

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

## TITLE 2

### SPECIFIC RULES ON IMPORTS AT REDUCED DUTY

#### CHAPTER III

##### **Imports under an import licence covered by an inward-monitoring arrangement (IMA 1) certificate**

###### Section 1

###### *[<sup>F1</sup>Article 24*

1 This section shall apply to imports under the quotas for specified countries of origin listed in the CXL schedule referred to in Annex III.B.

2 Annex III.B to this Regulation sets out the duties to be applied and the maximum quantities to be imported by import tariff quota period.

<sup>F23</sup> No application for a licence or certificate shall be accepted unless a security of 10 euros per 100 kilograms net of product has been lodged with the competent body not later than 1 p.m. on the day the application is lodged.

4 Licences shall be valid from the actual day of issue within the meaning of Article 22(2) of Regulation (EC) No 376/2008 until the end of the third month following that day.]

#### **Textual Amendments**

- F1** Substituted by Commission Regulation (EC) No 2020/2006 of 22 December 2006 amending Regulation (EC) No 2535/2001 as regards the management of the WTO tariff quota for New Zealand butter.
- F2** Inserted by Commission Regulation (EC) No 514/2008 of 9 June 2008 amending Regulation (EC) No 376/2008 laying down common detailed rules for the application of the system of import and export licences and advance fixing certificates for agricultural products, as well as Regulations (EC) No 1439/95, (EC) No 245/2001, (EC) No 2535/2001, (EC) No 1342/2003, (EC) No 2336/2003, (EC) No 1345/2005, (EC) No 2014/2005, (EC) No 951/2006, (EC) No 1918/2006, (EC) No 341/2007 (EC) No 1002/2007, (EC) No 1580/2007 and (EC) No 382/2008 and repealing Regulation (EEC) No 1119/79.

#### *Article 25*

1 Import licences for the products listed in Annex III.B at the rate of duty indicated shall be issued only on presentation of a corresponding IMA 1 certificate, for the total net quantity indicated therein.

IMA 1 certificates must meet the requirements laid down in Articles 29 to 33. Import licences must show the number and date of issue of the corresponding IMA 1 certificate.

*Status: Point in time view as at 31/12/2020.*

*Changes to legislation: There are currently no known outstanding effects for the Commission Regulation (EC) No 2535/2001, CHAPTER III. (See end of Document for details)*

2 Import licences may be issued only after the competent authority has verified that Article 33(1)(e) has been complied with.

The licence issuing bodies shall transmit to the Commission a copy of the IMA 1 certificate lodged with each import licence application no later than 18.00 (Brussels time) on the day it is lodged.

Licence issuing bodies shall issue import licences on the fourth working day following, provided the Commission has not taken any special measures before that date.

[<sup>F3</sup>[<sup>X1</sup>The competent import licence issuing body shall retain the original of each IMA 1 presented.]]]

#### Editorial Information

- X1** Substituted by [Corrigendum to 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 \(Official Journal of the European Union L 387 of 29 December 2006\).](#)

#### Textual Amendments

- F1** Substituted by [Commission Regulation \(EC\) No 2020/2006 of 22 December 2006 amending Regulation \(EC\) No 2535/2001 as regards the management of the WTO tariff quota for New Zealand butter.](#)
- F3** Substituted by [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.](#)

### Article 26

1 IMA 1 certificates shall be valid from the date of issue up to the end of the eighth month following, but in no case may they remain valid for longer than the corresponding import licence or beyond 31 December of the import year for which they are issued.

2 From 1 November each year, IMA 1 certificates valid from the following 1 January may be issued for quantities covered by the quota for that import year. However, import licence applications may be lodged only from the first working day of the import year.

[<sup>F4</sup> . . . . .]

3 Annex VIII to this Regulation sets out the circumstances in which IMA 1 certificates may be cancelled, amended, replaced or corrected.

#### Textual Amendments

- F4** Deleted by [Commission Regulation \(EC\) No 2020/2006 of 22 December 2006 amending Regulation \(EC\) No 2535/2001 as regards the management of the WTO tariff quota for New Zealand butter.](#)

### Article 27

As an exception to Article 8(4) of Regulation (EC) No 1291/2000, the quantity imported may not exceed that shown in boxes 17 and 18 of the import licence. To that end, the figure '0' shall be entered in box 19 of licences.

