COMMISSION REGULATION (EC) No 53/2004

of 12 January 2004

amending Council Regulation (EC) No 747/2001 as regards the Community tariff quotas and reference quantities for certain agricultural products originating in Egypt

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 747/2001 of 9 April 2001 providing for the management of Community tariff quotas and of reference quantities for products eligible for preferences by virtue of agreements with certain Mediterranean countries and repealing Regulations (EC) No 1981/94 and (EC) No 934/95 [1], and in particular Article 5(1)(b) thereof,

Whereas:

(1) Pending the completion of the procedure necessary for the ratification and entry into force of the Euro-Mediterranean Agreement establishing an Association between the European Communities and their Member States on the one part, and the Arab Republic of Egypt on the other part, signed on 25 June 2001, an Agreement in the form of an Exchange of Letters concerning the provisional application of the trade and trade-related provisions of the Euro-Mediterranean Association Agreement, hereinafter referred to as 'the provisional Agreement', has been concluded on 19 December 2003. The provisional Agreement applies from 1 January 2004.

(2) The provisional Agreement will replace the relevant provisions in the Cooperation Agreement between the European Economic Community and the Arab Republic of Egypt signed on 18 January 1977 [2] and in the Agreement between the Member States of the European Coal and Steel Community and the Arab Republic of Egypt signed in Brussels on 18 January 1977 [3].

(3) In the provisional Agreement, for Community imports of certain agricultural products originating in Egypt tariff concessions are granted at a zero-rate of customs duty within the framework of tariff quotas.

(4) For certain agricultural products for which the tariff concessions under the Cooperation Agreement have applied within reference quantities, the provisional Agreement provides for the exemption of customs duties within tariff quotas or for the exemption of customs duties for unlimited volumes.

(5) To implement the tariff concessions provided for in the provisional Agreement, it is necessary to replace the Annex to Regulation (EC) No 747/2001 relating to tariff quotas and reference quantities for products originating in Egypt.

(6) In accordance with the provisional Agreement, the volumes of the tariff quotas for certain products should, from the second year of application, be increased annually by 3 % of the volume of the previous year, and the volumes for the tariff quotas for other products should be fixed specifically for the first to the third and following years of application.

(7) Regulation (EC) No 747/2001 should therefore be amended accordingly.

(8) For the purpose of the calculation of the tariff quotas for the first year of application, it is appropriate to provide, in accordance with the provisional Agreement, that the volumes of the tariff quotas for which the quota period starts before the date of entry into force of the provisional Agreement, should be reduced by a proportion relative to that part of the period which has elapsed before that date.

(9) The measures provided for in this Regulation are in accordance with the opinion of the Customs Code Committee,

HAS ADOPTED THIS REGULATION:

Article 1

Annex IV to Regulation (EC) No 747/2001 is replaced by the Annex to this Regulation.

Article 2

For the first year of application, the volumes of the Community tariff quotas with order numbers 09.1704, 09.1706, 09.1707, 09.1711, 09.1713, 09.1714, 09.1717, 09.1721 and 09.1725, for which the quota period starts before the date of entry into force of the provisional Agreement, shall be reduced by a proportion relative to that part of the period which has elapsed before that date.

Article 3

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

It shall apply from 1 January 2004.

[1] OJ L 109, 19.4.2001, p. 2. Regulation as last amended by Commission Regulation (EC) No 37/2004 (OJ L 6, 10.1.2004, p. 3).
[2] OJ L 266, 27.9.1978, p. 2.
[3] OJ L 316, 12.12.1979, p. 2.

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

Done at Brussels, 12 January 2004.

For the Commission
Frederik BOLKESTEIN
Member of the Commission

ANNEX

'ANNEX IV

EGYPT

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 at the time of adoption of the current regulation. Where ex CN codes are indicated, the preferential scheme is to be determined by application of the CN code and corresponding description taken together.

