Commission Regulation (EU) No 479/2010 of 1 June 2010 laying down rules for the implementation of Council Regulation (EC) No 1234/2007 as regards Member States' notifications to the Commission in the milk and milk products sector

COMMISSION REGULATION (EU) No 479/2010

of 1 June 2010

laying down rules for the implementation of Council Regulation (EC) No 1234/2007 as regards Member States' notifications to the Commission in the milk and milk products sector

THE EUROPEAN COMMISSION,

Having regard to the Treaty on the Functioning of the European Union,

Having regard to Council Regulation (EC) No 1234/2007 of 22 October 2007 establishing a common organisation of agricultural markets and on specific provisions for certain agricultural products (Single CMO Regulation)[(1)], and in particular Article 192(2) in conjunction with Article 4 thereof,

Whereas:

(1) Article 192(1) of Regulation (EC) No 1234/2007 provides for the exchange between the Member States and the Commission of any information necessary for the application of that Regulation. Commission Regulation (EC) No 562/2005[(2)] lays down rules for the implementation of Council Regulation (EC) No 1255/1999[(3)] as regards communications between the Member States and the Commission in the milk and milk products sector.

(2) Since Regulation (EC) No 562/2005 has already been amended and some further amendments are needed, notably to update references to other Regulations, it is appropriate, for reasons of clarity, to repeal Regulation (EC) No 562/2005 and to replace it by a new Regulation.

(3) Export refunds and the aid for skimmed milk processed into casein can be fixed only on the basis of information on changes in prices both in the internal market and in international trade.

(4) It is necessary to be able to compare price quotations for products, particularly for the purposes of calculating refunds and aid amounts. It is also necessary to enhance the reliability of those price quotations by weighting the data.

(5) In order to simplify and alleviate the administrative burden of the national authorities, notifications of prices every week should be limited to products for which the information is necessary for the close monitoring of the dairy market. Notifications every month should be provided for other products while notifications for products for which the information is not essential should be abolished.

(6) The notification of the prices for products produced by less than three producers per Member State should be marked as confidential and should be used only by the Commission and should not be disclosed elsewhere.

(7) For the better surveillance of the dairy market, the information on imports of products for which import licence is required, is essential. In accordance with Article 2 of Commission Regulation (EC) No 2535/2001 of 14 December 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[(4)], import licences are from 1 July 2008 required only for preferential imports.

(8) Article 11(1)(b) and (c) of 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 licences[(5)] provides for notifications to the Commission of the quantities covered by import licences issued and the quantities covered by unused or partly used import licences under import tariff quotas. Those horizontal provisions relate to the same information as that covered so far by Article 7(1) and (6) of Regulation (EC) No 562/2005. The obligation to notify that information should therefore not be included in the new Regulation.

(9) Article 1(2)(a)(i) of Commission Regulation (EC) No 376/2008 of 23 April 2008 laying down common detailed rules for the application of the system of import and export licences and advance fixing certificates for agricultural products[(6)] provides for the cases and the products for which the presentation of an import licence is required. Part K of Annex II to that Regulation sets out a list of the dairy products imported under preferential conditions, other than tariff quotas, and submitted to an import licence. For those products, notifications should be made to the Commission.

(10) Chapter III of Title 2 of Regulation (EC) No 2535/2001 provides for certain import quotas to be administered by means of inward-monitoring arrangement IMA 1 certificates issued by the authorities of third countries. The Member States inform the Commission of the quantity of products for which import licences are issued on the basis of IMA 1 certificates. Experience has shown that such notification is not always sufficient to allow such imports to be monitored closely at every stage. Provision should be laid down for the notification of additional information.

(11) The accurate and regular monitoring of trade flows to assess the effect of refunds requires information on exports of products for which refunds are fixed, particularly the quantities awarded under tendering procedures.

(12) The implementation of the Agreement on Agriculture concluded under the Uruguay Round of multilateral trade negotiations (hereinafter referred to as ‘the Agreement on Agriculture’), approved by Council Decision 94/800/EC[(7)] requires a wide range of detailed information to be provided on imports and exports, in particular with regard to licence applications and the way licences are used, in order to ensure compliance with undertakings under the Agreement on Agriculture. Rapid information on export trends is needed in order to make maximum use of those undertakings.

(13) Commission Regulation (EC) No 1187/2009 of 27 November 2009 laying down special detailed rules for the application of Council Regulation (EC) No 1234/2007 as regards export licences and export refunds for milk and milk products[(8)] lays down special rules for the export of certain milk products to Canada, the United States and the Dominican Republic. Provision should be made for the relevant information to be notified.

(14) Regulation (EC) No 1187/2009 introduces specific arrangements for the grant of refunds on ingredients of EU origin in processed cheese manufactured under the inward processing arrangements. Provision should be made for the notification of the relevant information.

