



United States
Department
of Agriculture

Farm and
Foreign
Agricultural
Services

Foreign
Agricultural
Service

Stop 1021
1250 Maryland
Ave SW Ste. 400
Washington, DC
20024

December 19, 2012

NOTICE

PLEASE READ THE ENTIRE NOTICE

SUMMARY

This notice provides important information about licenses issued to you or your firm for 2013, including regulatory requirements for licensees.

Posted with this notice is the first issuance of import licenses issued to you or your firm for 2013 imports of dairy products. This issuance includes only licenses for which the 85 percent license use requirement was met prior to the **mid-December** cutoff date of **December 14, 2012**, that was used to prepare these license issuances.

This Notice Covers the Following Topics:

1. Licensee Control Numbers and License Numbers.
2. Licenses Not Included in the First Issuance.
3. The 2013 Import License Fee.
4. Licensee Record Keeping Requirements.
5. Dairy Import Licensing Program Contact Information.
6. Calendar of Key Events for 2013.

1. LICENSEE CONTROL NUMBERS AND LICENSE NUMBERS.

A. Licensee Control Numbers. Your control number will be the same as in 2012 unless (1) you requested the Import Licensing Manager to change your control number; (2) your firm was party to a merger or acquisition, or (3) this is the first year, or a non-consecutive year, of your program participation.

B. License Numbers. Your 2013 license number for a specific dairy article/country pair will probably be the same as the license number you held for the same pair in 2012 if the license is historical or designated. Licenses received as a rank-order lottery license are generally assigned a different license number than the previous year. All licenses are valid for the period January 1, 2013 – December 31, 2013.

2. LICENSES NOT INCLUDED IN THE FIRST ISSUANCE.

A. License Use Requirement (85%): Certain licenses for 2013 that you may still receive have been placed on hold and are not visible in this first issuance if the 85 percent license use requirement for your 2012 license for the same article/country pair was not met by the mid-December cutoff date. If the 85 percent license use requirement for a particular license is not finally met by December 31, 2012, the license will be canceled and reissued to other licensees for 2013. The 85 percent requirement is based on the original quantity issued in 2012 for each license, minus any quantity surrendered by October 1, 2012, plus any additional quantity received during 2012.

B. Designated Importer Licenses: If the Government of the supplying country designated your firm as a preferred importer for a cheese article for 2012, but did not designate your firm for 2013, your firm was not reissued a designated importer license.

C. Non-historical Licenses: Applicants are issued licenses through the rank-order lottery system **only** to the extent that Tariff Rate Quota (TRQ) quantities are available for allocation at the time of the license issuance.

D. Notification of Error: If you believe that any license was inadvertently omitted, or the quantity assigned to a license is incorrect, or believe that there is any other inaccuracy, you should notify this office immediately, using the contact information specified in topic number 5 of this notice. **Please keep in mind the mid-December cutoff date used by us to exclude licenses for the first issuance.**

A second issuance of licenses scheduled for mid-January will update this first issuance. The second issuance will include licenses that are currently excluded due to the 85% license use requirement, provided that sufficient quantities are entered by December 31, 2012, to satisfy the 85% license use requirement. A third and final issuance in early March will include new reassigned and redistributed licenses.

3. THE 2013 IMPORT LICENSE FEE.

A. The Import Regulation requires that a fee be assessed for each license issued under your control number. The amount of your license fee payment will be detailed for you with the third (final) issuance of your licenses in mid-March. Please pay your 2013 license fee(s) online using credit card or direct bank withdrawal (ACH) via a secure website accessed through DAIRIES. **PLEASE DO NOT ATTEMPT TO PAY YOUR LICENSE FEES UNTIL AFTER THE THIRD AND FINAL ISSUANCE IS RECEIVED.**

B. THE FEE FOR 2013 WILL BE **\$170** PER LICENSE. The total license fee payment stated with the third issuance must be paid prior to May 1, 2013. If the fee is not paid by the final payment date, your license(s) will be suspended and subsequently revoked and reissued to other licensees.

4. LICENSEE RECORD KEEPING REQUIREMENTS.

A. It is the responsibility of your firm to maintain up-to-date and accurate records of imports under each license. Our DAIRIES online access system has a component that should be used to confirm your license balances and entries.

B. Section 6.30 of the Import Regulation requires that you maintain records pertaining to your license and license eligibility for five (5) years after the end of the quota year in which any purchase, sale or transaction occurred.

5. THE DAIRY IMPORT LICENSING PROGRAM CONTACT INFORMATION.

Officials of your firm may contact this office with questions regarding your license. Please contact Bettyann Gonzales at (202) 720-1344, bettyann.gonzales@fas.usda.gov.

