Council Decision 2006/999/EC⁷ approves a Community position in the EC-Turkey Association Council on the amendment to Protocols 1 and 2 to Decision 1/98 of the EC-Turkey Association Council on the trade regime for agricultural products. The amendment to Decision 1/98 of the EC-Turkey Association Council has been approved by the EC-Turkey Association Council in its Decision 2006/999/EC of 2/2006.
- (7) For certain agricultural products, amongst which cheeses, originating in Turkey, the amended Protocol 1 provides for new Community tariff quotas and for changes to the existing Community tariff quotas laid down in Council Regulation (EC) No 747/2001 of 9 April 2001 providing for the management of Community tariff quotas and of reference quantities for products eligible for preferences by virtue of agreements with certain

⁴ OJ L 355, 15.12.2006, p. 1.

⁵ OJ L 346, 9.12.2006, p. 30.

⁶ OJ L 301, 31.10.2006, p. 1.

⁷ OJ L 367, 22.12.2006, p. 68.

Mediterranean countries and repealing Regulations (EC) No 1981/94 and (EC) No 934/95⁸. It is therefore appropriate to adjust the quota quantity and the product descriptions in the relevant annexes to Regulation (EC) No 2535/2001.

- (8) Regulation (EC) No 2535/2001 should therefore be amended accordingly.
- (9) 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

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

- (1) In Article 2, the following paragraph is added:

"Commission Regulation (EC) No 1301/2006 shall apply save as otherwise provided in this Regulation.

* OJ L 238, 1.9.2006, p. 13."

- (2) Subparagraph 1 of Article 6 is replaced by the following:

"Annex I sets out the tariff quotas, the duties to be applied, the maximum quantities to be imported each year, the import tariff quota periods and their division into two equal parts for six-month periods."

- (3) Article 8 is replaced by the following:

"Article 8

By way of derogation from the first paragraph of Article 5 of Regulation (EC) No 1301/2006, approval shall be granted to applicants who, before 1 April each year, submit a request to the competent authorities of the Member State in which they are established and in which they are registered for VAT purposes, accompanied by proof that during both of the previous two calendar years they imported into or exported from the Community at least 25 tonnes of milk products covered by Chapter 04 of the Combined Nomenclature."

- (4) Article 12 is deleted.

⁸ OJ L 109, 19.4.2001, p. 2. Regulation last amended by Commission Regulation (EC) No 19/2006 (OJ L 4, 7.1.2006, p. 7).

(5) Article 13 is amended as follows:

(a) in paragraph 2, the second subparagraph is replaced by the following:

"However, in the case of the quotas referred to in Article 5(c) to (f) and (h), licence applications shall relate to at least 10 tonnes and to no more than the quantity available for each period."

(b) paragraph 3 is deleted.

(6) Article 15 is replaced by the following:

"Article 15

On the fifth working day following the end of the period for lodging applications, Member States shall notify the Commission of the applications lodged for each of the products concerned. Notifications shall include the quantities applied for under each quota number and CN code. Notifications shall be made on separate forms for each quota."

(7) Article 16 is amended as follows:

(a) paragraph 1 is replaced by the following:

"1. Licences shall be issued by the competent authorities of the Member States within five working days following the fifth working day following the day of notification provided for in Article 15."

(b) paragraph 2 is deleted;

(c) paragraph 3 is replaced by the following:

"3. Import licences shall be valid until the last day of each six-month period referred to in Article 14(1)."

(8) Article 18 is amended as follows:

(a) in paragraph 1, point (d) is replaced by the following:

"(d) in box 20, one of the entries listed in Annex XV;

(b) paragraph 3 is deleted.

(9) In Article 21, paragraph 3 is deleted.

(10) In Article 25(2), the fourth subparagraph is replaced by the following text:

"The competent import licence issuing body shall retain the original of each IMA 1 presented."

- (11) In Article 28, paragraph 3 is deleted.
- (12) In Article 32, paragraph 1 is replaced by the following text:
- "1. A copy of the IMA 1 certificate, duly authenticated, shall be presented, along with the corresponding import licence and the products to which they relate, to the customs authorities of the importing Member State at the time the declaration of release for free circulation is lodged. Without prejudice to Article 26(1), it shall be presented while it is still valid, except in cases of *force majeure*."
- (13) Annex I.A is replaced by the text set out in Annex I to this Regulation.
- (14) Annex I.D is replaced by the text set out in Annex II to this Regulation
- (15) Annex I.H is replaced by the text set out in Annex III to this Regulation.
- (16) Annex II.B is replaced by the text set out in Annex IV to this Regulation.
- (17) Annexes VI and VII are deleted.

Article 2

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

It shall apply from 1 January 2007.

However, points (1), (2) and (4) to (9) of Article 1 shall apply from 1 July 2007 as regards the tariff quotas referred to in Annex I, parts A, F and H, to Regulation (EC) No 2535/2001.

Point (3) of Article 1 shall apply as regards applications for licences lodged as from 1 July 2007 onwards.

