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

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community, and in particular Article 133 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 concessions for certain agricultural products originating in Romania.

(2) Improvements to the preferential agreements of the Europe Agreement with Romania were provided for in the Protocol adjusting 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 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 [2]. The Council approved the abovementioned Protocol on behalf of the Community by Council Decision 98/626/EC [3].

(3) In accordance with the directives adopted by the Council on 30 March 1999, the Commission and Romania concluded on 26 May 2000 negotiations on a new Additional Protocol to the Europe Agreement.

(4) The new Additional Protocol, which provides for additional agricultural concessions, will be based on Article 21(5) of the Europe Agreement, establishing that the Community and Romania are to examine in the Association Council, product by product and on an orderly and reciprocal basis, the possibility of granting each other further concessions.

(5) A swift implementation of the adjustments forms an essential part of the results of the negotiations for the conclusion of a new Additional Protocol to the Europe Agreement with Romania.

(6) It is therefore appropriate to provide for the adjustment, as an autonomous and transitional measure, of the agricultural concessions provided for in the Europe Agreement with Romania.

(7) Romania will also undertake all the necessary legislative provisions, on an autonomous and transitional basis, in order to implement simultaneously the commitments made by Romania as a result of the conclusion of the negotiations.

(8) The measures necessary for the implementation of this Regulation should be 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 [4].

(9) 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 [5] codified the management rules for tariff quotas designed to be used following the chronological order of dates of customs declarations,

HAS ADOPTED THIS REGULATION:

Article 1

1. The arrangements for import into the Community applicable to certain agricultural products originating in Romania as set out in Annexes A(a) and A(b) to this Regulation shall replace those set out in Annex XI to 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. On the entry into force of the new Additional Protocol adjusting the Europe Agreement referred to in paragraph 1, the concessions provided for in that Protocol shall replace those referred to in Annexes A(a) and A(b) to this Regulation.

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

Article 2

1. 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 2000 under the concessions provided for in Annex XI to the Europe Agreement in accordance with the provisions of Regulation (EC) No 3066/95 [6] before the entry into force of this Regulation shall be fully counted against the quantities provided for in the Annex A(b) to this Regulation.

[1] OJ L 357, 31.12.1994, p. 2.
[2] OJ L 301, 11.11.1998, p. 3.
[3] OJ L 301, 11.11.1998, p. 1.
[4] OJ L 184, 17.7.1999, p. 23.
[5] OJ L 253, 11.10.1993, p. 1. Regulation as last amended by Regulation (EC) No 1662/1999 (OJ L 197, 29.7.1999, p. 25).
[6] OJ L 328, 30.12.1995, p. 31. Regulation as last amended by Regulation (EC) No 2435/98 (OJ L 303, 13.11.98, p. 1).

Article 3

1. The Commission shall be assisted by the Committee instituted by Article 23 of Council Regulation (EEC) No 1766/92 of 30 June 1992 on the common organisation of the market of cereals [1] or, where appropriate, the committee instituted by the relevant provisions of the other Regulations on the common organisation of agricultural markets, hereinafter referred to as the 'Committee'.

2. Where reference is made to this paragraph, the procedure laid down in 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 4

This Regulation shall enter into force on the third day following that of its publication in the *Official Journal of the European Communities*.

It shall apply from 1 July 2000.

This Regulation shall be binding in its entirety and directly applicable in all Member States.

Done at Luxembourg, 17 October 2000.