(15) Experience gained over the years in processing the information received by the Commission has shown that the frequency of some notifications might be reduced without loosing essential information.

(16) The measures provided for in this Regulation are in accordance with the opinion of the Management Committee for the Common Organisation of Agricultural Markets,

HAS ADOPTED THIS REGULATION:

[F1]CHAPTER I

[[F1]MEASURES RELATING TO AID FOR SKIMMED MILK AND SKIMMED-MILK POWDER]

[F1]*Article 1*

. . . . . .

Textual Amendments

F1 Deleted by Commission Implementing Regulation (EU) No 1097/2014 of 17 October 2014 amending Regulation (EU) No 479/2010 concerning Member States' notifications in the milk and milk product sector.

[[F2]CHAPTER Ia

DELIVERIES OF RAW MILK TO FIRST PURCHASERS]

[F3]*Article 1a*

. . . . . .

Textual Amendments

F3 Deleted by Commission Implementing Regulation (EU) 2017/1185 of 20 April 2017 laying down rules for the application of Regulations (EU) No 1307/2013 and (EU) No 1308/2013 of the European Parliament and of the Council as regards notifications to the Commission of information and documents and amending and repealing several Commission Regulations (Text with EEA relevance).

Changes to legislation: *There are currently no known outstanding effects for the Commission Regulation (EU) No 479/2010. (See end of Document for details)*

Textual Amendments

F2 Inserted by Commission Implementing Regulation (EU) No 1097/2014 of 17 October 2014 amending Regulation (EU) No 479/2010 concerning Member States' notifications in the milk and milk product sector.

CHAPTER II

PRICES

[F3]Article 2

. . . . . .

Textual Amendments

F3 Deleted by Commission Implementing Regulation (EU) 2017/1185 of 20 April 2017 laying down rules for the application of Regulations (EU) No 1307/2013 and (EU) No 1308/2013 of the European Parliament and of the Council as regards notifications to the Commission of information and documents and amending and repealing several Commission Regulations (Text with EEA relevance).

[F3]Article 3

. . . . . .

Textual Amendments

F3 Deleted by Commission Implementing Regulation (EU) 2017/1185 of 20 April 2017 laying down rules for the application of Regulations (EU) No 1307/2013 and (EU) No 1308/2013 of the European Parliament and of the Council as regards notifications to the Commission of information and documents and amending and repealing several Commission Regulations (Text with EEA relevance).

CHAPTER III

TRADE

SECTION 1

Imports

Article 4

Member States shall notify to the Commission, not later than the 10th of each month for the previous month, the quantities of milk and milk products imported under preferential conditions other than tariff quotas, as referred to in **[**[F4]part J**]** of Part I of Annex II to Regulation (EC) No 376/2008 for which import licences have been issued, broken down by CN code and by country of origin code.

The notifications shall include nil returns.

Textual Amendments

F4 Substituted by Commission Implementing Regulation (EU) No 1097/2014 of 17 October 2014 amending Regulation (EU) No 479/2010 concerning Member States' notifications in the milk and milk product sector.

Article 5

By 31 March at the latest in respect of the previous year, Member States shall notify to the Commission the following data, broken down by CN code, concerning the import licences issued on presentation of an IMA 1 certificate, in accordance with Title 2, Chapter III, Section 1 of Regulation (EC) No 2535/2001, specifying the IMA 1 certificate numbers:

(a) the quantity of products covered by the certificate and the date of issue of the import licences;

(b) the quantity of products in respect of which the security has been released.

The notifications shall include nil returns.

SECTION 2

Exports

Article 6

1 Member States shall notify to the Commission, by 6 p.m. on each working day, the following information:

a the quantities, broken down by code of the export refund nomenclature for milk products and by destination code, covered by applications submitted that day for licences:

(i) as referred to in Article 1(2)(b)(ii) of Regulation (EC) No 376/2008, with the exception of those referred to in Articles 15 and 29 of Regulation (EC) No 1187/2009;

(ii) as referred to in Article 15 of Regulation (EC) No 1187/2009;

[[F5]b where appropriate, that no applications have been submitted on that day, except where none of the products referred to in Part 9 of Annex I to Commission Regulation (EEC) No 3846/87[9] is subject to a refund or where only a 0 rate refund is applicable;**]**

c the quantities, broken down by application and by code of the export refund nomenclature for milk products and by destination code, covered by applications submitted on that day for provisional licences referred to in Article 8 of Regulation (EC) No 1187/2009, indicating:

(i) the closing date for submitting tenders, accompanied by a copy of the document confirming the invitation to tender for the quantities applied for;

(ii) the quantity of products covered by the invitation to tender;

d the quantities, broken down by code of the export refund nomenclature for milk products and by destination code, for which the provisional licences referred to in Article 8 of Regulation (EC) No 1187/2009 were definitively issued or cancelled that day, the date of the provisional licence and the quantity it covers;