Tariff quotas

Order No	CN code	Description of goods	Quota period	Quota volume	Quota duty
09.1700	0601	Bulbs, tubers, tuberous roots, corms, crowns and rhizomes, dormant, in growth or in flower; chicory plants and roots other than roots of heading 1212	from 1.1 to 31.12	500 (1)	Exemption
09.1702	0602	Other live plants (including their roots), cuttings and slips; mushroom spawn	from 1.1 to 31.12	2 000 (1)	Exemption
09.1704	0603 10	Fresh cut flowers and flower buds of a kind suitable for bouquets or for ornamental purposes	from 1.1 to 15.4.2004	1 615,385	Exemption
			for each period thereafter from 1.10 to 15.4	3 000	
		of which:		of which:	
09.1706	0603 10 80	Other fresh cut flowers and flower buds of a kind suitable for bouquets or for ornamental purposes	from 1.1 to 15.4.2004	538,462	Exemption
			for each period thereafter from 1.10 to 15.4	1 000	
09.1708	0604 99 90	Foliage, branches and other parts of plants, without flowers or flower buds, and grasses, dyed, bleached, impregnated or otherwise prepared	from 1.1 to 31.12	500 (1)	Exemption
09.1705	ex 0701 90 50	New potatoes, fresh or chilled	from 1.1 to 31.3.2004	130 000	Exemption
			from 1.1 to 31.3.2005	190 000	
			from 1.1 to 31.3.2006 and from 1.1 to 31.3 of following years	250 000	

Order No	CN code	Description of goods	Quota period	Quota volume	Quota duty
09.1710	0703 10	Onions and shallots, fresh or chilled	from 1.2 to 15.6	15 000 (1)	Exemption
09.1712	0703 20 00	Garlic, fresh or chilled	from 1.2 to 15.6	3 000 (1)	Exemption
09.1713	0704	Cabbages, cauliflowers, kohlrabi, kale and similar edible brassicas, fresh or chilled	from 1.1 to 15.4.2004 for each period thereafter from 1.11 to 15.4	954,545 1 500 (3)	Exemption (2)
09.1714	0705 11 00	Cabbage lettuce (head lettuce), fresh or chilled	from 1.1 to 31.3.2004 for each period thereafter from 1.11 to 31.3	300 500 (4)	Exemption (2)
09.1715	0706 10 00	Carrots and turnips, fresh or chilled	from 1.1 to 30.4	500 (1)	Exemption
09.1716	0707 00	Cucumbers and gherkins, fresh or chilled	from 1.1 to 28/29.2	500 (1)	Exemption (2)
09.1717	0708	Leguminous vegetables, shelled or unshelled, fresh or chilled	from 1.1 to 30.4.2004 from 1.11.2004 to 30.4.2005 from 1.11.2005 to 30.4.2006 and for each period thereafter from 1.11 to 30.4	10 000 17 500 20 000	Exemption (2)
09.1718	ex 0710 ex 0711	Frozen and provisionally preserved vegetables, excluding sweet corn of subheadings 0710 40 00 and 0711 90 30 and excluding mushrooms of the genus *Agaricus* of subheadings 0710 80 61 and 0711 51 00	from 1.1. to 31.12.2004 from 1.1 to 31.12.2005 from 1.1 to 31.12.2006 and for following years	1 000 2 000 3 000	Exemption
09.1719	0712	Dried vegetables, whole, cut, sliced, broken or in powder, but not further prepared	from 1.1 to 31.12	16 000 (1)	Exemption
09.1720	0714 20	Sweet potatoes, fresh, chilled, frozen or dried, whether or not sliced or in the form of pellets	from 1.1 to 31.12	3 000 (1)	Exemption

