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COMMISSION OF THE EUROPEAN COMMUNITIES

Brussels, 14.10.2004  
COM(2004)671 final

2004/0235 (ACC)

Proposal for a

**COUNCIL REGULATION**

**adopting autonomous and transitional measures to open a Community tariff quota for  
certain agricultural products originating in Switzerland**

(presented by the Commission)

## **EXPLANATORY MEMORANDUM**

The Community and the Swiss Confederation agreed at the bilateral Summit on 19 May 2004 on the principle that the trade flows in accordance with the preferences granted previously under the bilateral arrangements between the new Member States and Switzerland should be maintained after the enlargement of the European Union. New Community tariff concessions were agreed including the widening of an existing duty-free Community tariff quota (certain products of CN code 0705) to cover a new product (CN code 0705 21 00).

To implement this new tariff quota, it is necessary to adopt an autonomous measure pending formal adoption of a decision to amend the Annexes 1 and 2 of the Agreement between the European Community and the Swiss Confederation on trade in agricultural products. The present measure must be repealed when that amendment is implemented.

This is the purpose of the present proposal.

Proposal for a

**COUNCIL REGULATION**

**adopting autonomous and transitional measures to open a Community tariff quota for certain agricultural products originating in Switzerland**

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 proposal from the Commission<sup>1</sup>,

Whereas:

- (1) Following the enlargement of the European Union on 1 May 2004 the Community and Switzerland agreed on 19 May 2004 on the principle that the trade flows in accordance with the preferences granted previously under the bilateral arrangements between the new Member States and Switzerland should be maintained after the enlargement. Parties therefore agreed to adapt the tariff concessions laid down in the Agreement between the European Community and the Swiss Confederation of 21 June 1999 on trade in agricultural products<sup>2</sup> (hereinafter referred to as "the Agreement"), which entered into force on 1 June 2002. The adaptation of these concessions, which are listed in Annexes 1 and 2 to the Agreement, includes the widening of an existing duty-free Community tariff quota (products of CN codes 0705 11 00, 0705 19 00 and 0705 29 00, under the order number 09.0925) to cover a new product (CN code 0705 21 00).
- (2) It has been agreed by the Parties, on the basis of reciprocity, that the changes to bilateral tariff-concessions have to be applied retroactively from 1 May 2004. Since the procedure for adopting bilaterally a decision to amend Annexes 1 and 2 to the Agreement will not be completed immediately, Parties agreed to provide for the application of those concessions on an autonomous and transitional basis as from 1 May 2004.
- (3) To ensure that quota benefit for products of CN code 0705 21 00 is available from 1 May 2004, a new Community tariff quota limited to those products should be provided for during a transitional period, without prejudice to continued access to other products within the framework of the existing tariff quota laid down in the Agreement and in Regulation (EC) No 933/2002 of 31 May 2002 opening and

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<sup>1</sup> OJ C, , p.

<sup>2</sup> OJ L 114, 30.4.2002, p. 132.

providing for the management of tariff quotas for certain agricultural products originating in Switzerland, and repealing Regulation (EC) No 851/95<sup>3</sup>.

- (4) To be eligible for the benefit of this tariff quota products must originate in Switzerland in conformity with the rules referred to in Article 4 of the Agreement.
- (5) Commission Regulation (EEC) No 2454/93 of 2 July 1993 laying down provisions for the implementation of Council Regulation (EEC) No 2913/92 establishing the Community Customs Code<sup>4</sup> provides for a system for managing tariff quotas. The tariff quota opened by this Regulation should be managed by the Community authorities and the Member States in accordance with that system.
- (6) Since the new tariff quota shall be opened from 1 May 2004, this Regulation should be applicable from the same date and enter into force as soon as possible.

HAS ADOPTED THIS REGULATION:

#### *Article 1*

A duty-free Community tariff quota for products of CN code 0705 21 00 originating in Switzerland shall be opened annually, for 1 January to 31 December, under the order number 09.0947. In 2004, it shall be opened for 1 May to 31 December. The volume in 2004 and annually thereafter shall be 500 tonnes net weight.

#### *Article 2*

The tariff quota referred to in Article 1 shall be managed by the Commission in accordance with the Articles 308a, 308b and 308c of Regulation (EEC) No 2454/93.

#### *Article 3*

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

This Regulation shall apply from 1 May 2004.

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

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<sup>3</sup> OJ L 144 of 1.6.2002, p.22.

<sup>4</sup> OJ L 253, 11.10.1993, p. 1. Regulation as last amended by Regulation (EC) No 2866/2003 (OJ L 343, 31.12.2003, p.1).

Done at Brussels,

*For the Council  
The President*

<b>FINANCIAL STATEMENT</b>	
	DATE:
1.	<b>BUDGET HEADING:</b> Chapter 12 Article 120
2.	<b>TITLE:</b> Council Regulation adopting autonomous and transitional measures to open a tariff quota for certain agricultural products originating in Switzerland
3.	<b>LEGAL BASIS:</b> Article 133 of the Treaty
4.	<b>AIMS:</b> To implement a new Community duty-free tariff quota concession agreed between the European Community and the Swiss Confederation at the bilateral Summit on 19 May 2004
5.	<b>FINANCIAL IMPLICATIONS:</b> This Regulation does not entail any financial losses or gains other than those in the financial statement related to the Council Decision approving the Community tariff concessions agreed at the above-mentioned summit.
6.	<b>FRAUD-PREVENTION MEASURES:</b> Provisions for the management of tariff quotas include the measures necessary for preventing fraud and irregularities (application of the controls provided in the Community Customs Code and its implementing provisions)