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

(2003/285/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 Hungary, of the other part [1], provides for certain reciprocal trade concessions for certain agricultural products.

(2) Article 20(5) of the Europe Agreement provides that the Community and Hungary 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 with Hungary 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 arrangements, approved by Decision 1999/67/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 Regulation (EC) No 1727/2000 of 31 July 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 Hungary [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 Hungary were concluded on 25 April 2002. The results of the negotiations have so far been implemented by the respective parties in the form of autonomous measures. On the Community side, the autonomous measures were implemented by Council Regulation (EC) No 1408/2002 of 29 July 2002 establishing 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 Hungary [4]. Similar legislative measures were adopted and implemented by the Republic of Hungary.

(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 Hungary, 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.

[1] OJ L 347, 31.12.1993, p. 2.
[2] OJ L 28, 2.2.1999, p. 1.
[3] OJ L 198, 4.8.2000, p. 6.
[4] OJ L 205, 2.8.2002, p. 9.

(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 [1] 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 [2].

(9) As a result of the aforementioned negotiations, Regulation (EC) No 1408/2002 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 Hungary, 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 4 of the Protocol.

Article 3

Upon this Decision taking effect, the arrangements provided for in the Annexes to the Protocol attached to this Decision shall replace those referred to in Annexes VIII and IX as referred to in Article 20(2) and 20(3), 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 Hungary, of the other part.

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

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 [3] 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 1408/2002 shall be repealed from the entry into force of the Protocol.

Done at Brussels, 18 March 2003.

For the Council

The President

G. PAPANDREOU

[1] OJ L 253, 11.10.1993, p. 1. Regulation as last amended by Regulation (EC) No 444/2002.

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

[3] OJ L 181, 1.7.1992, p. 21. Regulation as last amended by Regulation (EC) No 1666/2000 (OJ L 193, 29.7.2000, p. 1).

ANNEX

Order numbers for EU tariff quotas for products originating in Hungary

(as referred to in Article 4)

Quota order No	CN code	Description
09.4598	0102 90 05	Live bovine animals 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 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
09.4707	0201 0202	Meat of bovine animals, fresh, chilled or frozen
09.4708	ex 0203	Meat of domestic swine, fresh, chilled or frozen
09.4774	0206 10 95	Edible offal of bovine animals, fresh or chilled, thick skirt and thin skirt
	0202 29 91	Edible offal of bovine animals, frozen, other, thick skirt and thin skirt
	0210 20 10 0210 20 90	Meat of bovine animals, salted, in brine, dried or smoked
	0210 99 51	Thick skirt and thin skirt of bovine animals
	0210 99 59	Other offal of bovine animals
	0210 99 90	Edible flours and meals of meat or meat offal
09.5861	0207 11 30 0207 11 90 0207 12	Chicken carcasses
	0207 13 50 0207 14 50	Breasts of chicken
	0207 13 60 0207 14 60	Legs of chicken
	0207 13 10 0207 14 10	Boneless cuts of chicken
	0207 26 10 0207 27 10	Boneless cuts of turkey
	0207 26 50 0207 27 50	Breasts of turkey
	0207 32 11 0207 32 15 0207 32 19 0207 33 11 0207 33 19	Ducks
	ex 0207 35 15 ex 0207 36 15	Cuts of ducks, boneless
	ex 0207 35 53 ex 0207 36 53	Breasts and cuts thereof of ducks, with bone-in
	ex 0207 35 63 ex 0207 36 63	Legs and cuts thereof of ducks, with bone-in
	ex 0207 35 79 ex 0207 36 79	Breasts and cuts thereof of ducks, the ribs of which have been partially or completely removed

