II

(Acts whose publication is not obligatory)

COUNCIL AND COMMISSION

COUNCIL AND COMMISSION DECISION

of 18 April 2005

on the conclusion of the Additional Protocol to the Europe Agreement establishing an association between the European Communities and their Member States, of the one part, and the Republic of Bulgaria, of the other part, to take account of the accession of the Czech Republic, the Republic of Estonia, the Republic of Cyprus, the Republic of Latvia, the Republic of Lithuania, the Republic of Hungary, the Republic of Malta, the Republic of Poland, the Republic of Slovenia, and the Slovak Republic to the European Union

(2005/430/EC, Euratom)

THE COUNCIL OF THE EUROPEAN UNION,

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community, and in particular Article 310 in conjunction with the second sentence of Article 300(2), first subparagraph and the second subparagraph of Article 300(3) thereof,

Having regard to the Treaty establishing the European Atomic Energy Community,

Having regard to the Treaty concerning the accession of the Czech Republic, the Republic of Estonia, the Republic of Cyprus, the Republic of Latvia, the Republic of Lithuania, the Republic of Hungary, the Republic of Malta, the Republic of Poland, the Republic of Slovenia and the Slovak Republic (hereinafter referred to as the new Member States) to the European Union, and in particular Article 6(2) of the Act concerning the conditions of accession annexed to that Treaty,

Having regard to the proposal from the Commission,

Having regard to the assent of the European Parliament [1],

Whereas:

(1) The Europe Agreement establishing an association between the European Communities and their Member States, of the one part, and the Republic of Bulgaria, of the other part [2] (hereinafter referred to as the Europe Agreement), entered into force on 1 February 1995.

(2) The Treaty concerning the accession of the Czech Republic, the Republic of Estonia, the Republic of Cyprus, the Republic of Latvia, the Republic of Lithuania, the Republic of Hungary, the Republic of Malta, the Republic of Poland, the Republic of Slovenia and the Slovak Republic to the European Union (hereinafter referred to as Treaty of Accession) entered into force on 1 May 2004.

(3) An Additional Protocol to the Europe Agreement is necessary to take account of the accession of the 10 new Member States.

(4) Consultations on this Additional Protocol have taken place in accordance with Article 28(2) of the Europe Agreement, so as to ensure that account is taken of the mutual interests of the Community and Bulgaria.

(5) 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].

(6) The Additional Protocol should therefore be approved,

[1] Assent delivered on 22 February 2005 (not yet published in the Official Journal).

[2] OJ L 358, 31.12.1994, p. 3, as amended.

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

HAVE DECIDED AS FOLLOWS:

Article 1

The Additional Protocol to the Europe Agreement establishing an association between the European Communities and their Member States, of the one part, and the Republic of Bulgaria, of the other part, to take account of the accession of the Czech Republic, the Republic of Estonia, the Republic of Cyprus, the Republic of Latvia, the Republic of Lithuania, the Republic of Hungary, the Republic of Malta, the Republic of Pola nd, the Republic of Slovenia, and the Slovak Republic to the European Union is hereby approved.

The text of the Additional Protocol is attached to this Decision.

Article 2

The Commission shall adopt detailed rules for the implementation of the Additional Protocol in accordance with the procedure referred to in Article 4(2).

Article 3

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 4(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 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]).

2. Quantities of goods subject to tariff quotas and released for free circulation as from 1 July 2004 under the concessions provided for in Annex A(b) of the Protocol approved under Decision 2003/286/EC ([2]) shall be fully counted against the quantities provided for in the fourth column in Annex A(b) to the Additional Protocol attached to this Decision, except for quantities for which import licences were issued before 1 July 2004.

Article 4

1. The Commission shall be assisted by the Management Committee for Sugar as set up by Article 42 of Council Regulation (EC) No 1260/2001 of 19 June 2001 on the common organisation of the markets in the sugar sector ([3]) or, where appropriate, by the committee set up 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 5

The President of the Council is hereby authorised to designate the person empowered to sign the Additional Protocol on behalf of the European Community.

Article 6

The President of the Council shall, on behalf of the European Community and its Member States, give the notification provided for in Article 9 of the Additional Protocol. The President of the Commission shall give such notification on behalf of the European Atomic Energy Community.

Done at Luxembourg, 18 April 2005.

For the Council	*For the Commission*
The President	*The President*
J. KRECKÉ	J. M. BARROSO

([1]) OJ L 253, 11.10.1993, p. 1. Regulation as last amended by Regulation (EC) No 2286/2003 (OJ L 343, 31.12.2003, p. 1).

([2]) Council Decision 2003/286/EC of 8 April 2003 on 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 Bulgaria, of the other part, to take account of the outcome of negotiations between the Parties on new mutual agricultural concessions (OJ L 102, 24.4.2003, p. 60).

([3]) OJ L 178, 30.6.2001, p. 1.

ANNEX

Order numbers for EU tariff quotas for products originating in Bulgaria

(as referred to in Article 3)

Quota Order No	CN code	Description
09.4783	0102 90 05 0102 90 21 0102 90 29 0102 90 41 0102 90 49	Live bovine animals
09.4651	0201 0202	Meat of bovines, fresh, chilled or frozen
09.4671	ex 0203	Meat of domestic swine, fresh, chilled or frozen
	0210 11 0210 12 0210 19	Meat of swine, salted, in brine, dried or smoked
	1601 00	Sausages and similar products
	1602 41 1602 42 1602 49	Prepared and preserved meat, meat offal or blood of swine
09.5854	ex 0207	Meat and edible offal, of the poultry of heading 0105, excluding 0207 27 91, 0207 35 91, 0207 36 89
09.4773	0402 10 0402 21	Milk and cream, in powder or other solid forms
09.4675	0403 10 11	Yoghurt, not flavoured nor containing added fruits, nuts or cocoa
	0403 10 13 0403 10 19 0403 10 31 0403 10 33 0403 10 39	Other, not flavoured nor containing added fruits, nuts or cocoa
09.4660	0406	Cheese and curd
09.5891	0407 00 30	Eggs of poultry, in shell, not for hatching
09.6225	0702 00 00	Tomatoes
09.5938	ex 0707 00 05	Cucumbers — for processing
09.6231	ex 0707 00 05	Cucumbers, fresh or chilled — other than for processing
09.4725	0711 51 00 2003 10 20 2003 10 30	Mushroom of the genus Agaricus
09.6247	0808 10	Apples, other than cider apples
09.4676	1001	Wheat and meslin
	1109 00 00	Wheat gluten

Quota Order No	CN code	Description
09.5893	1002 00 00	Rye
	1102 10 00	Rye flour
	1103 19 10	Rye groats and meal
	1003 20 10	Rye pellets
09.5894	1003 00	Barley
	1102 90 10	Barley flour
	1103 19 30	Barley groats and meal
	1103 20 20	Barley pellets
09.5895	1004 00 00	Oats
	1102 90 30	Oats flour
	1103 19 40	Groats and meal of oats
	1103 20 30	Pellets of oats
09.4677	1005 10 90 1005 90 00	Maize
09.5941	1006 30	Rice, semi-milled or wholly milled
09.6277	1602 32 1602 39	Prepared or preserved meat of poultry
09.4784	1602 50	Other prepared or preserved meat, meat offal or blood, of bovine animals
09.4785	1701	Sugar
	1702	Other sugars