*Status: Point in time view as at 31/12/2020.*

*Changes to legislation: There are currently no known outstanding effects for the Commission Regulation (EC) No 2535/2001, CHAPTER III. (See end of Document for details)*

### Article 28

- 1 Licence applications and licences shall show:
  - a in boxes 7 and 8, the country of provenance and the country of origin;
  - b in box 15, the product description as given in Annex III;
  - c in box 16, the CN code as given in Annex III, preceded by 'ex' where appropriate;
  - [<sup>F5</sup>d in box 20, where applicable, the quota number, the number of the IMA 1 certificate and its date of issue, in one of the entries listed in Annex XVII.]
- 2 Licences shall carry an obligation to import from the country of origin indicated in box 8.
- x<sub>2</sub>3 .....

#### Editorial Information

**X2** Deleted by [Corrigendum to 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 \(Official Journal of the European Union L 387 of 29 December 2006\)](#).

#### Textual Amendments

**F5** Substituted by [Commission Regulation \(EC\) No 1919/2006 of 11 December 2006 adapting several Regulations concerning the common organisation of the milk and milk products market by reason of the accession of Bulgaria and Romania to the European Union](#).

### Article 29

- 1 IMA 1 certificates shall be drawn up on forms according to the specimen in Annex IX, except in the case of New Zealand butter, and in accordance with the requirements laid down in this Chapter.
- [<sup>F6</sup>2 Box 3 of IMA 1 certificates, relating to the buyer, and box 6, relating to the country of destination, shall not be completed.]

#### Textual Amendments

**F6** Substituted by [Commission Implementing Regulation \(EU\) 2017/1588 of 19 September 2017 amending Regulation \(EC\) No 2535/2001 as regards the concessions on dairy products originating in Canada](#).

### Article 30

- 1 The dimensions of the form referred to in Article 29 shall be 210 × 297 mm. The paper used shall weigh at least 40 g/m<sup>2</sup> and shall be white in colour.
- 2 The forms shall be printed and completed in one of the official languages of the Community. They may also be printed and completed in the official language or one of the official languages of the exporting country.
- 3 The form shall be completed either in typescript or in manuscript. Block letters shall be used if the form is completed in manuscript.
- 4 Each IMA 1 certificate shall bear a serial number assigned by the issuing body.

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*Changes to legislation: There are currently no known outstanding effects for the Commission Regulation (EC) No 2535/2001, CHAPTER III. (See end of Document for details)*

### Article 31

1 A separate IMA 1 certificate must be drawn up for each type of product referred to in Annex III and for each form of presentation thereof.

2 IMA 1 certificates must contain the particulars set out in Annex XI for each type of product and each form of presentation, except for New Zealand butter.

### Article 32

[<sup>F3</sup>[<sup>X1</sup>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*.]]

2 IMA 1 certificates shall be valid only if duly completed and authenticated by an issuing body listed in Annex XII.

3 IMA 1 certificates shall be regarded as duly authenticated where they show the date and place of issue, are stamped by the issuing body and bear the signature or signatures of the person or persons authorised to sign them.

#### Editorial Information

**X1** Substituted by [Corrigendum to 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 \(Official Journal of the European Union L 387 of 29 December 2006\)](#).

#### Textual Amendments

**F3** Substituted by [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](#).

### Article 33

- 1 Issuing bodies may be listed in Annex XII only if:
- a they are recognised as such by the exporting country;
  - b they undertake to verify entries on the certificates;
  - c they undertake to supply the Commission and the Member States, upon request, with any information that may be required to assess the particulars set out in the certificates;
  - d they undertake, for the products listed in Annex III(A), to issue the IMA 1 certificate for the total quantity covered before the product it covers leaves the territory of the issuing country;
  - e they undertake to send to the Commission a faxed copy of each authenticated IMA 1 certificate for the total quantity covered on the date of issue or within seven days of that date at the latest and, where appropriate, notification of any cancellation, correction or amendment;
  - f in the case of products falling under CN code 0406, they undertake to notify the Commission by 15 January, for each quota separately, of:
    - (i) the number of IMA 1 certificates issued for the previous quota year with the identification number of each and the quantity covered by it together with the

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total number of certificates issued and the total quantity covered by them for the quota year concerned, and

- (ii) the cancellation, correction or amendment of those IMA 1 certificates or the issue of copies if IMA 1 certificates, as provided for in Annex VIII(1) to (5), and in Article 32(1), and all relevant details thereof.

2 Annex XII shall be revised when the requirement referred to in paragraph 1(a) is no longer met or when an issuing body fails to fulfil one of the obligations it has undertaken.

