



COMMISSION OF THE EUROPEAN COMMUNITIES

Brussels, 19.08.2004
COM(2004) 510 final

Proposal for a

COUNCIL AND COMMISSION DECISION

on the conclusion of an additional protocol to the Europe Agreement establishing an association between the European Communities and their Member States, of the one part, and Romania, of the other part, to take account of the accession of the Czech Republic, the Republic of Estonia, the Republic of Cyprus, the Republic of Hungary, the Republic of Latvia, the Republic of Lithuania, the Republic of Malta, the Republic of Poland, the Republic of Slovenia, and the Slovak Republic to the European Union

(presented by the Commission)

EXPLANATORY MEMORANDUM

Ten new Member States acceded to the European Union on 1 May 2004. Under Article 6(2) of the Act concerning the Accession of the Czech Republic, the Republic of Estonia, the Republic of Cyprus, the Republic of Latvia, the Republic of Lithuania, the Republic of Hungary, the Republic of Malta, the Republic of Poland, the Republic of Slovenia and the Slovak Republic and the adjustment of the Treaties on which the European Union is founded (hereinafter ‘the Act of Accession’), the accession of the new Member States to the Europe Agreement establishing an association between the European Communities and their Member States, of the one part, and Romania, of the other part (hereinafter ‘the Europe Agreement’) shall be agreed by the conclusion of a protocol to this agreement. Article 6(2) provides for a simplified procedure, as these protocols are to be concluded by the Council of the European Union, acting unanimously on behalf of the Member States, and the third country concerned. This procedure is without prejudice to the Community’s own competences.

Consequently, the Commission has negotiated this Additional Protocol for the EC part on behalf of the European Community and for the national competence part on behalf of the Member States on the basis of negotiation directives adopted by the Council on 9 March 2004, and in consultation with a committee of the representatives of the Member States.

The Additional Protocol provides for the necessary technical adaptations of the Europe Agreement that ensue from the accession of the new contracting parties, in particular regarding:

- Institutional provisions: the Additional Protocol includes a number of adjustments brought about by the institutional and legal developments within the EC (expiry of the ECSC Treaty, EMU), as well as by the accession of the new Member States to this mixed agreement and an increase in the number of official languages.
- Agricultural products: the Europe Agreement provides for substantial trade liberalisation between the European Union and Romania, which in a few cases is limited to tariff quotas, notably on agricultural products. Tariff quotas for basic agricultural products have been reviewed on the basis of traditional trade between the new Member States and Romania. The Additional Protocol makes adjustments to these where required.
- Rules of origin: the multilingual provisions in Protocol 4 to the Europe Agreement concerning the definition of the concept of originating products and methods of administrative co-operation have been completed with the languages of the new Member States. Transitional provisions concerning goods in transit at the date of accession have been introduced.
- Processed agricultural products: Protocol 3 on trade between Romania and the Community in processed agricultural products referred to in Article 20 of the Europe Agreement foresees in its Article 1 that the Association Council may add products and increase the quantities of certain products eligible for concessions. These adjustments are thus made separately, by means of Association Council Decisions.

Proposal for a

COUNCIL AND COMMISSION DECISION

on the conclusion of the additional protocol to the Europe Agreement establishing an association between the European Communities and their Member States, of the one part, and Romania, of the other part, to take account of the accession of the Czech Republic, the Republic of Estonia, the Republic of Cyprus, the Republic of Hungary, the Republic of Latvia, the Republic of Lithuania, the Republic of Malta, the Republic of Poland, the Republic of Slovenia, and the Slovak Republic to the European Union

THE COUNCIL OF THE EUROPEAN UNION,

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to the Treaty establishing the European Atomic Energy Community,

Having regard to the Treaty concerning the accession of the Czech Republic, the Republic of Estonia, the Republic of Cyprus, the Republic of Latvia, the Republic of Lithuania, the Republic of Hungary, the Republic of Malta, the Republic of Poland, the Republic of Slovenia and the Slovak Republic (hereinafter referred to as the “new Member States”) to the European Union, and in particular Article 6(2),

Having regard to the proposal from the Commission,¹

Whereas:

- (1) The Europe Agreement establishing an association between the European Communities and their Member States, of the one part, and Romania, of the other part (hereinafter referred to as “the Europe Agreement”)², was signed in Brussels on 1 February 1993 and entered into force on 1 February 1995;
- (2) the Treaty concerning the accession of the Czech Republic, the Republic of Estonia, the Republic of Cyprus, the Republic of Latvia, the Republic of Lithuania, the Republic of Hungary, the Republic of Malta, the Republic of Poland, the Republic of Slovenia and the Slovak Republic to the European Union (hereinafter referred to as “the Treaty of Accession”)³, was signed in Athens on 16 April 2003 and entered into force on 1 May 2004;

¹ OJ C [...] [...], p. [...]

² OJ L 357, 31.12.1994, p. 2, as amended

³ OJ L 236, 23.9.2003

- (3) an Additional Protocol to the Europe Agreement is necessary to take account of the accession of the ten new Member States;
- (4) consultations on this Additional Protocol have taken place in accordance with Article 28(2) of the Europe Agreement, so as to ensure that account is taken of the mutual interests of the Community and Romania;
- (5) the Additional Protocol should therefore be approved;

HAVE DECIDED AS FOLLOWS:

Article 1

The Additional Protocol to the Europe Agreement establishing an association between the European Communities and their Member States, of the one part, and Romania, of the other part, to take account of the accession of the Czech Republic, the Republic of Estonia, the Republic of Cyprus, the Republic of Hungary, the Republic of Latvia, the Republic of Lithuania, the Republic of Malta, the Republic of Poland, the Republic of Slovenia, and the Slovak Republic to the European Union, is hereby adopted.

The text of the Additional Protocol is attached to this Decision.

Article 2

The Commission shall adopt detailed rules for the application of the Protocol in accordance with the procedure referred to in Article 4(2).

Article 3

1. The order numbers as attributed to the tariff quotas in Annex I to this Decision may be changed by the Commission in accordance with the procedure referred to in Article 4(2). Tariff quotas with an order number above 09.5100 shall be administered by the Commission in accordance with Articles 308a, 308b and 308c of Regulation (EEC) No 2454/93⁴.
2. Quantities of goods subject to tariff quotas and released for free circulation as from 1 July 2004 under the concessions provided for in Annex A(b) of the protocol approved under Council Decision 2003/18/EC⁵ shall be fully counted against the quantities provided for in the fourth column in Annex A(b) to the protocol attached to this Decision as Annex II, except for quantities for which import licences were issued before 1 July 2004.

⁴ OJ L 253, 11.10.1993, p. 1. Regulation as last amended by Regulation (EC) No 2286/2003 (OJ L 343, 31.12.2003, p.1)

⁵ OJ L 8, 14.1.2003, p. 18

Article 4

1. The Commission shall be assisted by the Management Committee for Sugar as laid down in Article 42 of Council Regulation (EC) No 1260/2001⁶ on the common organisation of the market in the sugar sector or, where appropriate, by the committee instituted by the relevant provisions of the other Regulations on the common organisation of agricultural markets.
2. Where reference is made to this paragraph, Articles 4 and 7 of Council Decision 1999/468/EC⁷ shall apply. The period provided for in Article 4(3) of Council Decision 1999/468/EC shall be one month.

The Committee shall adopt its rules of procedure.

Article 5

The President of the Council is hereby authorised to designate the person empowered to sign the Additional Protocol on behalf of the European Community.

Article 6

The President of the Council shall, on behalf of the European Community and its Member States, give the notification provided for in Article 9 of the Additional Protocol. The President of the Commission shall give such notification on behalf of the European Atomic Energy Community.

Done at Brussels, [...]

For the Council

The President

[...]

For the Commission

The President

[...]

