

Commission Implementing Regulation (EU) 2020/761 of 17 December 2019
laying down rules for the application of Regulations (EU) No 1306/2013,
(EU) No 1308/2013 and (EU) No 510/2014 of the European Parliament and of
the Council as regards the management system of tariff quotas with licences

TITLE III

SPECIFIC SECTORAL RULES

CHAPTER 7

Milk and milk products

Section 2

Export quotas

Article 55

Milk powder export quota opened by the Dominican Republic

1 In accordance with the Economic Partnership Agreement between the Cariforum States, of the one part, and the European Community and its Member States, a tariff quota is open for exports to the Dominican Republic of milk powder of EU origin, subject to the conditions laid down in this Regulation.

2 An export quota of 22 400 tonnes of all the products falling under CN codes 0402 10, 0402 21 and 0402 29 shall be allocated to Union exporters.

3 The quota period shall run from 1 July to 30 June of the following year.

4 Union exporters shall be operators whose name and EORI number appear on the relevant export declaration. They shall present to the competent authorities of the Dominican Republic, for each consignment, a certified copy of the export licence and a duly endorsed copy of the export declaration.

5 Applications for export licences can be lodged for all the products falling under CN codes 0402 10, 0402 21 and 0402 29, which were produced entirely within the Union from milk produced entirely within the Union. The applicants shall declare in writing, that these conditions are met. They shall also undertake, in writing, to provide, at the request of the competent authorities, evidence that these conditions are met. The competent authorities may verify the evidence provided through on-the-spot controls.

Changes to legislation: There are outstanding changes not yet made to Commission Implementing Regulation (EU) 2020/761. Any changes that have already been made to the legislation appear in the content and are referenced with annotations. (See end of Document for details) [View outstanding changes](#)

Article 56

Additional rules applicable to export licences issued for milk powder under the quota opened by the Dominican Republic

1 Licences issued under the quota opened by the Dominican Republic shall give rise to an obligation to export to the Dominican Republic.

2 The security for a licence shall be released on presentation of the proof referred to in Article 14(4) and (5) of Implementing Regulation (EU) 2016/1239, and of the following:

- a a copy of the electronic or paper Bill of Lading or overseas Transport Bill or Airway Bill, as the case may be, relating to the products for which the customs export declaration was lodged, stating the Dominican Republic as the final destination; or
- b a print out of the electronic tracking and tracing information of the transport, generated independently by the exporter, insofar as it can be linked to the customs export declaration, stating the Dominican Republic as the final destination.

3 The export licence application and the export licence shall contain the following information:

- a Section 7 shall indicate as country of destination ‘Dominican Republic’; box ‘yes’ in that section shall be crossed;
- b Section 20 shall indicate:

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Tariff quota for 1 July 20... to 30 June 20..., for milk powder according to Appendix 2 of Annex III to the Economic Partnership Agreement between the CARIFORUM States, of the one part, and the European Community and its Member States, of the other part, the signature and provisional application of which has been approved by Council Decision 2008/805/EC.

Article 57

Allocation coefficient applied to the milk powder export quota opened by the Dominican Republic

1 Where licence applications are submitted for quantities higher than the quantities available, the Commission shall calculate an allocation coefficient. The amount resulting from the application of the allocation coefficient shall be rounded down to the nearest kilogram.

2 If the application of the allocation coefficient results in a quantity per applicant of less than 20 tonnes, applicants may withdraw their licence applications. In such cases, they shall notify the licence issuing authority within three working days following the publication by the Commission of the allocation coefficient. The security shall be released immediately after receipt of such notification.

3 The licence issuing authority shall notify the Commission within 10 days following the publication of the allocation coefficient, of the quantities, broken down by product CN code, for which licence applications were withdrawn.

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Article 58

Cheese export quotas opened by the United States of America

In accordance with the concessions made in the framework of the World Trade Organisation, tariff quotas are open for export to the United States of America of milk products of EU origin falling within CN code 0406, subject to the conditions laid down in this Regulation.

The volume of each tariff quota and the export tariff quota period for that quota are specified in Annex XIII to this Regulation.

Article 59

Export licences issued under the cheese export quotas opened by the United States of America

1 Products falling within CN code 0406 as set out in Annex XIII shall be subject to presentation of an export licence where they are exported to the United States of America under:

- a the additional quota under the WTO Agriculture Agreement;
- b the tariff quotas originally resulting from the Tokyo Round and granted to Austria, Finland and Sweden by the United States in Uruguay Round list XX;
- c the tariff quotas originally resulting from the Uruguay Round and granted to the Czech Republic, Hungary, Poland and Slovakia by the United States in Uruguay Round list XX.