## Section 2

### *[<sup>F1</sup>Article 34*

1 This section shall apply to imports of butter from New Zealand under the quota numbers 09.4195 and 09.4182 as referred to in Annex III.A to this Regulation.

2 The provisions of Articles 27, 30, 31(1), 32(2) and (3) and Article 33(1) points (a) to (d) shall apply.

3 The words 'at least six weeks old' in the description of the quota for New Zealand butter shall mean at least six weeks old on the date on which a declaration of release for free circulation is presented to the customs authorities.

*[<sup>F74</sup>* Annex III.A sets out the tariff quotas, the duty to be applied, the maximum quantities to be imported each year, the import tariff quota periods and their division into subperiods.]

#### **Textual Amendments**

- F1** Substituted by [Commission Regulation \(EC\) No 2020/2006 of 22 December 2006 amending Regulation \(EC\) No 2535/2001 as regards the management of the WTO tariff quota for New Zealand butter.](#)
- F7** Substituted by [Commission Implementing Regulation \(EU\) No 64/2013 of 24 January 2013 amending Regulation \(EC\) No 2535/2001 as regards the management of the WTO tariff quotas for New Zealand cheese and butter.](#)

### *[<sup>F7</sup>Article 34a*

- 1 The quotas shall be divided into two parts as referred to in Annex III.A:
- a quota No 09.4195 (hereafter called Part A) shall be distributed among Union importers who are approved according to the provisions of Article 7 and who can prove that they have imported under one of the quotas 09.4195 or 09.4182 in the course of the 24 months prior to the month of November preceding the quota year;
  - b quota No 09.4182 (hereafter called Part B) shall be reserved for applicants:
    - (i) who are approved according to the provisions of Article 7; and
    - (ii) who can prove that during the 12-month period prior the month of November preceding the quota year that they imported into and/or exported from the Union at least 100 tonnes of milk or milk products covered by Chapter 04 of the Combined Nomenclature in at least four separate operations.
- 2 Applications for import licences may be lodged only:

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- a from 20 to 30 November, for imports during the period from 1 January to 30 June following;
  - b from 1 to 10 June, for imports during the period from 1 July to 31 December following;
  - c from 1 to 10 September, for imports during the period from 1 October to 31 December following.
- 3 To be admissible, applications for import licences may cover, per applicant:
- a for Part A, no more than 125 % of the quantities that they have imported under the quotas 09.4195 or 09.4182, in the course of the 24-month period prior to the month of November preceding the quota year;
  - b for Part B, not less than 20 tonnes and no more than 10 % of the available quantity for the subperiod and provided they are able to prove to the satisfaction of the competent authority of the Member State concerned that they fulfil the conditions laid down in point (b) of paragraph 1.

Subject to complying with the eligibility conditions, applicants may apply simultaneously under both parts of the quota.

The applications for import licences must be separate for Part A and for Part B.

4 Applications for import licences may be lodged only in the Member State where the approval pursuant to Article 7 has been granted, and must bear the importer's approval number.

5 The proofs referred to in paragraphs 1 and 3 shall be furnished in accordance with the second subparagraph of Article 5 of Regulation (EC) No 1301/2006.

Those proofs shall be submitted at the time the applications for import licences are lodged and shall be valid for the relevant quota year.]

#### Textual Amendments

- F1** Substituted by [Commission Regulation \(EC\) No 2020/2006 of 22 December 2006 amending Regulation \(EC\) No 2535/2001 as regards the management of the WTO tariff quota for New Zealand butter.](#)
- F7** Substituted by [Commission Implementing Regulation \(EU\) No 64/2013 of 24 January 2013 amending Regulation \(EC\) No 2535/2001 as regards the management of the WTO tariff quotas for New Zealand cheese and butter.](#)

#### Article 35

The security referred to in Article 15(2) of Regulation (EC) No 1291/2000 shall be EUR 35 per 100 kilograms net of product.

#### Textual Amendments

- F1** Substituted by [Commission Regulation \(EC\) No 2020/2006 of 22 December 2006 amending Regulation \(EC\) No 2535/2001 as regards the management of the WTO tariff quota for New Zealand butter.](#)

#### Article 35a

[<sup>F81</sup> At the latest 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.]

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*Changes to legislation: There are currently no known outstanding effects for the Commission Regulation (EC) No 2535/2001, CHAPTER III. (See end of Document for details)*

2 Notifications shall include the quantities applied for under each quota number, broken down by CN code.

[<sup>F8</sup>At the latest on the fifth working day following the end of the period for lodging applications, the Member States shall also communicate to the Commission the names and the addresses of the applicants, broken down by quota number. This notification shall be made by electronic means using the form made available to the Member States by the Commission.]

