

II

(Acts whose publication is not obligatory)

COUNCIL

COUNCIL DECISION

of 22 September 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 Latvia, of the other part, to take account of the outcome of negotiations between the parties on new mutual agricultural concessions

(2004/484/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 Latvia, of the other part, hereinafter referred to as 'the Europe Agreement' ⁽¹⁾, provides for certain reciprocal trade concessions for certain agricultural products.
- (2) Article 20(4) of the Europe Agreement provides that the Community and Latvia 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 Decision 1999/790/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 2341/2000 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 Latvia ⁽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 4 April 2002. The results of the negotiations have so far been implemented by the respective parties in the form of autonomous measures, applicable as from 1 July 2002. On the Community side, the autonomous measures were implemented by Council Regulation (EC) No 1362/2002 of 22 July 2002 establishing 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 Latvia ⁽⁴⁾. Similar legislative measures were adopted and implemented by the Republic of Latvia.
- (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 Latvia, 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.

⁽¹⁾ OJ L 26, 2.2.1998, p. 3.

⁽²⁾ OJ L 317, 10.12.1999, p. 1.

⁽³⁾ OJ L 271, 24.10.2000, p. 7.

⁽⁴⁾ OJ L 198, 27.7.2002, p. 13.

- (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 ⁽¹⁾ has codified the management rules for tariff quotas designed to be used following the chronological order of dates of customs declarations. Certain tariff quotas in 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 ⁽²⁾.
- (9) As a result of the aforementioned negotiations, Regulation (EC) No 1362/2002 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 Republic of Latvia, 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 4 of the Protocol.

Article 3

1. Upon this Decision taking effect, the arrangements provided for in the Annexes to the Protocol attached to this Decision shall replace those referred to in Annexes Va, X and XI as referred to in Article 20(2), 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 5.

Article 4

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. 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.

Article 5

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 ⁽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 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 1362/2002 shall be repealed from the entry into force of the Protocol.

Done at Brussels, 22 September 2003.

For the Council

The President

F. FRATTINI

⁽¹⁾ 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).

⁽²⁾ OJ L 184, 17.7.1999, p. 23.

⁽³⁾ 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 Latvia

(as referred to in Article 4)

Quota order No	CN code	Description
09.4598	0102 90 05	Live bovine animals of domestic species 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 domestic species 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
09.4871	0201 0202 0206 10 95 0206 29 91 0210 20 0210 99 51 0210 99 90 1602 50	Meat of bovine animals, fresh or chilled Meat of bovine animals, frozen Edible offal of bovine animals, fresh or chilled, thick skirt and thin skirt Edible offal of bovine animals, frozen, other, thick skirt and thin skirt Meat of bovine animals, salted, in brine, dried or smoked Thick skirt and thin skirt of bovine animals Edible flours and meals of meat or meat offal Other prepared or preserved meat or meat offal of bovine animals
09.4540	ex 0203	Meat of domestic swine, fresh, chilled or frozen, excluding CN codes 0203 11 90, 0203 12 90, 0203 19 90, 0203 21 90, 0203 22 90, 0203 29 90
09.6676	ex 0207	Meat and edible offal, of the poultry of heading No 0105, fresh, chilled or frozen excluding CN codes 0207 13 91, 0207 14 91, 0207 26 91, 0207 27 91, 0207 34 10, 0207 34 90, 0207 35 91, 0207 36 81, 0207 36 85, 0207 36 89
09.4872	0401	Milk and cream, not concentrated, nor containing added sugar or other sweetening matter
09.4873	0402	Milk and cream, concentrated or containing added sugar or other sweetening matter
09.4874	0403 10 11 to 0403 10 39 0403 90 11 to 0403 90 69	Yoghurt, not flavoured nor containing added fruit, nuts or cocoa Buttermilk, curdled milk and cream, kephir and other fermented or acidified milk and cream, not flavoured nor containing added fruit nuts or cocoa
09.4551	0405 10 11 0405 10 19 0405 10 30 0405 10 50 0405 10 90 0405 20 90 0405 90	Natural butter of a fat content, by weight, not exceeding 85 %, in immediate packings of a net content not exceeding 1 kg Natural butter of a fat content by weight not exceeding 85 %, other Recombined butter, of a fat content, by weight, not exceeding 85 % Whey butter Butter, other Dairy spreads of a fat content, by weight, of more than 75 % but less than 80 % Other fats and oils derived from milk