⁶ OJ L 178, 30.6.2001, p. 1

⁷ OJ L 184, 17.7.1999, p. 23

ANNEX I

Order numbers for EU tariff quotas for products originating in Romania

(as referred to in Article 3)

Quota Order No	CN code	Description
09.4769	0102 90 05 0102 90 21 0102 90 29 0102 90 41 0102 90 49 0102 90 51 0102 90 59 0102 90 61 0102 90 71	Live bovine animals
09.4753	0201 0202	Meat of bovines, fresh, chilled or frozen
09.4756	ex 0203 021011 021012 021019	Meat of domestic swine, fresh, chilled or frozen
09.4765	0206 10 95 0206 29 91 0210 20 0210 99 51	Fresh or chilled edible bovine thick and thin skirt Frozen edible bovine thick and thin skirt Meat of bovine animals, salted, in brine, dried or smoked Thick and thin skirt of bovine animals
09.5855	0207	Meat and edible offal, of the poultry of heading No 0105
09.4771	0402 10 19 0402 21 11 0402 21 19 0402 21 91	Milk and cream, in powder or other solid forms
09.4772	0403 10 11 to 0403 10 39 0403 90 11 to 0403 90 69	Yoghurt, not flavoured nor containing added fruits, nuts or cocoa Other, not flavoured nor containing added fruits, nuts or cocoa
09.4758	0406	Cheese and curd
09.5835	0407 00 11 0407 00 19 0407 00 30 0408	Birds eggs in shell Birds eggs not in shell
09.6101	0702 00 00	Tomatoes
09.5837	0707 00 05	Cucumbers - for processing
09.5839	0707 00 05	Cucumbers - other than for processing

09.4726	0711 51 00 2003 10 20 2003 10 30	Mushroom of the genus <i>Agaricus</i>
09.6119	0808 10 20 0808 10 50 0808 10 90	Apples, other than cider apples

Quota Order No	CN code	Description
09.4766	1001	Wheat and meslin
09.5841	1003 00	Barley
	1102 90 10	Barley flour
	1103 19 30	Barley groats and meal
	1103 20 20	Barley pellets
09.5843	1004 00 00	Oats
	1102 90 30	Oats flour
	1103 19 40	Groats and meal of oats
	1103 20 30	Pellets of oats
09.5871	1005 10 90	Maize seed, other than hybrid seed
09.4767	1005 90 00	Maize, other than seed
09.5872	1101	Wheat and meslin flour
	1103	11 Wheat groats and meal
	1103 20 60	Wheat pellets
09.5873	1107	Malt
09.6139	1602 31	Prepared or preserved meat of poultry
	1602 32	
	1602 39	
09.4752	1602 41 10	Preserved meat of domestic swine
	1602 42 10	
	1602 49 11	
	1602 49 13	
	1602 49 15	
	1602 49 19	
	1602 49 30	
	1602 49 50	
09.4768	1602 50	Prepared or preserved meat or offal of bovine animals
09.5844	1701	Sugar
	1702	Other sugars
09.5545	2003 10 20	Mushrooms of the genus <i>Agaricus</i>
	2003 10 30	

ANNEX II

ADDITIONAL PROTOCOL

to the Europe Agreement establishing an association between the European Communities and their Member States, of the one part, and Romania, of the other part, to take account of the accession of the Czech Republic, the Republic of Estonia, the Republic of Cyprus, the Republic of Hungary, the Republic of Latvia, the Republic of Lithuania, the Republic of Malta, the Republic of Poland, the Republic of Slovenia, and the Slovak Republic to the European Union

THE KINGDOM OF BELGIUM,

THE CZECH REPUBLIC,

THE KINGDOM OF DENMARK,

THE FEDERAL REPUBLIC OF GERMANY,

THE REPUBLIC OF ESTONIA,

THE HELLENIC REPUBLIC,

THE KINGDOM OF SPAIN,

THE FRENCH REPUBLIC,

IRELAND,

THE ITALIAN REPUBLIC,

THE REPUBLIC OF CYPRUS,

THE REPUBLIC OF LATVIA,

THE REPUBLIC OF LITHUANIA,

THE GRAND DUCHY OF LUXEMBOURG,

THE REPUBLIC OF HUNGARY,

THE REPUBLIC OF MALTA,

THE KINGDOM OF THE NETHERLANDS,

THE REPUBLIC OF AUSTRIA,

THE REPUBLIC OF POLAND,

THE PORTUGUESE REPUBLIC,

THE REPUBLIC OF SLOVENIA,

THE SLOVAK REPUBLIC,

THE REPUBLIC OF FINLAND,

THE KINGDOM OF SWEDEN,

THE UNITED KINGDOM OF GREAT BRITAIN AND NORTHERN IRELAND,

Contracting Parties to the Treaty establishing the EUROPEAN COMMUNITY and the Treaty establishing the EUROPEAN ATOMIC ENERGY COMMUNITY, hereinafter referred to as 'Member States' represented by the Council of the European Union, and

the EUROPEAN COMMUNITY and the EUROPEAN ATOMIC ENERGY COMMUNITY, hereinafter referred to as 'the Community' represented by the Council of the European Union and the European Commission,

of the one part,

and ROMANIA,

of the other part,

HAVING REGARD TO the accession of the Czech Republic, the Republic of Estonia, the Republic of Cyprus, the Republic of Latvia, the Republic of Lithuania, the Republic of Hungary, the Republic of Malta, the Republic of Poland, the Republic of Slovenia, and the Slovak Republic to the European Union and thereby to the Community on 1 May 2004;

HAVING REGARD TO the Europe Agreement establishing an association between the European Communities and their Member States, of the one part, and Romania, of the other part (hereinafter referred to as 'the Europe Agreement'), which was signed in Brussels on 1 February 1993 and entered into force on 1 February 1995;

HAVING REGARD TO the Treaty concerning the accession of the Czech Republic, the Republic of Estonia, the Republic of Cyprus, the Republic of Latvia, the Republic of Lithuania, the Republic of Hungary, the Republic of Malta, the Republic of Poland, the Republic of Slovenia and the Slovak Republic to the European Union (hereinafter referred to as 'the Treaty of Accession'), signed in Athens on 16 April 2003 and entered into force on 1 May 2004;

CONSIDERING that, pursuant to Article 6(2) of the Treaty of Accession, the accession of the new Contracting Parties to the Europe Agreement has been agreed by the conclusion of a protocol to the Europe Agreement;

HAVE AGREED AS FOLLOWS:

SECTION I

CONTRACTING PARTIES

Article 1

The Czech Republic, the Republic of Estonia, the Republic of Cyprus, the Republic of Latvia, the Republic of Lithuania, the Republic of Hungary, the Republic of Malta, the Republic of

Poland, the Republic of Slovenia, and the Slovak Republic (hereinafter referred to as ‘the new Member States’) shall be Parties to the Europe Agreement establishing an association between the European Communities and their Member States, of the one part, and Romania, of the other part, signed in Brussels on 1 February 1993 and entered into force on 1 February 1995 (hereinafter referred to as ‘the Europe Agreement’) and shall respectively adopt and take note, in the same manner as the other Member States of the Community, of the texts of the Europe Agreement, as well as of the Agreements in the form of an exchange of letters, the Joint Declarations, and the Unilateral Declarations annexed to the Final Act signed on the same date.

EXPIRY OF THE ECSC TREATY

Article 2

To take account of recent institutional developments within the European Union, the Parties agree that, following expiry of the Treaty establishing the European Coal and Steel Community (ECSC), existing provisions in the Europe Agreement referring to the European Coal and Steel Community shall be deemed to refer to the European Community, which has taken over all rights and obligations contracted by the European Coal and Steel Community.

SECTION II

AGRICULTURAL PRODUCTS

Article 3

Basic agricultural products

The arrangements for import into the Community applicable to certain agricultural products originating in Romania as set out in Annexes A(a) and A(b) and the arrangements for import into Romania applicable to certain agricultural products originating in the Community as set out in Annexes B(a) and B(b) to this Protocol shall replace those set out in the Europe Agreement, as amended by the protocol adjusting the trade aspects of the Europe Agreement establishing an association between the European Communities and their Member States, of the one part, and Romania, of the other part, to take account of the outcome of negotiations between the parties on new mutual agricultural concessions⁸.

⁸ OJ L 8, 14.1.2003, p. 22

SECTION III

RULES OF ORIGIN

Article 4

Protocol 4⁹, referred to in Article 35 (Rules of origin), shall be amended as follows:

1. Article 4(1) should be replaced by the following:

“1. Subject to the provisions of paragraphs 2 and 3, materials originating in Bulgaria, Iceland, Norway or Switzerland within the meaning of the Agreements between the Community and Romania and these countries shall be considered as originating in the Community or Romania when incorporated into a product obtained there. It shall not be necessary that such materials have undergone sufficient working or processing.”

2. Article 18(4) shall be replaced by the following:

(...)

