I

(Acts whose publication is obligatory)

COUNCIL REGULATION (EC) No 278/2003

of 6 February 2003

adopting autonomous and transitional measures concerning the importation of certain processed agricultural products originating in Poland

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 their Member States, of the one part, and the Republic of Poland, of the other part, hereinafter referred to as 'Europe Agreement with Poland' ([1]), provides for tariff concessions for processed agricultural products originating in Poland. Protocol 3 has been amended by the Adaptation Protocol ([2]) adjusting trade aspects of the Europe Agreement with Poland.

(2) The procedure for adopting a decision to amend the said Adaptation Protocol was not completed in time for it to enter into force on 1 January 2003. It is therefore necessary to provide for the application of the concessions granted in that Protocol to Poland on an autonomous basis from 1 February 2003.

(3) The new annual quotas provided for in the Annex should be opened for the period from 1 February to 31 December 2003 and from 1 January to 31 December in the following years. Furthermore, it should be specified that any imports originating in Poland already made after 1 February 2003 pursuant to the tariff quotas provided for in Regulation (EC) No 2364/2002 ([3]) are to be considered as coming under the new tariff quotas. It should be noted in this respect that the duties applied to such imports made after 1 February 2003 shall be reimbursed as appropriate in accordance with the provisions of Articles 878 to 898 of 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]).

(4) Provision should be made for the tariff quotas to be managed by the Community authorities and the Member States in conformity with Regulation (EEC) No 2454/93.

(5) The measures necessary to implement 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]),

HAS ADOPTED THIS REGULATION:

Article 1

From 1 February 2003 the processed agricultural products originating in Poland listed in the Annex shall be granted tariff concessions under the conditions indicated in that Annex. The basic amounts to be taken into consideration in calculating the reduced agricultural components (EAR) and additional duties applicable to imports into the Community from Poland are shown in Table 4 in the Annex.

Article 2

The quantities of goods which are subject to tariff quotas and are released for free circulation as from 1 February 2003 in accordance with Regulation (EC) No 2364/2002 before this Regulation enters into force shall be included in the quantities set out in the Annex.

Article 3

If Poland discontinues the application of the reciprocal measures in favour of the Community, the Commission may, in accordance with the procedure laid down in Article 5(2), suspend application of the measures provided for in Article 1.

Article 4

The annual tariff quotas referred to in Table 1 of the Annex shall be administered by the Commission in accordance with Articles 308a, 308b and 308c of Regulation (EEC) No 2454/93.

([1]) OJ L 348, 31.12.1993, p. 2.
([2]) OJ L 27, 30.1.2002, p. 3.
([3]) OJ L 351, 28.12.2002, p. 66.
([4]) OJ L 253, 11.10.1993, p. 1. Regulation as last amended by Regulation (EC) No 444/2002 (OJ L 68, 12.3.2002, p. 11).
([5]) OJ L 184, 17.7.1999, p. 23.

Article 5

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 6

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

It shall apply as from 1 February 2003.

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

Done at Brussels, 6 February 2003.

For the Council

The President

P. EFTHYMIOU

[1] 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

Table 1: *Annual tariff quotas applicable upon import into the Community of goods originating in Poland*

EAR: see Table 4.

Quota order numbers	CN code	Description	Quota volume (× 1 000 kg) (1)	Duty (%) within quota from 1.2.2003
09.5401	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:	23	
	0403 10	– Yogurt:		
		– – 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 + EAR
	0403 10 53	– – – Exceeding 1,5 % but not exceeding 27 %		0 + EAR
	0403 10 59	– – – Exceeding 27 %		0 + EAR
		– – – Other, of a milk fat content, by weight:		
	0403 10 91	– – – – Not exceeding 3 %		0 + EAR
	0403 10 93	– – – – Exceeding 3 % but not exceeding 6 %		0 + EAR
	0403 10 99	– – – – Exceeding 6 %		0 + EAR
	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 + EAR
	0403 90 73	– – – – Exceeding 1,5 % but not exceeding 27 %		0 + EAR
	0403 90 79	– – – – Exceeding 27 %		0 + EAR
		– – – Other, of a milkfat content, by weight:		
	0403 90 91	– – – – Not exceeding 3 %		0 + EAR
	0403 90 93	– – – – Exceeding 3 % but not exceeding 6 %		0 + EAR
	0403 90 99	– – – – Exceeding 6 %		0 + EAR
09.5403	1704	Sugar confectionery (including white chocolate), not containing cocoa:	15 000	
	1704 10	– Chewing gum, whether or not sugar-coated:		
		– – Containing less than 60 % by weight of sucrose (including invert sugar expressed as sucrose):		
	1704 10 11	– – – Gum in strips		0

