

COUNCIL DECISION

of 8 April 2003

on the conclusion of a 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 the Republic of Bulgaria, of the other part, to take account of the outcome of negotiations between the Parties on new mutual agricultural concessions

(2003/286/EC)

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) subparagraph 1, first sentence thereof,

Having regard to the proposal from the Commission,

Whereas:

- (1) 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⁾, provides for certain reciprocal trade concessions for certain agricultural products.
- (2) Article 21(5) of the Europe Agreement provides that the Community and Bulgaria shall examine product by product and on an orderly and reciprocal basis the possibilities of granting each other further concessions.
- (3) The first improvements to the preferential arrangements of the Europe Agreement with Bulgaria were provided for in the Protocol adjusting trade aspects of the Europe Agreement to take account of the accession of the Republic of Austria, the Republic of Finland and the Kingdom of Sweden to the European Union and the outcome of the Uruguay Round negotiations on agriculture, including improvements to the existing preferential arrangements, approved by Council Decision 1999/278/EC ⁽²⁾.
- (4) Improvements to the preferential arrangements were also provided for as a result of negotiations to liberalise agricultural trade concluded in 2000. On the Community side, these were implemented from 1 July 2000 by Council Regulation (EC) No 2290/2000 of 9 October 2000 establishing certain concessions in the form of Community tariff quotas for certain agricultural products and providing for an adjustment, as an autonomous and transitional measure, of certain agricultural concessions provided for in the Europe Agreement with Bulgaria ⁽³⁾. This second adjustment of the preferential arrangements has not yet been incorporated in the Europe Agreement in the form of an Additional Protocol.
- (5) Negotiations for further improvements to the preferential arrangements of the Europe Agreement with Bulgaria were concluded on 18 October 2002.
- (6) The new Additional Protocol to the Europe Agreement adjusting the trade aspects of the Europe Agreement 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 Protocol) should be approved with a view to consolidating all concessions in agricultural trade between the two sides, including the results of the negotiations concluded in 2000 and 2002.
- (7) 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 ⁽⁴⁾ has codified the management rules for tariff quotas designed to be used following the chronological order of dates of customs declarations. Certain tariff quotas under this Decision should therefore be administered in accordance with those rules.
- (8) The measures necessary for the implementation of this Decision should be adopted in accordance with Council Decision 1999/468/EC of 28 June 1999 laying down the procedures for the exercise of implementing powers conferred on the Commission ⁽⁵⁾.
- (9) As a result of the aforementioned negotiations, Regulation (EC) No 2290/2000 has effectively lost its substance and should therefore be repealed,

HAS DECIDED AS FOLLOWS:

Article 1

The attached 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 the Republic of Bulgaria, of the other part, to take account of the outcome of negotiations between the parties on new mutual agricultural concessions, is hereby approved on behalf of the Community.

⁽¹⁾ OJ L 358, 31.12.1994, p. 3.

⁽²⁾ OJ L 112, 29.4.1999, p. 1.

⁽³⁾ OJ L 262, 17.10.2000, p. 1.

⁽⁴⁾ OJ L 253, 11.10.1993, p. 1. Regulation as last amended by Regulation (EC) No 444/2002 (OJ L 68, 12.3.2002, p. 11).

⁽⁵⁾ OJ L 184, 17.7.1999, p. 23.

Article 2

The President of the Council is hereby authorised to designate the person empowered to sign the Protocol on behalf of the Community and make the notification of approval provided for in Article 3 of the Protocol.

Article 3

1. Upon this Decision taking effect, the arrangements provided for in the Annexes of the Protocol attached to this Decision shall replace those referred to in Annexes X and XI as referred to in Article 21(2) and 21(3) of 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.

2. The Commission shall adopt detailed rules for the application of the Protocol in accordance with the procedure referred to in Article 5(2).

Article 4

1. The order numbers as attributed to the tariff quotas in the Annex to this Decision may be changed by the Commission in accordance with the procedure referred to in Article 5(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 2454/93.

2. Quantities of goods subject to tariff quotas and released for free circulation as from 1 July 2002 under the concessions provided for in Annex A(b) to Regulation (EC) No 2290/2000 shall be fully counted against the quantities provided for in the

fourth column in Annex A(b) to the attached Protocol, except for quantities for which import licences were issued before 1 July 2002.

Article 5

1. The Commission shall be assisted by the Management Committee for Cereals instituted by Article 23 of Council Regulation (EEC) No 1766/92⁽¹⁾ 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 Decision 1999/468/EC shall apply.

The period laid down in Article 4(3) of Decision 1999/468/EC shall be set at one month.

3. The Committee shall adopt its rules of procedure.

Article 6

Regulation (EC) No 2290/2000 shall be repealed as from the entry into force of the Protocol.