Movement certificates EUR.1 issued retrospectively must be endorsed with one of the following phrases:

ES	"EXPEDIDO A POSTERIORI"
CS	“VYSTAVENO DODATEČNĚ"
DA	"UDSTEDT EFTERFØLGENDE"
DE	"NACHTRÄGLICH AUSGESTELLT"
ET	"VÄLJA ANTUD TAGASIULATUVALT"
EL	EΚΔΟΘΕΝ ΕΚ ΤΩΝ ΥΣΤΕΡΩΝ"
EN	"ISSUED RETROSPECTIVELY"
FR	"DÉLIVRÉ A POSTERIORI"
IT	"RILASCIATO A POSTERIORI"
LV	"IZSNIEGTS RETROSPEKTĪVI"
LT	"RETROSPEKTYVUSIS IŠDAVIMAS"
HU	"KIADVA VISSZAMENŐLEGES HATÁLLYAL"

⁹ Protocol 4 of the Europe Agreement establishing an association between the European Economic Communities and their Member States, of the one part, and Romania, of the other part (OJ L 357 of 31/12/1994), as last amended by Decision No 1/97 of the EU-Romania Association Council of 31/01/1997 (OJ L 54 of 24/02/1997)

MT "MAHRUĠ RETROSPETTIVAMENT"
NL "AFGEGEVEN A POSTERIORI"
PL "WYSTAWIONE RETROSPEKTYWNIĘ"
PT "EMITIDO A POSTERIORI"
SL "IZDANO NAKNADNO"
SK "VYDANÉ DODATOČNE"
FI "ANNETTU JÄLKIKÄTEEN"
SV "UTFÄRDAT I EFTERHAND"
RO "EMIS A POSTERIORI".

3. Article 19(2) shall be replaced by the following:

(...)

The duplicate issued in this way must be endorsed with one of the following words:

ES "DUPLICADO"
CS "DUPLIKÁT"
DA "DUPLIKAT"
DE "DUPLIKAT"
ET "DUPLIKAAT"
EL "ΑΝΤΙΓΡΑΦΟ"
EN "DUPLICATE"
FR "DUPLICATA"
IT "DUPLICATO"
LV "DUBLIKĀTS"
LT "DUBLIKATAS"
HU "MÁSODLAT"
MT "DUPLIKAT"
NL "DUPLICAAT"
PL "DUPLIKAT"
PT "SEGUNDA VIA"

SL "DVOJNIK"
SK "DUPLIKÁT"
FI "KAKSOISKAPPALE"
SV "DUPLIKAT"
RO "DUPLICAT".

4. Annex IV shall be replaced by the following:

(...)

Spanish version

El exportador de los productos incluidos en el presente documento (autorización aduanera n°⁽¹⁾) declara que, salvo indicación en sentido contrario, estos productos gozan de un origen preferencial⁽²⁾.

Czech version

Vývozce výrobků uvedených v tomto dokumentu (číslo povolení ...⁽¹⁾) prohlašuje, že kromě zřetelně označených, mají tyto výrobky preferenční původ v ...⁽²⁾.

Danish version

Eksportøren af varer, der er omfattet af nærværende dokument, (toldmyndighedernes tilladelse nr. ...⁽¹⁾), erklærer, at varerne, medmindre andet tydeligt er angivet, har præferenceoprindelse i ...⁽²⁾.

German version

Der Ausführer (Ermächtigter Ausführer; Bewilligungs-Nr. ...⁽¹⁾) der Waren, auf die sich dieses Handelspapier bezieht, erklärt, dass diese Waren, soweit nicht anders angegeben, präferenzbegünstigte ...⁽²⁾ Ursprungswaren sind.

Estonian version

Käesoleva dokumendiga hõlmatud toodete eksportija (tolliameti kinnitus nr. ...⁽¹⁾) deklareerib, et need tooted on ...⁽²⁾ sooduspäritoluga, välja arvatud juhul kui on selgelt näidatud teisiti.

Greek version

Ο εξαγωγέας των προϊόντων που καλύπτονται από το παρόν έγγραφο (άδεια τελωνείου υπ' αριθ. ...⁽¹⁾) δηλώνει ότι, εκτός εάν δηλώνεται σαφώς άλλως, τα προϊόντα αυτά είναι προτιμησιακής καταγωγής ...⁽²⁾.

English version

The exporter of the products covered by this document (customs authorization No ...⁽¹⁾) declares that, except where otherwise clearly indicated, these products are of ...⁽²⁾ preferential origin.

French version

L'exportateur des produits couverts par le présent document (autorisation douanière n° ...⁽¹⁾) déclare que, sauf indication claire du contraire, ces produits ont l'origine préférentielle ...⁽²⁾.

Italian version

L'esportatore delle merci contemplate nel presente documento (autorizzazione doganale n. ...⁽¹⁾) dichiara che, salvo indicazione contraria, le merci sono di origine preferenziale ...⁽²⁾.

Latvian version

Eksportētājs produktiem, kuri ietverti šajā dokumentā (muitas pilnvara Nr. ...⁽¹⁾), deklarē, ka, izņemot tur, kur ir citādi skaidri noteikts, šiem produktiem ir priekšrocību izcelsme no ...⁽²⁾.

Lithuanian version

Šiame dokumente išvardintų prekių eksportuotojas (muitinės liudijimo Nr. ...⁽¹⁾) deklaruoja, kad, jeigu kitaip nenurodyta, tai yra...⁽²⁾ preferencinės kilmės prekės.

Hungarian version

A jelen okmányban szereplő áruk exportőre (vámfelhatalmazási szám: ...⁽¹⁾) kijelentem, hogy eltérő jelzés hiányában az áruk kedvezményes ...⁽²⁾ származásúak.

Maltese version

L-esportatur tal-prodotti koperti b'dan id-dokument (awtorizzazzjoni tad-dwana nru. ...⁽¹⁾) jiddikjara li, hliet fejn indikat b'mod ċar li mhux hekk, dawn il-prodotti huma ta' oriġini preferenzjali ...⁽²⁾.

Dutch version

De exporteur van de goederen waarop dit document van toepassing is (douanevergunning nr. ...⁽¹⁾), verklaart dat, behoudens uitdrukkelijke andersluidende vermelding, deze goederen van preferentiële ... oorsprong zijn⁽²⁾.

Polish version

Eksporter produktów objętych tym dokumentem (upoważnienie władz celnych nr ...⁽¹⁾) deklaruje, że z wyjątkiem gdzie jest to wyraźnie określone, produkty te mają ...⁽²⁾ preferencyjne pochodzenie.

Portuguese version

O exportador dos produtos cobertos pelo presente documento (autorização aduaneira n.º ...⁽¹⁾), declara que, salvo expressamente indicado em contrário, estes produtos são de origem preferencial ...⁽²⁾.

Slovenian version

Izvoznik blaga, zajetega s tem dokumentom (pooblastilo carinskih organov št ...⁽¹⁾) izjavlja, da, razen če ni drugače jasno navedeno, ima to blago preferencialno ...⁽²⁾ poreklo.

Slovak version

Vývozca výrobkov uvedených v tomto dokumente (číslo povolenia ...⁽¹⁾) vyhlasuje, že okrem zreteľne označených, majú tieto výrobky preferenčný pôvod v ...⁽²⁾.

Finnish version

Tässä asiakirjassa mainittujen tuotteiden viejä (tullin lupa n:o ...⁽¹⁾) ilmoittaa, että nämä tuotteet ovat, ellei toisin ole selvästi merkitty, etuuskohteluun oikeutettuja ... alkuperätuotteita⁽²⁾.

Swedish version

Exportören av de varor som omfattas av detta dokument (tullmyndighetens tillstånd nr. ...⁽¹⁾) försäkrar att dessa varor, om inte annat tydligt markerats, har förmånsberättigande ... ursprung⁽²⁾.

Romanian version

Exportatorul produselor ce fac obiectul acestui document (autorizația vamală nr. ...⁽¹⁾) declară că, exceptând cazul în care în mod expres este indicat altfel, aceste produse sunt de origine preferențială ...⁽²⁾.

(...)

SECTION IV

ECONOMIC AND MONETARY UNION

Article 5

The text of Article 86 on monetary policy shall be replaced with the following:

‘At the request of Romanian authorities, the Community shall provide technical assistance designed to support the efforts of Romania towards the gradual approximation of its policies to those of the Economic and Monetary Union. This will include informal exchange of information concerning the principles and the functioning of the Economic and Monetary Union.’