3 The Commission shall decide within five working days after the notification period referred to in paragraph 1 to what extent applications may be accepted. Where the applied quantities do not exceed the available quota quantities, no decision is taken by the Commission and licences are issued for the quantities applied for.

Where applications for licences for a subquota exceed the available quantity for the quota period in question, the Commission shall apply a uniform allocation coefficient to the quantities for which application is made. The part of the security corresponding to the quantities not allocated shall be released.

Where, for one of the subquotas, the result of applying the allocation coefficient would be to allocate licences for less than 20 tonnes per application, the corresponding quantities available shall be awarded by the Member State concerned by drawing lots for licences of 20 tonnes each amongst the applicants who would have been allocated less than 20 tonnes as a result of applying the allocation coefficient.

Where the result of establishing lots of 20 tonnes leads to a residual quantity of less than 20 tonnes, that quantity shall be considered a single lot.

The security for applications which are not successful in the allocation by drawing lots shall be released immediately.

4 The issue of licences shall be made no more than five working days after the decision referred to in paragraph 3.

5 Import licences issued under this Regulation shall be valid until the last day of the half yearly period referred to in Annex III.A.

6 Import licences issued under this section may be transferred only to natural or legal persons approved in accordance with Article 7. Together with the request for transfer, the transferor shall notify the issuing body of the approval number of the transferee.

#### **Textual Amendments**

- F1** Substituted by [Commission Regulation \(EC\) No 2020/2006 of 22 December 2006 amending Regulation \(EC\) No 2535/2001 as regards the management of the WTO tariff quota for New Zealand butter.](#)
- F8** Substituted by [Commission Regulation \(EC\) No 1013/2009 of 26 October 2009 amending and 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.](#)

#### *Article 35b*

Licence applications and licences shall contain the references provided for in Article 28, except the references to the IMA 1 certificate.

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*Changes to legislation: There are currently no known outstanding effects for the Commission Regulation (EC) No 2535/2001, CHAPTER III. (See end of Document for details)*

Box 16 of licence applications may show one or more of the CN codes listed in Annex III.A.

Box 20 of the licences shall show the subquota period for which the licences are issued.

If a licence application indicates more than one CN code, it must specify the quantity requested for each code and a separate licence shall be issued for each code.

#### **Textual Amendments**

- F1** Substituted by [Commission Regulation \(EC\) No 2020/2006 of 22 December 2006 amending Regulation \(EC\) No 2535/2001 as regards the management of the WTO tariff quota for New Zealand butter.](#)

#### *Article 36*

Where the New Zealand butter does not meet the compositional requirements, the quota benefit shall not be granted for the whole quantity subject to the relevant customs declaration.

Once non-conformity has been established, where the declaration of release for free circulation has been accepted the customs authorities shall collect the import duty set in Annex I to Council Regulation (EEC) No 2658/87. For that purpose an import licence at full duty shall be issued for the non-conform quantity.

The quantity shall not be attributed to the licence.

#### **Textual Amendments**

- F1** Substituted by [Commission Regulation \(EC\) No 2020/2006 of 22 December 2006 amending Regulation \(EC\) No 2535/2001 as regards the management of the WTO tariff quota for New Zealand butter.](#)

#### *Article 37*

1 The duty rate provided for in Annex III.A shall be applied to New Zealand butter imported under the present section only on presentation of the declaration of release for free circulation accompanied by an import licence, issued in accordance with the provisions of Article 35a, and an IMA 1 certificate as referred to in Annex X issued by an issuing body listed in Annex XII, proving the eligibility requirements and the origin of the product covered by that declaration. Customs authorities shall indicate the serial number of the IMA 1 certificate on the import licence.

