

Proposal for a Council Decision relating to the conclusion of an Additional 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 Poland, of the other part, to take account of the outcome of the negotiations between the parties on new mutual agricultural concessions

(2002/C 262 E/28)

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(Submitted by the Commission on 9 July 2002)

EXPLANATORY MEMORANDUM

1. On 30 March 1999, the Council authorised the Commission to open negotiations for additional mutual agricultural concessions in the framework of the Europe Agreements between the European Community and the associated central and eastern European countries.
2. The negotiations with Poland, which have been undertaken in the overall context of the accession process, have been based on Article 20(5) of the Europe Agreement (EA). Article 20(5) of EA provides that the Community and Poland shall examine in the Association Council, product by product and on an orderly and reciprocal basis, the possibility of granting each other further concessions taking account of the volume of trade in agricultural products between them, of their particular sensitivity, of the rules of common agricultural policy of the Community and of the rules of the agricultural policy of the associated country.
3. According to the Council mandate, the negotiations should lead to a fair equilibrium, both in terms of exports and imports, between the interests of the European Community and its Member States and those of the associated countries. On this basis negotiations have been undertaken and were concluded between the parties on 26 September 2000.
4. The result of the negotiations between the Commission and the Republic of Poland on additional agricultural concessions provides for an immediate and full liberalisation of the imports into the Community of some agricultural products, as well as the exports of those products from the Community to the Republic of Poland. The scope for concessions within tariff quotas has also been enlarged compared to the reciprocally currently granted concession. As a consequence of the new agreement approximately two thirds of the bilateral trade of agricultural products will be free of customs duties.
5. The results of the adjustments agreed with Poland are to be inserted in an Additional Protocol to the EA. This is done by the present 'Protocol on new mutual agricultural concessions'. For the first time, improvements to the preferential agricultural regime of the Europe Agreement were provided for in the Protocol adjusting trade aspects of the Europe Agreement ⁽¹⁾.
6. A swift implementation of the adjustments to allow the entering into force of the new concessions on 1 January 2001 is foreseen, on an autonomous and transitional basis, in Council Regulation (EC) No 2851/2000 ⁽²⁾ of 22 December 2000. The Republic of Poland has also taken all useful legislative provisions, on an autonomous and transitional basis, in order to implement simultaneously the engagements of Poland issued from the results of the negotiations.
7. The present Protocol would replace the abovementioned autonomous and transitional measures on the day of its entry into force.

⁽¹⁾ OJ L 27, 30.1.2002, p. 3.

⁽²⁾ OJ L 332, 28.12.2000, p. 7.

8. It is to be noted that, as far as processed agricultural products are concerned, a statement in the minutes of the Council provides that the Commission will duly take into account, during the negotiations, the EU's export interests in this field. The negotiations on the improvement of bilateral trade are currently under way. The outcome of these negotiations will be taken up by Decision of the Association Council according to the different procedure laid down in Protocol 3 to the Europe Agreement.

THE COUNCIL OF THE EUROPEAN UNION,

Annexes VIIIa, VIIIb, Xa, Xb and Xc to the Europe Agreement with Poland.

Having regard to the Treaty establishing the European Community, and in particular Article 133, in conjunction with Article 300(2) and 300(3) thereof,

- (4) Appropriate measures should be taken to ensure a smooth transition between the preferential arrangements applied under Regulation (EC) No 2851/2000 and those provided for by the agricultural Protocol.

Having regard to the proposal from the Commission,

Whereas:

- (5) In accordance with Article 1(2) of Regulation (EC) No 2851/2000, Annexes A (a) and A (b) to that Regulation should be replaced with the corresponding annexes of the agricultural Protocol, and the corresponding order numbers of the quotas should be maintained. It is also necessary to ensure that the provisions for the management of the concessions in Regulation (EC) No 2851/2000 are also applicable to the concessions as established by the agricultural Protocol.

- (1) The Europe Agreement establishing an association between the European Communities and their Member States, of the one part, and the Republic of Poland, of the other part ⁽¹⁾, hereinafter referred to as 'the Europe Agreement with Poland', provides for certain concessions for certain agricultural products originating in Poland. Article 20(5) of that Agreement provides that the Community and Poland shall examine the possibility of their granting each other further concessions. The Commission has been authorised to open negotiations for additional mutual agricultural concessions in the framework of the Europe Agreements between the European Community and the associated central and eastern European countries.

- (6) 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 ⁽³⁾,

- (2) The outcome of those negotiations between the Commission and Poland on new agricultural concessions are inserted in an Additional Protocol, hereinafter referred to as 'the agricultural Protocol'. This agricultural Protocol should be approved with a view to formalising, through an international agreement, the further liberalisation of the trade in agricultural products between the Community and Poland.

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 Poland, of the other part, to take account of the outcome of the negotiations between the parties on new mutual agricultural concessions is hereby approved on behalf of the Community.

- (3) By Council Regulation (EC) No 2851/2000 of 22 December 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 Republic of Poland and repealing Regulation (EC) No 3066/95 ⁽²⁾ the Community implemented, in anticipation of the adoption of the agricultural Protocol, autonomous and transitional measures in order to ensure a rapid and simultaneous implementation of the Protocol by replacement of

The text of the Protocol is attached to this Decision.

