§ 6.25 Eligibility.

(a) Historical eligibility. Historical eligibility for licenses to enter in-quota shares of articles subject to tariff-rate quotas which are shown in Appendix 1 and Appendix 2 of this subpart, has already been established.

* * * * *

(c)(1) Supplementary license eligibility for specific articles of cheese listed in Appendix 2 and Appendix 3 of this subpart will be established:

(i) * *

(ii) By application by a person having historical eligibility for a particular article shown in Appendix 2 of this subpart from the country of origin for which such person is seeking

supplementary license; or

(iii) By being endorsed in writing by the government of the supplying country as a preferred importer, with such endorsement being sent directly from the government of the supplying country through appropriate channels to the Licensing Authority, and for articles in Appendix 2 of this subpart by meeting one or both of qualifications in paragraphs (c)(1)(i) and (ii) of this section. For articles in Appendix 3 of this subpart such qualifications must be met beginning with the 1996 quota year. Endorsement by the government of a supplying country of a person who is known to the Licensing Authority to have at any time violated any provision of this or any other regulation or law of the United States applicable to international commerce will not be recognized by the Licensing Authority.

(2) Notwithstanding paragraph (b)(4) of this section, certification required to establish supplementary eligibility for license for articles under Appendix 3 of this subpart, must be postmarked no earlier than January 30, 1995 and no later than February 20, 1995. Importers who may have already submitted supplementary license certification for cheese during the application period which ended November 1, 1994 may request license for cheese articles under Appendix 3 of this subpart by submitting an application, provided by the Licensing Authority upon request, without further documentation, postmarked as required in this paragraph.

(3) Supplementary eligibility for specific non-cheese articles listed in Appendix 3 of this subpart will be established by:

(i) Submission of documentary evidence acceptable to the Licensing Authority as required under paragraphs (b)(2)(i) and (ii) of this section, and

(ii) Providing documentary evidence that the applicant has made at least two

separate commercial entries or exports of any dairy product totaling not less than 38,000 kilograms during the 1994 calendar year; or at least eight separate commercial entries or exports totaling not less than 18,000 kilograms, each entry or export being a minimum of 2,200 kilograms, with a minimum of two transactions taking place in each of at least three quarters of the 1994 calendar year. U.S. Customs Service Consumption entry documents (Entry Summary Form 7501) and proof of payment in the applicant's name for the entered product and the duty must be provided showing that such person has made the above commercial entries or in the case of a person seeking eligibility on the basis of exports, U.S. Department of Commerce, Bureau of the Census Form 7525-V and the invoice or other proof that the applicant has made the exports of dairy products must be provided; or

(iii)(A) Being listed in the Dairy Plants Surveyed and Approved for USDA Grading Service, and

(B) certifying that the product will be used directly in the plant's own manufacturing or sales/distribution program.

* * * * *

9. Section 6.26 is amended by removing paragraphs (a)(3) through (a)(6) and revising the table in paragraph (b)(1) to read as follows:

Minimoum

§ 6.26 Allocation of annual quota and issuance of licenses.

* * * * * * (b) * * *

(1) * * *

Article	HTS note No.	Minimum quantity (kilo- grams)
Dried buttermilk and		
whey	12	1,133
Dried skimmed milk	7	2,267
Dried whole milk	8	453
Butter	6	453
Blue-mold cheese	17	2,267
Cheddar cheese	18	4,535
American-type cheese	19	4,535
Edam and Gouda		
cheese	20	3,175
Italian-type cow's milk		
cheese	21	2,267
Swiss or Emmenthaler		
cheese with eye for-		
mation	25	4,535
Swiss or Emmenthaler		
cheese other than		
eye-formation Gru-		
yere Process	22	4,535
Other cheese NSPF	16	18,143
Other cheese low fat	23	4,535

* * * *

§ 6.26 [Amended]

10. Section 6.26 is further amended by removing paragraph (b)(5) and revising the introductory text of paragraph (c) and the introductory text of paragraph (c)(3) to read as follows:

(c) Supplementary licenses (pertaining to articles in Appendix 2 and Appendix 3 of this subpart) for

cheese articles:

(c)(3) A supplementary quota share for a cheese article in Appendix 2 or Appendix 3 of this subpart from a particular country of origin other than those provided for in paragraph (c)(2) of this section will be determined on the following basis:

* * * * *

11. Section 6.26 is further amended by removing paragraph (f) and by redesignating paragraphs (d) and (e) as paragraphs (e) and (f). A new paragraph (d) is added to read as follows:

§ 6.26 Allocation of annual quota and issuance of licenses.

* * * * *

(d) Supplementary licenses (pertaining to articles in Appendix 3 of this subpart) for non-cheese articles:

(1) A person with its affiliate(s) or associate(s) will be considered only as one person for the purpose of allocation of such supplementary quota shares. However, a person with an Appendix 1 historical license for such article initially issued for a quota year prior to 1995 is not precluded from applying for such supplementary quota shares.

(2) The size of a supplementary quota share issued to an eligible applicant shall not exceed 57,000 kilograms.

- (3) If, after applications for supplementary licenses have been evaluated and tabulated, the Licensing Authority determines that eligible applicants for shares of a particular noncheese tariff-rate quota in Appendix 3 of this subpart have appropriately requested amounts which together exceed the amount available for allocation, the Licensing Authority shall first assign quota shares of not less than the minimum share as indicated below to each applicant and then prorate the remaining portion available for allocation among them. The minimum share shall be as follows:
- (i) 19,000 kilograms where the total amount available for allocation is less than 550,000 kilograms;
- (ii) 38,000 kilograms where the total amount available for allocation is greater than 550,001 kilograms.
- (4) If applying for more than one supplementary license for non-cheese articles covered by this regulation, the