2 By way of derogation from Article 6, applications for export licences shall be lodged with the competent authorities from 1 to 10 September of the year preceding the quota year for which export licences are allocated. All applications shall be lodged simultaneously with the licence issuing authority of a Member State.

3 Section 16 of licence applications and licences shall show the eight-digit CN code. However, the licences shall also be valid for any other code falling under CN heading 0406.

4 Applicants for export licences shall provide evidence that their designated importer is a subsidiary of the applicant.

5 Applicants for export licences shall indicate in the application:

- a the designation of the product group covered by the United States of America quota in accordance with Additional Notes 16 to 23 and 25 in Chapter 4 of the Harmonized Tariff Schedule of the United States of America;
- b the product names in accordance with the Harmonized Tariff Schedule of the United States of America;
- c the name and address of the importer in the United States of America designated by the applicant.

6 The export licence application and the export licence shall contain the following information:

- a Section 7 shall indicate as country of destination 'United States of America'; box 'yes' in that section shall be crossed;
- b Section 20 shall indicate:

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- (i) 'For export to the United States of America;
 - (ii) Quota for calendar year xxxx — Articles 58 to 63 of Implementing Regulation (EU) 2020/761;
 - (iii) Quota identification: ...;
 - (iv) Valid from 1 January to 31 December xxxx';
- c Section 22 shall indicate: 'the license is valid for all the products falling under Heading 0406 of the CN'.

7 For each quota identified in column (3) of Annex XIV.5 – B1, each applicant may lodge one or more licence applications provided that the total quantity applied for per quota does not exceed the maximum quantity limits fixed in the following subparagraphs.

For this purpose, where, for the same group of products referred to in column (2) of Annex XIV.5 — B1, the available quantity in column (4) is divided between the Uruguay Round quota and the Tokyo Round quota, both quotas have to be considered as two separate quotas.

As regards the quotas identified as 22-Tokyo, 22-Uruguay, 25-Tokyo and 25-Uruguay in column (3) of Annex XIV.5 – B1, the total quantity applied for per applicant per quota shall cover at least 10 tonnes and shall not exceed the quantity available under the quota concerned as set out in column (4) of that Annex.

As regards the other quotas identified in column (3) of Annex XIV.5 – B1, the total quantity applied for per applicant per quota shall cover at least 10 tonnes and no more than 40 % of the quantity available under the quota concerned as set out in column (4) of that Annex.

8 Applications for export licences shall be accompanied by a declaration from the designated United States importer stating its eligibility for import under the United States rules on dairy tariff-rate quota import licensing laid down in part 6 of subtitle A of Title 7 of the Code of Federal Regulations.

9 Information on the quotas opened by the United States of America shall be provided together with the export licence application and presented in accordance with the model set out in Annex XIV.

10 By way of derogation from Article 11 of this Regulation, export licences shall be issued by 15 December of the year preceding the quota year for the quantities for which the licences are allocated.

Article 60

Release of securities under the cheese export quotas opened by the United States of America

The security for a licence shall be released on presentation of the proof set out in Article 14(4) and (5) of Implementing Regulation (EU) 2016/1239 and of the following:

- (a) a copy of the electronic or paper Bill of Lading or overseas Transport Bill or Airway Bill, whatever applies, relating to the products for which the customs export declaration was lodged, indicating the United States of America as the final destination; or

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- (b) a print out of the electronic tracking and tracing information of the transport, generated independently by the exporter, insofar as it can be linked to the customs export declaration, indicating the United States of America as the final destination.

Article 61

Notifications related to cheese export quotas opened by the United States of America

- 1 By 18 September of each year, Member States shall notify the Commission of the applications lodged for each of the cheese quotas opened by the United States of America. The fact that no applications were lodged shall also be notified.
- 2 For each quota, the notification shall comprise:
- a a list of applicants, stating their name, address and EORI number;
 - b the quantities applied for by each applicant broken down by CN code and by the code of the Harmonised Tariff Schedule of the United States of America;
 - c the name, address and reference number of the importer designated by the applicant.
- 3 Before 15 January of each year, Member States shall notify the Commission of the quantities, broken down by CN code, for which they have issued licences.

