COUNCIL REGULATION (EC) No 1090/2003

of 18 June 2003

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

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 the Czech Republic, approved by Decision 94/910/EC, ECSC, Euratom of the Council and the Commission of 19 December 1994 concerning the conclusion of a Europe Agreement establishing an association between the European Communities and their Member States, of the one part, and the Czech Republic on the other part ([1]), provides for tariff concessions for processed agricultural products originating in the Czech Republic. Protocol 3 was amended by the Protocol for the adaptation of trade aspects of the Europe Agreement with the Czech Republic ([2]), hereinafter referred to as the 'Adaptation Protocol', which was approved by Council Decision 98/707/EC ([3]).

(2) A trade agreement has recently been concluded which amends Protocol 3. It aims to improve economic convergence in preparation for accession of the Czech Republic to the European Union and is scheduled to enter into force not later than 1 July 2003. On the Community side that agreement lays down tariff concessions in the form of a 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 Protocol 3 continue to apply.

(3) The procedure for adopting a decision to amend the Adaptation Protocol will not be completed in time for it to enter into force on 1 July 2003. It is therefore necessary to provide for the application of the tariff concessions made to the Czech Republic on an autonomous basis as from 1 July 2003.

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

(5) Commission Regulation (EC) No 2359/2002 of 27 December 2002 opening tariff quotas for the year 2003 for imports into the European Community of certain products originating in the Czech Republic, Romania and Slovakia ([4]) should continue to apply for certain goods covered by Protocol 3 but not listed in this Regulation.

(6) 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 by Protocol 3 should continue to apply.

(7) 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 ([5]).

(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 ([6]) 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 this system.

([1]) OJ L 360, 31.12.1994, p. 1.
([2]) OJ L 341, 16.12.1998, p. 3.
([3]) OJ L 341, 16.12.1998, p. 1.
([4]) OJ L 351, 28.12.2002, p. 51.
([5]) 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).
([6]) OJ L 253, 11.10.1993, p. 1. Regulation as last amended by Regulation (EC) No 881/2003 (OJ L 134, 29.5.2003, p. 1).

(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 [1],

HAS ADOPTED THIS REGULATION:

Article 1

From 1 July 2003, imports into the Community of processed agricultural products originating in the Czech Republic 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 the Czech Republic 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 not listed in Annex I to the Treaty shall not be eligible for export refunds to the Czech Republic 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 quotas set out in Annex II are exhausted, the provisions laid down in Protocol 3 shall continue to apply.

Article 5

Regulation (EC) No 2359/2002 shall continue to apply for the tariff quota opened under Order No 09.5417 for products not covered by Annex I or Annex II.

Article 6

The Commission may suspend the measures provided for in Articles 1, 2 and 3 in case of non-application of the reciprocal preferences agreed by the Czech Republic in accordance with the procedure set out in Article 8.

Article 7

The tariff quotas set out 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(1) of Council Regulation (EC) No 3448/93 of 6 December 1993, laying down the trade arrangements applicable to certain goods resulting from the processing of agricultural products [2], 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 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 July 2003.

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

Done at Luxembourg, 18 June 2003.

For the Council

The President

G. DRYS

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

[2] OJ L 318, 20.12.1993, p. 18. Regulation as last amended by Regulation (EC) No 2580/2000 (OJ L 298, 25.11.2000, p. 5).

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)
0403	Buttermilk, curdled milk and cream, yogurt, 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 53	– – – – Exceeding 1,5 % but not exceeding 27 %
0403 10 59	– – – – Exceeding 27 %
	– – – Other, of a milk fat content, by weight:
0403 90	– Other:
	– – Flavoured or containing added fruit, nuts or cocoa:
	– – – In powder, granules or other solid forms, of a milk fat content, by weight:
0403 90 71	– – – – Not exceeding 1,5 %
0403 90 73	– – – – Exceeding 1,5 % but not exceeding 27 %
0403 90 79	– – – – Exceeding 27 %
	– – – Other, of a milk fat content, by weight:
0403 90 91	– – – – Not exceeding 3 %
0403 90 93	– – – – Exceeding 3 % but not exceeding 6 %
0403 90 99	– – – – Exceeding 6 %
0405	Butter and other fats and oils derived from milk; dairy spreads:
0405 20	– Dairy spreads:
0405 20 10	– – Of a fat content, by weight, of 39 % or more but less than 60 %
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

(1)	(2)
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 horn-cores, 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
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

(1)	(2)
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 sugar 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
1506 00 00	Other animal fats and oils and their fractions, whether or not refined, but not chemically modified