COUNCIL DECISION

of 19 December 2002

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 Romania, of the other part, to take account of the outcome of negotiations between the Parties on new mutual agricultural concessions

(2003/18/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 Romania, of the other part ([1]), provides for certain reciprocal trade concessions for certain agricultural products.

(2) Article 21(5) of the Europe Agreement provides that the Community and Romania is 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 Romania were provided for in the Protocol for the adaptation of the trade aspects of the Europe Agreement to take into account the accession of the Republic of Austria, the Republic of Finland and the Kingdom of Sweden to the European Union and the results of the agricultural negotiations of the Uruguay Round, including improvements to the existing preferential regime, approved by Council Decision 98/626/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 2435/2000 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 Romania ([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 Romania were concluded on 18 June 2002.

(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 Romania, 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 2435/2000 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 Romania, 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 hereby authorised to designate the person empowered to sign the Protocol on behalf of the Community 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 3 of the Protocol.

([1]) OJ L 357, 31.12.1994, p. 2.
([2]) OJ L 301, 11.11.1998, p. 1.
([3]) OJ L 280, 4.11.2000, p. 17.
([4]) 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).
([5]) OJ L 184, 17.7.1999, p. 23.

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 Romania, of the other part.

2. The Commission shall adopt detailed rules for the application of the Protocol in accordance with the procedure referred to in Article 5(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 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.

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 2435/2000 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

1. The Commission shall be assisted by the Management Committee for Cereals instituted by Article 23 of Council Regulation (EEC) No 1766/92 [1] 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 2435/2000 shall be repealed from the entry into force of the Protocol.

Done at Brussels, 19 December 2002.

For the Council

The President

L. ESPERSEN

[1] OJ L 181, 1.7.1992, p. 21.

ANNEX

Order numbers for EU tariff quotas for products originating in Romania

(as referred to in Article 4)

Quota order No	CN code	Description
09.4598 09.4537	0102 90 05 0102 90 21 0102 90 29 0102 90 41 0102 90 49	Live bovine animals of a live weight not exceeding 80 kg 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
09.4753	0201 0202	Meat of bovines, fresh, chilled or frozen
09.4756	ex 0203	Meat of domestic swine, fresh, chilled or frozen
09.4765	0206 10 95 0206 29 91 0210 20 0210 99 51	Fresh or chilled edible bovine thick and thin skirt Frozen edible bovine thick and thin skirt Meat of bovine animals, salted, in brine, dried or smoked Thick and thin skirt of bovine animals
09.5855	0207	Meat and edible offal, of the poultry of heading No 0105
09.4758	0406	Cheese and curd
09.6101	0702 00 00	Tomatoes
09.6103	0703 10 19	Onions, other than sets
09.6105	ex 0704 10 00 0704 90 10 0704 90 90	Cauliflower and headed broccoli, from 15 April to 30 November White cabbages and red cabbages Other
09.6107	ex 0707 00 05	Cucumbers, from 1 November to 15 May
09.5611	ex 0707 00 05	Cucumbers, from 16 May to 31 October
09.6109	0708 20 00	Beans
09.6111	0709 60 10	Sweet peppers
09.6113	0710 21 00 0710 22 00 0710 29 00	Peas, frozen Beans, frozen other leguminous, frozen
09.4726	0711 51 00 2003 10 20 2003 10 30	Mushroom of the genus *Agaricus*
09.6119	0808 10 20 0808 10 50 0808 10 90	Apples, other than cider apples
09.6121	0809 10 00	Apricots
09.6123	0809 40 05	Plums

Quota order No	CN code	Description
09.6125	0810 10 00	Strawberries
09.6131	0813 10 00 0813 20 00 0813 30 00	Apricots, dried Plums, dried Apples, dried
09.4766	1001	Wheat and meslin
09.5871	1005 10 90	Maize seed, other than hybrid seed
09.4767	1005 90 00	Maize, other than seed
09.5872	1101 1103 11 1103 20 60	Wheat and meslin flour Wheat groats and meal Wheat pellets
09.5873	1107	Malt
09.6133	1209 29 80 1209 99 91 1209 99 99	Other seeds, fruits and spores
09.6137	1512 11 91 1512 19 91	Sunflower-seed oil
09.4751	1601 00 91 1601 00 99	Sausages, other than of liver
09.6139	1602 31 1602 32 1602 39	Prepared or preserved meat of poultry
09.4752	1602 41 10 1602 42 10 1602 49 11 1602 49 13 1602 49 15 1602 49 19 1602 49 30 1602 49 50	Preserved meat of domestic swine
09.4768	1602 50	Prepared or preserved meat or offal of bovine animals
09.6141	2001 10 00 2001 90 60 2001 90 70 2001 90 75 2001 90 85 2001 90 93 2001 90 96	Cucumbers and gherkins, preserved Other preserved fruits and vegetables
09.6143	2002 90 31 2002 90 39 2002 90 91 2002 90 99	Preserved tomatoes
09.5545	2003 10 20 2003 10 30	Mushrooms of the genus *Agaricus*
09.6145	2005 40 00	Peas
09.5723	2007 10 99 2007 99 10 2007 99 98	Other homogenised preparations Plum purée and paste Other preparations
09.6149	2401 10 60 2401 10 70 2401 20 60 2401 20 70	Tobacco