Council Regulation (EC) No 1676/2004 of 24 September 2004 adopting autonomous and transitional measures concerning the importation of certain processed agricultural products originating in Bulgaria and the exportation of certain processed agricultural products to Bulgaria

COUNCIL REGULATION (EC) No 1676/2004

of 24 September 2004

adopting autonomous and transitional measures concerning the importation of certain processed agricultural products originating in Bulgaria and the exportation of certain processed agricultural products to Bulgaria

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) Protocol 3 to the Europe Agreement between the European Communities and Bulgaria, approved by Decision 94/908/EC, ECSC, Euratom of the Council and the Commission of 19 December 1994 on the conclusion 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[(1)], lays down the trade arrangements for the processed agricultural products which are listed therein. Protocol 3 was amended by the Protocol adjusting trade aspects of the Europe Agreement between the European Communities and Bulgaria[(2)], hereinafter 'Adjusting Protocol', approved by Decision 1999/278/EC[(3)] and improved by Decision No 2/2002 of the EU-Bulgaria Association Council[(4)].

(2) A trade agreement has recently been concluded which amends the Adjusting Protocol. The agreement aims to improve economic convergence in preparation for the accession of Bulgaria to the European Union and is scheduled to enter into force not later than 1 October 2004.

(3) The procedure for adopting a decision to amend the Adjusting Protocol will not be completed in time for it to enter into force on 1 October 2004. It is therefore necessary to provide for the application of the tariff concessions made to Bulgaria on an autonomous basis as from 1 October 2004.

(4) For the imports of certain processed agricultural products no duties should be applied. For certain other goods tariff quotas should be opened on a yearly basis.

(5) On processed agricultural products covered by Protocol 3 but not listed in this Regulation or for which the quotas opened by this Regulation are exhausted, the trade provision laid down in Protocol 3 should continue to apply.

Changes to legislation: *There are currently no known outstanding effects for the Council Regulation (EC) No 1676/2004. (See end of Document for details)*

(6) Commission Regulation (EC) No 1446/2002 of 8 August 2002 on the suspension and opening of tariff quotas applicable to the importation into the Community of certain processed agricultural products originating in Bulgaria and amending Regulation (EC) No 1477/2000[5] opened annual tariff quotas for imports into the Community of certain processed agricultural products originating in Bulgaria. Only quantities for the tariff quota with Order No 09.5463, 09.5487 and Order No 095479 should continue to apply for the year 2004.

(7) Processed agricultural products not covered by Annex I to the Treaty and exported to Bulgaria should not be eligible for export refunds under Commission Regulation (EC) No 1520/2000 of 13 July 2000 laying down common detailed rules for the application of the system of granting export refunds on certain agricultural products exported in the form of goods not covered by Annex I to the Treaty, and the criteria for fixing the amount of such refunds[6].

(8) 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[7] provides for a system for managing tariff quotas. The tariff quotas opened by this Regulation should be managed by the Community authorities and the Member States in accordance with that system.

(9) The measures necessary for the implementation of this Regulation 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[8].

HAS ADOPTED THIS REGULATION:

Article 1

From 1 October 2004, the customs duties set out in Annex I shall apply to the importation of the goods originating in Bulgaria listed in that Annex.

Article 2

1 The Community tariff quotas for duty free imports of goods originating in Bulgaria, set out in Annex II shall be opened annually from 1 January to 31 December. For the year 2004, they shall be open from 1 October to 31 December 2004. The volumes for the year 2004 shall be reduced on a pro rata basis according to the period, based on whole months, already elapsed, except for tariff quotas under Order No 09.5463, No 09.5487 and No 09.5479.

2 The quantities for the tariff quotas under Order No 09.5463, No 09.5487 and No 09.5479 opened under Regulation (EC) No. 1446/2002, and put in free circulation from 1 January to 30 September 2004, shall be fully counted against the quantities provided in the corresponding tariff quotas set out in Annex II.

Article 3

Processed agricultural products listed in Annex III to this Regulation which are exported to Bulgaria shall not be eligible for export refunds under Regulation (EC) No 1520/2000.

***Changes to legislation:** There are currently no known outstanding effects for the Council Regulation (EC) No 1676/2004. (See end of Document for details)*

Article 4

For processed agricultural products which are not covered by Annex I or for which the quotas referred to in Annex II are exhausted, the provisions laid down in Protocol 3 shall apply.

Article 5

The Commission may suspend the measures provided for in Articles 1, 2 and 3 in the event of non-application of the reciprocal preferences agreed by Bulgaria, in accordance with the procedure referred to in Article 7(2).

Article 6

The tariff quotas referred to in Annex II to this Regulation shall be managed by the Commission in accordance with Articles 308a, 308b and 308c of Regulation (EEC) No 2454/93.

Article 7

1 The Commission shall be assisted by the Committee referred to in Article 16 of Regulation (EC) No 3448/93[(9)], 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 one month.

3 The Committee shall adopt its Rules of Procedure.

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 1 October 2004.

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

Done at Brussels, 24 September 2004.

For the Council

The President

B. R. BOT

Changes to legislation: *There are currently no known outstanding effects for the Council Regulation (EC) No 1676/2004. (See end of Document for details)*

ANNEX I

DUTIES ON IMPORTS INTO THE COMMUNITY
OF GOODS ORIGINATING IN BULGARIA

CN Code	Description	Duty			
(1)	(2)	From 1.10 to 31.12.2004	From 1.1. to 31.12.2005	From 1.1. to 31.12.2006	From 1.1.2007 onward
0403	Buttermilk, curdled milk and cream, yoghurt, kephir and other fermented or acidified milk and cream, whether or not concentrated or containing added sugar or other sweetening matter or flavoured or containing added fruit, nuts or cocoa:				
0403 10	– Yoghurt:				
	— Flavoured or containing added fruit, nuts or cocoa:				
	—— In powder, granules or other solid forms, of a milk fat content, by weight:				
0403 10 51	——— Not exceeding 1,5 %	0 % + 64,1 EUR/100 kg	0	0	0
0403 10 53	——— Exceeding 1,5 % but not	0 % + 87,9 EUR/100 kg	0	0	0

a Trade provision laid down in Protocol 3 should continue to apply.

	exceeding 27 %				
0403 10 59	—— Exceeding 27 %	0 % + 113,9 EUR/100 kg	0	0	0
	—— Other, of a milk fat content, by weight:				
0403 10 91	—— Not exceeding 3 %	0 % + 8,3 EUR/100 kg	0	0	0
0403 10 93	—— Exceeding 3 % but not exceeding 6 %	0 % + 11,4 EUR/100 kg	0	0	0
0403 10 99	—— Exceeding 6 %	0 % + 17,9 EUR/100 kg	0	0	0
0403 90	– Other:				
	— Flavoured or containing added fruit, nuts or cocoa:				
	—— In powder, granules or other solid forms, of a milkfat content, by weight:				
0403 90 71	—— Not exceeding 1,5 %	0 % + 64,1 EUR/100 kg	0	0	0
0403 90 73	—— Exceeding 1,5 % but not exceeding 27 %	0 % + 87,9 EUR/100 kg	0	0	0
0403 90 79	—— Exceeding 27 %	0 % + 113,9 EUR/100 kg	0	0	0
	—— Other, of a milkfat content, by weight:				

a Trade provision laid down in Protocol 3 should continue to apply.