The mailing address is:

USDA/Foreign Agricultural Service
Dairy Import Licensing Program
Stop 1021
1400 Independence Ave SW
Room Number: 5526
Washington, DC 20024

6. CALENDAR OF KEY EVENTS FOR 2013.

KEY EVENT	TIME PERIOD
The first issuance of 2013 licenses.	<p>First issuance is posted on DAIRIES in late December 2012.</p> <p>Licenses will be temporarily excluded from the first issuance if license use requirements have not been met by mid-December.</p>
<p>The second issuance of 2013 licenses.</p> <p>Deadline for requesting corrections to 2013 licenses.</p>	<p>Second issuance is posted in mid-January.</p> <p>Correction requests must be submitted by a January deadline to be indicated in the second issuance.</p>
The third (final) issuance of 2013 licenses.	<p>Third issuance is posted in mid-March.</p> <p>The \$ amount due for your 2013 licenses is posted together with the third (final) issuance.</p>
License fee payments begin after third (final) issuance).	Please do not attempt to pay \$ License fees until after third (final) issuance).
License Fee payments begin.	Please do not pay \$ fees until after the third (final) issuance.
Deadline for License Fee payment.	May 1, 2013.
Application period for year 2013 licenses.	September 1 through October 15, 2013.
Application period to request additional TRQ amounts for 2013 licenses.	September 1 through September 15, 2013.
Last day to surrender 2013 license amounts.	October 1, 2013.

THE LICENSEE NAMED ABOVE IS HEREBY AUTHORIZED TO IMPORT INTO THE UNITED STATES THE COMMODITIES DESCRIBED ABOVE, PROVIDED SUCH IMPORTATION IS IN ACCORDANCE WITH THE TERMS AND CONDITIONS OF IMPORT REGULATION 1, AS REVISED AND AMENDED, WHICH PROVIDES IN PART THAT:

- (A) THE COMMODITY IMPORTED MUST BE A PRODUCT OF THE COUNTRY OF ORIGIN SPECIFIED IN THE LICENSE.**

- (B) THE LICENSED COMMODITIES MAY BE ENTERED OR WITHDRAWN FROM WAREHOUSE FOR CONSUMPTION ONLY WHEN ACCOMPANIED BY: A THROUGH BILL OF LADING FROM THE COUNTRY OF ORIGIN SHOWN ON THE LICENSE, AN INVOICE FROM A SELLER IN THE COUNTRY OF ORIGIN TO A PURCHASER IN THE UNITED STATES, OR, IF THE SELLER IS NOT LOCATED IN THE COUNTRY OF ORIGIN, A CERTIFICATE OF ORIGIN ISSUED IN THE COUNTRY OF ORIGIN AND ONLY WHEN ENTERED IN THE NAME OF THE LICENSEE BY HIM OR BY HIS AGENT ACTING IN THE LICENSEE'S NAME UNDER POWER OF ATTORNEY; FURTHERMORE,**
 - 1. IN THE EVENT OF A SALE IN TRANSIT, AS A CONSUMPTION ENTRY UNDER A LICENSE ISSUED TO AN AUTHORIZED PERSON OR FIRM TO WHOM THE SALE HAS BEEN MADE AGAINST A PROPERLY ENDORSED BILL OF LADING AND A CERTIFIED COPY OF THE BILL OF SALE FROM THE ORIGINAL CONSIGNEE SHOWING THE AMOUNT PAID AND THE DATE OF PURCHASE AND THE LICENSEE AS THE OWNER OF THE ARTICLE AT SUCH TIME;**

 - 2. IN THE EVENT OF THE LOSS OF THE ORIGINAL BILL OF LADING, AS A CONSUMPTION ENTRY UNDER A LICENSE ISSUED TO THE AUTHORIZED PERSON OR FIRM NAMED AS CONSIGNEE ON A CARRIER'S CERTIFICATE CERTIFYING THAT THE SHIPMENT IS A THROUGH SHIPMENT; AND**

 - 3. AS A BONDED WAREHOUSE ENTRY, ONLY IN THE MANNER PRESCRIBED ABOVE FOR CONSUMPTION ENTRIES. WITHDRAWAL OF GOODS FROM BOND MAY BE MADE ONLY: UNDER LICENSE ISSUED TO THE AUTHORIZED PERSON OR FIRM WHO MADE THE ENTRY; OR IN THE EVENT OF A SALE IN BOND, UNDER LICENSE ISSUED TO AN AUTHORIZED PERSON OR FIRM TO WHOM SALE HAS BEEN MADE AND ONLY UPON THE PRESENTATION OF A PROPERLY ENDORSED CUSTOMS FORM 7501 SHOWING ENTRY TYPE CODE 32, AND A CERTIFIED COPY OF THE BILL, SHOWING THE AMOUNT AND DATE OF SALE.**

- (C) CONSOLIDATED ENTRIES OR WITHDRAWALS FROM BONDED WAREHOUSE FOR CONSUMPTION MAY NOT BE MADE EXCEPT WITH THE WRITTEN APPROVAL OF THE LICENSING AUTHORITY.**

- (D) EACH ENTRY OR WITHDRAWAL FROM WAREHOUSE MUST ALSO BE ACCOMPANIED BY A COPY OF THE CUSTOMS ENTRY FORM 7501 (SHOWING THE LICENSE NUMBER), THE REQUIRED THROUGH BILL OF LADING, AND THE REQUIRED INVOICE. CUSTOMS WILL STAMP THE COPY OF THE COMPLETED FORM 7501 WITH THE DATE OF ENTRY, AND THE CUSTOMS ENTRY OR WITHDRAWAL CODE AND SUBMIT IT TO THE LICENSING AUTHORITY.**

ANY VIOLATION OF ANY PROVISION OF THIS LICENSE OR OF IMPORT REGULATION 1, AS REVISED AND AMENDED, IS SUBJECT TO ALL PENALTIES PROVIDED BY LAW.