Article 62

Allocation coefficient applied to cheese export quotas opened by the United States of America

- 1 By way of derogation from Article 10, where applications for export licences for a quota exceed the quantity available for the year concerned, the Commission shall calculate and publish an allocation coefficient by 31 October. If necessary, an allocation coefficient higher than 100 % may be applied.
- 2 Where, as the result of applying the allocation coefficient, the allocated quantities would be less than 10 tonnes per quota for an applicant, the applicant may withdraw the licence application. In such cases, the applicant shall notify the licence issuing authority thereof within three working days following the publication by the Commission of the allocation coefficient.
- 3 The competent authority shall notify the Commission, within 10 calendar days following the publication of the allocation coefficient, of the quantities, broken down by CN code, for which licence applications were withdrawn.
- 4 Where applications for export licences do not exceed the quantity available for the year concerned, the Commission shall allocate the remaining quantities to applicants in proportion to the quantities applied for, by fixing an allocation coefficient. The amount resulting from the application of the coefficient shall be rounded down to the nearest kg. In that case, the operators shall inform the licence issuing authority of the Member States concerned of the supplementary quantity they accept, within a week from the publication of the allocation coefficient. The security to be lodged shall be increased accordingly.
- 5 The competent authority shall notify the Commission, within two weeks from the publication of the allocation coefficient, of the supplementary quantities that were accepted by the operators, broken down by CN code.

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Article 63

Designated importers for cheese export quotas opened by the United States of America

1 The names of the designated importers and the quantities allocated shall be communicated by the Commission to the competent authorities of the United States of America.

2 Where an import licence for the quantities concerned is not allocated to the designated importer, in circumstances which do not cast doubt on the good faith of the operator submitting a declaration of eligibility under the U.S Department of Agriculture (USDA) rules on dairy tariff-rate quota import licensing laid down in part 6 of subtitle A of Title 7 of the Code of Federal Regulations (CFR), the operator may be authorised by the licence issuing authority to designate another importer stated on the USDA list of approved importers and communicated in accordance with paragraph 1.

3 The licence issuing authority shall notify the Commission, as soon as possible, of the change of the designated importer and the Commission shall notify the change to the competent authorities of the United States of America.

Article 64

Exports under the cheese quota opened by Canada

1 In accordance with the Agreement for the conclusion of negotiations between the European Community and Canada under Article XXIV:6 and an Exchange of Letters relating thereto, approved by Council Decision 95/591/EC⁽¹⁾, a tariff quota is open for exports to Canada of cheese, subject to the conditions laid down in this Regulation.

The volume of products and the tariff quota period for that quota are specified in Annex XIII to this Regulation.

2 An export licence shall be required for exports of cheese to Canada under that quota as set out in Annex XIII.

3 Licence applications shall be admissible only where applicants declare in writing that all material falling within Chapter 4 of the Combined Nomenclature and used in the manufacture of products covered by their application has been produced entirely within the Union from milk produced entirely within the Union. The applicants shall also undertake in writing, to provide, at the request of the competent authorities, evidence that those conditions are met. The competent authorities may verify that evidence through on-the-spot controls.

4 The export licence application and the export licence shall contain the following information:

- a Section 7 shall indicate as country of destination 'Canada'; box 'yes' in that section shall be crossed;
- b Section 15 shall indicate the six-digit description of the goods in accordance with the Combined Nomenclature for products falling within CN codes 0406 10, 0406 20, 0406 30 and 0406 40 and the eight-digit description for products falling within CN code 0406 90. Section 15 may contain no more than six products thus described;
- c Section 16 shall indicate the eight-figure CN code and the quantity in kilograms for each of the products referred to in Section 15. The licence shall be valid only for the products and quantities so designated;

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- d Sections 17 and 18 shall indicate the total quantity of products referred to in Section 16;
- e Section 20 shall indicate one of the following entries, as appropriate:

- (i) ‘Cheeses for direct export to Canada. Article 64 of Implementing Regulation (EU) 2020/761 – Quota for calendar year xxxx’;
- (ii) ‘Cheeses for export directly/via New York to Canada. Article 64 of Implementing Regulation (EU) 2020/761 – Quota for calendar year xxxx’.

Where cheese is transported to Canada via third countries, such countries must be indicated instead of, or with, a reference to New York;

- f Section 22 shall indicate: ‘without export refund’.

5 When applying for an import licence, an export licence titular holder shall present the original export licence or a certified copy of the export licence to the competent Canadian authority.

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- (1) Council Decision 95/591/EC of 22 December 1995 concerning the conclusion of the results of negotiations with certain third countries under GATT Article XXIV:6 and other related matters (United States and Canada) ([OJ L 334, 30.12.1995, p. 25](#)).

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Changes and effects yet to be applied to :

- Regulation revoked by [2023 c. 28 Sch. 1 Pt. 2](#)