Article 2

The Commission shall adopt detailed rules for the application of this Decision in accordance with the procedure laid down in Article 3(2).

⁽¹⁾ OJ L 348, 31.12.1993, p. 2.

⁽²⁾ OJ L 332, 28.12.2000, p. 7.

⁽³⁾ OJ L 184, 17.7.1999, p. 23.

Article 3

1. The Commission shall be assisted by the Management Committee for Cereals instituted by Article 22 of Council Regulation (EC) No 1766/92 ⁽¹⁾, or, where appropriate, by another Committee instituted by 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 referred to in Article 4(3) of Decision 1999/468/EC shall be one month.

3. The Committee shall adopt its rules of procedure.

Article 4

1. Annexes A (a) and A (b) to Regulation (EC) No 2851/2000 are replaced by Annexes A (a) and A (b) to the Protocol attached to this Decision.

The order numbers of column 1 of Annex A (b) to that Regulation shall remain applicable to the same products as those described in Annex A (b) to the Protocol.

2. Article 1(4) and Article 2 of Council Regulation (EC) No 2851/2000 shall apply *mutatis mutandis* to the concessions provided for in the Protocol attached to this Decision.

3. Paragraphs 1 and 2 shall apply with effect from the date of entry into force of the Protocol attached to this Decision.

Article 5

The President of the Council shall, on behalf of the Community, give the notification provided for in Article 4 of the Protocol.

⁽¹⁾ OJ L 181, 1.7.1992, p. 2.

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

THE EUROPEAN COMMUNITY,

hereinafter referred to as 'the Community',

of the one part, and

THE REPUBLIC OF POLAND,

of the other part,

WHEREAS the Europe Agreement establishing an association between the European Communities and their Member States, of the one part, and the Republic of Poland, of the other part (hereinafter referred to as 'the Europe Agreement') was signed in Brussels on 16 December 1991 and entered into force on 1 February 1994 ⁽¹⁾;

WHEREAS, for the first time, improvements to the preferential agricultural regime of the Europe Agreement were provided for in the Protocol adjusting trade aspects of the Europe Agreement ⁽²⁾;

WHEREAS Article 20(5) of the Europe Agreement provides that the Community and Poland shall examine in the Association Council, product by product and on an orderly and reciprocal basis, the possibility of granting each other additional agricultural concessions. On this basis negotiations have been undertaken and were concluded between the parties;

WHEREAS,

- from the one side, the Council decided, by virtue of Regulation (EC) No 2851/2000 ⁽³⁾, to apply on a provisional basis, as from 1 January 2001, the European Community concessions resulting from the negotiations for the conclusion of the present Protocol and
- from the other side the Government of the Republic of Poland has taken legislative provisions to apply, as from the same date of 1 January 2001, the equivalent concessions of Poland;

WHEREAS the abovementioned concessions will be replaced on the date of entry into force of this Protocol by the concessions provided for herein,

HAVE DECIDED to determine, by mutual agreement, the adjustments to be made to the trade aspects of the Europe Agreement in the agriculture field and to this end have designated as their Plenipotentiaries:

THE EUROPEAN COMMUNITY:

THE GOVERNMENT OF THE REPUBLIC OF POLAND:

WHO, having exchanged their full powers, found in good and due form,

HAVE AGREED AS FOLLOWS:

Article 1

The arrangements for import into the Community applicable to certain agricultural products originating in Poland as set out in Annex A (a) and A (b) and the arrangements for import into Poland applicable to certain agricultural products originating in

the Community as set out in Annex B (a) and B (b) to this Protocol shall replace those set out in Annexes VIIIa, VIIIb, IX, Xa, Xb, Xc and XI to the Europe Agreement establishing an association between the European Communities and their Member States, of the one part, and the Republic of Poland, of the other part, as amended by the Protocol adjusting the trade aspects of the Europe Agreement ⁽⁴⁾.

⁽¹⁾ OJ L 348, 31.12.1993, p. 2.

⁽²⁾ OJ L 27, 30.1.2002, p. 3.

⁽³⁾ OJ L 332, 28.12.2000, p. 2.

⁽⁴⁾ OJ L 27, 30.1.2002, p. 3.

Article 2

The Annexes to this Protocol shall form an integral part thereof. This Protocol shall form an integral part of the Europe Agreement.

Article 3

This Protocol shall be approved by the Community and the Republic of Poland in accordance with their own procedures. The Contracting Parties shall take the necessary measures to implement this Protocol.

Article 4

This Protocol shall enter into force on the first day of the first month following the Contracting Parties' notification of the accomplishment of the corresponding procedures according to Article 3.

Article 5

This Protocol shall be drawn up in duplicate in the Danish, Dutch, English, Finnish, French, German, Greek, Italian, Portuguese, Spanish, Swedish and Polish languages, each of these texts being equally authentic.