SECTION V

Article 6

Proof of origin and administrative cooperation¹⁰

1. Proofs of origin properly issued by either Romania or a new Member State in the framework of preferential agreements applied between them shall be accepted in the respective countries provided that:
 - (a) the acquisition of such origin confers preferential tariff treatment on the basis of the preferential tariff measures contained in the Europe Agreement;

¹⁰ Referred to in the Act of Accession, Annex IV No 5, paragraphs 3 to 5

- (b) the proof of origin and the transport documents were issued no later than the day before the date of accession;
- (c) the proof of origin is submitted to the customs authorities within the period of four months from the date of accession.

Where goods were declared for importation in either Romania or a new Member State, prior to the date of accession, under preferential agreements or autonomous arrangements applied between Romania and that new Member State at that time, proof of origin issued retrospectively under those agreements or arrangements may also be accepted provided that it is submitted to the customs authorities within the period of four months from the date of accession.

- 2. Romania and the new Member States are authorised to retain the authorisations with which the status of “approved exporters” has been granted in the framework of preferential agreements or autonomous arrangements applied between them, provided that:
 - (a) such a provision is also provided for in the agreement concluded prior to the date of accession between Romania and the Community; and
 - (b) the approved exporter apply the rules of origin in force under that agreement.

These authorisations shall be replaced no later than one year after the date of accession, by new authorisations issued under the conditions of the Agreement.

- 3. Requests for subsequent verification of proof of origin issued under the preferential agreements or autonomous arrangements referred to in paragraphs 1 and 2 above shall be accepted by the competent customs authorities of either Romania or the Member States for a period of three years after the issue of the proof of origin concerned and may be made by those authorities for a period of three years after acceptance of the proof of origin submitted to those authorities in support of an import declaration.

Article 7

Goods en route or in temporary storage

- 1. The provisions of the Europe Agreement shall be applied to goods exported from either Romania to one of the new Member States or from one of the new Member States to Romania, which comply with the provisions of Protocol 4 on rules of origin to the Europe Agreement and that on the date of accession are either *en route* or in temporary storage, in a customs warehouse or in a free zone in Romania or in that new Member State.
- 2. Preferential treatment shall be granted in such cases, subject to the submission to the customs authorities of the importing country, within four months of the date of accession, of a proof of origin issued retrospectively by the customs authorities of the exporting country.

SECTION VI

GENERAL AND FINAL PROVISIONS

Article 8

This Protocol and the Annexes thereto shall form an integral part of the Europe Agreement.

Article 9

1. This Protocol shall be approved by the Community, by the Council of the European Union on behalf of the Member States, and by Romania in accordance with their own procedures.
2. The Parties shall notify each other of the accomplishment of the corresponding procedures referred to in the preceding paragraph. The instruments of approval shall be deposited with the General Secretariat of the Council of the European Union.

Article 10

1. This Protocol shall enter into force on the first day of the first month following the date of the deposit of the last instrument of approval.
2. This Protocol, with the exception of the trade provisions, shall apply provisionally with effect from 1 May 2004.

Article 11

This Protocol is drawn up in duplicate in the Czech, Danish, Dutch, English, Estonian, Finnish, French, German, Greek, Hungarian, Italian, Latvian, Lithuanian, Maltese, Polish, Portuguese, Slovene, Slovak, Spanish, and Swedish languages and the official language of Romania, each of these texts being equally authentic.

Article 12

The text of the Europe Agreement, including the Annexes and Protocols forming an integral part thereof, and the Final Act together with the declarations annexed thereto shall be drawn up in the Czech, Estonian, Hungarian, Latvian, Lithuanian, Maltese, Polish, Slovene and Slovak languages, and these texts shall be authentic in the same way as the original texts. The Association Council shall approve these texts.

Done at Brussels on [...] in the year 2004

FOR THE MEMBER STATES

FOR THE COUNCIL AND THE COMMISSION OF THE EUROPEAN COMMUNITIES

FOR ROMANIA

ANNEX A(a)

Custom duties on imports applicable in the Community to products originating in Romania and listed below shall be abolished – CN codes⁽¹⁾

0101	0705	0712 90 05	1104	1516 20 91	2005 10 00	2008 99 26
0103	0706 10 00	0712 90 19	1105 10 00	1516 20 95	2005 20 20	2008 99 28
0104 10 30	0706 90	0712 90 30	1105 20 00	1516 20 96	2005 20 80	2008 99 32
0104 10 80	0707 00 90	0712 90 50	1106	1516 20 98	2005 40 00	2008 99 33
0104 20	0708	0713 50 00	1108 20 00	1517 10 90	2005 51 00	2008 99 34
0105	0709 20 00	0713 90 00	1109 00 00	1517 90 91	2005 59 00	2008 99 36
0106 19 10	0709 40 00	0714	1208 10 00	1517 90 99	2005 60 00	2008 99 37
0106 39 10	0709 51 00	0802	1209 10 00	1518 00 31	2005 70	2008 99 38
0204	0709 52 00	0803 00	1209 21 00	1518 00 39	2005 90	2008 99 40
0205	0709 59	0804 10 00	1209 23 80	1522 00 31	2006 00	2008 99 43
0206 80 91	0709 60 10	0804 20	1209 29 50	1522 00 39	2007 10	2008 99 45
0206 90 91	0709 60 99	0804 30 00	1209 29 60	1522 00 91	2007 91 10	2008 99 46
0208	0709 70 00	0804 40 00	1209 29 80	1601 00	2007 91 30	2008 99 47
0209 00	0709 90 10	0805 10 50	1209 30 00	1602 10 00	2007 99 10	2008 99 49
0210 91 00	0709 90 20	080510 80	1209 91	1602 20	2007 99 20	2008 99 61
0210 92 00	0709 90 31	0805 50 90	1209 99 91	1602 41 90	2007 99 33	2008 99 62
0210 93 00	0709 90 39	0805 90 00	1209 99 99	1602 42 90	2007 99 35	2008 99 67
0210 99 10	0709 90 40	0806 10 90	1210	1602 49 90	2007 99 55	2008 99 72
0210 99 21	0709 90 50	0806 20	1211 90 30	1602 90	2007 99 57	2008 99 78
0210 99 29	0709 90 60	0807 19 00	1212 10 10	1603 00 10	2007 99 91	2008 99 99
0210 99 31	0710 10 00	0808 10 10	1212 10 99	1703	2007 99 93	2009
0210 99 39	0710 21 00	0808 20 10	1212 91 20	1902 20 30	2007 99 98	2106 90 30
0210 99 41	0710 22 00	0808 20 90	1212 91 80	2001 10 00	2008 11 92	2106 90 51
0210 99 49	0710 29 00	0809 40 90	1212 99 20	2001 90 20	2008 11 94	2106 90 55
0210 99 59	0710 30 00	0810	1214 90 10	2001 90 50	2008 11 96	2106 90 59
0210 99 60	0710 80	0811	1302 19 05	2001 90 60	2008 11 98	2206 00
0210 99 79	0710 90 00	0812 10 00	1501 00	2001 90 65	2008 19	2209 00
0210 99 80	0711 20	0812 90	1502 00	2001 90 70	2008 20	2302
0210 99 90	0711 30 00	0813	1503 00	2001 90 91	2008 30	2303 10 11
0407 00 90	0711 40 00	0814 00 00	1504	2001 90 93	2008 40	2306 90 19
0409 00 00	0711 59 00	09	1507	2001 90 99	2008 50	2307 00 19
0410 00 00	0711 90 10	1006 10 10	1508	2002	2008 60	2308 00
06	0711 90 50	1007 00	1509	2003 20 00	2008 70	2309 10 13
0701 10 00	0711 90 80	1008 10 00 ⁽²⁾	1510 00	2003 90 00	2008 80	2309 10 15
0701 90	0711 90 90	1008 20 00 ⁽²⁾	1511	2004 10 10	2008 92	2309 10 19
0703 10	0712 20 00	1008 90 ⁽²⁾	1512	2004 10 99	2008 99 11	2309 10 33
0703 20	0712 31 00	1102 90 90 ⁽²⁾	1513	2004 90 30	2008 99 19	2309 10 51
0703 90 00	0712 32 00	1103 19 90 ⁽²⁾	1514	2004 90 50	2008 99 21	2309 10 53
0704 20 00	0712 33 00	1103 20 90 ⁽²⁾	1515	2004 90 91	2008 99 23	2309 10 59
0704 90	0712 39 00		1516 10	2004 90 98	2008 99 25	2309 10 70

2309 10 90 3502 20 91

2309 90 3502 20 99

2401

3502 11 90

3502 19 90

- (1) As defined in Commission Regulation (EC) No 1789/2003 of 11 September 2003 amending Annex I to Council Regulation (EEC) N° 2658/87 on the tariff and statistical nomenclature and on the Common Customs Tariff (OJ L 281 of 30.10.2003, p. 1)
- (2) This concession is only applicable to products not benefiting from any kind of export subsidies.