Order No	CN code	Description of goods	Quota period	Quota volume	Quota duty
09.1707	0805 10	Oranges, fresh or dried	from 1.1 to 30.6.2004	25 000	Exemption (2)
			from 1.7.2004 to 30.6.2005	55 000	
			from 1.7.2005 to 30.6.2006 and for each period thereafter from 1.7 to 30.6	60 000	
		of which:		of which:	
09.1711	0805 10 10 0805 10 30 0805 10 50	Sweet oranges, fresh	from 1.1 to 31.5.2004	25 000 (5)	Exemption (6)
			for each period thereafter from 1.12 to 31.5	34 000 (5)	
09.1721	0807 19 00	Other melons, fresh	from 1.1 to 31.5.2004	666,667	Exemption
			for each period thereafter from 15.10 to 31.5	1 000 (7)	
09.1722	0808 20	Pears and quinces, fresh	from 1.1 to 31.12	500 (1)	Exemption (2)
09.1723	0809 30	Peaches, including nectarines, fresh	from 15.3 to 31.5	500 (1)	Exemption (2)
09.1724	0809 40	Plums and sloes, fresh	from 15.4 to 31.5	500 (1)	Exemption (2)
09.1725	0810 10 00	Strawberries, fresh	from 1.1 to 31.3.2004	250	Exemption
			from 1.10.2004 to 31.3.2005	1 000	
			from 1.10.2005 to 31.3.2006 and for each period thereafter from 1.10 to 31.3	1 500	

Order No	CN code	Description of goods	Quota period	Quota volume	Quota duty
09.1726	0811 0812	Fruit and nuts, uncooked or cooked by steaming or boiling in water, frozen, whether or not containing added sugar or other sweetening matter, or provisionally preserved, but unsuitable in that state for immediate consumption	from 1.1 to 31.12.2004 from 1.1. to 31.12.2005 from 1.1 to 31.12.2006 and for following years	1 000 2 000 3 000	Exemption (2)
09.1727	1515 50 11	Sesame oil, crude, for technical or industrial uses other than the manufacture of foodstuffs for human consumption (8)	from 1.1 to 31.12	1 000 (1)	Exemption
09.1728	1515 90	Other fixed vegetable fats and oils and their fractions, whether or not refined, but not chemically modified, other than linseed, maize (corn), castor, tung and sesame oils and their fractions	from 1.1 to 31.12	500 (1)	Exemption
09.1729	1703	Molasses resulting from the extraction or refining of sugar	from 1.1 to 31.12	350 000 (1)	Exemption
09.1730	2007	Jams, fruit jellies, marmalades, fruit or nut purée and fruit or nut pastes, obtained by cooking, whether or not containing added sugar or other sweetening matter	from 1.1 to 31.12	1 000 (1)	Exemption (2)
09.1771	2008 11	Groundnuts, otherwise prepared or preserved,, whether or not containing added sugar or other sweetening matter or spirit, not elsewhere specified or included	from 1.1 to 31.12	3 000 (1)	Exemption
09.1772	2009	Fruit juices (including grape must) and vegetable juices, unfermented and not containing added spirit, whether or not containing added sugar or other sweetening matter	from 1.1 to 31.12	1 000 (1)	Exemption (2)

(1) From 1 January 2005, this quota volume shall be annually increased by 3 % of the volume of the previous year.
(2) The exemption applies only to the *ad valorem* duty.
(3) From 1 November 2004, this quota volume shall be increased annually by 3 % of the volume of the previous quota period. The first increase shall take place on the basis volume of 1 500 tonnes net weight.
(4) From 1 November 2004, this quota volume shall be increased annually by 3 % of the volume of the previous quota period. The first increase shall take place on the basis volume of 500 tonnes net weight.
(5) Within this tariff quota, the specific duty provided in the Community's list of concessions to the WTO is reduced to zero, if the entry price is not less than 264/tonne, being the entry price agreed between the European Community and Egypt. If the entry price for a consignment is 2, 4, 6 or 8 % lower than the agreed entry price, the specific customs quota duty shall be equal respectively to 2, 4, 6 or 8 % of this agreed entry price. If the entry price of a consignment is less than 92 % of the agreed entry price, the specific customs duty bound within the WTO shall apply.
(6) Also exemption of the *ad valorem* duty, in the framework of this tariff quota.
(7) From 15 October 2004, this quota volume shall be increased annually by 3 % of the volume of the previous quota period. The first increase shall take place on the basis volume of 1 000 tonnes net weight.
(8) Entry under this subheading is subject to the conditions laid down in the relevant Community provisions (see Articles 291 to 300 of Commission Regulation (EEC) No 2454/93 (OJ L 253, 11.10.1993, p. 1) and subsequent amendments).'