Commission Regulation (EC) No 504/2007 of 8 May 2007 laying down detailed rules for the application of the arrangements for additional import duties in the milk and milk products sector (Codified version)

COMMISSION REGULATION (EC) No 504/2007

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(Codified version)

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 Article 28(4) thereof,

Whereas:

(1) Commission Regulation (EC) No 1598/95 of 30 June 1995 laying down detailed rules for the application of the arrangements for additional import duties in the milk and milk products sector[(2)] has been substantially amended several times[(3)]. In the interests of clarity and rationality the said Regulation should be codified.

(2) Regulation (EC) No 1255/1999 subjects imports of one or more of the products covered by the said Regulation to the payment of an additional duty where certain conditions resulting from the Agreement on Agriculture[(4)] concluded in connection with the Uruguay Round of multilateral trade negotiations are met, unless the imports are unlikely to disturb the Community market, or where the effects would be disproportionate to the intended objective. Such additional import duties may in particular be imposed if import prices are below the trigger prices.

(3) Detailed rules for the application of this system should therefore be laid down for the milk and milk products sectors and the trigger prices should be published.

(4) The import prices to be taken into consideration for charging an additional import duty should be checked on the basis of the representative prices for the product in question on the world market or on the Community import market for the product. It should be laid down that the Member States are to transmit prices at the various marketing stages at regular intervals to enable the Commission to fix the representative prices and the corresponding additional duties.

(5) The importer has the possibility of opting for the additional duty to be calculated on a basis other than the representative price. However, in such case provision should be made for the lodging of a security equal to the additional duties which he would have paid if the calculation had been based on the representative prices. The security should be released if proof is furnished within a specified time limit that the conditions

have been met for disposal of the consignment in question. In connection with *a posteriori* checks it should be specified that duties payable are subject to recovery in accordance with Article 220 of Council Regulation (EEC) No 2913/92 of 12 October 1992 establishing the Community Customs Code[5]. It is also equitable to lay down that, in connection with all checks, duties payable are subject to interest. It emerges from the regular monitoring of the data on which the checking of import prices for milk and milk products is based that imports of certain products should be subjected to additional duties taking account of variations in prices according to origin. The prices should therefore be published.

(6) 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

1 The additional import duties referred to in Article 28(1) of Regulation (EC) No 1255/1999, hereinafter referred to as 'additional duties' shall apply to the products listed in Annex I hereto.

2 The trigger prices referred to in Article 28(2) of Regulation (EC) No 1255/1999 shall be those shown in Annex I hereto.

3 For the purposes of this Regulation, representative price shall mean the price established in accordance with Article 2.

Article 2

1 The representative prices referred to in Article 28(3) of Regulation (EC) No 1255/1999 shall be established taking into account in particular:

a the prices charged on third country markets;

b free-at-Community-frontier offer prices;

c prices charged for imported products at the various stages of marketing in the Community.

2 Representative prices shall be fixed by the Commission. They shall remain in force until amended.

[F1 3 The additional duties applicable pursuant to Article 4 shall be fixed by the Commission at the same time as the representative prices.**]**

Textual Amendments

F1 Substituted by Commission Regulation (EC) No 76/2009 of 26 January 2009 amending Regulation (EC) No 504/2007 laying down detailed rules for the application of the arrangements for additional import duties in the milk and milk products sector.

Article 3

[F1 If the difference between the trigger price in question referred to in Article 1(2) and the cif import price of the consignment in question:**]**

(a) does not exceed 10 % of the trigger price, the additional duty shall be zero;

(b) is more than 10 % but not more than 40 % of the trigger price, the additional duty shall be 30 % of the amount exceeding 10 %;

(c) is more than 40 % but not more than 60 % of the trigger price, the additional duty shall be 50 % of the amount exceeding 40 %, plus the additional duty referred to in (b);

(d) is more than 60 % but not more than 75 % of the trigger price, the additional duty shall be 70 % of the amount exceeding 60 %, plus the additional duties referred to in (b) and (c);

(e) is more than 75 % of the trigger price, the additional duty shall be 90 % of the amount exceeding 75 %, plus the additional duties referred to in (b), (c), and (d).

The calculations under points (a) to (e) of the first subparagraph are made in accordance with the table contained in Annex I.

Textual Amendments

F1 Substituted by Commission Regulation (EC) No 76/2009 of 26 January 2009 amending Regulation (EC) No 504/2007 laying down detailed rules for the application of the arrangements for additional import duties in the milk and milk products sector.

[F1 Article 4

1 The additional duty shall be established on the basis of the cif import price of the consignment in question in accordance with the provisions of Article 3.