ANNEX A(b)

**Imports into the Community of the following products originating in Romania
shall be subject to the concessions set out below**

(MFN= Most Favoured Nation duty)

CN code	Description ⁽¹⁾	Applicable duty (% of MFN) ⁽²⁾	ANNUAL QUANTITY from 1.7.2004 (tonnes)	YEARLY INCREASE as from 1.7.2005 (tonnes)	Specific provisions
0102 90 05 0102 90 21 0102 90 29 0102 90 41 0102 90 49 0102 90 51 0102 90 59 0102 90 61 0102 90 71	Live bovine animals	free	46 000 heads	0	
0201 0202	Meat of bovines, fresh, chilled or frozen	free	4 000	0	(3) (11)
ex 0203 021011 021012 021019	Meat of domestic swine, fresh, chilled or frozen	free	15 625	0	(4)(3) (11)
0206 10 95 0206 29 91 0210 20 0210 99 51	Fresh or chilled edible bovine thick and thin skirt Frozen edible bovine thick and thin skirt Meat of bovine animals, salted, in brine, dried or smoked Thick and thin skirt of bovine animals	free	100	0	(3) (11)
0207	Meat and edible offal, of the poultry of heading No 0105	free	9 000	0	(3) (11)
0402 10 19 0402 21 11 0402 21 19 0402 21 91	Milk and cream, in powder or other solid forms	free	1 500	0	
0403 10 11 to 0403 10 39 0403 90 11 to 0403 90 69	Yoghurt, not flavoured nor containing added fruits, nuts or cocoa Other, not flavoured nor containing added fruits, nuts or cocoa	free	1 000	0	
0406	Cheese and curd	free	2 800	200	(3) (11)
0407 00 11 0407 00 19 0407 00 30 0408	Birds eggs in shell Birds eggs not in shell	free	2 330	0	(3)
0702 00 00 0702 00 00	Tomatoes Tomatoes	free 100%	9 750 -	0 -	(5) (6) (11) (6)
ex 0704 10 00	Cauliflower and headed broccoli, from 15 April to 30 November.	free	unlimited		
0707 00 05	Cucumbers - for processing -other than for processing	free free free	unlimited 10 000 4 000	0 0	(5) (6) (6b) (5) (6a)
0709 10 00	Artichokes	free	unlimited	0	(5)
0709 90 70	Courgettes	free	unlimited		(5) (6)
ex 0709 30 00 ex 0709 90 90 ex 0709 90 90	Aubergines, from 1 January to 31 March Pumpkins and other gourds, from 1 January to 31 March Other, except parsley, from 1 January to 31 March	free	unlimited		
0711 51 00 2003 10 20 2003 10 30	Mushroom of the genus <i>Agaricus</i>	free	500	0	(11)

CN code	Description ⁽¹⁾	Applicable duty (% of MFN) ⁽²⁾	ANNUAL QUANTITY from 1.7.2004 (tonnes)	YEARLY INCREASE as from 1.7.2005 (tonnes)	Specific provisions
ex 0712 90 90	Horse-radish	free	unlimited		
0805 excluding 0805 10 50 0805 10 80 0805 50 90 0805 90 00	Citrus fruit, fresh or dried	free	unlimited		(5)
ex 0806 10 10	Fresh table grapes, from 1 January to 14 July (excl. emperor variety, from 1 to 31 January only)	free	unlimited		
ex 0807 11 00	Watermelons, from 1 November to 30 April	free	unlimited		
0808 10 20 0808 10 50 0808 10 90	Apples, other than cider apples	free	250	0	(5)(7) (11)
0808 10 20 0808 10 50 0808 10 90	Apples, other than cider apples	100% 100% 100%	- - -	- - -	(7) (7) (7)
0808 20 50	Pears, other than perry pears	free	unlimited		(5) (8)
0809 10 00	Apricots	free	unlimited		(5) (6)
0809 20	Cherries	free	unlimited		(5) (6)
0809 30	Peaches including nectarines	free	unlimited		(5) (9)
0809 40 05	Plums - for processing in immediate containers of a net weight capacity exceeding 250 kg - others	Free free	Unlimited unlimited		(10) (5) (10)
1001	Wheat and meslin	free	230 000	0	(3) (11)
1003 00 1102 90 10 1103 19 30 1103 20 20	Barley Barley flour Barley groats and meal Barley pellets	free	89 000	0	(3)
1004 00 00 1102 90 30 1103 19 40 1103 20 30	Oats Oats flour Groats and meal of oats Pellets of oats	free	7 000	0	(3)
1005 10 90	Maize seed, other than hybrid seed	free	1 000	0	(3) (11)
1005 90 00	Maize, other than seed	free	149 000	0	(3) (11)
1101 1103 11 1103 20 60	Wheat and meslin flour Wheat groats and meal Wheat pellets	free	18 000	0	(3) (11)
1107	Malt	free	10 000	0	(3) (11)
1602 31 1602 32 1602 39	Prepared or preserved meat of poultry	free	1 200	0	(3) (11)
1602 41 10 1602 42 10 1602 49 11 1602 49 13 1602 49 15 1602 49 19 1602 49 30 1602 49 50	Preserved meat of domestic swine	free	2 125	0	(3) (11)
ex 1602 50 39 ex 1602 50 80	Prepared or preserved tongue of bovine animals	free	unlimited		

CN code	Description ⁽¹⁾	Applicable duty (% of MFN) (2)	ANNUAL QUANTITY from 1.7.2004 (tonnes)	YEARLY INCREASE as from 1.7.2005 (tonnes)	Specific provisions
1602 50	Prepared or preserved meat or offal of bovine animals	free	500	0	(3) (11)
1701	Sugar	free	5 500	0	
1702	Other sugars				
2003 10 20 2003 10 30	Mushrooms of the genus <i>Agaricus</i>	free	250	0	(11)
ex 2007 91 90 2007 99 31 ex 2007 99 39	Other, with the exception of orange jams and marmalades Cherry jam Fruit preparations, with sugar content > 30% by weight, fruit within headings 0801, 0803, 0804 (except figs and pineapples), 0807 20 00, 0810 20 90, 0810 30 90, 0810 40 10, 0810 40 50, 0810 40 90, 0810 50, 0810 60, 0810 90	free	unlimited		(5) (5)
2204 30	Other grape must	free	unlimited		(5)

- (1) Notwithstanding the rules for the interpretation of the Combined Nomenclature, the wording of the description of the products is to be considered as having no more than indicative value, the preferential scheme being determined, within the context of this Annex, by the coverage of the CN code. Where ex CN codes are indicated, the preferential scheme is to be determined by application to the CN code and corresponding description taken together.
- (2) In cases where a MFN minimum duty exists, the applicable minimum duty is equal to the MFN minimum duty multiplied by the percentage indicated in this column.
- (3) This concession is only applicable to products not benefiting from any kind of export subsidies.
- (4) Excluding tenderloin presented alone.
- (5) The exemption applies only to the ad valorem part of the duty.
- (6) Entry price system: for all imports (within and outside the tariff quotas, as applicable) of CN codes 0702 (tomatoes), 0707.00.05 (cucumbers), 0709.90.70 (courgettes), 0809.10 (apricots) and 0809.20 (cherries), five additional stages (10%, 12%, 14% 16% and 18%) are herewith introduced which have to be used before the application of the full specific duty as mentioned in the Combined Nomenclature.
- (6a) For imports from Romania to the Community of 4 000 tonnes of cucumbers other than for processing (CN code ex 0707 00 05), the entry price level (from which specific duties will be reduced to zero) will be reduced by 10% from July 2004, 20% from July 2005 and 30% from July 2006.
- (6b) Imports from Romania to the Community of 10,000 tons of cucumbers destined for processing (CN code ex 0707 00 05) will be exempted from ad valorem and the specific duty. Entry under this subheading is subject to conditions laid down in the relevant Community provisions – see Articles 291 to 300 of Commission Regulation (EEC) No 2454/93 (OJ L 253, 11.10.1993, p.71) and subsequent amendments.
- (7) Entry price system: for all imports (within and outside the tariff quotas) of CN codes 0808.10.20, 0808.10.50, 0808.10.90 (apples), the following concessions should be applied:
- Five additional stages (10%, 12%, 14%, 16% and 18%) are herewith introduced for the period 1 January to 14 February, which have to be used before the application of the full specific duty as mentioned in the Combined Nomenclature;

