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# COUNCIL REGULATION (EC) No 312/2003

**of 18 February 2003**

**implementing for the Community the tariff provisions laid down in the Agreement establishing an association between the European Community and its Member States, of the one part, and the Republic of Chile, of the other part**

(OJ L 46, 20.2.2003, p. 1)

Amended by:

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| ►**M1** | Commission Regulation (EC) No 305/2005 of 19 October 2004 | L 52 | 6 | 25.2.2005 |
| ►**M2** | Commission Regulation (EC) No 1492/2007 of 17 December 2007 | L 332 | 5 | 18.12.2007 |

Corrected by:

►**C1** Corrigendum, OJ L 53, 26.2.2005, p. 78 (305/2005)

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# COUNCIL REGULATION (EC) No 312/2003

## of 18 February 2003

## implementing for the Community the tariff provisions laid down in the Agreement establishing an association between the European Community and its Member States, of the one part, and the Republic of Chile, of the other part

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 Agreement establishing an association between the European Community and its Member States, of the one part, and the Republic of Chile, of the other part [1], hereinafter referred to as 'the Agreement', lays down the tariff preferences applicable to products originating in Chile in accordance with Annex III to the Agreement.

(2) Decision 2002/979/EC [2] on the signature and provisional application of certain provisions of the Agreement provides that the tariff preferences laid down in the Agreement shall be applicable on a provisional basis pending its entry into force.

(3) The base rates for calculating tariff reductions are those set out in Annex I to the Agreement.

(4) The same methods of calculation should apply to *ad valorem* rates of duty as to specific duties except in the cases specified in Article 71(2) and (3) of the Agreement.

(5) The Agreement stipulates that certain products originating in Chile may be imported into the Community within the limits of tariff quotas, at a reduced or a zero rate of customs duty. It is necessary to specify the products eligible for those tariff measures, their volumes and duties and the methods for calculating the reductions.

(6) It is appropriate to provide that the tariff quotas should be managed, in general, on a first-come first-served basis 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 [3]. The tariff quota for certain products should be managed under a system which is based on import and export licences and which should be carried out by the Commission.

(7) The Combined Nomenclature codes mentioned in this Regulation are those of the Combined Nomenclature for 2003, as provided in Council Regulation (EEC) No 2658/87 of 23 July 1987 on the tariff and statistical nomenclature and on the Common Customs Tariff [4]. Amendments to the Combined Nomenclature and Taric codes adopted after 2002 should not result in changes of

[1] OJ L 352, 30.12.2002, p. 3.
[2] OJ L 352, 30.12.2002, p. 1.
[3] OJ L 253, 11.10.1993, p. 1. Regulation as last amended by Commission Regulation (EC) No 444/2002 (OJ L 68, 12.3.2002, p. 11).
[4] OJ L 256, 7.9.1987, p. 1. Regulation as last amended by Commission Regulation (EC) No 1832/2002 (OJ L 290, 28.10.2002, p. 1).

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substance in agreements or other acts concluded between the Community and Chile. It is appropriate, therefore, to provide that the amendments and technical adaptations to the Annex to the Regulations made necessary by amendments to the Combined Nomenclature may be adopted by the Commission, assisted by the Customs Code Committee, 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]). It is also appropriate to provide that the same procedure should be followed for the adoption of amendments and technical adaptations to the Annex to the Regulations required by the amendments of the Agreement, or decisions taken thereunder, or other agreements between the parties.

(8) In the interest of combating fraud, it is necessary to provide that preferential imports into the Community may be subject to surveillance,

HAS ADOPTED THIS REGULATION:

*Article 1*

1. For the purposes of implementing the tariff preferences laid down in the Agreement:

(a) the term 'MFN duty' shall mean the duties specified in Part Two of Annex I to Regulation (EEC) No 2658/87. However, it shall not mean a duty set up within the framework of a tariff quota under Article 26 of the Treaty or under Annex 7 to Regulation (EEC) No 2658/87;

(b) subject to paragraph 2, the final rate of preferential duty shall be rounded down to the first decimal point.

2. Where the result of calculating the rate of preferential duty is one of the following, the preferential rate shall be considered as a full exemption:

(a) 1 % or less in the case of *ad valorem* duties, or

(b) EUR 2 or less per individual euro amount in the case of specific duties.

3. Where the customs duties comprise an *ad valorem* duty with a minimum and maximum duty, the preferential reduction shall also apply to that minimum and maximum duty. For products listed in Annex I to the Agreement under categories 'EP' and 'SP', the preferential reduction shall apply only to the *ad valorem* duty and in accordance with Annex I to the Agreement. If the customs duties comprise more than one specific duty, the preferential reduction shall apply to all these duties and in accordance with Annex I to the Agreement.

