

Proposal for a Council Decision relating to the conclusion of an Agreement between the European Community and the Republic of Bulgaria concerning fishery products, in the form of an additional Protocol completing the Europe Agreement establishing an association between the European Communities and their Member States, of the one part, and the Republic of Bulgaria, of the other part

(2002/C 291 E/04)

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(Submitted by the Commission on 25 April 2002)

EXPLANATORY MEMORANDUM

On 29 May 2000, the Council approved the negotiating mandate for the Commission to undertake negotiations with the associated CEECs, including the Republic of Bulgaria, to conclude reciprocal tariff concessions in the fisheries sector. As a result, negotiations were held with the Republic of Bulgaria on 4 October 2001 and 10 January 2002 to finalise these bilateral concessions. The details of the bilateral concessions are contained in Agreed Minutes that were signed on behalf of the Commission and the Bulgarian authorities on 10 January 2002. The two parties agreed on a model for gradual and reciprocal liberalisation of trade on all fish and fishery products.

The agreement states that both the Community and the Republic of Bulgaria, from the date of entry into force of the agreement, will remove the customs tariff duties applied to certain fish and fishery products listed in a specific Annex. The Community and the Republic of Bulgaria also agree to apply, from the date of entry into force of this agreement, a 30 % *ad valorem* reduction of the customs tariff duties applied to all the remaining fish and fishery products. The following year a further reduction of 30 % will be applied and two years after the entry into force of the agreement, full free trade of all fish and fishery products will be applied.

The Commission is of the opinion that the results of the technical negotiations represent a balanced and acceptable result which, in a simple administrative manner, and on a gradual basis, will lead to full free trade, without any exceptions, between the Republic of Bulgaria and the European Community.

The present proposal is one of a series on which the Council is being asked to take a decision. It adheres to the same principles of gradual liberalisation of trade in fish and fishery products as the earlier proposals.

In light of the above, the Council is requested to adopt the present decision to add a Protocol concerning trade concessions in the fisheries sector to the Europe Agreement with the Republic of Bulgaria.

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community, and in particular Article 133 in conjunction with Article 300(2), first sub-paragraph, first sentence, thereof,

Having regard to the proposal from the Commission,

Whereas:

- (1) It is desirable to complete by means of an additional Protocol the Europe Agreement establishing an association between the European Communities and their Member States, of the one part, and the Republic of Bulgaria, of the other part⁽¹⁾, so as to provide for preferential conditions for the importation into the Community of fish and fishery products originating in the Republic of Bulgaria, and into the Republic of Bulgaria of fish and fishery products originating in the Community.
- (2) To that end a new Protocol laying down the trade arrangements for fish and fishery products should be added to the said Europe Agreement.

(3) The Agreement in the form of a Protocol should be approved,

HAS DECIDED AS FOLLOWS:

Article 1

The Agreement between the European Community and the Republic of Bulgaria in the form of an additional Protocol concerning fishery products, completing the Europe Agreement establishing an association between the European Communities and their Member States, of the one part, and the Republic of Bulgaria, of the other part, is hereby approved on behalf of the Community.

The text of the Agreement in the form of a Protocol is attached to this Decision.

Article 2

The President of the Council is authorised to designate the person empowered to sign the Agreement in order to bind the Community.

⁽¹⁾ OJ L 358, 31.12.1994, p. 3.

AGREEMENT

between the European Community and the Republic of Bulgaria concerning fishery products in the form of an additional Protocol completing the Europe Agreement establishing an association between the European Communities and their Member States, of the one part, and the Republic of Bulgaria of the other part

ADDITIONAL PROTOCOL

laying down the trade arrangements for fish and fishery products between the European Community and the Republic of Bulgaria

THE EUROPEAN COMMUNITY, hereinafter referred to as 'the Community' of the one part, and

THE GOVERNMENT OF THE REPUBLIC OF BULGARIA, of the other part,

WHEREAS the Europe Agreement establishing an association between the European Communities and their Member States, of the one part, and the Republic of Bulgaria, of the other part, hereinafter referred to as 'the Europe Agreement', was signed in Brussels on 8 March 1993 and entered into force on 1 February 1995;

WHEREAS technical negotiations based on Articles 21(5) and 24 of the Europe Agreement were carried out and successfully concluded between the Community and the Republic of Bulgaria to agree on reciprocal tariff concessions in the fisheries sector;

WHEREAS the Community and the Republic of Bulgaria also agreed on an administratively simple manner of implementing the negotiated tariff concessions as soon as possible on a gradual basis;

HAVE DECIDED to apply the agreed tariff concessions in view of establishing full free trade of all fish and fishery products:

Article 1

From the date of entry into force of this Protocol, both Parties shall apply full free trade for all the products specified in the Annex to this Protocol.

From date of entry into force of this Protocol, both Parties shall apply a 30 % *ad valorem* reduction of the customs tariff duties applied by the Community and by the Republic of Bulgaria respectively for all remaining fish and fishery products as defined in Article 1 of the Council Regulation (EC) No 104/2000.

One year after the date of entry into force of this Protocol, both Parties shall apply a further 30 % *ad valorem* reduction of the customs tariff duties as they were at the time of entry into force of this Protocol.

