

**COMMISSION REGULATION (EC) No 361/2004
of 27 February 2004**

amending Regulation (EC) No 2497/96 laying down procedures for applying in the poultrymeat sector the arrangements provided for in the Association Agreement and the Interim Agreement between the European Community and the State of Israel

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Decision 2003/917/EC of 22 December 2003 on the conclusion of an Agreement in the form of an Exchange of Letters between the European Community and the State of Israel concerning reciprocal liberalisation measures and the replacement of Protocols 1 and 2 to the EC-Israel Association Agreement ⁽¹⁾, and in particular Article 2 thereof,

Whereas:

- (1) Decision 2003/917/EC provides for a greater liberalisation of trade in agricultural products within the Association Agreement between the EC and Israel, replaces Protocols 1 and 2 to the Association Agreement, and in particular extends concessions for trade in poultrymeat.
- (2) Commission Regulation (EC) No 2497/96 ⁽²⁾ should be adapted to take account of extended concessions for trade in poultrymeat within the EC-Israel Association Agreement approved by Decision 2003/917/EC.
- (3) Decision 2003/917/EC was published only on the last day of December 2003 which did not allow operators to apply for new import concessions applicable from 1 January 2004 in the normal application period laid down in the Regulation (EC) No 2497/96, and the licence application period under the new import concessions should be set for March 2004.
- (4) Accession to the European Union, on 1 May 2004, of the Czech Republic, Estonia, Cyprus, Latvia, Lithuania, Hungary, Malta, Poland, Slovenia and Slovakia should allow those countries to benefit from the tariff quotas in the sector of the poultrymeat referred to in Regulation (EC) No 2497/96, under equal conditions with those applicable to the current Member States. The possibility should therefore be given to the operators in those States to fully take benefit of these quotas after their accession.
- (5) In order not to create a market distortion before and after 1 May 2004, the trade periods have to be modified, for year 2004, without however modifying the total

quantities provided for by Decision 2003/917/EC. It is also appropriate to adapt the implementing measures with regard to the applications lodging date.

- (6) As licence application periods under the new import concessions for periods 1 January to 31 March 2004 and 1 April to 30 April 2004 coincide for reasons of simplicity, the quantities relevant for each period should be merged.
- (7) Regulation (EC) No 2497/96 should therefore be amended accordingly.
- (8) The measures provided for in this Regulation are in accordance with the opinion of the Management Committee for Poultrymeat and Eggs,

HAS ADOPTED THIS REGULATION:

Article 1

Regulation (EC) No 2497/96 is amended as follows:

1. in Article 1, the first paragraph is replaced by the following:
'All imports into the Community under the arrangements provided for in Protocol 1 to the Association Agreement between the Community and Israel of products in groups IL1 and IL2 referred to in Annex I to this Regulation shall be subject to the presentation of an import licence.;
2. in Article 2 the following paragraph is added:
'However, in year 2004, the quotas referred to in Article 1 shall be staggered as follows:
— 33 % in the period 1 January to 30 April,
— 17 % in the period 1 May to 30 June,
— 25 % in the period 1 July to 30 September,
— 25 % in the period 1 October to 31 December.;
3. in Article 4(1) the following subparagraph is added:
'However, for the period of 1 January to 30 April 2004 and 1 May to 30 June 2004 licence applications shall be lodged, respectively during the first seven days of March and May 2004.;
4. Annex I is replaced by the text set out in the Annex to this Regulation.

⁽¹⁾ OJ L 346, 31.12.2003, p. 65.

⁽²⁾ OJ L 338, 28.12.1996, p. 48. Regulation as last amended by Regulation (EC) No 1043/2001 (OJ L 145, 31.5.2001, p. 24).

Article 2

This Regulation shall enter into force on the seventh day following that of its publication in the *Official Journal of the European Union*.

It shall apply from 1 March 2004.

This Regulation shall be binding in its entirety and directly applicable in all Member States.

Done at Brussels, 27 February 2004.

For the Commission
Franz FISCHLER
Member of the Commission

ANNEX

'ANNEX I

Group number	Order number	CN code	Description ⁽¹⁾	Reduction of the MFN customs duty ⁽²⁾ (%)	Tariff quotas (tonnes)				
					1.1.-31.12. 2004	1.1.-31.12. 2005	1.1.-31.12. 2006	1.1.-31.12. 2007	and following years
IL1	09.4092	0207 25	Turkeys, not cut in pieces, frozen	100	1 442,0	1 484,0	1 526,0	1 568,0	1 568,0
		0207 27 10	Boneless turkeys cuts, frozen						
		0207 27 30/40/50/60/70	Turkeys cuts with bone in, frozen						
IL2	09.4091	ex 0207 32	Meat of ducks and geese, not cut in pieces, fresh or chilled	100	515,0	530,0	545,0	560,0	560,0
		ex 0207 33	Meat of ducks and geese, not cut in pieces, frozen						
		ex 0207 35	Other meat and edible offal of ducks and geese, fresh or chilled						
		ex 0207 36	Other meat and edible offal of ducks and geese, frozen						

⁽¹⁾ Notwithstanding the rules for the interpretation of the combined nomenclature, the wording for the description of the products is to be considered as having no more than an indicative value, the preferential scheme being determined, within the context of this Annex, by the coverage of the Combined Nomenclature codes. Where "ex" Combined Nomenclature codes are indicated, the preferential scheme is to be determined by the application of the Combined Nomenclature codes and corresponding description taken together.

⁽²⁾ Duty reduction applies to "ad valorem" customs duties and in the case of code 0207 also to specific customs duties.