- Three additional stages (14%, 16% and 18%) are herewith introduced for the period 15 February to 31 March, which have to be used before the application of the full specific duty as mentioned in the Combined Nomenclature
 - Two additional stages (16% and 18%) are herewith introduced for the period 1 April to 15 July, which have to be used before the application of the full specific duty as mentioned in the Combined Nomenclature
 - Five additional stages (10%, 12%, 14%, 16% and 18%) are herewith introduced for the period 16 July to 31 December, which have to be used before the application of the full specific duty as mentioned in the Combined Nomenclature.
- (8) Entry price system: for all imports of CN code 0808.20.50 (pears), the following concessions should be applied:
- Five additional stages (10%, 12%, 14%, 16% and 18%) are herewith introduced for the period 1 January to 31 March, which have to be used before the application of the full specific duty as mentioned in the Combined Nomenclature;
 - Two additional stages (16% and 18%) are herewith introduced for the periods 1 to 30 April and 1 to 15 July, which have to be used before the application of the full specific duty as mentioned in the Combined Nomenclature;
 - Five additional stages (10%, 12%, 14%, 16% and 18%) are herewith introduced for the period 16 July to 31 December, which have to be used before the application of the full specific duty as mentioned in the Combined Nomenclature.
- (9) Entry price system: for all imports of CN code 0809.30 (peaches and nectarines), the following concessions should be applied:
- Three additional stages (10%, 12% and 14%) are herewith introduced for the period 11 June to 31 July, which have to be used before the application of the full specific duty as mentioned in the Combined Nomenclature;
 - Five additional stages (10%, 12%, 14%, 16% and 18%) are herewith introduced for the periods 1 August to 30 September, which have to be used before the application of the full specific duty as mentioned in the Combined Nomenclature.
- (10) Entry price system: for all imports of CN code ex 0809.40.05 (plums other than destined for processing, in immediate containers of a net capacity weight exceeding 250 kg), three additional stages (10%, 12% and 14%) are herewith introduced which have to be used before the application of the full specific duty as mentioned in the Combined Nomenclature.
- In addition imports from Romania to the Community of plums destined for processing in immediate containers of a net capacity weight exceeding 250kg (CN code ex. 0809.40.05) will be exempted from ad valorem and the specific duty. Entry under this subheading is subject to conditions laid down in the relevant Community provisions – see Articles 291 to 300 of Commission Regulation (EEC) No 2454/93 (OJ L 253, 11.10.1993, p.71) and subsequent amendments.
- (11) Quantities of goods subject to this existing tariff quota and released for free circulation as from 1 July 2004 before the entry into force of this Protocol shall be fully counted against the quantity provided for in the fourth column.

ANNEX B(a)

Custom duties on imports applicable in Romania to products originating in the Community and listed below shall be abolished - Romanian tariff codes⁽¹⁾

0101	0210 93 00	0703 10 11	0803	1204 00 10	1503	1702 40
0102 10	0210 99 10	0703 10 90	0804	1206 00 10	1504	1702 60
0102 90 90	0210 99 21	0703 90 00	0805	1207 30	1507 10 10	1702 90 30
0103 10 00	0210 99 29	0704 20 00	0806 10 90	1207 40	1507 90 10	1702 90 50
0103 91	0210 99 31	0704 90 10	0806 20	1207 50	1508	1702 90 60
0103 92 11	0210 99 39	0704 90 90	0807 20 00	1207 60	1509	1702 90 71
0103 92 90	0210 99 41	0705 29 00	0808 10 10	1207 91	1510 00	1702 90 75
0104	0210 99 49	0706 90 30	0808 20	1209 10 00	1512 11 10	1702 90 79
0105 11	0210 99 59	0706 90 90	0809 20	1209 21 00	1512 11 99	1702 90 80
0105 92 00	0210 99 60	0707 00 90	0809 40	1209 22	1512 19 10	1702 90 99
0105 93 00	0210 99 71	0708	0810 20	1209 23	1514	1703
0105 99	0210 99 79	0709 20 00	0810 30	1209 24 00	1515 11 00	1801 00 00
0106	0210 99 80	0709 40 00	0810 40 10	1209 25	1515 19	1902 20 30
0203 11 90	0210 99 90	0709 52 00	0810 40 50	1209 26 00	1515 21	2001 90 10
0203 12 90	0407 00 90	0709 59	0810 40 90	1209 29	1515 29	2001 90 20
0203 19 90	0408 11 20	0709 60	0810 50 00	1209 30 00	1515 30	2001 90 50
0203 21 90	0408 19 20	0709 70 00	0810 60 00	1209 91	1515 40 00	2001 90 65
0203 22 90	0408 91 20	0709 90 10	0810 90	1209 99	1515 50	2001 90 91
0203 29 90	0408 99 20	0709 90 20	0811	1210 10 00	1515 90	2001 90 96
0204	0409 00 00	0709 90 31	0812	1210 20	1516 10	2003 10
0205	0410 00 00	0709 90 40	0813	1211 30 00	1516 20 91	2003 20 00
0206 10 91 ⁽²⁾	0501 00 00	0709 90 50	0814 00 00	1211 40 00	1516 20 95	2003 90 00
0206 10 99 ⁽²⁾	0502 90 00	0709 90 60	0901	1211 90	1516 20 96	2004 10 10
0206 21 00 ⁽²⁾	0503 00 00	0709 90 90	0904 20	1212 10	1516 20 98	2004 10 99
0206 22 00 ⁽²⁾	0504 00 00	0710 80 10	0909	1213 00 00	1517 90 91	2004 90 30
0206 29 99 ⁽²⁾	0505 10 10	0710 80 61	0910 20	1214 10 00	1517 90 99	2004 90 50
0206 30 20	0506	0710 80 69	0910 40 11	1214 90	1518 00 31	2004 90 91
0206 30 00	0507 10 00	0710 80 85	0910 40 13	1301 10 00	1518 00 39	2004 90 98
0206 30 80	0507 90 00	0711 20	0910 40 19	1301 20 00	1522 00 31	2005 10 00
0206 41 00	0508 00 00	0711 30 00	1102 90 90 ⁽²⁾	1301 90	1522 00 39	2005 60 00
0206 49 20	0509 00 10	0711 40 00	1103 19 90 ⁽²⁾	1302 11 00	1522 00 91	2005 90 10
0206 49 80	0510 00 00	0711 51 00	1103 20 90 ⁽²⁾	1302 14 00	1522 00 99	2005 90 30
0206 80 91	0511 91	0711 59 00	1104	1302 19 05	1602 20 11	2005 90 50
0206 80 99	0511 99	0711 90 10	1106 10 00	1302 19 98	1602 20 19	2005 90 60
0206 90 91	0601	0711 90 50	1106 20	1302 32 90	1602 41	2005 90 70
0206 90 99	0602 10	0711 90 80	1106 30	1302 39 00	1602 42 90	2005 90 75
0208	0602 20	0711 90 90	1108 11 00	1401	1602 49 90	2005 90 80
0209 00 19	0602 30 00	0712	1108 12 00	1402 00 00	1602 90	2006 00
0209 00 30	0602 40	0713	1108 13 00	1403 00 00	1603	2007 10 91
0209 00 90	0602 90	0714	1108 20 00	1404	1702 19 00	2007 99 93
0210 91 00	0603 90 00	0801	1202 10	1501 00	1702 20	2008 11
0210 92 00	0604	0802	1202 20 00	1502	1702 30	2008 19 11

