



Rural Payments
Agency

29 August 2019

Notice to traders 25/19

Milk and milk products

Quota for cheeses for export to designated importers in the United States of America (USA)

Introduction

This notice tells you about the arrangements for exports of various cheeses to the USA for 2020.

Important: This notice also informs you of the potential impact on your licence application when the UK leaves the EU.

The UK will be leaving the EU on 31 October whatever the circumstances. The government is committed to respecting the referendum result.

The Government would prefer to leave with a deal and will work in an energetic and determined way to get that better deal.

If it is not possible to reach a deal the UK will have to leave with no deal.

In the event of the UK leaving the EU without a deal on 31 October 2019, the export tariff rate quotas available to the UK as part of the EU quota system may no longer be available to UK operators. We are currently seeking assurance that the UK will be able to access the tariff quota opening on 1 January 2020 for exports to the USA. A further notice to traders will be issued following these discussions. In the meantime operators should submit their applications as usual. If we are unable to secure access to the quota and issue your export licence, any security held against these licences will be returned

Quantities Available

The quantities available for exports of various cheeses to the USA for 2020 will be:

- 5,305,055 kilograms from the Tokyo Round; and
- 10,771,000 tonnes from the Uruguay Round.

You must apply for an export licence if you want to claim these quotas.

The products included and the quantities available are listed in Annex I.

Some products groups shown in column 2 of Annex I are divided between the Uruguay Round (UR) quota and the Tokyo Round (TR) quota. You must apply for each quota separately.

Applications

Each application you make must be for at least 10,000 kilograms and must not exceed 40% of the total quantity available for each product group (see columns 4 and 5 of Annex I).

However, applications for products falling within groups 22 and 25 can be up to the total quantity available.

You must state the following in box 20 of your application(s):

“For export to the United States of America: Quota for 2020 – Chapter III
Section 2 of Regulation (EC) No 1187/2009.”

“Quota Identification:”

You must apply between 2 and 10 September 2019. We must have received your application(s) by 12 noon (UK time) on 10 September 2019. It is your responsibility to ensure that your application and all supporting documentation are correct at the time of submission and they are received by the RPA, along with the correct amount of security, before 12 noon on 10 September.

Note: We will reject any application where securities and / or supporting documentation are received after 12 noon (UK time) on 10 September.

Additional Information

You must also provide:

- The product group in accordance with additional notes 16-23 and 25 of Chapter 4 of the Harmonised Tariff Schedule of the United States;

- The product name in accordance with the Harmonised Tariff Schedule of the United States; and
- The name and address of the designated importer in the USA. To be eligible under these arrangements the importer must be a subsidiary of your company.

Annex II shows the format in which you should supply this information.

Additional Documentation

Your application(s) must be accompanied by:

- A declaration from the designated importer that they are eligible under the rules in force in the USA on the issue of import licences for the products concerned;
- Evidence that you have exported the products in question to the USA in at least one of the last three years; and
- A written declaration that you have not, and will not, apply for the same product group in the same quota round in any other Member State.

If we find that you have lodged more than one application for the same product group, all your applications will be rejected.

Allocations

If the overall quantities applied for exceed the quantities available, the Commission will apply an allocation coefficient to all applications.

If the allocation coefficient would result in licences for less than 10 tonnes per application, the corresponding quantities available will be awarded by drawing lots. Lots will be drawn for licences of 10 tonnes each for those applicants who would have been allocated less than 10 tonnes as a result of applying the allocation coefficient.

If your application is rejected or the quantity awarded is less than you applied for, your security will be released in full or in part as appropriate.

If applications do not exceed a particular quota the Commission may offer the remaining quantities to applicants in proportion to quantities applied for.

In such cases you must tell us if you want to accept the extra quantities within 7 days of the publication of the allocation on the Europa website. Additional security must be provided.

The Commission will notify Member States of their allocations by 31 October 2019. If your application is successful, we will issue your export licence by 15 December 2019 and it will be valid from 1 January until 31 December 2020.

Transfer of Rights

You cannot transfer the rights on your license.

Licence Obligations

Your licence will carry an obligation to export to the USA.

Licence Security

As there is no refund payable on exports to the United States of America, the security required is €3/100kgs.

The security will be released upon receipt of:

- The electronic export declaration from HM Revenue & Customs, and
- Transport proof as outlined within Commission Regulation 612/2009, Article 17(3)

Authority

You can find details of these arrangements in Commission Regulations (EC) No. 1187/2009 and 521/2012 published in Official Journals L318 and L159 respectively.

You can obtain copies at Stationery Office bookshops and accredited agents, or you can order from the Stationery Office website (www.tsoshop.co.uk). You can also access Official Journals electronically by visiting the Commission's website at (<http://eur-lex.europa.eu/en/index.htm>).

The Rural Payments Agency cannot provide any guarantee as to the accuracy or completeness of the Europa website. Whilst every care has been taken in producing this guidance, the regulation as published is definitive.

Enquiries

If you have any questions about this notice please contact the Trader Team on:

- 03300 416 500 and select Option 2; or
- E-mail us at trader@rpa.gov.uk

Additional quotas of cheese for export to the USA under the designated importers scheme

Identification of group in accordance with additional notes in chapter 4 of the harmonised tariff schedule of the USA			Quantity available 2020	Maximum quantity per application
Group number (1)	Product group (2)	Quota identification (3)	Kilogrammes (4)	Kilogrammes (5)
16	Not specifically provided for (NSPF)	16 - TOKYO	908 877	363 550
		16 - URUGUAY	3 446 000	1 378 400
17	Blue Mould	17 - URUGUAY	350 000	140 000
18	Cheddar	18 - URUGUAY	1 050 000	420 000
20	Edam/Gouda	20 - URUGUAY	1 100 000	440 000
21	Italian Type	21 - URUGUAY	2 025 000	810 000
22	Swiss or Emmenthaler cheese other than with eye formation	22 - TOKYO	393 006	393 006
		22 - URUGUAY	380 000	380 000
25	Swiss or Emmenthaler cheese with eye formation	25-TOKYO	4 003 172	4 003 172
		25-URUGUAY	2 420 000	2 420 000

Presentation of information required pursuant to Article 22 of Regulation (EC) No 1187/2009

Identification of group and quota referred to in column 3 of Annex IIa

Name of group referred to in column (2) of Annex II a

Origin of quota

Uruguay round

Tokyo round

Name & Address of Applicant	Product code of the Combined Nomenclature (first 8 digits only)	Quantity applied for (tonnes)	Harmonised Tariff Schedule of the USA code	Name & Address of Designated Importer *	Exports in at least one of the preceding three years?	Importer is a subsidiary?
					Yes <input type="checkbox"/>	Yes <input type="checkbox"/>
Total						

* If more than one designated importer please give the name and address of each, and state for which row.

If you need more space for the information please use the box below.

This publication was withdrawn on 11 June 2020