ANNEX A (a)

Customs duties on imports applicable in the Community to products originating in Poland and listed below shall be abolished

CN code (1)	CN code	CN code	CN code	CN code
0101 20 10	0709 20	0810 90 85	1212 10 10	1515 90 99
0104 20 10	0709 51 10	0811 90 11	1212 10 99	1516 20 95
0106 00 10	0709 51 30	0811 90 19	1214 90 10	1516 20 96
0106 00 20	0709 51 50	0811 90 31	1302 19 05	1516 20 98
0205 00 11	0709 51 90	0811 90 39	1502 00 90	1518 00 31
0205 00 19	0709 52 00	0811 90 50	1503 00 19	1518 00 39
0205 00 90	0709 60 10	0811 90 70	1503 00 90	1522 00 91
0208 10 11	0709 60 99	0811 90 85	1504 10 10	1602 31 11
0208 10 19	0709 90 40	0811 90 95	1504 10 99	1602 31 19
0208 20 00	0709 90 50	0812 10 00	1504 20 10	1602 31 30
0208 90 10	0710 21 00	0812 20 00	1504 30 10	1602 31 90
0208 90 50	0710 22 00	0812 90 40	1508 10 90	2001 90 20
0208 90 60	0710 29 00	0812 90 50	1508 90 10	2001 90 50
0208 90 80	0710 30 00	0812 90 60	1508 90 90	2003 10 20
0210 90 10	0710 80 59	0812 90 95	1511 10 90	2003 10 30
0210 90 79	0710 80 61	0813 10 00	1511 90 11	2005 10 00
0407 00 90	0710 80 69	0813 20 00	1511 90 19	2005 20 20
0410 00 00	0710 80 70	0813 30 00	1511 90 91	2005 20 80
0601 10 10	0710 80 85	0813 40 10	1511 90 99	2005 40 00
0601 10 20	0710 80 95	0813 40 30	1513 11 10	2005 51 00
0601 10 30	0710 90 00	0813 40 95	1513 11 91	2005 59 00
0601 10 40	0711 10 00	0813 50 12	1513 11 99	2005 60 00
0601 10 90	0711 30 00	0813 50 15	1513 19 11	2005 90 10
0601 20 30	0711 90 10	0813 50 19	1513 19 19	2005 90 30
0601 20 90	0711 90 40	0813 50 39	1513 19 30	2005 90 50
0602 10 90	0711 90 60	0813 50 91	1513 19 91	2005 90 60
0602 20 90	0711 90 70	0813 50 99	1513 19 99	2005 90 70
0602 30 00	0712 20 00	0814 00 00	1513 21 11	2005 90 75
0602 40 10	0712 30 00	0901 12 00	1513 21 19	2005 90 80
0602 40 90	0712 90 05	0901 21 00	1513 21 30	2009 70 19
0602 90 10	0712 90 50	0901 22 00	1513 21 90	2009 70 30
0602 90 30	0712 90 90	0902 10 00	1513 29 11	2009 70 93
0602 90 41	0713 50 00	0904 12 00	1513 29 19	2009 70 99
0602 90 45	0713 90 10	0904 20 10	1513 29 30	2009 80 19
0602 90 49	0713 90 90	0904 20 90	1513 29 50	2009 80 38
0602 90 51	0802 21 00	0907 00 00	1513 29 91	2009 80 69
0602 90 59	0802 22 00	0910 40 13	1513 29 99	2009 80 95
0602 90 70	0802 31 00	0910 40 19	1515 19 10	2009 80 96
0602 90 91	0802 32 00	0910 40 90	1515 19 90	2009 80 97
0602 90 99	0802 40 00	0910 91 90	1515 21 10	2009 80 99
0604 10 90	0802 90 85	0910 99 99	1515 21 90	2009 90 19
0604 91 21	0806 20 11	1106 10 00	1515 29 10	2009 90 29
0604 91 29	0806 20 12	1106 30 90	1515 29 90	2009 90 39
0604 91 41	0806 20 18	1208 10 00	1515 30 90	2302 50 00
0604 91 49	0806 20 91	1209 19 00	1515 50 11	2306 90 19
0604 91 90	0806 20 92	1209 21 00	1515 50 19	2308 90 90
0604 99 90	0806 20 98	1209 23 80	1515 50 91	2309 10 51
0701 90 10	0807 11 00	1209 29 50	1515 50 99	2309 10 90
0703 10 90	0807 19 00	1209 29 80	1515 90 29	2309 90 10
0703 90 00	0808 20 90	1209 30 00	1515 90 39	2309 90 31
0704	0809 40 90	1209 91 10	1515 90 40	2309 90 41
0705	0810 10	1209 91 90	1515 90 51	2309 90 51
0706	0810 40 30	1209 99 91	1515 90 59	
0707 00 90	0810 40 50	1209 99 99	1515 90 60	
0708	0810 40 90	1211 90 30	1515 90 91	

(1) As defined in Commission Regulation (EC) No 2204/1999 of 12.10.1999, amending Annex I to Council Regulation (EEC) No 2658/87 on the tariff and statistical nomenclature and on the Common Customs Tariff (OJ L 278, 28.10.1999, p. 1).