2008 19 13	2009 41 99	3502 20 91
2008 19 51	2009 49 19	3502 20 99
2008 19 59	2009 49 93	5301 10 00
2008 19 93	2009 49 99	5301 29 00
2008 20 19	2009 80 32	5301 30 90
2008 20 39	2009 80 33	5302 10 00
2008 20 51	2009 80 36	5302 90 00
2008 20 59	2009 80 73	
2008 20 71	2009 80 83	
2008 20 79	2009 80 84	
2008 20 90	2009 80 88	
2008 30	2009 80 97	
2008 92 72	2009 90 41	
2008 99 11	2009 90 49	
2008 99 19	2009 90 71	
2008 99 25	2009 90 73	
2008 99 26	2009 90 79	
2008 99 41	2009 90 92	
2008 99 46	2009 90 95	
2008 99 47	2009 90 97	
2008 99 49	2106 90 30	
2008 99 51	2106 90 51	
2008 99 61	2106 90 55	
2008 99 62	2106 90 59	
2009 12 00	2204 30 10	
2009 21 00	2204 30 92	
2009 29 19	2204 30 94	
2009 29 99	2204 30 96	
2009 31 19	2204 30 98	
2009 31 51	2206 00	
2009 31 59	2301	
2009 31 91	2302	
2009 31 99	2303	
2009 39 19	2304 00 00	
2009 39 39	2305 00 00	
2009 39 55	2306	
2009 39 59	2307 00	
2009 39 91	2308 00	
2009 39 95	2309 90	
2009 39 99	3502 11 90	
2009 41 91	3502 19 90	

(1) As defined in Law No 680/2003, MO I No 928/23.12.2003.

(2) This concession is only applicable to products not benefiting from any kind of export subsidies.

ANNEX B(b)

**Imports into Romania of the following products originating in the Community
shall be subject to the concessions set out below**

Romanian tariff code	Description *	Applicable custom duty (% ad valorem)	ANNUAL QUANTITY from 1.7.2004 (tonnes)	YEARLY INCREASE as from 1.7.2005 (tonnes)	Specific provisions
ex 0102 90 41 ex 0102 90 49	Heifers (female bovines that have never calved), weighing more than 220 kg	free	unlimited		
0102 90 51 0102 90 59 0102 90 61 0102 90 71	Heifers and cows of a weight exceeding 300 kg.	15	15 000 heads		
0103 92 19	Live domestic swine weighing >= 50kg (excl sows having farrowed at least once and weighing >=180 kg and those pure bred for breeding)	15	14 000		(1) (3)
0201 0202	Meat of bovine animals, fresh, chilled or frozen	free	4 000		(1) (2)
0203 22 0203 29 0210 11 0210 12 0210 19	Meat of domestic swine, fresh chilled or frozen	free	23 000		(1)
0206 10 95 0206 29 91 0210 20 0210 99 51	Fresh or chilled edible bovine thick and thin skirt Frozen edible bovine thick and thin skirt Meat of bovine animals, salted, in brine, dried or smoked Thick and thin skirt of bovine animals	free	100		(1) (2)
0207	Meat and edible offal, of the poultry of heading No 0105	free	9 000		(1) (2)
0209 00 11	Fresh chilled or frozen subcutaneous pig fat salted in brine	20	850		
0402 10 19 0402 21 11 0402 21 19 0402 21 91	Milk and cream, in powder or other solid forms	free	1 500		(2)
0403 10 11 to 0403 10 39 0403 90 11 to 0403 90 69	Yoghurt, not flavoured nor containing added fruits, nuts or cocoa Other, not flavoured nor containing added fruits, nuts or cocoa	free	1 000		(2)
0404 10 02 to 0404 10 16	Whey, in powder or other solid forms, not containing added sugar or other sweetening matter	18,8	unlimited		
0405 10 0405 90	Butter and other fats and oils derived from milk	free	1 900		(2)
0406	Cheese and curd	free	2 800	200	(1) (2)
0407 00 11 0407 00 19 0407 00 30 0408 11 80 0408 19 81 0408 19 89 0408 91 80 0408 99 80	Birds eggs in shell Birds eggs not in shell	free	2 330		(1)
ex 0603 10	Cut flowers and flower buds, fresh in the period 1 November to 31 May	free	unlimited		
ex 0701 10 00	Seed potatoes, fresh or chilled, of superior biological categories	free	unlimited		
0701 90 10 0701 90 50 0701 90 90	Potatoes, fresh or chilled other than seed.	free	20 000		(2)
0702 00 00	Tomatoes	free	300		(1)
0703 10 19	Onions fresh or chilled (excl sets)	free	5 000		

Romanian tariff code	Description *	Applicable custom duty (% ad valorem)	ANNUAL QUANTITY from 1.7.2004 (tonnes)	YEARLY INCREASE as from 1.7.2005 (tonnes)	Specific provisions
ex 0703 20 00	Garlic, fresh or chilled in the period 1 January to 30 June	free	unlimited		
ex 0704 10 00	Cauliflower and headed broccoli, fresh or chilled in the period 1 December to 30 April	free	unlimited		
ex 0705 21 00	Witloof chicory, fresh or chilled in the period 1 January to 30 June	free	unlimited		
0706 10 00	Carrots and turnips, fresh or chilled	free	1 000		
0706 90 10	Celeriac (rooted celery or German celery), fresh or chilled	free	250		
0707 00 05	Cucumbers, fresh or chilled	free	200		
0709 10	Globe artichokes, fresh or chilled	18.8	unlimited		
0709 90 39	Olives, for the production of oil				
ex 0709 30 00	Aubergines, fresh or chilled in the period 1 January to 31 March	free	unlimited		
0709 51 00	Mushrooms of the genus <i>Agaricus</i> , fresh or chilled	free	300		
ex 0709 90 70	Courgettes, fresh or chilled in the period 1 January to 31 March	free	unlimited		
0710 10 00 0710 21 00 0710 22 00 0710 29 00 0710 30 00 0710 80 51 0710 80 59 0710 80 70 0710 80 80 0710 80 95 0710 90 00	Vegetables (uncooked or cooked by steaming or boiling in water) frozen	7	unlimited		
ex 0806 10 10	Fresh table grapes, from 1 January to 14 July (excl. emperor variety, from 1 to 31 January only)	free	unlimited		
ex 0807 11 00 ex 0807 19 00	Fresh watermelons in the period 1 November to 30 June Fresh melons in the period 1 November to 30 June	free	unlimited		
0808 10 90	Fresh apples (<i>excluding cider apples in bulk from 16 September to 15 December and the varieties Golden Delicious and Granny Smith</i>)	free	500		
0809 10 00	Fresh apricots	free	200		
ex 0809 30 10 ex 0809 30 90	Fresh nectarines in the period 1 November to 31 May Fresh peaches in the period 1 November to 31 May	free	unlimited		
ex 0810 10 00	Fresh strawberries in the period from 1 September to 15 April	free	unlimited		
ex 1001 10 00	Durum wheat, seed	free	unlimited		
ex 1001	Wheat and meslin, except durum wheat seed	free	125 000		(1) (2)
1002 00 00	Rye	free	30 000		(2)
1003 00 1102 90 10 1103 19 30 1103 20 20	Barley Barley flour Barley groats and meal Barley pellets	free	57 000		(1) (2)
1004 00 00 1102 90 30 1103 19 40 1103 20 30	Oats Oats flour Groats and meal of oats Pellets of oats	free	7 000		(1)
1005 10	Maize seed	free	3 700		(1) (2)
1005 90 00	Maize, other than seed	free	49 000		(1) (2)
1006 1102 30 00 1103 19 50 1103 20 50	Rice Rice flour Rice groats and meal Rice pellets	free	10 000		(2)

