

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

(2003/299/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 Slovak 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 Slovak Republic are to 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 Decision 98/638/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 Regulation (EC) No 2434/2000 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 Slovak 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 25 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 Slovak 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.
- (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 2434/2000 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 Slovak 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.

⁽¹⁾ OJ L 359, 31.12.1994, p. 2.

⁽²⁾ OJ L 306, 16.11.1998, p. 2.

⁽³⁾ OJ L 280, 4.11.2000, p. 9.

⁽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 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 attached to this Decision 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 establishing an Association between the European Communities and their Member States, of the one part, and the Slovak Republic, of the other part.

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 2434/2000 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

Entitlement to the benefits from the Community tariff quota for wine referred to in Annex to this Decision and in Annex C of the protocol shall be subject to the presentation of a VI 1 document or a VI 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 ⁽¹⁾.

Article 6

1. The Commission shall be assisted by the 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 ⁽²⁾ 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 one month.

3. The Committee shall adopt its Rules of Procedure.

Article 7

Regulation (EC) No 2434/2000 shall be 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 128, 10.5.2001, p. 1; Regulation as last amended by Regulation (EC) No 2380/2002 (OJ L 358, 31.12.2002, p. 117).

⁽²⁾ 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 the Slovak 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
09.4575	0104 10 30 0104 10 80 0104 20 90	Live sheep or goats
09.4624	0201 0202	Meat of bovines, fresh, chilled or frozen
09.4632	ex 0203 0210 11 to 0210 19	Meat of domestic swine, fresh, chilled or frozen Meat of swine, salted, in brine, dried or smoked
09.4644	0206 10 to 29 0210 20	Meat of bovine animals (offal)
09.5853	ex 0207 1602 31 to 1602 39	Poultry, fresh, chilled or frozen (other than 0207 13 91, 0207 14 91, 0207 26 91, 0207 27 91, 0207 35 91, 0207 36 89) Prepared or preserved meat of poultry
09.4641	0402	Milk powder and condensed milk
09.4645	0403 10 11 to 39 0403 90 11 to 69 0404	Buttermilks, yoghurts and other fermented or acidified milk and cream Whey and products consisting of natural milk constituents
09.4642	ex 0405	Butter and other fats and oils derived from milk except CN codes 0405 20 10 and 0405 20 30
09.4643	0406	Cheese and curd
09.5883	0407 00 11 0407 00 19 0407 00 30	Eggs of poultry in shell
09.5884	0408 11 80 0408 19 81 0408 19 89	Egg yolks, dried Egg yolks, liquid Egg yolks, frozen
09.5885	0408 91 80 0408 99 80	Birds' eggs, dried Birds' eggs, other
09.5771	0702 00 00	Tomatoes, fresh or chilled
09.5773	ex 0708 10 00	Fresh or chilled peas, from 1 June to 31 August
09.5286	0808 10	Apples, fresh
09.5535	0810 20	Raspberries, blackberries, mulberries and loganberries
09.5781	0810 30 10	Blackcurrants, fresh

Quota order No.	CN code	Description
09.5783	0810 30 30	Redcurrants, fresh
09.5789	0811 20 39	Blackcurrants, frozen
09.5791	0811 20 51	Redcurrants, frozen
09.5287	ex 0811	Other than 0811 10 90, 0811 20 19, 0811 20 31, 0811 20 39, 0811 20 51, 0811 20 59, 0811 20 90, 0811 90 50, 0811 90 70, 0811 90 75, 0811 90 80, 0811 90 85, 0811 90 95
09.4646	1001	Wheat and meslin
09.5886	1002	Rye
09.5887	1003	Barley
09.5888	1004	Oats
09.4647	1005 10 90 1005 90 00	Maize
09.5889	1008	Buckwheat, millet and canary seed, other cereals
09.4618	1101 00	Wheat and meslin flour
09.4619	1107 10 99	Malt, not roasted, other than of wheat
09.4634	1601 00 1602 41 to 1602 49	Sausages and similar products Prepared or preserved meat of swine
09.4648	1602 50	Other prepared or preserved meat, meat offal or blood of bovine animal
09.5296	2001 10 00	Cucumbers, preserved
09.5799	ex 2001 90 96	Asparagus
09.5601	2002	Tomatoes, prepared or preserved
09.5803	2009 12 00 2009 19 98 2009 21 00 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 61 10 2009 61 90 2009 69 11 2009 69 19 2009 69 51 2009 69 59 2009 69 90	Fruit juices
09.5539	2009 71 2009 79	Apple juice
09.5890	ex 2204 ⁽¹⁾	Wine of fresh grapes

⁽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.