COMMISSION REGULATION (EC) No 2012/2003

of 14 November 2003

correcting 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], as last amended by Regulation (EC) No 1787/2003 [2], and in particular Article 29(1) thereof,

Whereas:

(1) In order to implement the concessions provided for by Council Decision 2003/263/EC of 27 March 2003 on the signature and conclusion of a Protocol adjusting the trade aspects of the European Agreement establishing an association between the European Communities and their Member States, of the one part, and the Republic of Poland, of the other part, to take account of the outcome of negotiations between the parties on new mutual agricultural concessions [3], Commission Regulation (EC) No 787/2003 [4] replaces, *inter alia*, point 1 of part I.B of Annex I to Commission Regulation (EC) No 2535/2001 [5], as last amended by Regulation (EC) No 1157/2003 [6], with effect from 1 May 2003. On that occasion, a reference to a footnote stating that importation under the quota is reserved for products not having received any form of export subsidy in Poland, erroneously also referred to products not subject to that condition. The condition should therefore be abolished for the products concerned with effect from 1 May 2003.

(2) Following its last amendment, Regulation (EC) No 2535/2001 now incorporates the implementing provisions deriving from Council Decision 2003/465/EC [7], which relates to the conclusion of an Agreement between the Community and Norway concerning certain agricultural products.

(3) The said Agreement relates, *inter alia*, to the replacement, from 1 July 2003, of the quota management method, previously based on issuing IMA 1 certificates as provided for in Title 2, Chapter III of Regulation (EC) No 2535/2001, by management on the basis of an import licence alone as provided for in Chapter I of the said Title 2.

(4) That management is characterised by an approval procedure which requires operators to submit approval applications by 1 April each year.

(5) Regulation (EC) No 1157/2003 exempts operators from the approval procedure for opening on 1 July 2003 the first tranche of quotas for importation from Norway, referred to in Annex I, part H, to Regulation (EC) No 2535/2001, given that it was no longer possible to meet the 1 April deadline for submitting approval applications. For opening the second tranche of those quotas, scheduled for January 2004, transitional approval procedures should be laid down for the operators concerned.

(6) Regulation (EC) No 2535/2001 should be corrected and derogated from as a result.

(7) 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

In Annex I, part I.B, to Regulation (EC) No 2535/2001, point 1 shall be replaced by the text in the Annex to this Regulation.

Article 2

1. By derogation from Article 8(1) of Regulation (EC) No 2535/2001, for the tariff quotas referred to in Annex I, part H, of the said Regulation, and opened on 1 January 2004, approval shall be granted to any operator who submits by 1 December 2003 an approval application in accordance with the procedures laid down in said Article.

[1] OJ L 160, 26.6.1999, p. 48.
[2] OJ L 270, 21.10.2003, p. 121.
[3] OJ L 97, 15.4.2003, p. 53.
[4] OJ L 115, 9.5.2003, p. 18.
[5] OJ L 341, 22.12.2001, p. 29.
[6] OJ L 162, 1.7.2003, p. 19.
[7] OJ L 156, 25.6.2003, p. 48.