2 The quantity shown on the IMA 1 certificate shall be equal to the quantity shown on the customs import declaration.

3 IMA 1 certificates shall be valid from the date of issue up to the last day of the yearly import quota period.

4 The import licence can be used for one or more import declarations.]

*Status: Point in time view as at 31/12/2020.*

*Changes to legislation: There are currently no known outstanding effects for the Commission Regulation (EC) No 2535/2001, CHAPTER III. (See end of Document for details)*

**Textual Amendments**

- F1** Substituted by [Commission Regulation \(EC\) No 2020/2006 of 22 December 2006 amending Regulation \(EC\) No 2535/2001 as regards the management of the WTO tariff quota for New Zealand butter.](#)

*<sup>F9</sup>Article 38*

**Textual Amendments**

- F9** Deleted by [Commission Regulation \(EC\) No 1565/2007 of 21 December 2007 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.](#)

*<sup>F10</sup>Article 39*

**Textual Amendments**

- F10** Deleted by [Commission Implementing Regulation \(EU\) No 1212/2012 of 17 December 2012 amending Regulations \(EC\) No 2535/2001, \(EC\) No 917/2004, \(EC\) No 382/2008, \(EC\) No 748/2008, \(EC\) No 810/2008 and \(EC\) No 610/2009 as regards the notification obligations within the common organisation of agricultural markets.](#)

*Article 40*

1 Annex IV to this Regulation sets out the rules to be followed for completing IMA 1 certificates and monitoring the weight and fat content of the butter, and the consequences of such monitoring.

[<sup>F9</sup> . . . . .

<sup>F9</sup> . . . . .

<sup>F9</sup> . . . . .]

[<sup>F112</sup> Member States shall notify the Commission of the results of the monitoring carried out for each quarter under Annex IV by the 10th of the following month. That notification shall contain the following information:

- a general information:
  - (i) name of the butter manufacturer;
  - (ii) lot identification code;
  - (iii) size of the lot in kg;
  - (iv) date of the checks (day/ month/ year);
- b weight check:
  - (i) size of the random sample (number of cartons);

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*Changes to legislation: There are currently no known outstanding effects for the Commission Regulation (EC) No 2535/2001, CHAPTER III. (See end of Document for details)*

- (ii) data in respect of the mean:
  - arithmetic mean of the net weight per carton in kg (as specified on the IMA 1 certificate- box 9),
  - arithmetic mean of the net weight of the sample cartons in kg,
  - whether the arithmetic mean of the net weight determined in the Union shows a significant difference to the declared value (N= no, Y = yes);
- (iii) data in respect of the standard deviation:
  - standard deviation of the net weight per carton in kg (as specified on the IMA 1 certificate – box 9),
  - standard deviation of the net weight of the sample cartons (kg),
  - whether the standard deviation of the net weight of the net weight determined in the Union shows a significant difference to the declared value (N= no, Y = yes);
- c check of the fat content:
  - (i) size of the random sample (number of cartons);
  - (ii) data in respect of the mean:
    - arithmetic mean of the fat content of the sample cartons in % of fat,
    - whether the arithmetic mean of the fat content determined in the Union exceeds 84,4 % (N= no, Y = yes).]

#### Textual Amendments

- F9** Deleted by [Commission Regulation \(EC\) No 1565/2007 of 21 December 2007 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.](#)
- F11** Substituted by [Commission Implementing Regulation \(EU\) No 1212/2012 of 17 December 2012 amending Regulations \(EC\) No 2535/2001, \(EC\) No 917/2004, \(EC\) No 382/2008, \(EC\) No 748/2008, \(EC\) No 810/2008 and \(EC\) No 610/2009 as regards the notification obligations within the common organisation of agricultural markets.](#)

#### Article 41

1 At all stages in the marketing of New Zealand butter imported into the Community under this Chapter, the New Zealand origin shall be marked on its packaging and on the corresponding invoice or invoices.

2 As an exception to paragraph 1, where New Zealand butter is blended with Community butter and where the blended butter is intended for direct consumption and put up in packages of 500 grams or less, the New Zealand origin of the blended butter need be stated only on the corresponding invoice.

3 In the cases referred to in paragraphs 1 and 2, invoices shall also state:

Butter imported under Section 2 of Chapter III of Commission Regulation (EC) No 2535/2001: not eligible for the grant of aid for butter under Article 1(1) of Commission Regulation (EEC) No 429/90 or under Article 1(2)(a) of Commission Regulation (EC) No 2571/97 nor for the grant of an export refund under Article 31(10) and (11) of Council

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Regulation (EC) No 1255/1999, except where provided for in Article 31(12) of that Regulation or in Article 7a of Commission Regulation (EC) No 1222/94.

*Article 42*

IMA 1 certificates shall be drawn up according to the specimen in Annex X, in accordance with the requirements laid down in this Section and in Article 40(1) of this Regulation.

**Status:**

Point in time view as at 31/12/2020.

**Changes to legislation:**

There are currently no known outstanding effects for the Commission Regulation (EC) No 2535/2001, CHAPTER III.