ANNEX A (b)

Imports into the Community of the following products originating in Poland shall be subject to the concessions set out below

(MFN = Most Favoured Nation duty)

CN code	Description ⁽¹⁾	Applicable duty (% of MFN) ⁽²⁾	Quantity from 1.7.2000 to 30.6.2001 (tonnes)	Yearly increase as from 1.7.2001 (tonnes)	Specific provisions
0102 90 05	Live bovine animals of a live weight not exceeding 80 kg	10	178 000 heads	0	(3)
0102 90 21	Live bovine animals of a live weight exceeding 80 kg but not exceeding 300 kg	10	153 000 heads	0	(3)
0102 90 29					
0102 90 41					
0102 90 49					
ex 0102 90					
0103 92 19	Live swine, domestic species	20	1 750	0	
0104 10 30	Live sheep or goats	free	9 200	0	(5)
0104 10 80					
0104 20 90					
0204	Meat of sheep or goats				(5)
0201	Meat of bovines, fresh, chilled or frozen	free	16 000	1 600	(11)
0202					
1602 50					
ex 0203	Meat of domestic swine, fresh, chilled or frozen	free	30 000	3 000	(6) (7)
ex 0210	Meat of swine:				(7)
0210 11	– Ham, shoulders and cuts thereof, with bone in				
0210 12	– Bellies and cuts thereof				
0210 19	– Other				
0206 80 91	Edible offal of horses, asses, mules and hinnies	50	unlimited	—	
0206 90 91					
ex 0207	Meat and edible offal, of the poultry of heading No 0105, excluding 0207 34, 0207 36 81, 0207 36 85	free	for 1.1.2001-30.6.2001: 18 000 Base quantity for the yearly increase: 36 000	3 600	(7)
0402 10 19	Skimmed milk powder	free	10 000	1 000	
0402 21 19	Whole milk powder				
0402 21 99	Whole milk powder				
0405 10 11	Butter and dairy spreads	free	6 000	600	(7)
0405 10 19					
0405 10 30					
0405 10 50					
0405 10 90					
0405 20 90					

CN code	Description ⁽¹⁾	Applicable duty (% of MFN) ⁽²⁾	Quantity from 1.7.2000 to 30.6.2001 (tonnes)	Yearly increase as from 1.7.2001 (tonnes)	Specific provisions
0406	Cheese and curd	free	9 000	900	⁽⁷⁾
0407 00 11 0407 00 19 0407 00 30	Poultry eggs, in shell	20	1 875	0	
0408 91 80 0408 99 80	Birds' eggs, dried Other whole eggs, not in shell	20	375	0	⁽⁸⁾
0409 00 00	Natural honey	93	unlimited		
0603 90 00	Cut flowers	35	unlimited		
0701 10 00 0701 90 90	Seed potatoes Potatoes	20 20	550 5 000	0 0	
0703 10 11 0703 10 19	Sets of onion Onions	free free	400 148 500	0 0	
0703 20 00	Garlic	free	875	0	
0707 00 05	Cucumbers	free	unlimited	—	⁽⁹⁾ ⁽¹²⁾
0709 10 00	Globe artichokes	free	unlimited		⁽⁹⁾ ⁽¹²⁾
0709 40 00	Celery, other than celeriac	free	125	0	
0710 80 51	Sweet peppers, frozen	free	2 000	0	
0711 40 00	Cucumbers and gherkins	80	unlimited		
0808 10 20 0808 10 50 0808 10 90 0808 10 20 0808 10 50 0808 10 90	Apples Apples	20 100 % MFN 100 % MFN 100 % MFN	5 375 — — —	0 — — —	⁽⁹⁾ ⁽¹⁴⁾ ⁽⁹⁾ ⁽¹⁴⁾ ⁽⁹⁾ ⁽¹⁴⁾ ⁽¹⁴⁾ ⁽¹⁴⁾ ⁽¹⁴⁾
0808 20 10	Perry pears, in bulk, 1 August to 31 December	free	250	0	
0809 20	Cherries	free	unlimited		⁽⁹⁾ ⁽¹²⁾
0809 40 05	Plums: — for processing, in immediate containers of a net capacity weight exceeding 250 kg ⁽¹⁵⁾ — other	free free	unlimited unlimited		⁽⁹⁾ ⁽¹³⁾
0810 20 0810 30	Raspberries, blackberries, mulberries and loganberries Black-, white- or redcurrants and gooseberries	free	unlimited		⁽¹⁰⁾ ⁽¹⁰⁾
0811 10 0811 20	Strawberries, frozen Raspberries, blackberries, mulberries, loganberries, black-, white- or redcurrants and gooseberries, frozen	free	unlimited		⁽¹⁰⁾ ⁽¹⁰⁾

