

§ 6.40

7 CFR Subtitle A (1-1-10 Edition)

ARTICLES SUBJECT TO: APPENDIX 1, HISTORICAL LICENSES; APPENDIX 2, NONHISTORICAL LICENSES; AND APPENDIX 3, DESIGNATED IMPORTER LICENSES FOR QUOTA YEAR 2009—Continued

[Quantities in kilograms]

Article by additional U.S. note number and country of origin	Appendix 1	Appendix 2	Appendix 3	
			Tokyo round	Uruguay round
Romania				500,000
Uruguay			428,000	750,000
Other Countries		13,064		
SWISS OR EMMENTHALER CHEESE OTHER THAN WITH EYE FORMATION, GRUYERE-PROCESS CHEESE AND CHEESE AND SUBSTITUTES FOR CHEESE CONTAINING, OR PROCESSED FROM, SUCH CHEESES (NOTE 22)	5,341,056	1,310,258	823,519	380,000
EU-25	4,071,866	1,080,128	393,006	380,000
Switzerland	1,235,692	183,795	430,513	
Other Countries	33,498	46,335		
CHEESE AND SUBSTITUTES FOR CHEESE, CONTAINING 0.5 PERCENT OR LESS BY WEIGHT OF BUTTERFAT (EXCEPT ARTICLES WITHIN THE SCOPE OF OTHER TARIFF-RATE QUOTAS PROVIDED FOR IN THIS SUBCHAPTER), AND MARGARINE CHEESE (NOTE 23)	1,867,826	2,557,092	1,050,000	
EU-25	1,867,825	2,557,092		
Israel			50,000	
New Zealand			1,000,000	
Other Countries	1			
SWISS OR EMMENTHALER CHEESE WITH EYE FORMATION (NOTE 25)	15,999,980	6,297,351	9,557,945	2,620,000
Argentina		9,115	70,885	
Australia	209,698		290,302	
Canada			70,000	
EU-25	11,188,057	5,288,771	4,003,172	2,420,000
Iceland	149,999		150,001	
Israel	27,000			
Norway	3,187,264	468,046	3,227,690	
Switzerland	1,178,377	505,728	1,745,895	200,000
Other Countries	59,585	25,691		
TOTAL: CHEESE ARTICLES	66,376,394	21,524,259	22,764,145	24,921,000

[72 FR 53913, Sept. 21, 2007, as amended at 73 FR 50875, Aug. 29, 2008; 74 FR 41033, Aug. 14, 2009]

Subpart—Price-Undercutting of Domestic Cheese by Quota Cheeses

AUTHORITY: Sec. 702, Pub. L. 96-39, 93 Stat. 144, 19 U.S.C. 1202 note.

SOURCE: 45 FR 9883, Feb. 13, 1980, unless otherwise noted.

§ 6.40 General.

This subpart sets forth the procedures applicable to the determination by the Secretary of Agriculture as to whether the price at which any article of quota cheese is being offered for sale in the United States on a duty-paid wholesale basis is less than the domestic wholesale market price of similar articles produced in the United States

(i.e., price-undercutting) in accordance with section 702 of the Trade Agreements Act of 1979 (Pub. L. 96-39, 93 Stat. 144, 19 U.S.C. 1202 note) (hereinafter referred to as the Act).

§ 6.41 Definitions.

(a) *Complainant* means the person who has filed with the Investigating Authority, in accordance with the procedures set forth in this subpart, a written complaint alleging that price-undercutting is occurring.

(b) *Country of origin* means the country, as defined in 19 CFR 134.1(b), in which the quota article subject to this regulation was produced or manufactured.

(c) *Foreign government* means the government of the country of origin or, for purposes of determining whether a subsidy has been provided for the member