

II

(Acts whose publication is not obligatory)

COUNCIL

COUNCIL DECISION

of 18 March 2003

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

(2003/463/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 Republic of Estonia, of the other part ⁽¹⁾, provides for certain reciprocal trade concessions for certain agricultural products.
- (2) Article 19(4) of the Europe Agreement provides that the Community and Estonia 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 with Estonia 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 1999/86/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 1349/2000 of 19 June 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 Estonia ⁽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 Estonia were concluded on 31 January 2002. The results of the negotiations have so far been implemented 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 1151/2002 ⁽⁴⁾.
- (6) The new 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 Estonia, 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 ⁽⁵⁾ 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 68, 9.3.1998, p. 3.

⁽²⁾ OJ L 29, 3.2.1999, p. 9.

⁽³⁾ OJ L 155, 28.6.2000, p. 1. Regulation as last amended by Regulation (EC) No 2677/2000 (OJ L 308, 8.12.2000, p. 7).

⁽⁴⁾ OJ L 170, 29.6.2002, p. 15.

⁽⁵⁾ 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 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 1151/2002 has been superseded 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 Estonia, 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 European Community.

Article 2

1. The President of the Council is authorised to designate the person empowered to sign the Protocol in order to bind the Community.
2. The President of the Council shall, on behalf of the Community, make 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 of the Protocol attached to this Decision shall replace those referred to in Annex Va as referred to in Article 19(2), as amended, of the Europe Agreement establishing an association between the European Communities and their Member States, of the one part, and the Republic of Estonia, 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 5(2).

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(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.

Article 5

1. The Commission shall be assisted by the Management Committee for Cereals instituted by Article 23 of Regulation (EEC) No 1766/92 ⁽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 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 1151/2002 shall be repealed from the entry into force of the Protocol.

Done at Brussels, 18 March 2003.

For the Council
The President
 G. PAPANDEOU

⁽¹⁾ OJ L 184, 17.7.1999, p. 23.

⁽²⁾ OJ L 181, 1.7.1992, p. 21.

ANNEX

Order numbers for EU tariff quotas for products originating in Estonia

(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 |
| 09.4851 | 0201 0202 1602 50 10 | Meat of bovine animals, fresh or chilled Meat of bovine animals, frozen Uncooked; mixtures of cooked meat or offal and uncooked meat or offal of other prepared or preserved meat of bovine animals |
| 09.4583 | 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 |
| 09.4852 | 0206 10 95 0206 29 91 | Thick skirt and thin skirt of bovine animals, fresh, chilled or frozen |
| 09.6649 | 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 |
| 09.4853 | 0210 19 | Meat of swine, salted or in brine, dried or smoked, other |
| 09.4578 | 0401 | Milk and cream, not concentrated, nor containing added sugar or other sweetening matter |
| 09.4546 | 0402 10 19 0402 21 19 | Skimmed milk powder Whole milk powder |
| 09.4579 | 0403 10 11 0403 10 13 0403 10 19 0403 10 31 0403 10 33 0403 10 39 | Yoghurt, not flavoured nor containing added fruit, nuts or cocoa: Not containing added sugar or other sweetening matter, with a fat content, by weight: Not exceeding 3 % Exceeding 3 % but not exceeding 6 % Exceeding 6 % Other, of a fat content, by weight Not exceeding 3 % Exceeding 3 % but not exceeding 6 % Exceeding 6 % |
| 09.4580 | 0403 90 59 0403 90 61 0403 90 63 0403 90 69 | Sour cream, of a fat content, by weight exceeding 6 % Sour cream, of a fat content, by weight not exceeding 3 % Sour cream, of a fat content, by weight exceeding 3 % but not exceeding 6 % Sour cream, of a fat content, by weight exceeding 6 % |
| 09.4547 | 0405 10 11 0405 10 19 | Butter |

| Quota order No | CN code | Description |
|----------------|--|--|
| 09.4582 | 0406 10 | Fresh (unripened or uncured) cheese, including whey cheese, and curd |
| 09.4581 | 0406 20 0406 30 0406 40 0406 90 | Other cheese |
| 09.6650 | 0407 00 11 0407 00 19 0407 00 30 | Poultry eggs |
| 09.6651 | ex 0408 | Birds' eggs, not in shell, and egg yolks, fresh, dried, cooked by steaming or by boiling in water, moulded, frozen or otherwise preserved, whether or not containing added sugar or other sweetening matter, excluding CN codes 0408 11 20, 0408 19 20, 0408 91 20, 0408 99 20 |
| 09.6603 | 0703 20 00 | Garlic |
| 09.6454 | 0704 10 00 0704 90 10 | Cauliflowers and headed broccoli White cabbages and red cabbages |
| 09.6605 | 0808 10 | Apples, fresh |
| 09.6609 | 0810 30 | Black-, white- or red currants and gooseberries |
| 09.6467 | 0811 10 11 | Strawberries, frozen, containing added sugar or other sweetening matter with a sugar content exceeding 13 % by weight |
| 09.6611 | 0811 20 11 | Raspberries, blackberries, mulberries, loganberries, black-, white- or redcurrants and gooseberries, frozen, with a sugar content exceeding 13 % by weight |
| 09.6641 | ex 1001 | Wheat and meslin, excluding CN code 1001 90 10 |
| 09.6642 | 1002 | Rye |
| 09.6643 | 1003 00 10 ex 1003 00 90 | Barley, seed Barley, excluding barley for production of malt |
| 09.4588 | 1004 00 | Oats |
| 09.6644 | 1101 | Wheat or meslin flour |
| 09.6645 | ex 1102 | Cereals flours other than of wheat or meslin, excluding CN code 1102 90 90 |
| 09.6646 | ex 1103 | Cereal groats, meal and pellets, excluding CN codes 1103 19 90 and 1103 20 90 |
| 09.6647 | 1108 13 | Potato starch |
| 09.4584 | ex 1601 00 ex 1602 41 ex 1602 42 ex 1602 49 | Sausages and similar products, of meat offal or blood, excluding CN code 1601 00 10 Other prepared or preserved meat, meat offal or blood: of swine: Hams and cuts thereof, excluding CN code 1602 41 90 Other prepared or preserved meat, meat offal or blood: of swine: Shoulders and cuts thereof, excluding CN code 1602 42 90 Other prepared or preserved meat, meat offal or blood: of swine: Other, including mixtures, excluding CN code 1602 49 90 |

| Quota order No | CN code | Description |
|----------------|------------|---|
| 09.6652 | 1602 32 11 | Other prepared or preserved meat, meat offal or blood: of poultry of heading 0105: of fowls of the species <i>Gallus domesticus</i> , uncooked |
| | 1602 39 21 | 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> , uncooked |
| 09.6470 | 2207 10 00 | Undenatured ethyl alcohol of an alcoholic strength by volume of 80 % vol. or higher |
| 09.6648 | ex 2309 | Preparations of the kind used in animal feeding, excluding CN code 2309 10 51, 2309 10 90, 2309 90 10, 2309 90 20, 2309 90 31, 2309 90 41, 2309 90 51, 2309 90 91 |