Commission Regulation (EC) No 2279/2004 of 30 December 2004 amending Council Regulation (EC) No 747/2001 as regards the Community tariff quotas and reference quantities for certain agricultural products originating in the West Bank and the Gaza Strip

COMMISSION REGULATION (EC) No 2279/2004

of 30 December 2004

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

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) By its Decision of 22 December 2004[(2)], the Council has concluded an Agreement in the form of an Exchange of Letters between the European Community and the Palestine Liberation Organisation (PLO) for the benefit of the Palestinian Authority of the West Bank and the Gaza Strip concerning reciprocal liberalisation measures and the replacement of the Protocols 1 and 2 to the EC-Palestinian Authority Interim Association Agreement. That new Agreement applies from 1 January 2005.

(2) The new Protocol No 1 concerning the arrangements applicable to imports into the Community of agricultural products originating in the West Bank and the Gaza Strip hereinafter 'the new Protocol No 1', provides for new tariff concessions and changes to the existing concessions laid down in Regulation (EC) No 747/2001, some of which fall within Community tariff quotas and reference quantities.

(3) To implement the tariff concessions provided for in the new Protocol No 1, it is necessary to amend Regulation (EC) No 747/2001.

(4) For the purpose of calculating tariff quotas and reference quantities for the first year of application, it should be provided that, where the period for the quota or reference quantity starts before the date from which the new Agreement applies, the tariff quota volume and reference quantity are to be reduced in proportion to that part of the period which has already elapsed before that date.

(5) In order to facilitate the management of certain existing tariff quotas and reference quantities provided for in Regulation (EC) No 747/2001, the quantities imported within the framework of those quotas and reference quantities should be taken into account for

Changes to legislation: *There are currently no known outstanding effects for the Commission Regulation (EC) No 2279/2004. (See end of Document for details)*

charging on the measures opened in accordance with Regulation (EC) No 747/2001, as amended by this Regulation.

(6) In accordance with the new Protocol No 1, the tariff quota volumes for certain products should be increased twice.

(7) Since the provisions provided for in this Regulation should apply from the date of application of the new Agreement, it is appropriate for this Regulation to enter into force as soon as possible.

(8) 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 VIII to Regulation (EC) No 747/2001 shall be replaced by the text set out in the Annex to this Regulation.

Article 2

For the quota and reference quantity periods still open on 1 January 2005, the quantities which pursuant to Regulation (EC) No 747/2001 have been put into free circulation in the Community within the tariff quota and reference quantities with order numbers 09.1381, 18.0310, 18.0340 and 18.0380 shall be taken into account for charging on the tariff quota and reference quantities laid down in Annex VIII to Regulation (EC) No 747/2001, as amended by this Regulation.

Article 3

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

It shall apply from 1 January 2005.

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

Done at Brussels, 30 December 2004.

For the Commission

László KOVÁCS

Member of the Commission

ANNEX

ANNEX VIII

WEST BANK AND THE GAZA STRIP

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.

PART A: TARIFF QUOTAS

Order No	CN code	Description of goods	Quota period	Quota volume(in tonnes net weight)	Quota duty
09.1383	0409 00 00	Natural honey	From 1.1 to 31.12.2005	500	Exemption
			From 1.1 to 31.12.2006	750	
			From 1.1 to 31.12.2007 and for each period thereafter from 1.1 to 31.12	1 000	
09.1382	0603 10	Fresh cut flowers and flower buds of a kind suitable for ornamental purposes	From 1.1 to 31.12.2005	2 000	Exemption
			From 1.1 to 31.12.2006	2 250	
			From 1.1 to 31.12.2007 and for each period thereafter from 1.1 to 31.12	2 500	
09.1384	0712 31 00 0712 32 00 0712 33 00 0712 39 00	Mushrooms, wood ears (*Auricularia* spp.), jelly fungi (*Tremella*	From 1.1 to 31.12	500	Exemption

		spp.) and truffles, dried			
09.1385	0806 10 10	Fresh table grapes	From 1.2 to 14.7.2005	1 000	Exemption
			From 1.2 to 14.7.2006	1 500	
			From 1.2 to 14.7.2007 and for each period thereafter from 1.2 to 14.7	2 000	
09.1381	0810 10 00	Fresh strawberries	From 1.11.2004 to 31.3.2005	1 680	Exemption
			From 1.11.2005 to 31.3.2006	2 500	
			From 1.11.2006 to 31.3.2007 and for each period thereafter from 1.11 to 31.3	3 000	
09.1386	1509 10	Virgin olive oil	From 1.1 to 31.12.2005	2 000	Exemption
			From 1.1 to 31.12.2006	2 500	
			From 1.1 to 31.12.2007 and for each period thereafter from 1.1 to 31.12	3 000	

PART B: REFERENCE QUANTITIES

Order No	CN code	Taric subdivision	Description of goods	Reference quantity period	Reference quantity volume(in tonnes	Reference quantity duty

a The exemption applies only to the *ad valorem* duty.