CN code	Description ⁽¹⁾	Applicable duty (% of MFN) ⁽²⁾	Quantity from 1.7.2000 to 30.6.2001 (tonnes)	Yearly increase as from 1.7.2001 (tonnes)	Specific provisions
0811 90 75	Sour cherries (<i>Prunus cerasus</i>)				
0811 90 80	Other cherries than sour cherries	free	30 250	0	
0812 90 10	Apricots	free	1 250	0	
1001 90	Wheat and meslin, other than durum wheat	free	for 1.1.2001-30.6.2001: 200 000 Base quantity for the annual increase: 400 000	40 000	⁽⁷⁾
1008 10 00	Buckwheat	20	5 500	0	
1101 00	Wheat or meslin flour	free	for 1.1.2001-30.6.2001: 5 000 Base quantity for the annual increase: 10 000	1 000	⁽⁷⁾
1102	Cereals flours other than of wheat or meslin				
1108 13 00	Potato starch	20	9 375	0	
1514 10 10	Crude rapeseed, colza or mustard oil, other than for human consumption	free	625	0	
1601 00	Sausages and similar products of meat, meat offal or blood; food preparations based on these products	free	16 000	1 600	⁽⁷⁾
ex 1602	Other prepared or preserved meat, meat offal or blood, of swine:				
1602 41	– Hams and cuts thereof				
1602 42	– Shoulders and cuts thereof				
1602 49	– Other, including mixtures				
1602 20 11	Goose or duck liver	69	unlimited	—	
1602 20 19					
ex 1602	Other prepared or preserved meat, meat offal or blood, of poultry of heading No 0105:	free	for 1.1.2001-30.6.2001: 500 Base quantity for the annual increase: 1 000	100	⁽⁷⁾
1602 32	– Of fowls of the species <i>Gallus domesticus</i>				
1602 39	– Other				
ex 1602 90 31	Game	47	unlimited		
ex 1602 90 31	Rabbit	82	unlimited	—	
1703 90 00	Molasses, other than cane molasses	free	300 000	0	
ex 2001 10 00	Cucumbers, prepared or preserved	free	unlimited	0	
ex 2007 99 31	Sour cherry jam	20	1 875	0	⁽⁹⁾
2007 99 33	Strawberry jam				
2007 99 35	Raspberry jam				
ex 2007 99 39	With a sugar content exceeding 30 % by weight. Fruit coming under CN codes 0801, 0803, 0804 (except figs and pineapples), 0807 20 00, 0810 20 90, 0810 30 90, 0810 40 10, 0810 40 50, 0810 40 90, 0810 90	27	unlimited		⁽⁹⁾
ex 2008 99 49	Prepared or preserved apples	free	unlimited		

CN code	Description ⁽¹⁾	Applicable duty (% of MFN) ⁽²⁾	Quantity from 1.7.2000 to 30.6.2001 (tonnes)	Yearly increase as from 1.7.2001 (tonnes)	Specific provisions
ex 2008 99 99	Fruit coming under CN codes 0803, 0804 (except figs), 0807 20 00, 0810 20 90, 0810 30 90, 0810 40 10, 0810 40 50, 0810 40 90, 0810 90	26	unlimited		
ex 2009 80	Juice of fruit or vegetables, whether or not containing added sugar or other sweetening matter, excluding CN-codes 2009 80 19, 2009 80 38, 2009 80 69, 2009 80 95, 2009 80 96, 2009 80 97 and 2009 80 99	free	500	0	
ex 2302	Bran, sharps and other residues, except CN code 2302 50 00	free	for 1.1.2001-30.6.2001: 2 000 Base quantity for the annual increase: 4 000	400	⁽⁷⁾

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

⁽²⁾ In cases where an MFN minimum duty exists, the applicable minimum duty is equal to the MFN minimum duty multiplied by the percentage indicated in this column.

⁽³⁾ The quota for this product is opened for Bulgaria, the Czech Republic, Estonia, Hungary, Latvia, Lithuania, Poland, Romania and the Slovak Republic. Where it appears likely that total Community imports of live bovine animals may exceed 500 000 head in a given marketing year the Community may take the management measures needed to protect its market, notwithstanding any other rights given under the Agreement.

⁽⁴⁾ The quota for this product is opened for Bulgaria, the Czech Republic, Estonia, Hungary, Latvia, Lithuania, Poland, Romania and the Slovak Republic.

⁽⁵⁾ The Community may take into account, in the framework of its legislation and when appropriate the supply needs of its market and the need to maintain its market balance.

⁽⁶⁾ Excluding tenderloin presented alone.

⁽⁷⁾ This concession is only applicable to products not benefiting from any kind of export subsidies.

⁽⁸⁾ In dried egg equivalent (100 kg liquid egg = 25,7 kg of dried egg).

⁽⁹⁾ The reduction applies only to the *ad valorem* part of the duty.

⁽¹⁰⁾ Subject to minimum import price arrangements contained in the Annex to the present Annex.

⁽¹¹⁾ Co-efficient for conversion to fresh meat = 2,14, providing meat content is > 60 %.

⁽¹²⁾ In addition to the reduction of the *ad valorem* part of the duty, five additional stages (10 %, 12 %, 14 %, 16 % and 18 %) are herewith introduced which have to be used before the application of the full specific duty as mentioned in the Combined Nomenclature.

⁽¹³⁾ In addition to the reduction of the *ad valorem* part of the duty, three additional stages (10 %, 12 % and 14 %), are herewith introduced which have to be used before the application of the full specific duty as mentioned in the Combined Nomenclature.

⁽¹⁴⁾ For these CN-codes, the following concessions — applicable for apples imported within, as well as outside, the tariff quota — should be applied:
— five additional stages (10 %, 12 %, 14 %, 16 % and 18 %) are herewith introduced for the period 1 January to 14 February, which have to be used before the application of the full specific duty as mentioned in the Combined Nomenclature.
— three additional stages (14 %, 16 % and 18 %) are herewith introduced for the period 15 February to 31 March, which have to be used before the application of the full specific duty as mentioned in the Combined Nomenclature.
— two additional stages (16 % and 18 %) are herewith introduced for the period 1 April to 15 July, which have to be used before the application of the full specific duty as mentioned in the Combined Nomenclature.
— five additional stages (10 %, 12 %, 14 %, 16 % and 18 %) are herewith introduced for the period 16 July to 31 December, which have to be used before the application of the full specific duty as mentioned in the Combined Nomenclature.

