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*(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 products[1], 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 licences[2] 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 2535/2001[3], 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

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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 Tariff[4] 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 Area[5] 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 Tariff[6] 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/EC[7] 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

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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 934/95[8]. 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.

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[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*