For the Council

The President

L. FABIUS

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

ANNEX A(a)

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

CN code (1)	CN code (1)	CN code (1)	CN code (1)	CN code (1)
0101 20 10	0709 90 40	0907 00 00	1510 00 10	1515 50 19
0104 20 10	0711 30 00	0910 20 90	1510 00 90	1515 50 91
0106 00 10	0713 50 00	0910 40 90	1511 10 90	1515 50 99
0106 00 20	0714 90 90	0910 91 90	1511 90 11	1515 90 29
0205 00 11		0910 99 99	1511 90 19	1515 90 39
0205 00 19	0802 12 90	1006 10 10	1511 90 91	1515 90 40
0205 00 90	0802 40 00	1007 00 10	1511 90 99	1515 90 51
0206 80 91	0802 90 50	1208 10 00	1513 11 10	1515 90 59
0206 90 91	0802 90 60	1209 11 00	1513 11 91	1515 90 60
0208 20 00	0802 90 85	1209 19 00	1513 11 99	1515 90 91
0208 90 10	0808 10 10	1209 21 00	1513 19 11	1515 90 99
0208 90 50	0810 20 90	1209 23 80	1513 19 19	1518 00 31
0208 90 60	0810 30 90	1209 29 50	1513 19 30	1518 00 39
0208 90 80	0810 40 30	1209 30 00	1513 19 91	1522 00 91
0210 90 10	0810 50 00	1209 91 10	1513 19 99	
0407 00 90	0810 90 85	1211 90 30	1513 21 11	2001 90 20
0410 00 00	0811 90 85	1212 10 10	1513 21 19	2005 90 10
0604 10 90	0813 40 95	1212 10 99	1513 21 30	2008 19 11
0604 91 21	0814 00 00	1302 19 05	1513 21 90	2008 19 13
0604 91 29		1504 10 10	1513 29 11	2008 19 51
0604 91 41	0901 12 00	1504 10 99	1513 29 19	2008 19 59
0604 91 49	0901 21 00	1504 20 10	1513 29 30	2008 92 72
0604 91 90	0901 22 00	1504 30 10	1513 29 50	2306 90 19
0604 99 90	0902 10 00	1509 10 10	1513 29 91	2309 90 10
0701 10 00	0904 12 00	1509 90 00	1513 29 99	2309 90 31
0709 51 30	0904 20 90		1515 50 11	2309 90 41
0709 51 50	0905 00 00			2309 90 51
0709 52 00				
0709 60 99				

(1) As defined in Commission Regulation (EC) No 2204/1999 of 12 October 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 Romania shall be subject to the concessions set out below

(MFN = most favoured nation duty)

Order No	CN code	Description (1)	Applicable duty (% of MFN) (2)	Annual quantity from 1.7.2000 to 30.6.2001 (tonnes)	Yearly increase as from 1.7.2001 (tonnes)	Specific provisions
	0101 19 90	Live horses, other than for slaughter	67	unlimited		
09.4598	0102 90 05	Live bovine animals of a live weight not exceeding 80 kg	20	178 000 head	0	(3)
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 exeeding 300 kg	20	153 000 head	0	(3)
09.4563	ex 0102 90	Heifers and cows not for sloughter of the following mountain breeds: grey, brown, yellow, spotted Simmental and Pinzgau	6 % *ad valorem*	7 000 head	0	(4)
09.4575	0104 10 30 0104 10 80 0104 20 90 0204	Live sheep or goats Meat of sheep or goats	free	7 000	700	(5)
09.4573	0201 0202 1602 50 31 1602 50 39 1602 50 80	Meats of bovines, fresh, chilled or frozen Prepared or preserved meat of bovines	free	2 500	250	
09.4756	ex 0203	Meat of domestic swine, fresh, chilled or frozen	20	15 625	0	(6)
09.4771	0207	Meat and edible offal, of the poultry of heading No 0105	free	3 000	300	(9)
	0208 10 11 0208 10 19	Other meat and edible meat offal of domestic rabbits	70	unlimited		
09.4758	0406	Cheese and curd	free	2 000	200	(9)
09.5561	0409 00 00	Natural honey	free	6 000	600	
	0602 90 59	Other outdoor plants other than perennial plants	92	unlimited		
	0603 90 00	Cut flowers, not fresh	35	unlimited		
09.6101	0702 00 00	Tomatoes	20	9 750	0	(8)