⁽¹⁵⁾ Entry under this subheading is subject to conditions laid down in the relevant Community provisions (see Articles 291 to 300 of Commission Regulation (EEC) No 2454/93 (OJ L 253, 11.10.1993, p. 71) and subsequent amendments).

Annex to Annex A (b)

Minimum import price arrangement for certain soft fruit for processing

1. Minimum import prices are fixed as follows for the following products for processing originating in Poland:

CN Code	Description	Minimum import price (EUR/100 kg net)
ex 0810 20 10	Raspberries, fresh, intended for processing	63,1
ex 0810 30 10	Blackcurrants, fresh, intended for processing	38,5
ex 0810 30 30	Redcurrants, fresh, intended for processing	23,3
ex 0811 10 11	Frozen strawberries containing added sugar or other sweetening matter, with a sugar content exceeding 13 % by weight, whole fruit	75,0
ex 0811 10 11	Frozen strawberries containing added sugar or other sweetening matter, with a sugar content exceeding 13 % by weight, other	57,6
ex 0811 10 19	Frozen strawberries containing added sugar or other sweetening matter, with a sugar content not exceeding 13 % by weight, whole fruit	75,0
ex 0811 10 19	Frozen strawberries containing added sugar or other sweetening matter, with a sugar content not exceeding 13 % by weight, other	57,6
ex 0811 10 90	Frozen strawberries, containing no added sugar or other sweetening matter: whole fruit	75,0
ex 0811 10 90	Frozen strawberries, containing no added sugar or other sweetening matter: other	57,6
ex 0811 20 19	Frozen raspberries, containing added sugar or other sweetening matter, with a sugar content not exceeding 13 % by weight: whole fruit	99,5
ex 0811 20 19	Frozen raspberries, containing added sugar or other sweetening matter, with a sugar content not exceeding 13 % by weight: other	79,6
ex 0811 20 31	Frozen raspberries, containing no added sugar or other sweetening matter: whole fruit	99,5
ex 0811 20 31	Frozen raspberries, containing no added sugar or other sweetening matter: other	79,6
ex 0811 20 39	Frozen blackcurrants, containing no added sugar or other sweetening matter: without stalk	62,8
ex 0811 20 39	Frozen blackcurrants, containing no added sugar or other sweetening matter: other	44,8
ex 0811 20 51	Frozen redcurrants, containing no added sugar or other sweetening matter: without stalk	39,0
ex 0811 20 51	Frozen redcurrants, containing no added sugar or other sweetening matter: other	29,5

- The minimum import prices, as set out in Article 1, will be respected on a consignment by consignment basis. In the case of a customs declaration value being lower than the minimum import price, a countervailing duty will be charged equal to the difference between the minimum import price and the customs declaration value.
- If the import prices of a given product covered by this Annex show a trend suggesting that the prices could go below the level of the minimum import prices in the immediate future, the European Commission will inform the Polish authorities in order to enable them to correct the situation.
- At the request of either the Community or Poland, the Association Committee shall examine the functioning of the system or the revision of the level of the minimum import prices. If appropriate, the Association Committee shall take the necessary decisions.
- To encourage and promote the development of trade and for the mutual benefit of all parties concerned, a consultation meeting will be organised three months before the beginning of each marketing year in the European Community. This consultation meeting will take place between the European Commission and the interested European producers' organisations for the products concerned, of the one part and the authorities', producers' and exporters' organisations of all the associated exporting countries, of the other part.

During this consultation meeting, the market situation for soft fruit including, in particular, forecasts for production, stock situation, price evolution and possible market development, as well as possibilities to adapt supply to demand, will be discussed.

ANNEX B (a)

Customs duties on imports applicable in Poland to products originating in the Community and listed below shall be abolished

