II

(Acts whose publication is not obligatory)

COUNCIL

COUNCIL DECISION

of 27 March 2003

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

(2003/263/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 Poland, of the other part [1] (hereinafter referred to as the Europe Agreement), provides for certain reciprocal trade concessions for certain agricultural products.

(2) Article 20(5) of the Europe Agreement provides that the Community and Poland 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 Council Decision 2002/63/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 January 2001 by Regulation (EC) No 2851/2000 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 Poland [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 23 December 2002.

(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 Poland, 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.

[1] OJ L 348, 31.12.1993, p. 2.
[2] OJ L 27, 30.1.2002, p. 1.
[3] OJ L 332, 28.12.2000, p. 7.
[4] 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).

(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 [1].

(9) As a result of the aforementioned negotiations, Regulation (EC) No 2851/2000 has effectively lost its substance and should therefore be repealed,

HAS DECIDED AS FOLLOWS:

Article 1

The attached 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 negotiations between the parties on new mutual agricultural concessions, is hereby approved on behalf of the Community.

Article 2

The President of the Council is authorised to designate the person empowered to sign the Protocol on behalf of the Community and make the notification of approval provided for in Article 3 of the Protocol.

Article 3

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 Committee for Sugar instituted by Article 42 of Regulation (EC) No 1260/2001 [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 2851/2000 shall be repealed as from the entry into force of the Protocol.

Done at Brussels, 27 March 2003.

For the Council

The President

M. STRATAKIS

[1] OJ L 184, 17.7.1999, p. 23.

[2] OJ L 178, 30.6.2001, p. 1. Regulation as amended by Commission Regulation (EC) No 680/2002 (OJ L 104, 20.4.2002, p. 26).

ANNEX

Order numbers for EU tariff quotas for products originating in Poland

(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
09.4820	0103 92 19	Live swine, domestic species
09.4824	0201 0202	Meat of bovines, fresh, chilled or frozen
	1602 50 10	Uncooked; mixture of cooked meat or offal and uncooked meat or offal of bovine animals
09.4809	ex 0203	Meat of domestic swine, fresh, chilled or frozen,
	ex 0210	Meat of swine:
	0210 11	– Ham, shoulders and cuts thereof, with bone in
	0210 12	– Bellies and cuts thereof
	0210 19	– Other
09.5811	ex 0207	Meat and edible offal, of the poultry of heading No 0105, excluding 0207 34, 0207 36 81, 0207 36 85
09.4813	0402 10 19	Skimmed milk powder
	0402 21 19	Whole milk powder
	0402 21 99	Whole milk powder
09.4814	0405 10 11 0405 10 19 0405 10 30 0405 10 50 0405 10 90 0405 20 90	Butter and dairy spreads
09.4815	0406	Cheese and curd
09.5818	0407 00 11 0407 00 19 0407 00 30	Poultry eggs, in shell
09.5819	0408 91 80	Birds' eggs, dried
	0408 99 80	Other whole eggs, not in shell
09.5101	0701 10 00	Seed potatoes
09.5103	0701 90 90	Potatoes
09.5107	0703 10 11	Sets of onion
09.5109	0703 10 19	Onions
09.5113	0703 20 00	Garlic

Quota order No	CN code	Description
09.5159	0808 10 20 0808 10 50 0808 10 90	Apples
09.5282	0808 20 10	Perry pears, in bulk, 1 August to 31 December
09.4831	ex 1001 90	Wheat and wheat meslin, other than durum wheat excl. CN code 1001 90 10
09.5815	1101 00 1102	Wheat and meslin flour Cereals flours other than of wheat or meslin
09.4804	1108 13 00	Potato starch
09.5816	1210	Hop cones; lupulin
09.5579	1514 11 10 1514 91 10	Crude rapeseed, colza or mustard oil, other than for human consumption
09.4806	ex 1601 10 ex 1602 1602 41 10 1602 42 10 ex 1602 49	Sausages and similar products of meat, meat offal or blood: food preparations based on these products but excl. CN code 1601 00 10 Other prepared or preserved meat, meat offal or blood, of swine: – Domestic swine, hams and cuts thereof – Domestic swine, shoulders and cuts thereof – Domestic swine, other, including mixtures excl. CN code 1602 49 90
09.5817	1602 32 11 1602 39 21	Poultry meat of *Gallus domesticus*, uncooked, processed Other poultry meat, uncooked, processed
09.5547	1703 90 00	Molasses, other than cane molasses
09.5285	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
09.5813	ex 2302	Bran, sharps and other residues, excl. CN code 2302 50 00