

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 IV

##### Checks on reduced-duty imports

###### *Article 43*

1 The Community customs offices where products are declared for release for free circulation into the Community shall scrutinise the documents submitted in support of a declaration of release for free circulation claiming reduced-tariff treatment.

They shall also make physical checks on the products, on the basis of the said documents.

2 Member States shall take the necessary measures to establish a system to carry out the physical checks under the second subparagraph of paragraph 1 without prior warning, based on a risk-analysis assessment.

However, up to the end of 2003, the system shall ensure that at least 3 % of the declarations of release for free circulation per Member State and per calendar year are physically checked.

When calculating the minimum rate of physical checks to be carried out, Member States may opt to disregard import declarations involving quantities not exceeding 500 kg.

###### *Article 44*

1 Commission Regulation (EC) No 213/2001<sup>(1)</sup> shall apply as regards the reference methods to be used for analysing products as provided for in this Regulation to determine whether their composition conforms to the declaration of release for free circulation.

2 Each customs office shall produce a detailed examination report for each physical check carried out. This report shall bear the examination date and shall be retained for at least three calendar years.

3 <sup>[<sup>F1</sup>Where a physical check has been carried out, box 32 of import licences, or the message box in electronic licences, shall contain one of the entries listed in Annex XIX.]</sup>

The customs authorities shall assess the results of the first analysis within 20 working days of the date on which the physical check is carried out. Where the definitive results establish non-conformity, these results and, where appropriate, the licence shall be sent to the competent licence-issuing authority within 10 working days from the date on which the results are established.

Without prejudice to Article 248 of Commission Regulation (EEC) No 2454/93<sup>(2)</sup>, where a physical check for composition has been carried out prior to presentation of the

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endorsed import licence under Article 33(1)(a) of Regulation (EC) No 1291/2000, the security shall be released.

4 Each case of non-conformity with the declaration of release for free circulation shall be notified to the Commission within 10 working days of such non-conformity being established by the customs authorities, specifying in what way the products do not conform and the rate of duty applied as a result of the non-conformity finding.

#### Textual Amendments

- F1** 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.

#### *[<sup>F2</sup> Article 45*

Within the framework of import tariff quotas, Member States shall notify the Commission of the details of the quantities of products put into free circulation, in accordance with Article 4 of Regulation (EC) No 1301/2006.]

#### Textual Amendments

- F2** 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.

#### *[<sup>F3</sup> Article 45a*

The notifications referred to in this Regulation, except those referred to in Article 15, Article 35a(1) and Article 45, shall be made in accordance with Commission Regulation (EC) No 792/2009<sup>(3)</sup>.]

#### Textual Amendments

- F3** Inserted 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.

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- (1) OJ L 37, 7.2.2001, p. 1.
- (2) OJ L 253, 11.10.1993, p. 1.
- (3) [<sup>F3</sup>OJ L 228, 1.9.2009, p. 3.]

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