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

Done at Brussels, 20 December 2006.

For the Commission
Mariann FISCHER BOEL
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 In tonnes	Six-monthly Quota In tonnes	Import duty (EUR/100 kg net weight)
09.4590	0402 10 19	Skimmed-milk powder	All third countries	68 537	34 268,5	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	11 360	5 680	94,80
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	5 360	2 680	13,00
09.4592	ex 0406 30 10 0406 90 13	Processed Emmentaler Emmentaler	All third countries	18 438	9 219	71,90 85,80

Quota number	CN code	Description (1)	Country of origin	Annual quota In tonnes	Six-monthly Quota In tonnes	Import duty (EUR/100 kg net weight)
09.4593	ex 0406 30 10	Processed Gruyère	All third countries	5 413	2 706,5	71,90
	0406 90 15	Gruyère, Sbrinz				
09.4594	0406 90 01	Cheese for processing (2)	All third countries	20 007	10 003,5	83,50
09.4595	0406 90 21	Cheddar	All third countries	15 005	7 502,5	21,00
09.4596	ex 0406 10 20	Fresh (unripened or uncurd) cheese, including whey cheese, and curd, other than pizza cheese of quota number 09.4591	All third countries	19 525	9 762,5	92,60
	ex 0406 10 80					
	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	Blue-veined cheese and other cheese containing veins produced by <i>Penicillium roqueforti</i>				70,40
0406 40 50						
0406 40 90						
0406 90 17	Bergkäse and Appenzell	85,80				

Quota number	CN code	Description (1)	Country of origin	Annual quota	Six-monthly quota	Import duty (EUR/100 kg net weight)
09.4596	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				
	04 06 90 32	Feta				
	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	Six-monthly quota	Import duty (EUR/100 kg net weight)
	ex 0406 90 79	Esrom, Italice, Kernhem, Saint-Paulin				
	ex 0406 90 81	Cheshire, Wensleydale, Lancashire, Double Gloucester, Blarney, Colby, Monterey				
	0406 90 82	Camembert				
	0406 90 84	Brie				
	0406 90 86	Exceeding 47% but not exceeding 52%				
	0406 90 87	Exceeding 52% but not exceeding 62%				
	0406 90 88	Exceeding 62% but not exceeding 72%				
	0406 90 93	Exceeding 72%				92,60
	0406 90 99	Other				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. D

TARIFF QUOTAS UNDER PROTOCOL 1 TO DECISION No 1/98 OF THE EC-TURKEY ASSOCIATION COUNCIL

Quota number	CN code	Description ⁹	Country of origin	Annual quota from 1 January to 31 December (in tonnes)	Import duty (EUR/100 kg net weight)
09.4101	0406 90 29	Kashkaval cheese	Turkey	2300	0
	ex 0406 90 32	Feta made from sheep's milk or buffalo milk, in containers containing brine, or in sheepskin or goatskin bottles			
	0406 90 50	Other cheese made from sheep's milk or buffalo milk, in containers containing brine, or in sheepskin or goatskin bottles			
	ex0406 90 86 ex0406 90 87 ex0406 90 88	Tulum Peyniri, made from sheep's milk or buffalo milk, in individual plastic or other kind of packings of less than 10 kg			

"

⁹ Notwithstanding the rules for the interpretation of the combined nomenclature, the wording for the description of the products is to be considered as having no more than an indicative value, the applicability of the preferential scheme being determined, for the purposes of this Annex, by the coverage of the CN codes. 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.

ANNEX III**" I.H****TARIFF QUOTAS UNDER ANNEX I TO THE AGREEMENT WITH THE KINGDOM OF NORWAY**

Quota number	CN code	Description (1)	Customs duty	Quota from 1 July to 30 June	
				quantities in tonnes	
				annual	six-monthly
09.4782	04 06 10	Fresh cheeses		533	266.5
09.4781	ex 0406 90 23	Norwegian Edam		3467	4733.5
09. 4179	0406 90 39	Jarlsberg	exemption	4000	2000
	ex 0406 90 78	Norwegian Gouda			
	0406 90 86 0406 90 87 0406 90 88	Other cheeses			

(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**'II. B**

PREFERENTIAL IMPORT ARRANGEMENTS — TURKEY				
Serial number	CN code	Description	Country of origin	Import duty (EUR/100 kg net weight without further indication)
1	0406 90 29	Kashkaval	Turkey	67,19
2	Ex 0406 90 32 ex0406 90 50	Feta made from sheep's milk or buffalo milk, in containers containing brine, or in sheep- or goatskin bottles Other cheese made from sheep's milk or buffalo milk, in containers containing brine, or in sheepskin or goatskin bottles	Turkey	67,19
3	ex0406 90 86 ex0406 90 87 ex0406 90 88	<i>Tulum peyniri</i> , made from sheep's milk or buffalo milk, in individual plastic or other kind of packing of less than 10 kg	Turkey	67,19

"