*Article 2*

1. The Commission shall open annual tariff quotas for the products originating in Chile set out in the Annex. The customs duties on these products shall be reduced to the levels provided for and within the limits of the tariff quotas specified in that Annex.

2. The reductions of duty referred to in the Annex are expressed as a percentage of the customs duties effectively applied to goods originating in Chile outside the tariff quotas provided for in the Annex when declared for release for free circulation.

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

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3. The tariff quotas referred to in the Annex shall be opened each year for a 12-month period from 1 January. However, in 2003 and except for the quota referred to in Article 4(2), the volume of these quotas shall be reduced by the number of twelfths corresponding to the calendar months before this Regulation enters into force.

4. A tariff quota falling within a tariff elimination category set out in Annex I to the Agreement shall end when the preferential duty is completely eliminated in accordance with its timetable.

*Article 3*

1. The annual volume of the tariff quotas at order Nos 09.1921, 09.1922, 09.1923 and 09.4181 in the Annex shall be increased successively by 10 per cent each year of the original quantity from 1 January 2004.

2. The annual volume of the tariff quotas at order Nos 09.1924, 09.1925, 09.1926, 09.1927, 09.1928, 09.1929 and 09.1930 in the Annex shall be increased successively by five per cent each year of the original quantity from 1 January 2004.

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3. The annual volume of the tariff quota at order No 09.1941 in the Annex shall be increased successively by five per cent each year of the original quantity from 1 January 2005.

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*Article 4*

1. Except for the tariff quota at order number 09.4181, the tariff quotas provided for in the Annex shall be managed in accordance with Articles 308a, 308b and 308c of Regulation (EEC) No 2454/93.

2. The Commission shall lay down the management rules for the tariff quota at order number 09.4181.

*Article 5*

The amendments and technical adaptations of the Annex to this Regulation made necessary by amendments to the Combined Nomenclature and Taric codes or arising from the amendment of the Agreement, or from decisions of the joint bodies established under the Agreement, or from the conclusion of other agreements, protocols or exchanges of letters between the Community and Chile shall be adopted by the Commission in accordance with the procedure set out in Article 6(2).

*Article 6*

1. The Commission shall be assisted by the Customs Code Committee, hereinafter referred to as 'the Committee'.

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 three months.

3. The Committee shall adopt its rules of procedure.

*Article 7*

1. Products put into free circulation with the benefit of the preferential rates provided for in the Agreement may be subject to

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surveillance. The Commission in consultation with the Member States shall decide the products to which this surveillance applies.

2. Article 308d of Regulation (EEC) No 2454/93 shall apply.

3. Member States and the Commission shall cooperate closely to ensure that the surveillance referred to in paragraph 1 is complied with.

*Article 8*

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

It shall apply from the date of the provisional application of certain provisions of the Agreement.

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

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*ANNEX*

**Concerning the products referred to in Article 2**

Notwithstanding the rules for the interpretation of the Combined Nomenclature, the wording for the description of the products is to be considered as having no more than an indicative value, the preferential scheme being determined, within the context of this Annex, by the coverage of the CN codes as they exist when this Regulation is adopted. Where ex CN codes are indicated, the preferential scheme is to be determined by application of the CN code and corresponding description taken together.

| Order No | CN code | Description | Annual tariff quota volume (net weight) | Tariff quota duty (% reduction) |
|---|---|---|---|---|
| 09.4181 | 0201 20<br>0201 30 00<br>0202 20<br>0202 30 | Meat of bovine animals, fresh, chilled or frozen | 1 000 tonnes (1) | 100 |
| 09.1921 | 0203 11 10<br>0203 12 11<br>0203 12 19<br>0203 19 11<br>0203 19 13<br>0203 19 15<br>0203 19 55<br>0203 19 59<br>0203 21 10<br>0203 22 11<br>0203 22 19<br>0203 29 11<br>0203 29 13<br>0203 29 15<br>0203 29 55<br>0203 29 59<br>1601 00<br>1602 41<br>1602 42<br>1602 49 | Meat of swine, fresh, chilled or frozen; sausages and similar products, of meat, meat offal, or blood; food preparations based on these products; other prepared or preserved meat, meat offal or blood (of swine) | 3 500 tonnes (1) | 100 |
| 09.1922 | 0204 | Meat of sheep or goats, fresh, chilled or frozen | 2 000 tonnes (1) | 100 |
| 09.1923 | 0207 11<br>0207 12<br>0207 13<br>0207 14<br>0207 24<br>0207 25<br>0207 26<br>0207 27<br>0207 32 11<br>0207 32 15<br>0207 32 19 | Meat and edible offal of the poultry, fresh, chilled and frozen; other prepared or preserved meat (of turkeys and of fowls of the species *Gallus domesticus*) | 7 250 tonnes (1) | 100 |