2 When the cif import price per 100 kg of a consignment is higher than the applicable representative price referred to in Article 2(2), the importer shall present to the competent authorities of the importing Member States at least the following proofs:

a the purchasing contract or any other equivalent document;

b the insurance contract;

c the invoice;

d the certificate of origin (where applicable);

e the transport contract;

f and, in the case of sea transport, the bill of lading.

[F2 3 In the case referred to in paragraph 2, the importer must lodge the security referred to in Article 248(1) of Commission Regulation (EEC) No 2454/93[6], equal to the difference between the amount of additional import duty calculated on the basis of the representative price applicable to the product in question and the amount of additional import duty calculated on the basis of the cif import price of the consignment in question.

4 The importer shall have two months from the sale of the products in question, subject to a limit of nine months from the date of acceptance of the declaration of release for free circulation, to prove that the consignment was disposed of under conditions confirming the correctness of the prices referred to in paragraph 2. Failure to meet one or other of these deadlines shall entail the loss of the security lodged. However, the time limit of nine months may be extended by the competent authorities by a maximum of three months at the request of the importer, which must be duly substantiated.

The security lodged shall be released to the extent that proof of the conditions of disposal is provided to the satisfaction of the customs authorities. Otherwise, the security shall be forfeit by way of payment of the additional duties.**]**

5 If on verification the competent authorities establish that the requirements of this Article have not been met, they shall recover the duty due in accordance with Article 220 of Regulation (EEC) No 2913/92. The amount of the duty to be recovered or remaining to be recovered shall include interest from the date the goods were released for free circulation up to the date of recovery. The interest rate applied shall be that in force for recovery operations under national law.**]**

Textual Amendments

F1 Substituted by Commission Regulation (EC) No 76/2009 of 26 January 2009 amending Regulation (EC) No 504/2007 laying down detailed rules for the application of the arrangements for additional import duties in the milk and milk products sector.

F2 Substituted by Commission Regulation (EU) No 248/2010 of 24 March 2010 amending Regulation (EC) No 1484/95 laying down detailed rules for implementing the system of additional import duties and fixing representative prices in the poultry meat and egg sectors and for egg albumin, and Regulation (EC) No 504/2007 laying down detailed rules for the application of the arrangements for additional import duties in the milk and milk products sector.

Article 5

Regulation (EC) No 1598/95 is repealed.

References to the repealed Regulation shall be construed as references to this Regulation and shall be read in accordance with the correlation table in Annex III.

Article 6

This Regulation shall enter into force on the 20th day following its publication in the *Official Journal of the European Union*.

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

***Changes to legislation:** There are currently no known outstanding effects for the Commission Regulation (EC) No 504/2007. (See end of Document for details)*

ANNEX I

ADDITIONAL IMPORT DUTIES IN THE MILK AND MILK PRODUCTS SECTOR

(in EUR/100 kg)

CN code	Trigger price	if the import price is:		the additional duty is:	if the import price is:		the additional duty is:	if the import price is:		the additional duty is:	if the import price is less than ([4]):	the additional duty is:
		Less than ([1]):	but equal to or more than:		less than ([2]):	but equal to or more than:		less than ([3]):	but equal to or more than:			
0401 10 10	37,5	33,75	22,5	30 % of [([1]) — import price]	22,5	15,0	3,38 + 50 % of [([2]) — import price]	15,0	9,38	7,13 + 70 % of [([3]) — import price]	9,38	11,06 + 90 % of [([4]) — import price]
0401 10 90	25,8	23,22	15,48	30 % of [([1]) — import price]	15,48	10,32	2,32 + 50 % of [([2]) — import price]	10,32	6,45	4,90 + 70 % of [([3]) — import price]	6,45	7,61 + 90 % of [([4]) — import price]
0401 20 11	41,1	36,99	24,66	30 % of [([1]) — import price]	24,66	16,44	3,70 + 50 % of [([2]) — import price]	16,44	10,28	7,81 + 70 % of [([3]) — import price]	10,28	12,12 + 90 % of [([4]) — import price]
0401 20 19	18,8	16,92	11,28	30 % of [([1]) — import price]	11,28	7,52	1,69 + 50 % of [([2]) — import price]	7,52	4,7	3,57 + 70 % of [([3]) — import price]	4,7	5,55 + 90 % of [([4]) — import price]
0401 20 91	48,8	43,92	29,28	30 % of [([1]) — import price]	29,28	19,52	4,39 + 50 % of [([2]) — import price]	19,52	12,2	9,27 + 70 % of [([3]) — import price]	12,2	14,40 + 90 % of [([4]) — import price]
0401 20 99	19,9	17,91	11,94	30 % of [([1]) —	11,94	7,96	1,79 + 50 % of [([2]) —	7,96	4,98	3,78 + 70 % of [([3]) —	4,98	5,87 + 90 % of [([4]) —