appendix are the same as those provided for in the Additional U.S. Notes to Chapter 4 of the Harmonized Tariff Schedule.

Article means any Harmonized Tariff Schedule article referred to in Appendix 1, Appendix 2, or Appendix 3 of this supart.

Associate means a party connected with one or more parties, formally or informally, directly or indirectly, with the common purpose of obtaining eligibility for additional licenses, one party intending to use, (and benefit economically from such use) directly or indirectly the licenses that the other may acquire. Two or more associates of a third party shall not be deemed to be associates of one another due to such third-party association only.

Authorized agent means an agent as used in 19 CFR 141.31(a) for whom the licensee has filed with the District Director of Customs a limited power of attorney using Customs Form 5291 authorizing such agent to act for, but only in, the licensee's name.

Basic annual allocation refers to historical quota shares only and means the quota share of a licensee for an article before any reduction as authorized under § 6.26(d) has been effected. It will be calculated on the basis of the annual average amount entered by a licensee during a predetermined representative base period.

Cheese or cheese products means those cheeses and cheese products for which standards of identity have been promulgated by the Food and Drug Administration and/or which are encompassed within 21 CFR part 133.

Country of origin and/or Supplying country mean the country in which the article subject to the regulation was produced or manufactured as defined under 19 CFR 134.1(b).

Date of entry is the date when the specified Customs entry form is properly executed and deposited, together with estimated duties and any related documents required by law or regulation to be filed with such form at the time of entry, with the appropriate Customs Officer.

Department means the United States Department of Agriculture.

EC means the twelve European Community countries, viz., Belgium, Denmark, the Federal Republic of Germany, France, Greece, Ireland, Italy, Luxembourg, the Netherlands, Portugal, Spain and the United Kingdom, which for the purposes of this regulation shall be deemed as one country of origin.

Eligible applicant means a person applying for a license to enter an article who has established, to the satisfaction

of the Licensing Authority, eligibility to enter such article, in accordance with § 6.25.

Enter means to make entry, or withdrawal from warehouse, for consumption by deposit with, and acceptance by, the appropriate Customs officer of the properly executed entry documents, including invoices, bills of lading and payment of estimated duties.

Entire dairy products business means the total assets and operations of the foreign and domestic aspects of a business pertaining to articles subject to the provisions of this regulation.

Entrepreneurial use means the processing or sale of the article entered pursuant to the license as a part of the ordinary conduct of business by a licensee who is managing and assuming the risk of such business. Such term does not include one who is functioning as a mere supplier of license.

Harmonized Tariff Schedule means the Harmonized Tariff Schedule of the United States.

Licensee means any person to whom a license has been issued under the regulation.

Licensing Authority means the Dairy Import Quota Manager, Import Policies and Programs Division, Foreign Agricultural Service, U.S. Department of Agriculture, or any other officer or employee of the Department acting in his or her behalf.

Other countries refers to countries sharing a common tariff-rate quota which are not listed as having separate tariff-rate quota allocations in the Additional U.S. Notes to Chapter 4 of the Harmonized Tariff Schedule and for the purposes of the regulation are deemed as one country of origin.

Person includes any individual, firm, corporation, partnership, association, or other legal entity. It also includes any national government (other than the Government of the United States and any agency thereof).

Postmark means the postage cancellation mark applied by the U.S. Post Office showing the post office and date of mailing. This does not include metered postage affixed by the applicant or any other private entity.

Quota means the articles and quantities of such articles subject to an in-quota rate of duty provided for in the Additional U.S. Notes to Chapter 4 of the Harmonized Tariff Schedule and covered by this regulation.

Quota share means that part of the annual tariff-rate quota of an article listed in Appendix 1, Appendix 2, or Appendix 3 of this subpart for which a person is eligible.

Quota year means the 12-month period beginning on January 1 of any given year.

Regulation means the provisions contained in the Licensing Regulation of this subpart.

United States means the Customs Territory of the United States, which is limited to the United States, the District of Columbia and Puerto Rico.

5. Section 6.22 is amended by revising paragraph (a) to read as follows:

§ 6.22 Prohibitions and restrictions on importers.

- (a) No person may enter or cause to be entered any article listed in Appendix 1, Appendix 2, or Appendix 3, except as provided in § 6.23 or as authorized by a license issued pursuant to this regulation.
- 6. Section 6.23 is revised to read as follows:

§ 6.23 Exceptions.

Licenses are not required for the entry of:

- (a) Products imported by or for the account of any agency of the U.S. Government.
- (b) Products imported for the personal use of the importer, provided that the net quantity of such product in any one shipment does not exceed five kilograms.
- (c) Products, which will not enter the commerce of the United States, imported as samples for taking orders, for exhibition, display or sampling at a trade fair, for research, for use by embassies of foreign governments or for testing of equipment, provided that written approval of the Licensing Authority is obtained.
- 7. Section 6.24 is revised to read as follows:

§ 6.24 Application for license.

Applications of the Licensing Authority for the issuance of licenses to enter articles must be made in writing, addressed to the Import Licensing Group, Room 5531–S, Import Policies and Programs Division, Foreign Agricultural Service, U.S. Department of Agriculture, Washington, D.C. 20250–1000. Each application must indicate the Additional U.S. Note number of the Harmonized Tariff Schedule and the country of origin of the article. Unpostmarked applications will not be approved by the Licensing Authority.

8. Section 6.25 is amended by revising paragraph (a), the introductory text of paragraph (c)(1), paragraphs (c)(1)(ii), (c)(1)(iii), (c)(2) and (c)(3) to read as follow: