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(Acts whose publication is obligatory)

COUNCIL REGULATION (EC) No 1890/2003

of 27 October 2003

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

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 Economic Community and Malta, (hereinafter referred to as the 'Association Agreement'), approved by Regulation (EEC) No 492/71 [1] provides for tariff concessions for processed agricultural products originating in Malta.

(2) A trade agreement has been concluded, which amends the Association Agreement. The agreement aims to improve economic convergence in preparation for the accession of Malta to the European Union and is scheduled to enter into force no later than 1 November 2003. On the Community side that agreement lays down concessions in the form of complete liberalisation of trade for certain processed agricultural products and duty-free quotas for others. For imports outside of those quotas the provisions laid down in the Association Agreement continue to apply.

(3) Because the procedure for adopting a decision to amend the Association Agreement will not be completed in time for it to enter into force on 1 November 2003, it is necessary to provide for the application of the tariff concessions made to Malta on an autonomous basis as from 1 November 2003.

(4) For the importation of certain processed agricultural products no customs duties should be applied and for others duty-free quotas should be opened.

(5) Certain processed agricultural products not covered by Annex I to the Treaty 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 [2].

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

(7) Council Regulation (EC) No 3010/95 of 18 December 1995 totally or partially suspending the customs duties applicable to certain products falling within Chapters 1 to 24 of the Combined Nomenclature originating in Malta [3] should continue to apply for certain goods covered by it but not listed in this Regulation and for certain other goods covered by it, for which the tariff quotas opened by this Regulation are exhausted.

(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 [4] 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 [5],

[1] OJ L 61, 14.3.1971, p. 1.

[2] OJ L 177, 15.7.2000, p. 1. Regulation as last amended by Regulation (EC) No 740/2003 (OJ L 106, 29.4.2003, p. 12.).

[3] OJ L 314, 28.12.1995, p. 1. Regulation as last amended by Regulation (EC) No 779/98 (OJ L 113, 15.4.1998, p. 1).

[4] OJ L 253, 11.10.1993, p. 1. Regulation as last amended by Regulation (EC) No 1335/2003 (OJ L 187, 26.7.2003, p. 16).

[5] OJ L 184, 17.7.1999, p. 23.

HAS ADOPTED THIS REGULATION:

Article 1

From 1 November 2003 imports into the Community of processed agricultural products originating in Malta and listed in Annex I shall be exempted from customs duties and charges having equivalent effect.

Article 2

1. Imports into the Community of processed agricultural products originating in Malta and listed in Annex II shall be exempted from customs duties and charges having equivalent effect, at the levels and within the limits of the annual Community tariff quotas set out in that Annex.

2. For 2003, the volume of the quotas set out in Annex II, shall be reduced in proportion to the number of months already elapsed in that year.

Article 3

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

Article 4

For processed agricultural products, which are not covered by Annex I and Annex II or for which the tariff quotas referred to in Annex II are exhausted, the provisions set out in the Association Agreement shall apply.

Article 5

1. Regulation (EC) No 3010/95 shall continue to apply to the tariff concessions for the following products not covered by Annex I or II:

(a) other sugar confectionery containing 70 % or more by weight of sucrose (including invert sugar expressed as sucrose) of subheading ex 1704 90 99;

(b) other food preparations, not containing cocoa powder of subheadings ex 1901 90 91 and ex 1901 90 99.

2. Once the tariff quotas covered by Annex II are exhausted, Regulation (EC) No 3010/95 shall continue to apply to the tariff concessions for the following products:

(a) mixes and doughs for the preparation of bakers' wares of heading No 1905 (subheading 1901 20 00);

(b) crispbread of subheading 1905 10 00;

(c) bread, not containing added honey, eggs, cheese or fruit, and containing by weight in the dry matter state not more than 5 % of sugars and not more than 5 % of fat of subheading 1905 90 30.

Article 6

The Commission may suspend the measures provided for in Articles 1, 2 and 3 in the case of non-application of the reciprocal preferences agreed by Malta in accordance with the procedure referred to in Article 8(2).

Article 7

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

Article 8

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

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 9

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 as from 1 November 2003.

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

Done at Luxembourg, 27 October 2003.

For the Council

The President

A. MATTEOLI

[1] OJ L 318, 20.12.1993, p. 18.

ANNEX I

Processed agricultural products of which the imports into the Community are exempted from customs duties and equivalent charges

CN code	Description
(1)	(2)
0501 00 00	Human hair, unworked, whether or not washed or scoured; waste of human hair
0502	Pigs', hogs' or boars' bristles and hair; badger hair and other brush making hair; waste of such bristles or hair:
0502 10 00	– Pigs', hogs' or boars' bristles and hair and waste thereof
0502 90 00	– Other
0503 00 00	Horsehair and horsehair waste, whether or not put up as a layer with or without supporting material
0505	Skins and other parts of birds, with their feathers or down, feathers and parts of feathers (whether or not with trimmed edges) and down, not further worked than cleaned, disinfected or treated for preservation; powder and waste of feathers or parts of feathers:
0505 10	– Feathers of a kind used for stuffing; down:
0505 10 10	– – Raw
0505 10 90	– – Other
0505 90 00	– Other
0506	Bones and horncores, unworked, defatted, simply prepared (but not cut to shape), treated with acid or degelatinised; powder and waste of these products:
0506 10 00	– Ossein and bones treated with acid
0506 90 00	– Other
0507	Ivory, tortoiseshell, whalebone and whalebone hair, horns, antlers, hooves, nails, claws and beaks, unworked or simply prepared but not cut to shape; powder and waste of these products:
0507 10 00	– Ivory; ivory powder and waste
0507 90 00	– Other
0508 00 00	Coral and similar materials, unworked or simply prepared but not otherwise worked; shells of molluscs, crustaceans or echinoderms and cuttle-bone, unworked or simply prepared but not cut to shape, powder and waste thereof
0509 00	Natural sponges of animal origin:
0509 00 10	– Raw
0509 00 90	– Other
0510 00 00	Ambergris, castoreum, civet and musk; cantharides; bile, whether or not dried; glands and other animal products used in the preparation of pharmaceutical products, fresh chilled, frozen or otherwise provisionally preserved
0710	Vegetables (uncooked or cooked by steaming or boiling in water), frozen:
0710 40 00	– Sweetcorn
0711	Vegetables provisionally preserved (for example, by sulphur dioxide gas, in brine, in sulphur water or in other preservative solutions), but unsuitable in that state for immediate consumption:
0711 90	– Other vegetables; mixtures of vegetables:
	– – Vegetables:
0711 90 30	– – – Sweetcorn

CN code	Description
(1)	(2)
0903 00 00	Maté
1302	Vegetable saps and extracts; pectic substances, pectinates and pectates; agar-agar and other mucilages and thickeners, whether or not modified, derived from vegetable products:
	– Vegetable saps and extracts:
1302 12 00	– – Of liquorice
1302 13 00	– – Of hops
1302 14 00	– – Of pyrethrum or of the roots of plants containing rotenone
1302 19	– – Other:
1302 19 30	– – – Intermixtures of vegetable extracts, for the manufacture of beverages or of food preparations
	– – – Other:
1302 19 91	– – – – Medicinal
1302 20	– Pectic substances, pectinates and pectates:
1302 20 10	– – Dry
1302 20 90	– – Other
	– Mucilages and thickeners, whether or not modified, derived from vegetable products:
1302 31 00	– – Agar-agar
1302 32	– – Mucilages and thickeners, whether or not modified, derived from locust beans, locust bean seeds or guar seeds:
1302 32 10	– – – Of locust beans or locust bean seeds
1401	Vegetable materials of a kind used primarily for plaiting (for example, bamboos, rattans, reeds, rushes, osier, raffia, cleaned, bleached or dyed cereal straw, and lime bark):
1401 10 00	– Bamboos
1401 20 00	– Rattans
1401 90 00	– Other
1402 00 00	Vegetable materials of a kind used primarily as stuffing or as padding (for example, kapok, vegetable hair and eel-grass), whether or not put up as a layer with or without supporting material
1403 00 00	Vegetable materials of a kind used primarily in brooms or in brushes (for example, broomcorn piassava, couch grass and istle), whether or not in hanks or bundles
1404	Vegetable products not elsewhere specified or included:
1404 10 00	– Raw vegetable materials of a kind used primarily in dyeing or tanning
1404 20 00	– Cotton linters
1404 90 00	– Other
1505	Wool grease and fatty substances derived therefrom (including lanolin):
1505 00 10	– Wool grease, crude
1505 00 90	– Other

CN code	Description
(1)	(2)
1506 00 00	Other animal fats and oils and their fractions, whether or not refined, but not chemically modified
1515	Other fixed vegetable fats and oils (including jojoba oil) and their fractions, whether or not refined, but not chemically modified:
1515 90 15	– – Jojoba and oiticica oils; myrtle wax and Japan Wax; their fractions
1516	Animal or vegetable fats and oils and their fractions, partly or wholly hydrogenated, interesterified, reesterified or elaidinised, whether or not refined, but not further prepared:
1516 20	– Vegetable fats and oils and their fractions:
1516 20 10	– – Hydrogenated castor oil, so called 'opalwax'
1518 00	Animal or vegetable fats and oils and their fractions, boiled, oxidised, dehydrated, sulphurised, blown, polymerised by heat in vacuum or in inert gas or otherwise chemically modified, excluding those of heading 1516; inedible mixtures or preparations of animal or vegetable fats or oils or of fractions of different fats or oils of this chapter, not elsewhere specified or included:
1518 00 10	– Linoxyn
	– Other:
1518 00 91	– – Animal or vegetable fats and oils and their fractions, boiled, oxidised, dehydrated, sulphurised, blown, polymerised by heat in vacuum or in inert gas or otherwise chemically modified, excluding those of heading 1516
	– – Other:
1518 00 95	– – – Inedible mixtures or preparations of animal or of animal and vegetable fats and oils and their fractions
1518 00 99	– – – Other
1520 00 00	Glycerol, crude; glycerol waters and glycerol lyes
1521	Vegetable waxes (other than triglycerides), beeswax, other insect waxes and spermaceti, whether or not refined or coloured:
1521 10 00	– Vegetable waxes
1521 90	– Other:
1521 90 10	– – Spermaceti, whether or not refined or coloured
	– – Beeswax and other insect waxes, whether or not refined or coloured:
1521 90 91	– – Raw
1521 90 99	– – – Other
1522 00	Degras; residues resulting from the treatment of fatty substances or animal or vegetable waxes:
1522 00 10	– Degras
1702	Other sugars, including chemically pure lactose, maltose, glucose and fructose, in solid form; sugar syrups not containing added flavouring or colouring matter; artificial honey, whether or not mixed with natural honey; caramel:
1702 50 00	– Chemically pure fructose
1702 90	– Other, including invert sugar and other sugar and sugar syrup blends containing in the dry state 50 % by weight of fructose:
1702 90 10	– – Chemically pure maltose