Quota order numbers	CN code	Description	Quota volume (× 1 000 kg) (1)	Duty (%) within quota from 1.2.2003
	1704 10 19	– – – Other		0
		– – Containing 60 % or more by weight of sucrose (including invert sugar expressed as sucrose):		
	1704 10 91	– – – Gum in strips		0
	1704 10 99	– – – Other		0
	1704 90	– Other:		
	1704 90 30	– – White chocolate		0
		– – Other:		
	1704 90 55	– – – Throat pastilles and cough drops		0
	ex 1704 60 61	– – – Sugar coated (panned) goods containing less than 70 % by weight of sucrose (including invert sugar expressed as sucrose)		0
		– – – Other:		
	1704 90 71	– – – – Boiled sweets whether or not filled		0
	1704 90 75	– – – – Toffees, caramels and similar sweets		0
		– – – – Other:		
	ex 1704 90 99	Other, containing less than 70 % by weight of sucrose (including invert sugar expressed as sucrose)		0
09.5404	1806	Chocolate and other food preparations containing cocoa:	20 000	
	1806 10	– Cocoa powder, containing added sugar or other sweetening matter:		
	1806 10 20	– – Containing 5 % or more but less than 65 % by weight of sucrose (including invert sugar expressed as sucrose) or isoglucose expressed as sucrose		0
	1806 20	– Other preparations in block, slabs or bars weighing more than 2 kg or in liquid, paste, powder, granular or other bulk form in containers or immediate packings, of a content exceeding 2 kg:		0
		– Other, in blocks, slabs or bars:		
	1806 31	– – Filled		0
	1806 32	– – Not filled		0
	1806 90	– Other		0
09.5405	1902	Pasta, whether or not cooked or stuffed (with meat or other substances) or otherwise prepared such as spaghetti, macaroni, noodles, lasagne, gnocchi, ravioli, cannelloni, couscous, whether or not prepared:	3 525	
		– Uncooked pasta, not stuffed or otherwise prepared:		
	1902 11 00	– – Containing eggs		0
	1902 19	– – Other:		0

Quota order numbers	CN code	Description	Quota volume (× 1 000 kg) (1)	Duty (%) within quota from 1.2.2003
	1902 20	– Stuffed pasta whether or not cooked or otherwise prepared:		
		– – Other:		
	1902 20 91	– – – Cooked		0
	1902 20 99	– – – Other		0
	1902 30	– Other pasta:		0
	1902 40	– Couscous:		0
09.5407	1903 00 00	Tapioca and substitutes therefor prepared from starch, in the form of flakes, grains, pearls, siftings or similar forms	59	0 + EAR
09.5408	1905	Bread, pastry, cakes, biscuits and other bakers' wares, whether or not containing cocoa; communion wafers, empty cachets of a kind suitable for pharmaceutical use, sealing wafers, rice paper and similar products	15 000	0
09.5409	2001	Vegetables, fruits, nuts and other edible parts of plants, prepared or preserved by vinegar or acetic acid:	36	
	2001 90	– Other:		
	2001 90 40	– – Yams, sweet potatoes and similar edible parts of plants containing 5 % or more by weight of starch		0 + EAR
	2004	Other vegetables prepared or preserved otherwise than by vinegar or acetic acid, frozen, other than products of heading 2006:		
	2004 10	– Potatoes:		
		– – Other:		
	2004 10 91	– – – In the form of flour, meal or flakes		0 + EAR
	2005	Other vegetables prepared or preserved otherwise than by vinegar or acetic or acetic acid, not frozen, other than products of heading 2006:		
	2005 20	– Potatoes:		
	2005 20 10	– – In the form of flour, meal or flakes		0 + EAR
	2008	Fruits, nuts and other edible parts of plants, otherwise prepared or preserved, whether or not containing added sugar or other sweetening matter or spirit, not elsewhere specified or included:		
		– Nuts, groundnuts and other seeds, whether or not mixed together:		
	2008 99	– – Other:		
		– – – Not containing added spirit:		
		– – – – Not containing added sugar:		
	2008 99 91	– – – – Yams, sweet potatoes and similar edible parts of plants, containing 5 % or more by weight of starch		0 + EAR