Done at Luxembourg, 8 April 2003.

For the Council

The President

G. DRYG

⁽¹⁾ OJ L 181, 1.7.1992, p. 21. Regulation as last amended by Regulation (EC) No 1666/2000 (OJ L 193, 29.7.2000, p. 1).

ANNEX

Order numbers for EU tariff quotas for products originating in Bulgaria

(as referred to in Article 4)

Quota order No	CN code	Description
09.4598	0102 90 05	Live bovine animals of a live weight not exceeding 80 kg
09.4537	0102 90 21 0102 90 29 0102 90 41 0102 90 49	Live bovine animals of a live weight exceeding 80 kg but not exceeding 300 kg
09.4563	ex 0102 90	Heifers and cows not for slaughter of the following mountain breeds: grey, brown, yellow, spotted Simmental and Pinzgau
09.4651	0201 0202	Meat of bovines, fresh, chilled or frozen
09.4671	ex 0203 0210 11 0210 12 0210 19 1601 00 1602 41 1602 42 1602 49	Meat of domestic swine, fresh, chilled or frozen Meat of swine, salted, in brine, dried or smoked Sausages and similar products Prepared or preserved meat, meat offal or blood of swine
09.5854	ex 0207	Meat and edible offal, of the poultry of heading 0105, excluding 0207 27 91, 0207 35 91, 0207 36 89
09.4675	0403 10 11 0403 10 13 0403 10 19 0403 10 31 0403 10 33 0403 10 39	Yoghurt
09.4660	0406	Cheese and curd
09.5891	0407 00 30	Eggs of poultry, in shell, not for hatching
09.6223	0701 90 50 0701 90 90	Potatoes
09.6225	0702 00 00	Tomatoes
09.6231	0707	Cucumbers and gherkins, fresh or chilled
09.6233	0709 60 10	Sweet peppers
09.5892	0709 90 70	Courgettes
09.6161	0710 21 00 0710 22 00 0710 29 00 0710 80 51 0710 80 69 0710 80 95	Frozen vegetables
09.4725	0711 51 00 2003 10 20 2003 10 30	Mushrooms of the genus <i>Agaricus</i>

Quota order No	CN code	Description
09.6245	0806 10	Fresh grapes
09.6247	0808 10	Apples
09.6249	0808 20 10 0808 20 50	Pears
09.6253	0809 10 00	Apricots
09.5731	0809 20 0811 90 75 0811 90 80	Cherries
09.6255	0809 30	Peaches
09.6162	0809 40 05	Plums
09.6261	0810 10 00	Strawberries, fresh
09.5573	0812 90 10	Apricots, provisionally preserved
09.4676	1001 1109 00 00	Wheat and meslin Wheat gluten
09.5893	1002 00 00 1102 10 00 1103 19 10 1103 20 10	Rye Rye flour Rye groats and meal Rye pellets
09.5894	1003 1102 90 10 1103 19 30 1103 20 20	Barley Barley flour Barley groats and meal Barley pellets
09.5895	1004 1102 90 30 1103 19 40 1103 20 30	Oats Oat flour Oats groats and meal Oats pellets
09.4677	1005 10 90 1005 90 00	Maize
09.6275	1512 11 10 1512 11 91 1512 19 10 1512 19 91	Sunflower-seed or safflower oil and fractions thereof
09.6277	1602 32 1602 39	Prepared or preserved meat of poultry
09.5896	1603 00 10	Extracts and juices, in packings of 1 kg or less
09.6279	2001 10 00	Cucumbers, preserved
09.5897	2001 90 70	Sweet peppers, preserved
09.6281	2002	Preserved or prepared tomatoes

Quota order No	CN code	Description
09.5898	2005 10 00 2005 20 20 2005 20 80 2005 40 00 2005 51 00 2005 59 00 2005 60 00 2005 90 30 2005 90 50 2005 90 60 2005 90 70 2005 90 75 2005 90 80	Other vegetables, prepared or preserved
09.6285	2007 99 33	Strawberry jam
09.5899	2008 40 11 2008 40 21 2008 40 29 2008 40 39 2008 40 51 2008 40 59 2008 40 71 2008 40 79 2008 40 91 2008 40 99	Pears, prepared or preserved
09.6287	2008 50	Apricots, prepared or preserved
09.6291	2008 70	Peaches, prepared or preserved
09.6293	2008 80	Strawberries, prepared or preserved
09.5900	2309 10 51 2309 10 90	Dog or cat food
09.5732	2309 90 31 2309 90 41	Preparations of a kind used in animal feeding
09.6299	2401 10 10 2401 10 60 2401 10 70 2401 20 10 2401 20 60 2401 20 70	Tobacco