Quota order No	CN code	Description
	0207 32 51 0207 32 59 0207 33 51 0207 33 59 0207 35 11 0207 35 23 0207 35 51 0207 35 61 0207 36 11 0207 36 23 0207 36 51 0207 36 61	Geese
	ex 0207 35 31 ex 0207 36 31	Whole wings of geese, with or without tips
	ex 0207 35 41 ex 0207 36 41	Backs, necks, backs with necks attached, rumps and wing tips of geese
	ex 0207 35 71 ex 0207 36 71	Paletots of geese
	ex 0207 35 79 ex 0207 36 79	Breasts and cuts thereof of geese, the ribs of which have been partially or completely removed
09.4704	0210 11 11 0210 12 11 0210 19 40 0210 19 51	Meat of domestic swine, salted or in brine
09.5501	ex 0210 99 39 ex 0210 99 80	Poultry, dried or smoked
09.4775	0401	Milk and cream, not concentrated, nor containing added sugar or other sweetening matter
	0402	Milk and cream, concentrated or containing added sugar or other sweetening matter
09.4776	0403 10 11 to 0403 10 39	Yoghurt, not flavoured nor containing added fruit, nuts or cocoa
	0403 90 11 to 0403 90 69	Buttermilk, curled milk and cream, kephir and other fermented or acidified milk and cream, not flavoured nor containing added fruit, nuts or cocoa
09.4777	0404	Whey, whether or not concentrated or containing added sugar or other sweetening matter; products consisting of natural milk constituents; whether or not containing added sugar or other sweetening matter, nor elsewhere specified or included
09.4778	0405 10	Butter
	0405 20 90	Dairy spreads of a fat content, by weight of > 75 % but < 80 %
	0405 90	Other fats and oils derived from milk
09.4733	0406	Cheese and curd
09.5866	0407 00 30	Eggs of poultry in shell, not for hatching
09.5867	0408 91 80	Eggs, dried, for human consumption
09.5503	ex 0702 00 00	Tomatoes, from 1 to 31 October
09.5105	0703 10 11 0703 10 19	Onions
09.5557	0704 90 10	White cabbages and red cabbages

Quota order No	CN code	Description
09.5127	ex 0707 00 05	Cucumbers, from 1 November to 15 May
09.5141	0710 21 00	Peas, frozen
09.5149	0710 80 95	Other vegetables, frozen
09.5151	0710 90 00	Mixtures of vegetables, frozen
09.511	ex 0806 10 10	Table grapes from 15 July to 31 October
09.5571	0807 11 00 0807 19 00	Melons, including watermelons
09.5157	0808 10 10	Cider apples, in bulk from 16 September to 15 December
09.5159	0808 10 20 0808 10 50 0808 10 90	Apples, other than cider apples
09.5513	0808 20 10 0808 20 50	Pears
09.5865	0812 90 30 0812 90 99	Papaws (papayas) and other fruit and nuts, provisionally preserved
09.5575	0904 20 10	Sweet peppers, neither crushed or ground
09.4779	1001	Wheat and meslin
	1101	Wheat or meslin flour
	1103 11 10	Durum wheat groats and meal
	1103 11 90	Common wheat and spelt groats and meal
	1103 20 60	Wheat pellets
09.5862	1002 00 00	Rye
	1102 10 00	Rye flour
	1103 19 10	Rye groats and meal
	1103 20 10	Rye pellets
09.5863	1003	Barley
	1102 90 10	Barley flour
	1103 19 30	Barley groats and meal
	1103 20 20	Barley pellets
09.5864	1004 00 00	Oats
	1102 90 30	Oat flour
	1103 19 40	Groats and meal of oats
	1103 20 30	Pellets of oats
09.4780	1005 10 90	Other than hybrid maize seed
	1005 90 00	Maize other than seed
	1102 20 10	Maize flour with fat content of ≤ 1,5 % by weight
	1102 20 90	Maize flour with fat content of > 1,5 % by weight
	1103 13 10 1103 13 90	Groats and meal of maize
	1103 20 40	Maize pellets

Quota order No	CN code	Description
09.5297	1109 00 00	Wheat gluten
09.4727	1501 00 19	Pig fat (including lard), other
09.5172 09.5173 09.5174	1512 11 10 1512 11 91 1512 19 10	Sunflower seed oil
09.4705	1601 00 91 1601 00 99	Sausages, dry or other
09.4706	1602 41 10 1602 42 10 1602 49 11 1602 49 13 1602 49 15 1602 49 19 1602 49 30 1602 49 50	Other preparations, preserved meat of domestic swine
09.5705	1602 50 10 1602 50 31 1602 50 39 1602 50 80	Other prepared or preserved meat or meat offal of bovine animals
09.5298	1702 30 1702 40	Glucose and glucose syrup
09.5177	2002 90 31 2002 90 39	Preserved tomatoes
09.5179	2002 90 91 2002 90 99	Preserved tomatoes
09.5521	2005 40 00	Peas '*Pisum sativum*' prepared or preserved otherwise than by vinegar or acetic acid (excluding frozen)
09.5181	2005 90 75	Sauerkraut
09.5189	ex 2007 99 31 2007 99 33 2007 99 35	Sour cherry jam Strawberry jam Raspberry jam
09.5205	2009 80 11 2009 80 32 2009 80 33 2009 80 35 2009 80 61 2009 80 83 2008 80 84 2009 80 86	Fruit juice
09.5299	2303 10 11	Residues of starch from maize
09.5716	ex 2309 10	Dog or cat food, put up for retail sale excluding CN codes 2309 10 11, 2309 10 31, 2309 10 51, 2309 10 90
09.5207	2401 10 2401 20	Tobacco