Two years after the date of entry into force of this Protocol, or if commonly agreed before this date, full free trade of all fish and fishery products will be applied.

Article 2

The calculation of the reductions mentioned in Article 1 will be carried out by using common mathematics principles taking into account that:

- (a) all the figures which have less than 50 (included) after the decimal point should be rounded down to the nearest whole number;
- (b) all the figures which have more than 50 after the decimal point should be rounded up to the nearest whole number;
- (c) all the tariffs below 2 % should automatically be fixed at 0 %.

Article 3

This Protocol will enter into force on the first day of the month following the date on which the Parties have notified each other of the accomplishment of their internal procedures.

Article 4

This Protocol may be amended by decision of the Association Council.

ANNEX

LIST OF PRODUCTS REFERRED TO IN ARTICLE 1(1) OF THE PROTOCOL

Tariff No	Description
0301 93	-- Carp, live
0302 69 11	---- Carp, fresh or chilled
0303 21	-- Trout (<i>Salmo trutta</i> , <i>Oncorhynchus mykiss</i> , <i>Oncorhynchus clarki</i> , <i>Oncorhynchus aguabonita</i> , <i>Oncorhynchus gilae</i> , <i>Oncorhynchus apache</i> and <i>Oncorhynchus chrysogaster</i>), excluding livers and roes, frozen:
0303 50 00	- Herrings (<i>Clupea harengus</i> , <i>Clupea pallasii</i>), excluding livers and roes, frozen
0303 71	-- Sardines (<i>Sardina pilchardus</i> , <i>Sardinops</i> spp.), sardinella (<i>Sardinella</i> spp.), brisling or sprats (<i>Sprattus sprattus</i>), frozen:
0303 74	-- Mackerel (<i>Scomber scombrus</i> , <i>Scomber australasicus</i> , <i>Scomber japonicus</i>), frozen:
0303 79	-- Other frozen fishes:
0304 10 19	---- Fillets of other freshwater fish, fresh or chilled
ex 0304 10 38	---- Fillets of herring and mackerel, fresh or chilled
ex 0304 10 91	--- Other fresh or chilled meat of freshwater fish other than of trout
0304 20	- Frozen fillets:
0304 90	- Other fish meat, frozen:
0305 30	- Fish fillets, dried, salted or in brine, but not smoked:
0305 41 00	-- Pacific salmon (<i>Oncorhynchus nerka</i> , <i>Oncorhynchus gorbuscha</i> , <i>Oncorhynchus keta</i> , <i>Oncorhynchus tshawytscha</i> , <i>Oncorhynchus kisutch</i> , <i>Oncorhynchus masou</i> and <i>Oncorhynchus rhodurus</i>), Atlantic salmon (<i>Salmo salar</i>) and Danube salmon (<i>Hucho hucho</i>), smoked
0305 49	-- Other smoked fish, including fillets:
0305 69	-- Other salted but not dried or smoked fish and other fish in brine:
0306 13 30	--- Shrimps of the genus <i>Crangon</i> , frozen
0306 23 31	---- Shrimps of the genus <i>Crangon</i> , fresh, chilled or cooked by steaming or by boiling in water
0306 23 39	---- Other
0307 31 10	--- Mussels (<i>Mytilus</i> spp.), live, fresh or chilled
0307 39 10	--- Mussels (<i>Mytilus</i> spp.), other than live, fresh or chilled
0307 49	-- Cuttle fish (<i>Sepia officinalis</i> , <i>Rossia macrosoma</i> , <i>Sepiola</i> spp.) and squid (<i>Ommastrephes</i> spp., <i>Loligo</i> spp., <i>Nototodarus</i> spp., <i>Sepioteuthis</i> spp.) other than live, fresh or chilled
0307 99 13	---- Striped venus and other species of the family <i>Veneridae</i> , frozen
0511 91	-- Products of fish or crustaceans, molluscs or other aquatic invertebrates; dead animals of Chapter 3:
1604 12	-- Herrings, prepared or preserved:

Tariff No	Description
1604 14	-- Tunas, skipjack and bonito (<i>Sarda spp.</i>), prepared or preserved:
1604 19 10	--- Salmonidae, other than salmon, prepared or preserved
1604 19 91	---- Fillets, raw, merely coated with batter or breadcrumbs, whether or not prefried in oil, deep frozen
1604 19 92	----- Cod (<i>Gadus morhua</i> , <i>Gadus ogac</i> , <i>Gadus macrocephalus</i>), prepared or preserved
1604 19 93	----- Coalfish (<i>Pollachius virens</i>), prepared or preserved
1604 19 94	----- Hake (<i>Merluccius spp.</i> , <i>Urophycis spp.</i>), prepared or preserved
1604 20	- Other prepared or preserved fish:
1604 30	- Caviar and caviar substitutes:
1605 20	- Prepared or preserved shrimps and prawns:
1605 90	- Prepared or preserved molluscs and other aquatic invertebrates
2301 20 00	- Flours, meals and pellets, of fish or of crustaceans, molluscs or other aquatic invertebrates