Order No	CN code	Description (1)	Applicable duty (% of MFN) (2)	Annual quantity from 1.7.2000 to 30.6.2001 (tonnes)	Yearly increase as from 1.7.2001 (tonnes)	Specific provisions
09.6103	0703 10 19	Onions, other than sets	free	170	0	
09.6105	ex 0704 10 10 0704 90 10 0704 90 90	Cauliflower and headed broccoli, from 15 April to 30 November White cabbages and red cabbages Other	20	3 250	0	
09.6107	ex 0707 00 05	Cucumbers, from 1 November to 15 May	20	4 000	0	(8)
	ex 0707 00 05	Cucumbers, from 16 May to 31 October	80	unlimited		(8)
09.5611	ex 0707 00 05	Cucumbers, from 16 May to 31 October	12 % *ad valorem*	330	0	(8)
09.5721	0707 00 90	Gherkins	free	1 500	150	
09.6109	0708 20 00	Beans	free	250	0	
09.6111	0709 60 10	Sweet peppers	free	3 000	0	
	ex 0709 30 00 ex 0709 90 90 ex 0709 90 90	Aubergines, from 1 January to 31 March Pumpkins and other gourds, from 1 January to 31 March Other, except parsley, from 1 January to 31 March	56 56 56	unlimited		
09.6113	0710 21 00 0710 22 00 0710 29 00	Peas, frozen Beans, frozen Other leguminous vegetables, frozen	20	250	0	
09.4726	0711 90 40 2003 10 20 2003 10 30	Mushroom of the genus *Agaricus*	8,4 % *ad valorem*	500	0	
	0712 20 00 ex 0712 30 00 ex 0712 90 90	Dried onions Mushrooms, exept cultivated mushrooms Horseradish	50 38 free	unlimited		
09.6117	0802 31 00 0802 32 00	Common walnuts, in shell Common walnuts, shelled	free	500		
	ex 0807 11 00	Watermelons, from 1 November to 30 April	59	unlimited		
09.6119	0808 10 20 0808 10 50 0808 10 90	Apples, other than cider apples	20	250	0	(8) (8) (8)
09.6121	0809 10 00	Apricots	20	2 500	0	(8)
	0809 20 05	Sour cherries	73	unlimited		(8)
09.6123	0809 40 05	Plums	20	4 250	0	(8)
	0809 40 90	Sloes	47	unlimited		

Order No	CN code	Description (1)	Applicable duty (% of MFN) (2)	Annual quantity from 1.7.2000 to 30.6.2001 (tonnes)	Yearly increase as from 1.7.2001 (tonnes)	Specific provisions
09.6125	0810 10 00	Strawberries	20	3 195	0	(7)
	0810 20 10	Raspberries	free	unlimited		(7)
	0810 30 10	Blackcurrants				(7)
	0810 30 30	Redcurrants				(7)
09.6151	0810 40 50	Fruits of the species *Vaccinium macrocarpon* and *Vaccinium corymbosum*	free	250	0	
09.5543	0810 40 90	Other fruits of the genus *Vaccinium*	free	250	0	
	0811 10 90	Strawberries	36	unlimited		(7)
	0811 20 31	Raspberries	39			(7)
	0811 20 39	Blackcurrants	28			(7)
	0811 20 59	Blackberries and mulberries	53			
	0811 20 90	Other berries	33			
	0811 90 50	Bilberries	47			
	ex 0811 90 95	Quinces	56			
	ex 0811 90 95	Rose-hips	free			
	ex 0811 90 95	Other than quinces and rosehips	33			
09.6129	0812 10 00	Cherries, provisionally preserved	free	250	0	
09.6153	0812 20 00	Strawberries, provisionally preserved	free	250	0	
09.6131	0813 10 00	Apricots, dried	free	1 250	0	
	0813 20 00	Plums, dried				
	0813 30 00	Apples, dried				
	0813 40 30	Pears, dried	50	unlimited		
09.4759	1001 90 91	Common wheat	free	25 000	2 500	
	1001 90 99					
	ex 1106 30 90	Flour, meal and powder of chestnuts	58	unlimited		
	ex 1106 30 90	Other than chestnuts	free			
09.6133	1209 29 80	Seeds, fruits and spores	free	625	0	
	1209 91 90					
	1209 99 91					
	1209 99 99					
09.6137	1512 11 91	Sunflower-seed oil	free	4 750	0	
	1512 19 91					
09.4751	1601 00 91	Sausages, other than of liver	20	1 125	0	
	1601 00 99					