Quota order No	CN code	Description
09.4552	0406	Cheese and curd
09.6677	0409 00 00	Natural honey
09.6621	ex 0702 00 00	Tomatoes, fresh or chilled, 15 May to 31 October
09.6623	0703 20 00	Garlic, fresh or chilled
09.6456	0704 90	Cabbages, cauliflowers, kohlrabi, kale and similar edible brassicas, fresh or chilled, other
09.6457	ex 0706 10 00	Carrots, fresh or chilled
09.6678	0706 90	Carrots, turnips, salad beetroot, salsify, celeriac, radishes and similar edible roots, fresh or chilled, other
09.6679	0707 00 05	Cucumbers, fresh or chilled
09.6458	0710 10 00	Potatoes, frozen
09.6681	0712 90 50 0712 90 90	Carrots, dried, whole, cut, sliced, broken or in powder, but not further prepared Other vegetables and mixtures of vegetables, dried, whole, cut, sliced, broken or in powder, but not further prepared
09.6682	ex 0714 90 90	Frozen or dried Jerusalem artichokes
09.6625	0808 10	Apples, fresh
09.6683	0811 10 11	Strawberries, frozen, containing added sugar or other sweetening matter with a sugar content exceeding 13 % by weight
09.6684	1001 10 00 1001 90 10 1001 90 91 1001 90 99	Durum wheat Spelt for sowing Common wheat and meslin seed Other
09.6685	1101 00 11 1101 00 15 1101 00 90 1103 11 10 1103 11 90 1103 20 60	Durum wheat flour Flour of common wheat and spelt Meslin flour Durum wheat groats and meal Common wheat and spelt groats and meal Wheat pellets
09.6686	1002 00 00	Rye
09.6687	1102 10 00 1103 19 10 1103 20 10	Rye flour Rye groats and meal Rye pellets
09.6688	1003 00	Barley
09.6689	1102 90 10 1103 19 30 1103 20 20	Barley flour Barley groats and meal Barley pellets

Quota order No	CN code	Description
09.6690	1004 00 00	Oats
09.6691	1102 90 30 1103 19 40 1103 20 30	Oat flour Groats and meal of oats Pellets of oats
09.6692	ex 1104	Cereals grains, otherwise worked, excluding CN 1104 19 50 and CN 1104 23
09.6473	1108 13 00	Potato starch
09.4564	1601 00 1602 41 1602 42 1602 49	Sausages and similar products, of meat, meat offal or blood: food preparations based on these products Other prepared or preserved meat, meat offal or blood: of swine: Hams and cuts thereof Other prepared or preserved meat, meat offal or blood: of swine: Shoulders and cuts thereof Other prepared or preserved meat, meat offal or blood: of swine: Other, including mixtures
09.6693	1602 32 to 1602 39	Other prepared or preserved meat, meat offal or blood: of poultry of heading 0105: of fowls of the species <i>Gallus domesticus</i> Other prepared or preserved meat, meat offal or blood: of poultry of heading 0105: Other than of fowls of the species <i>Gallus domesticus</i> and other than of turkeys
09.6694	ex 2001	Vegetables, fruit, nuts and other edible parts of plants, prepared or preserved by vinegar or acetic acid, excluding CN 2001 90 30, 2001 90 40, 2001 90 60, 2001 90 65 and 2001 90 91
09.6695	ex 2005	Other vegetables, prepared or preserved otherwise than by vinegar or acetic acid, not frozen, excluding CN 2005 20 10, 2005 70 and 2005 80 00
09.6696	2009 71	Apple juice of a brix value not exceeding 20
09.6697	ex 2009 79	Apple juice of a brix value exceeding 20, excluding CN 2009 79 11 and 2009 79 91