

II

(Acts whose publication is not obligatory)

COUNCIL

COUNCIL DECISION

of 14 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 Czech Republic, of the other part, to take account of the outcome of negotiations between the parties on new mutual agricultural concessions

(2003/298/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), first subparagraph, 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 Czech Republic, of the other part⁽¹⁾ (hereinafter referred to as 'the Europe Agreement'), provides for certain reciprocal trade concessions for certain agricultural products.
- (2) Article 21(5) of the Europe Agreement provides that the Community and the Czech Republic 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 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 98/707/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 improvements were implemented from 1 July

2000 by Council Regulation (EC) No 2433/2000 of 17 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 the Czech Republic⁽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 were concluded on 3 May 2000 and on 6 June 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 Czech Republic, 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.

⁽¹⁾ OJ L 360, 31.12.1994, p. 2.

⁽²⁾ OJ L 341, 16.12.1998, p. 2.

⁽³⁾ OJ L 280, 4.11.2000, p. 1.

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

- (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 ⁽¹⁾.
- (9) As a result of the aforementioned negotiations, Regulation (EC) No 2433/2000 has effectively lost its substance and should therefore be repealed,

HAS DECIDED AS FOLLOWS:

Article 1

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 the Czech Republic, 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.

The text of the Protocol is attached to this Decision.

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 give 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 shall replace those referred to in Annexes XI and XII as referred to in Article 21(2) and (4), as amended, of the Europe Agreement.

2. The Commission shall adopt rules for the application of the Protocol in accordance with the procedure referred to in Article 6(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 6(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 2433/2000 shall be fully counted against the quantities provided for in the fourth column in Annex A(b) to the Protocol, except for quantities for which import licences were issued before 1 July 2002.

Article 5

Entitlement to the benefit from the Community tariff quota for wine referred to in the Annex to this Decision and in Annex C to the Protocol shall be subject to the presentation of a V I 1 document or a V I 2 extract in accordance with Commission Regulation (EC) No 883/2001 of 24 April 2001 laying down detailed rules for implementing Council Regulation (EC) No 1493/1999 as regards trade with third countries in products in the wine sector ⁽²⁾.

Article 6

1. The Commission shall be assisted by the Management Committee for Cereals instituted by Article 23 of Council Regulation (EEC) No 1766/92 of 30 June 1992 on the common organisation of the market in cereals ⁽³⁾ 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 provided for 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 7

Regulation (EC) No 2433/2000 is hereby repealed from the entry into force of the Protocol.

Done at Brussels, 14 April 2003.

For the Council

The President

A. GIANNITSIS

⁽¹⁾ OJ L 184, 17.7.1999, p. 23.

⁽²⁾ OJ L 128, 10.5.2001, p. 1; Regulation as last amended by Regulation (EC) No 2380/2002 (OJ L 358, 31.12.2002, p. 117).

⁽³⁾ OJ L 181, 1.7.1992, p. 21.

ANNEX

Order Nos for EU tariff quotas for products originating in the Czech Republic

(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
09.4625	0103 91 10 0103 92 19	Live swine, domestic species
09.4575	0104 10 30 0104 10 80 0104 20 90 0204	Live sheep or goats Meat of sheep or goats
09.4623	0201 0202	Meat of bovines, fresh, chilled or frozen
09.4626	ex 0203 0210 11 to 0210 19	Meat of domestic swine, fresh, chilled or frozen Meat of swine, salted, in brine, dried or smoked
09.5851	0207	Poultry, fresh, chilled or frozen
09.4611	0402	Milk powder and condensed milk
09.4636	0403 10 11 to 0403 10 39 0403 90 11 to 0403 90 69	Buttermilk and yoghurts and other fermented or acidified milk and cream
09.4637	0404	Whey and products consisting of natural milk constituents
09.4612	ex 0405	Butter and other fats and oils derived from milk excluding CN codes 0405 20 10 and 0405 20 30
09.4613	0406	Cheese and curd
09.5875	0408 11 80 0408 19 81 0408 19 89	Egg yolks, dried Egg yolks, liquid Egg yolks, frozen

Quota order No	CN code	Description
09.5876	0408 91 80	Birds' eggs, dried
	0408 99 80	Birds' eggs, other
09.5645	0603 10 10	Cut flowers and flower buds, fresh
	0603 10 20	
	0603 10 40	
	0603 10 50	
	0603 10 80	
09.5286	0808 10 20	Apples, fresh
	0808 10 50	
	0808 10 90	
09.5287	0811 10 11	Fruit and nuts
	0811 20 11	
	0811 90 11	
	0811 90 19	
	0811 90 85	
09.4638	1001	Wheat and meslin
09.5877	1002	Rye
09.5878	1003	Barley
09.5879	1004	Oats
09.4639	1005 10 90	Maize
	1005 90 00	
09.5880	1008	Buckwheat, millet and canary seed, other cereals
09.4618	1101 00	Wheat and meslin flour
09.4619	1107	Malt
09.5289	1512 11 10	Sunflower seed or safflower oil and fractions thereof
		Crude oil, for technical and industrial uses
09.5579	1514 11 10	Crude rapeseed, colza or mustard oil other than for human consumption
	1514 91 10	
09.4629	1601 00	Sausages and similar products
	1602 41 to 1602 49	Prepared or preserved meat of swine
09.5852	1602 31 to 1602 39	Prepared or preserved meat of poultry
09.5537	2001 10 00	Cucumbers, preserved
09.5763	2007 10 10	Homogenised preparations with a sugar content exceeding 13 % by weight

Quota order No	CN code	Description
09.5765	2009 11 19	Fruit juices
	2009 11 99	
	2009 12 00	
	2009 19 19	
	2009 19 98	
	2009 21 00	
	2009 29 19	
	2009 29 99	
	2009 31 19	
	2009 31 51	
	2009 31 59	
	2009 31 91	
	2009 31 99	
	2009 39 19	
	2009 39 39	
	2009 39 55	
	2009 39 59	
	2009 39 95	
	2009 39 99	
	2009 41 91	
	2009 41 99	
	2009 49 19	
	2009 49 93	
	2009 49 99	
	2009 61 10	
	2009 61 90	
	2009 69 11	
	2009 69 19	
	2009 69 51	
	2009 69 59	
	2009 69 90	
09.5539	2009 79 11	Apple juice
	2009 79 91	
09.5851	ex 2204 10 ⁽¹⁾	Sparkling wine
	ex 2204 21 ⁽¹⁾	Wine of fresh grapes
	ex 2204 29 ⁽¹⁾	

⁽¹⁾ TARIC codes: 2204 10 19 91; 2204 10 19 99; 2204 10 99 91; 2204 10 99 99; 2204 21 10 00; 2204 21 79 79; 2204 21 79 80; 2204 21 80 79; 2204 21 80 80; 2204 21 83 10; 2204 21 83 79; 2204 21 83 80; 2204 21 84 10; 2204 21 84 79; 2204 21 84 80; 2204 21 94 10; 2204 21 94 30; 2204 21 98 10; 2204 21 98 30; 2204 21 99 10; 2204 29 65 00; 2204 29 75 10; 2204 29 83 10; 2204 29 83 80; 2204 29 84 10; 2204 29 84 30; 2204 29 94 10; 2204 29 94 30; 2204 29 98 10; 2204 29 98 30; 2204 29 99 10.