Order No	CN code	Description (1)	Applicable duty (% of MFN) (2)	Annual quantity from 1.7.2000 to 30.6.2001 (tonnes)	Yearly increase as from 1.7.2001 (tonnes)	Specific provisions
	1602 20 11	Goose or duck liver	69	unlimited		
	1602 20 19		69			
	1602 41 90	Prepared or preserved meat of nondomestic swine	47			
	1602 42 90		47			
	1602 49 90		47			
	ex 1602 50 39	Prepared or preserved tongue of bovine animals	65			
	ex 1602 50 80		65			
	ex 1602 90 31	Preparation of game	47			
09.6139	1602 31 1602 32 1602 39	Prepared or preserved meat of poultry	free	750	75	(9)
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	20	2 125	0	
09.6141	2001 10 00	Cucumbers and gherkins, preserved	20	250	0	
	2001 90 60 to 2001 90 96	Other preserved fruits and vegetables				
09.6143	2002 90 31 2002 90 39 2002 90 91 2002 90 99	Preserved tomatoes	20	700	0	
09.5545	2003 10 20 2003 10 30	Mushrooms of the genus *Agaricus*	free	250	0	
09.6145	2005 40 00	Peas	20	250	0	
09.5723	2007 10 99	Other homogenised preparations	free	2 000	200	
	2007 99 10	Plum purée and paste				
	2007 99 98	Other preparations				
	ex 2007 91 90	Other, with the eception of orange jams and marmalades	70	unlimited		
	2007 99 31	Cherry jam	83			(8)
	ex 2007 99 39	Fruit preparations, with sugar content > 30 % by weight, fruit within headings 0801, 0803, 0804 (exept figs and pineapples) 0807 20 00, 0810 20 90, 0810 30 90, 0810 40 10, 0810 40 50, 0810 40 90, 0810 90	27			(8)
	2008 60 61	Sour cherries, containing added sugar, in immediate packings of a net content not exceeding 1kg	70	unlimited		

Order No	CN code	Description (1)	Applicable duty (% of MFN) (2)	Annual quantity from 1.7.2000 to 30.6.2001 (tonnes)	Yearly increase as from 1.7.2001 (tonnes)	Specific provisions
09.6147	2009 70 19	Apple juice, concentrated other	20	2 375	0	
09.5725	2009 70 30 2009 70 93 2009 70 99	Apple juice of a density not exeeding 1,33 g/cm^3 at 20 °C	20	4 500	450	
09.6149	2401 10 60 2401 10 70 2401 20 60 2401 20 70	Tobacco	20	4 375	0	

(1) Notwithstanding the rules for the interpretation of the Combined Nomenclature, the wording of the description of the ptoducts 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 coresponding description taken together.

(2) In cases where a MFN minimum duty exits, 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 Slovakia. 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 Slovakia.

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

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

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

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 Romania:

CN code	Description	Minimum import price (EUR/100 kg net)
ex 0810 10 00	Strawberries, fresh, intended for processing	51,4
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 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 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

2. The minimum import prices, as set out in point 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.

3. 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 Romanian authorities in order to enable them to correct the situation.

4. At the request of either the Community or Romania, 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.

5. 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.