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| Order No | CN code | Description | Annual tariff quota volume (net weight) | Tariff quota duty (% reduction) |
|---|---|---|---|---|
| | 0207 33 11<br>0207 33 19<br>0207 35 15<br>0207 35 21<br>0207 35 53<br>0207 35 63<br>0207 35 71<br>0207 36 15<br>0207 36 21<br>0207 36 53<br>0207 36 63<br>0207 36 71<br>1602 31<br>1602 32 | | | |
| 09.1924 | 0406 | Cheese and curd | 1 500 tonnes (2) | 100 |
| 09.1925 | 0703 20 00 | Garlic | ►M2 581,50 tonnes (6) ◄ | 100 |
| 09.1926 | 1104 | Cereal grains otherwise worked, except rice of heading 1006; germ of cereals, whole, rolled, flaked or ground | 1 000 tonnes (2) | 100 |
| 09.1927 | 2203 10 20<br>2003 10 30 | Mushrooms of the genus *Agaricus*, prepared or preserved | 500 tonnes (2) | 100 |
| 09.1928 | 2008 60 19 | Cherries | 1 000 tonnes (2) | 100 |
| 09.1929 | ex 0806 10 10 | Table grapes, from 1 January to 14 July | ►M2 42 275 tonnes (7) ◄ | 100 |
| 09.1930 | ex 0806 10 10 | Table grapes, from 1 November to 31 December | 3 000 tonnes (2) | 100 |
| 09.1931 | 1704 10<br>1704 90 | Sugar confectionery (including white chocolate), not containing cocoa | 400 tonnes | 100 |
| 09.1932 | 1806 20<br>1806 31 00<br>1806 32<br>1806 90 | Chocolate and other food preparations containing cocoa | 400 tonnes | 100 |
| 09.1933 | 1905 31<br>1905 32<br>1905 90 40<br>1905 90 45 | Sweet biscuits; waffles and wafers | 500 tonnes | 100 |
| 09.1934 | 0302 69 66<br>0302 69 67<br>0302 69 68<br>0302 69 69 | Hake (*Merluccius spp., Urophycis spp.*), fresh or chilled | 5 000 tonnes | 10 (3) |

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| Order No | CN code | Description | Annual tariff quota volume (net weight) | Tariff quota duty (% reduction) |
|---|---|---|---|---|
| 09.1935 | 0305 30 30<br>0305 41 00 | Fish fillets, dried, salted or in brine; smoked fish | 40 tonnes | 10 (3) |
| 09.1936 | 1604 14 11<br>1604 14 18<br>1604 19 39<br>1604 20 70 | Prepared or preserved fish | 50 tonnes | one third of the MFN duty |
| ▼M1 ►C1 09.1940 (4) ◄ | 0303 29 00<br>0303 78 12<br>0303 78 19 | Fish, frozen | 725 tonnes | 100 |
| | 0304 20 53<br>0304 20 56<br>0304 20 58<br>0304 20 91<br>0304 20 94<br>0304 90 05 | Fish fillets and other fish meat, frozen | | |
| ►C1 09.1941 ◄ | 0810 50 00 | Kiwifruit | ►M2 1 050 (8) ◄ | 100 |
| ►C1 09.1942 (5) ◄ | 1604 15 19 | Prepared or preserved mackerel | 90 tonnes | 100 |

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(1) The annual volume of the tariff quota shall be increased successively each year by 10 per cent of the original quantity.
(2) The annual volume of the tariff quota shall be increased successively each year by five per cent of the original quantity.
(3) This reduction shall be increased in nine equal stages each year starting on 1 January 2004.
►M1 (4) This tariff quota will apply for 2004 and each calendar year thereafter beginning on 1.1.2005 until its expiry on 31.12.2012.
(5) This tariff quota will apply for 2004 and each calendar year thereafter beginning on 1.1.2005 until its expiry on 31.12.2006. ◄
►M2 (6) This annual quota volume shall apply from 1 January 2005. It shall be increased successively each year, and for the first time in 2006 for that year, with 26,50 tonnes (five per cent of the original volume of 530 tonnes). ◄
►M2 (7) This annual quota volume shall apply from 1 January 2005. It shall be increased successively each year, and for the first time in 2006 for that year, with 1 925 tonnes (five per cent of the original volume of 38 500 tonnes). ◄
►M2 (8) This annual quota volume shall apply from 1 January 2005. It shall be increased successively each year, and for the first time in 2006 for that year, with 50 tonnes (five per cent of the original volume of 1 000 tonnes). ◄