Romanian tariff code	Description *	Applicable custom duty (% ad valorem)	ANNUAL QUANTITY from 1.7.2004 (tonnes)	YEARLY INCREASE as from 1.7.2005 (tonnes)	Specific provisions
1101 1103 11 1103 20 60	Wheat and meslin flour Wheat groats and meal Wheat pellets	free	3 000		(1) (2)
1101 1103 11 1103 20 60	Wheat and meslin flour Wheat groats and meal Wheat pellets	15	40 000		(1) (4)
1105 10 00 1105 20 00	Potato flour or meal	free	100		
1107	Malt	free	31 100		(1) (2)
1507 10 90 1507 90 90	Crude soya bean oil Other	free	2 500		
1517 10 90	Margarine containing = < 10% milk fat (excl liquid)	free	1 000		
1601 00 10 1601 00 91 1601 00 99	Liver sausage	free	1 125		
1602 10 00	Homogenised prepared meat, offal or blood put up for retail sale infant food or for dietetic purposes, in containers of =250g.	15	1 250		
1602 20 90 1602 49 19	Preparations of liver, other than goose or duck liver Meat preparations of domestic swine, other	18,8	unlimited		
1602 31 to 1602 39	Prepared or preserved meat of poultry	free	1 200		(1) (2)
1602 41 10 1602 42 10 1602 49 11 1602 49 13 1602 49 15 1602 49 30 1602 49 50	Hams and cuts thereof, of domestic swine	free	2 125		(1)
1602 50	Meat preparations of bovine animals	free	500		(1) (2)
1701 11 1701 12 1701 91 1701 99	Raw cane sugar Raw beet sugar Other sugar White or other sugar, not containing added flavouring or colouring	free 18,8	20 000 15 000		(2)
2001 10 00 2001 90 70 2001 90 93 2001 90 99	Cucumbers and gherkins, prepared or preserved by vinegar or acetic acid	free	2 000		
2002 10 10 2002 10 90 2002 90 11 2002 90 19 2002 90 31 2002 90 39 2002 90 91 2002 90 99	Tomatoes, prepared or preserved otherwise than by vinegar or acetic acid	free	2 000		
2005 20 20 2005 20 80	Potatoes, prepared or preserved otherwise than by vinegar or acetic acid, not frozen, other than products of heading 2006	free	250		
2005 40 00 2005 51 00 2005 59 00	Peas, prepared or preserved otherwise than by vinegar or acetic acid, not frozen, other than products of heading 2006 Beans shelled Other	free	1 200		
2005 70	Olives, prepared or conserved	free	5 000		(2)

Romanian tariff code	Description *	Applicable custom duty (% ad valorem)	ANNUAL QUANTITY from 1.7.2004 (tonnes)	YEARLY INCREASE as from 1.7.2005 (tonnes)	Specific provisions
2007 10 10 2007 10 99 2007 99 10 2007 99 20 2007 99 31 2007 99 33 2007 99 39 2007 99 55 2007 99 57 2007 99 91 2007 99 98	Jam, fruit jellies, marmalades,	free	500		
2008 19 19 2008 19 95 2008 19 99 2008 20 11 2008 20 31	Fruit, nuts and other edible parts of plants	6	unlimited		
2008 40	Pears, otherwise prepared or preserved, whether or not containing added sugar or other sweetening matter or spirit.	6	unlimited		
2007 91	Jams, fruit jellies, marmalades, puree and pastes of citrus fruits	18.8	unlimited		
2007 99 35	Jams, fruit jellies, marmalades, puree and pastes of raspberries				
2009 11 2009 19 2009 29 11 2009 29 91 2009 31 11 2009 39 11 2009 39 31 2009 39 51 2009 41 10 2009 49 11 2009 49 30 2009 49 91	Frozen orange juice Other orange juice Grapefruit juice Other citrus fruit juice Lemon juice Pineapple juice	18.8	unlimited		
2008 50 11	Apricots, otherwise prepared or preserved, whether or not containing added sugar or other sweetening matter or spirit	6	unlimited		
2009 50 10 2009 50 90	Tomato juice	free	100		
2009 61 10 2009 61 90 2009 69 11 2009 69 19 2009 69 51 2009 69 59 2009 69 71 2009 69 79 2009 69 90	Grape juice (including grape must) unfermented and not containing added spirit, whether or not containing added sugar or other sweetening matter.	free	1 000		
2009 71 10 2009 71 91 2009 71 99 2009 79 11 2009 79 19 2009 79 30 2009 79 91 2009 79 93 2009 79 99	Apple juice, unfermented and not containing added spirit, whether or not containing added sugar or other sweetening matter.	12	unlimited		
Romanian tariff code	Description *	Applicable custom duty (% ad valorem)	ANNUAL QUANTITY from 1.7.2004 (tonnes)	YEARLY INCREASE as from 1.7.2005 (tonnes)	Specific provisions
2009 80 11 2009 80 19 2009 80 35	Pear juice, unfermented and not containing added spirit, whether or not containing added sugar or other sweetening matter.	free	300		

2009 80 38					
2009 80 50					
2009 80 61					
2009 80 63					
2009 80 69					
2009 80 71					
2009 80 79					
2009 80 86					
2009 80 89					
2009 80 95					
2009 80 96					
2009 80 99					
2009 90 11					
2009 90 19					
2009 90 21					
2009 90 29					
2009 90 31					
2009 90 39					
2009 90 51					
2009 90 59					
2009 90 94					
2009 90 96					
2009 90 98					
ex 2204 10 ex 2204 21 ex 2204 29	Wine of fresh grapes	free	60 000hl		
2209 00 11 2209 0019 2209 00 91 2209 00 99	Wine Vinegar	free	1 000	100	
2309 10	Dog or cat food	free	11 000		
2401 excluding 2401 30 00	Un-manufactured tobacco	free	3 200		(2)
ex 2401 30 00	Tobacco strips	free	500		

* The wording of the description of the products is to be considered as having no more than indicative value, the preferential scheme being determined, within the context of this Annex, by the coverage of the code. Where ex codes are indicated, the preferential scheme is to be determined by application to the code and corresponding description taken together.

- (1) This concession is only applicable to products not benefiting from any kind of export subsidies.
- (2) Quantities of goods subject to this existing tariff quota and released for free circulation as from 1 July 2004 before the entry into force of this Protocol shall be fully counted against the quantity provided for in the fourth column.
- (3) This product is subject to a 1,000 head increase in July 2005.
- (4) This concession will be managed on a calendar year basis 1 January- 31 December. The annual quantity will increase to 60,000 tons from 1 January 2005 and to 80,000 tons from 1 January 2006.

FINANCIAL STATEMENT		(note fin/04/17449)		
		DATE: 18/5/2004		
1.	BUDGET HEADING: Revenue – chapter 10 – agricultural levies	APPROPRIATIONS: Budget 2004 : 858,975 € million		
2.	TITLE: Negotiations between the European Commission and Romania on new agricultural concessions (Brussels, 10 May 2004)			
3.	LEGAL BASIS: Article 133 of the Treaty and Article 300, 2 nd paragraph of the Treaty			
4.	AIMS OF PROJECT: Agricultural trade liberalisation with Romania			
5.	FINANCIAL IMPLICATIONS	PERIOD OF 12 MONTHS (EUR million)	CURRENT FINANCIAL YEAR 2004 (EUR million)	FOLLOWING FINANCIAL YEAR 2005 and following (EUR million)
5.0	EXPENDITURE - CHARGED TO EC BUDGET REFUNDS / INTERVENTION) - NATIONAL ADMINISTRATION - OTHER	p.m.	p.m.	p.m.
5.1	REVENUE - OWN RESOURCES OF THE EU LEVIES / CUSTOMS DUTIES) - NATIONAL	- 2,5	- 2,3	- 2,5
5.0.1	ESTIMATED EXPENDITURE	-	-	-
5.1.1	ESTIMATED REVENUE	-	-	-
5.2	METHOD OF CALCULATION:			
6.0	CAN THE PROJECT BE FINANCED FROM APPROPRIATIONS ENTERED IN THE RELEVANT CHAPTER OF THE CURRENT BUDGET ?			OUI NON
6.1	CAN THE PROJECT BE FINANCED BY TRANSFER BETWEEN CHAPTERS OF THE CURRENT BUDGET ?			OUI NON
6.2	IS A SUPPLEMENTARY BUDGET NECESSARY?			OUI NON
6.3	WILL FUTURE BUDGET APPROPRIATIONS BE NECESSARY ?			OUI NON
OBSERVATIONS:				
<u>Revenue</u> :				
2004 : Loss as compared to the expected amount of duties for beef meat at a reduced rate (-2,1) and for pork meat (-2,5), provided the decision enters into force on 1/7/2004				
2005 : Loss as compared to the expected import of pork meat at a reduced rate (-2,5) given that the duties on imported beef meat is already at 0.				
<u>Expenditure</u> :				
The abolishing of export refunds for pig meat, eggs, barley products and oats products could lead to a very minimal savings based on current trade.				