



COMMISSION OF THE EUROPEAN COMMUNITIES

Brussels, 13.8.2004  
COM(2004) 558 final

2004/0189 (ACC)

Proposal for a

**COUNCIL REGULATION**

**establishing certain concessions for the Swiss Confederation in the form of Community  
tariff quotas for certain processed agricultural products**

(presented by the Commission)

## **EXPLANATORY MEMORANDUM**

Pursuant to Article 6(1) of the Act of Accession of the Czech Republic, Estonia, Cyprus, Latvia, Lithuania, Hungary, Malta, Poland, Slovenia, and Slovakia, these countries must directly apply from 1 May 2004 the provisions of the preferential agreement concluded by the European Economic Community with the Swiss Confederation on 22 July 1972. On the date they acceded to the European Union, the new Member States had to give up the bilateral preferential agreements they had previously concluded with the Swiss Confederation. These agreements provided for specific concessions in their favour, particularly with regard to certain processed agricultural products. At the “summit” on 19 May 2004, the EU and the Swiss Confederation concluded an agreement, effective 1 May 2004, incorporating the bilateral preferences between the Swiss Confederation and the new Member States into the preferential trade between the two parties. A draft agreement describing these concessions was signed on 25 June 2004.

As the provisions negotiated between the EU and the Swiss Confederation cannot be applied from 1 May 2004, the EU needs to take measures to resolve the situation.

In consequence, it is essential to lay down independent transitional measures which make it possible to take account of the specific arrangements which existed for trade in processed agricultural products between the new Member States and the third country in question.

Such measures, which should not prejudge the outcome of the discussions under way with a view to concluding additional protocols, would only, however, be adopted under the express condition that the third country in question also take equivalent independent measures in the interests of reciprocity. As for the measures themselves, they would be limited insofar as the European Union was concerned to increasing the annual tariff quota for product code CN 2106 9092 by 280 tonnes in addition to the previous tariff quota for this product. Trade volume under 100 tonnes has not been taken into consideration.

The Swiss Confederation has also given a political undertaking to adopt for its part independent transitional measures with regard to certain processed agricultural products, having legal effect retroactive to 1 May 2004.

Proposal for a

**COUNCIL REGULATION**

**establishing certain concessions for the Swiss Confederation in the form of Community tariff quotas for certain processed agricultural products**

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community, and in particular Article 133 thereof,

Having regard to the Act of Accession of the Czech Republic, Estonia, Cyprus, Latvia, Lithuania, Hungary, Malta, Poland, Slovenia, and Slovakia, and in particular Article 6(1) thereof,

Having regard to the proposal from the Commission,

Whereas:

- (1) Within the framework of the preferential agreement between the European Economic Community and the Swiss Confederation concluded by Regulation (EEC) No 2840/72<sup>1</sup> a concession regarding a processed agricultural products was granted to this country;
- (2) Following the accession of the Czech Republic, Estonia, Cyprus, Latvia, Lithuania, Hungary, Malta, Poland, Slovenia and Slovakia, the said concession should be adapted to take account of the specific arrangements which existed for trade in processed agricultural products between these ten countries, on the one hand, and Switzerland, on the other;
- (3) To accomplish this, negotiations were completed on 25 June 2004 regarding the signature of an agreement which would make the adaptations to the abovementioned preferential agreement needed to take account of the effects of the enlargement of the European Union;
- (4) However, as time was too short, the agreement could not enter into force for 1 May 2004, and in such circumstances the Community must adopt the measures needed to resolve the situation;
- (5) The measure is to take the form of an autonomous Community tariff quota covering the preferential tariff concessions applied under the agreement to the Czech Republic, Estonia, Cyprus, Latvia, Lithuania, Hungary, Malta, Poland, Slovenia and Slovakia;

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<sup>1</sup> OJ L 300, 19.12.1972.

- (6) A tariff quota was set in 2004 for the same product under order No 09.0914 by Commission Regulation (EC) No 2232/2003<sup>2</sup>. The new tariff quota is in addition to the existing concession.
- (7) The Swiss Confederation has also given a political undertaking, subject to reciprocity, to adopt independent transitional measures in favour of the European Community having legal effect from 1 May 2004;

HAS ADOPTED THIS REGULATION:

*Article 1*

From 1 May to 31 December 2004, the merchandise originating in Switzerland listed in Annex I is subject to an open tariff quota according to the conditions specified.

*Article 2*

The quota referred to in Article 1 is to be administered by the Commission in accordance with Articles 308a, 308b and 308c of Commission Regulation (EEC) No 2454/93 of 2 July 1993<sup>3</sup>.