PCN-code (1)	PCN-code	PCN-code	PCN-code	PCN-code
0101 19 10 0	0711 20 90 0	0904	1302 11 00 0	2009 11 19 0
0101 20 10 0	0711 30 00 0	0905 00 00 0	1302 19 05 0	2009 11 99 0
0102 90 90 0	0711 90 10 0	0906	1302 19 98 1	2009 19 19 0
0103 91 90 0	0711 90 70 0	0907 00 00 0	1302 19 98 9	2009 19 99 0
0103 92 90 0	0712 90 11 0	0908	1302 32 90 0	2009 20 19 0
0106 00 10 1	0713	0909	1302 39 00 0	2009 20 99 0
0106 00 10 9	0714 20	0910	1501 00 11 0	2009 30 19 0
0106 00 20 0	0714 90 90 0	1005 10 11 0	1502	2009 30 39 0
0203 11 90 0	0801	1005 10 13 0	1503	2009 30 55 0
0203 12 90 0	0802	1005 10 15 0	1508	2009 30 59 0
0203 19 90 0	0803	1005 10 19 0	1509	2009 30 95 0
0203 21 90 0	0804	1006 10 10 0	1510	2009 30 99 0
0203 22 90 0	0805	1006 30	1511	2009 40 19 0
0203 29 90 0	0806 20	1007 00 10 0	1513	2009 40 93 0
0205	0807	1008 30 00 0	1515 19	2009 40 99 0
0208	0808 20 90 0	1106 10 00 0	1515 21	2009 60 11 0
0210 90 10 0	0810 40	1106 30 90 0	1515 29	2009 60 19 0
0210 90 71 0	0810 50 00 0	1201	1515 30	2009 60 51 0
0210 90 79 0	0810 90 30 0	1203 00 00 0	1515 40 00 0	2009 60 59 0
0407 00 90 0	0810 90 40 0	1204	1515 50	2009 60 90 0
0408 91 20 0	0810 90 85 0	1206	1515 90	2301
0408 99 20 0	0811 90 70 0	1207 10	1516 20 95 0	2302 50 00 0
0410 00 00 0	0811 90 85 0	1207 20	1516 20 96 0	2303 10 19 0
0511	0812 10 00 0	1207 30 10 0	1516 20 98 0	2303 10 90 0
0601	0812 90 30 0	1207 40	1518 00 31 0	2303 20
0602	0812 90 40 0	1207 50	1518 00 39 0	2303 30 00 0
0604	0812 90 50 0	1207 60	1522 00 91 0	2304 00 00 0
0701 90 10 0	0812 90 60 0	1207 92	1522 00 99 0	2305 00 00 0
0703 10 90 0	0812 90 70 0	1207 99	1602 31	2306
0703 90 00 0	0812 90 95 0	1208	1603 00 80 0	2307 00 11 0
0708 10 00 0	0813 40 10 0	1209 19 00 0	1801 00 00 0	2307 00 90 0
0709 51 30 0	0813 40 50 0	1209 21 00 0	1802 00 00 0	2308 10 00 0
0709 51 50 0	0813 40 60 0	1209 22	2001 90 10 0	2308 90 11 0
0709 51 90 0	0813 40 70 0	1209 30 00 0	2001 90 20 0	2308 90 30 0
0709 52 00 0	0813 40 95 0	1209 91	2005 70	2308 90 90 0
0709 60	0813 50	1209 99	2005 90 10 0	2309 10 11 0
0709 90 31 0	0814 00 00 0	1211	2006 00 10 0	2309 10 31 0
0709 90 40 0	0901 11 00 0	1212 10	2008 19 11 0	2309 10 51 0
0709 90 50 0	0901 12 00 0	1212 30 00 0	2008 19 13 0	2309 10 90 0
0710 80 10 0	0901 21 00 0	1212 99 00 0	2008 19 51 0	2309 90 10 0
0710 80 59 0	0901 22 00 0	1213 00 00 0	2008 19 59 0	2309 90 31 0
0711 10 00 0	0901 90 10 0	1214	2008 99 41 0	2309 90 41 0
0711 20 10 0	0902	1301	2008 99 51 0	2309 90 51 0

(1) As defined by the Polish Customs Tariff — Annex to Council of Ministers Regulation of 20 December 2000 (Dz.U. No 119 item 1253, 28 December 2000).

ANNEX B (b)

Imports into Poland of the following products originating in the Community shall be subject to the concessions set out below

PCN-code	Description ⁽¹⁾	Applicable duty (% of MFN) ⁽²⁾	Annual quantity from 1.1.2001 to 31.12.2001 (tonnes)	Increase from 1.1.2001 to 31.12.2001 (tonnes)	Yearly increase as from 1.1.2002 (tonnes)	Specific Provisions
0102 90 41 0	Live bovine animals	50	unlimited			(²)
0102 90 49 0		50				(²)
0102 90 51 0		50				
0102 90 59 0		50				
ex 0203	Meat of domestic swine, fresh, chilled or frozen	free	30 000	1 500	3 000	(³) (⁵) (⁶)
ex 0210	Meat of swine:					
0210 11	- Ham, shoulders and cuts thereof, with bone in					
0210 12	- Bellies and cuts thereof					
0210 19	- Other					
0207	Meat and edible offal, of the poultry of heading No 0105	free	20 000	1 000	2 000	(⁵)
ex 0403 10 11 to 0403 10 39 0403 90 11 to 0403 90 69	Buttermilk, curdled milk and cream, yoghurt, kephir and other fermented or acidified milk and cream	71	unlimited			
0405 10 11 0 0405 10 19 0 0405 10 30 0 0405 10 50 0 0405 10 90 0 0405 20 90 0	Butter and dairy spreads	free	5 000	250	500	(⁵)
0406	Cheese and curd	free	9 000	450	900	(⁵)
0701 1000 0	Potatoes seed, fresh or chilled	33	unlimited			
0709 10 00 0	Globe artichokes, fresh or chilled	23	unlimited			
0806 10 10 1 0806 10 10 3 0806 10 10 5 0806 10 10 7 0806 10 10 9 0806 10 90 0	Grapes	33 50 60 60 50 50	unlimited			
0809 10 00 0	Apricots	60	unlimited			
0809 30	Peaches including nectarines	60	unlimited			
0813 40 30	Pears, dried	60	unlimited			
1001 10 00 0	Durum wheat	50	unlimited			
1001 90	Wheat and meslin, other than durum wheat	free	400 000	20 000	40 000	(⁵)