*Article 3*

This Regulation shall enter into force on the day following its publication in the *Official Journal of the European Union*.

It shall apply from 1 May 2004.

This Regulation shall be binding in its entirety and directly applicable in all Member States.

Done at Brussels,

*For the Council  
The President*

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<sup>2</sup> OJ L 339, 24.12.2003.

<sup>3</sup> OJ L 253, 11.10.1993.

**ANNEX I**

**OPEN PREFERENTIAL TARIFF QUOTA**

| <b>Order number</b> | <b>CN code</b> | <b>Description of the goods</b>  | <b>Autonomous quota</b>       | <b>Rate of duty applicable</b> | <b>Autonomous quota</b> |
|---------------------|----------------|--|-------------------------------|--------------------------------|-------------------------|
|                     |                |  | <b>1.5.2004 to 31.12.2004</b> |                                | <b>Following Year</b>   |
| 09.0914             | 2106 90 92     | Food preparations not elsewhere specified or included, containing no milk fats, sucrose, isoglucose, glucose or starch or containing, by weight, less than 1.5% milk fat, 5% sucrose or isoglucose, 5% glucose or starch | 187 t.                        | exemption                      | 1309 t.                 |

| <b>FICHE FINANCIERE</b>   |  | ENTR F4                                   |  |     |
|---|--|---|--|-----|
|   |  | DATE: 15.6.2004                           |  |     |
| 1. LIGNE BUDGETAIRE:<br>Chapitre 12 – Article 120   |  | CREDITS:                                  |  |     |
| 2. INTITULE DE LA MESURE:<br>Projet de Règlement (CE) du Conseil établissant certaines concessions sous forme de contingents tarifaires communautaires pour certains produits agricoles transformés   |  |   |  |     |
| 3. BASE JURIDIQUE:<br>Article 133 – Article 6.1 de l'Acte d'adhésion  |  |   |  |     |
| 4. OBJECTIFS DE LA MESURE:<br>Mise en œuvre de mesures transitoires autonomes permettant de tenir compte du régime des échanges préférentiels bilatéraux qui préexistaient en matière de produits agricoles transformés entre les nouveaux états membres et la Suisse.  |  |   |  |     |
| 5. INCIDENCES FINANCIERES   | PERIODE DE<br>12 MOIS<br><br>(Mio EUR) | EXERCICE EN<br>COURS<br>2004<br>(Mio EUR) | EXERCICE<br>SUIVANT<br>2005<br>(Mio EUR) |     |
| 5.0 DEPENSES A LA CHARGE<br>- DU BUDGET DES CE<br>(RESTITUTIONS/INTERVENTIONS)<br>- DES BUDGETS NATIONAUX<br>- D'AUTRES SECTEURS  |  |   |  |     |
| 5.1 RECETTES<br>- RESSOURCES PROPRES DES CE<br>(PRELEVEMENTS/DROITS DE DOUANE)<br>- SUR LE PLAN NATIONAL / impact<br>net de la mesure   | -0,20                                  | - 0,13                                    | -0,90                                    |     |
|   | n+2                                    | n+3                                       | n+4                                      | n+5 |
| 5.0.1 PREVISIONS DES DEPENSES   |  |   |  |     |
| 5.1.1 PREVISIONS DES RECETTES   |  |   |  |     |
| 5.2 MODE DE CALCUL:<br>Pour l'année 2004, basé sur la valeur moyenne à l'importation depuis la Suisse de 187 tonnes du produit concerné, code CN 2106 9092, multipliée par le pourcentage de droits NPF de 12,8 % applicables aux pays tiers x par 75% afin de déterminer l' <b>impact net de la mesure</b> . Pour les exercices suivants, contingent tarifaire: 12 mois soit 280t + 1029t = 1309t. |  |   |  |     |
| 6.0 FINANCEMENT POSSIBLE PAR CREDITS INSCRITS AU CHAPITRE<br>CONCERNE DU BUDGET EN COURS D'EXECUTION  |  |   |  | NON |
| 6.1 FINANCEMENT POSSIBLE PAR VIREMENT ENTRE CHAPITRES DU<br>BUDGET EN COURS D'EXECUTION   |  |   |  | NON |
| 6.2 NECESSITE D'UN BUDGET SUPPLEMENTAIRE  |  |   |  | NON |
| 6.3 CREDITS A INSCRIRE DANS LES BUDGETS FUTURS  |  |   |  | NON |
| OBSERVATIONS:<br>Pour l'année 2004, l'ouverture du contingent est de 8/12ème du contingent annuel agréé.  |  |   |  |     |