PCN-code	Description ⁽¹⁾	Applicable duty (% of MFN) ⁽²⁾	Annual quantity from 1.1.2001 to 31.12.2001 (tonnes)	Increase from 1.1.2001 to 31.12.2001 (tonnes)	Yearly increase as from 1.1.2002 (tonnes)	Specific Provisions
1101 00	Wheat or meslin flour	free	10 000	500	1 000	(5)
1102	Cereal flour other than wheat or meslin					(5)
1107	Malt	10 % <i>ad valorem</i>	45 000			
1205 00 90 0	Rape or colza seeds	15 % <i>ad valorem</i>	32 000			
1515 11 00 0	Crude linseed oil	50	unlimited			
1601 00	Sausages and similar products of meat, meat offal or blood; food preparations based on these products	free	1 000	50	100	(5)
ex 1602	Other prepared or preserved meat, meat offal or blood, of swine					
1602 41	- Hams and cuts thereof					
1602 42	- Shoulders and cuts thereof					
1602 49	- Other, including mixtures					
ex 1602	Other prepared or preserved meat, meat offal or blood, of poultry of heading No 0105:	free	1 000	50	100	(5)
1602 32	- Of fowls of the species <i>Gallus domesticus</i>					
1602 39	- Other					
1701	Sugar	40 % <i>ad valorem</i> , min. EUR 0,17/kg	32 500			(7)
1902 20 10 0	Stuffed pasta, whether or not cooked or otherwise prepared	75	unlimited			
1902 20 30 0						
2005 90 30 0	Capers, prepared or otherwise, not frozen	67	unlimited			
2005 90 50 0	Globe artichokes	67	unlimited			
2008 11 96 0	Ground nuts, prepared or otherwise, in packings not exceeding 1 kg	71	unlimited			
2008 11 98 0						
2008 70 61 0 to 2008 70 99 0	Peaches, prepared or preserved, not containing added spirit	71	unlimited			
2009 11 11 0	Fruit juices (including grape must) and vegetable juices, unfermented and not containing added spirit, whether or not containing added sugar or other sweetening matter	80	unlimited			
2009 11 91 0		67				
2009 19 11 0		80				
2009 19 91 0		67				
2009 20 11 0		80				
2009 20 91 0		67				
2009 30 11 0		80				
2009 30 31 0		67				
2009 30 51 0		67				
2009 30 91 0		67				

PCN-code	Description ⁽¹⁾	Applicable duty (% of MFN) ⁽²⁾	Annual quantity from 1.1.2001 to 31.12.2001 (tonnes)	Increase from 1.1.2001 to 31.12.2001 (tonnes)	Yearly increase as from 1.1.2002 (tonnes)	Specific Provisions
2009 40 11 0		80				
2009 40 30 0		67				
2009 40 91 0		67				
2009 60 71 0		67				
2009 60 79 0		67				
2009 80 32 0		71				
2009 80 33 0		71				
2009 80 35 0		71				
2009 80 36 0		80				
2009 80 38 0		80				
2009 80 71 0 to 2009 80 99 9		71				
2009 90 41 0 to 2009 90 98 0		71				
2204 10	Wine of fresh grapes, including fortified wines; grape must other than that of heading No 2009	20 % <i>ad valorem</i> , min. EUR 42/hl	unlimited			⁽⁴⁾
2204 21 10 1 2204 21 10 9		20 % <i>ad valorem</i> , min. EUR 42/hl				
2204 21 11 0 to 2204 21 98 0		20 % <i>ad valorem</i> , min. EUR 25/hl				
2204 21 99 0		25 % <i>ad valorem</i> , min. EUR 25/hl + EUR 1,7 %/hl				
2204 30 10 1		78				
2204 30 10 9		78				
2204 30 92 0 to 2204 30 98 9		85				
ex 2302	Bran, sharps and other residues, except CN-code 2302 50 00	free	4 000	200	400	⁽⁵⁾

⁽¹⁾ Notwithstanding the rules for the interpretation of Polish Combined Nomenclature (PCN), the wording of the description of the products should be regarded as indicative; the applicability of the preferential arrangements is determined, in the context of this Annex, by the coverage of the PCN codes.

⁽²⁾ Heifers of a weight exceeding 220 kg.

⁽³⁾ Excluding tenderloin presented alone.

⁽⁴⁾ Rate of duty applicable. If the applied MFN duty rate *ad valorem* for this product is reduced, the preferential duty rate *ad valorem* set out in the 3rd column will be reduced by the same proportion. If the applied MFN minimum/specific duty rate is reduced below the preferential minimum/specific duty, the latter will be reduced to the same level.

⁽⁵⁾ Products for which the EU will not grant any export refunds.

⁽⁶⁾ This concession in the pigmeat sector will be implemented after the current veterinary restrictions prohibiting the imports of certain pigmeat products into the Community from Poland will be lifted.

⁽⁷⁾ Within the framework of the Polish WTO tariff quota.