

**Proposal for a Council Decision on the conclusion of a Protocol adjusting the trade aspects of the Europe Agreement establishing an association between the European Communities and their Member States, of the one part, and Romania, of the other part, to take account of the outcome of negotiations between the parties on new mutual agricultural concessions**

(2003/C 45 E/04)

COM(2002) 553 final — 2002/0241(ACC)

(Submitted by the Commission on 10 October 2002)

**EXPLANATORY MEMORANDUM**

1. On 30 March 1999, the Council authorised the Commission to open negotiations for additional mutual agricultural concessions in the framework of the Europe Agreements between the European Community and the associated Central and Eastern European Countries.
2. The negotiations with Romania, which were undertaken in the overall context of the accession process, were based on Article 21(5) of the Europe Agreement. This article provides that the Community and Romania shall examine in the Association Council, product by product and on an orderly and reciprocal basis, the possibility of granting each other further concessions, taking account of the volume of trade in agricultural products between them, of their particular sensitivity, of the rules of the common agricultural policy of the Community and of the role of agriculture in Romania's economy.
3. According to the Council mandate, the negotiations should lead to a fair equilibrium, both in terms of exports and imports, between the interests of the European Community and its Member States and those of the associated countries. On this basis, two rounds of negotiation were undertaken and concluded between the parties on 26 May 2000 and 18 June 2002.
4. The results of the negotiations between the Commission and Romania on additional agricultural concessions involve immediate, full and reciprocal liberalisation of trade in some agricultural products. Agreement was also reached on opening new tariff quotas in certain sectors and increasing certain previously existing quotas.
5. The present Protocol on new mutual agricultural concessions is to form a new Additional Protocol to the Europe Agreement setting out all (i.e. both old and new) agricultural trade concessions agreed between the Community and Romania.
6. Both sides implemented the results of the first round of negotiations on an autonomous and transitional basis from 1 July 2000. On the Community side, the new concessions were brought into effect by Council Regulation (EC) No 2435/2000 <sup>(1)</sup> of 17 October 2000. The present Protocol will replace these autonomous and transitional measures on the day of its entry into force.

<sup>(1)</sup> OJ L 280, 4.11.2000, p. 17.

THE COUNCIL OF THE EUROPEAN UNION,

Whereas:

Having regard to the Treaty establishing the European Community, and in particular Article 133, in conjunction with Article 300(2) subparagraph 1 thereof,

(1) The Europe Agreement establishing an association between the European Communities and their Member States, of the one part, and Romania, of the other part <sup>(1)</sup>, provides for certain reciprocal trade concessions for certain agricultural products.

Having regard to the proposal from the Commission,

<sup>(1)</sup> OJ L 357, 31.12.1994, p. 2.

- (2) Article 21(5) of the Europe Agreement provides that the Community and Romania shall examine product by product and on an orderly and reciprocal basis the possibilities of granting each other further concessions.
- (3) The first improvements to the preferential arrangements of the Europe Agreement with Romania were provided for in the Protocol adjusting trade aspects of the Europe Agreement to take account of the accession of the Republic of Austria, the Republic of Finland and the Kingdom of Sweden to the European Union and the outcome of the Uruguay Round negotiations on agriculture, including improvements to the existing preferential arrangements, approved by Council Decision 98/626/EC <sup>(1)</sup>.
- (4) Improvements to the preferential arrangements were also provided for as a result of negotiations to liberalise agricultural trade concluded in 2000. On the Community side, these were implemented from 1 July 2000 by Council Regulation (EC) No 2435/2000 establishing certain concessions in the form of Community tariff quotas for certain agricultural products and providing for an adjustment, as an autonomous and transitional measure, of certain agricultural concessions provided for in the Europe Agreement with Romania <sup>(2)</sup>. This second adjustment of the preferential arrangements has not yet been incorporated in the Europe Agreement in the form of an Additional Protocol.
- (5) Negotiations for further improvements to the preferential arrangements of the Europe Agreement with Romania were concluded on 18 June 2002.
- (6) The new Additional Protocol to the Europe Agreement adjusting the trade aspects of the Europe Agreement between the European Communities and their Member States, of the one part, and Romania, of the other part (hereinafter referred to as 'the Protocol') should be approved with a view to consolidating all concessions in agricultural trade between the two sides, including the results of the negotiations concluded in 2000 and 2002.
- (7) 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 <sup>(3)</sup> has codified the management rules for

tariff quotas designed to be used following the chronological order of dates of customs declarations. Certain tariff quotas under this Decision should therefore be administered in accordance with those rules.

- (8) Further measures necessary for the implementation of this Decision should be adopted in accordance with the management committee procedure of Council Decision 1999/468/EC of 28 June 1999 laying down the procedures for the exercise of implementing powers conferred on the Commission <sup>(4)</sup>.
- (9) As a result of the aforementioned negotiations, Regulation (EC) No 2435/2000 has effectively lost its substance and should therefore be repealed,

HAS DECIDED AS FOLLOWS:

#### *Article 1*

The attached Protocol adjusting the trade aspects of the Europe Agreement establishing an association between the European Communities and their Member States, of the one part, and Romania, of the other part, to take account of the outcome of negotiations between the parties on new mutual agricultural concessions, is hereby approved on behalf of the Community.

#### *Article 2*

1. The President of the Council is hereby authorised to designate the person empowered to sign the Protocol on behalf of the Community in order to express the consent of the Community to be bound.

2. The President of the Council shall, on behalf of the Community, make the notification of approval provided for in Article 3 of the Protocol.

#### *Article 3*

1. Upon this Decision taking effect, the arrangements provided for in the Annexes of the Protocol attached to this Decision shall replace those referred to in Annexes XI and XII as referred to in Article 21(2) and 21(4), as amended, of the Europe Agreement establishing an association between the European Communities and their Member States, of the one part, and Romania, of the other part.

2. The Commission shall adopt detailed rules for the application of the Protocol in accordance with the procedure referred to in Article 5(2).

<sup>(1)</sup> OJ L 301, 11.11.1998, p. 1.

<sup>(2)</sup> OJ L 280, 4.11.2000, p. 17.

<sup>(3)</sup> OJ L 253, 11.10.1993, p. 1. Regulation last amended by Regulation (EC) No 444/2002 (OJ L 68, 12.3.2002, p. 11).

<sup>(4)</sup> OJ L 184, 17.7.1999, p. 23.

*Article 4*

1. The order numbers as attributed to the tariff quotas in the Annex to this Decision may be changed by the Commission in accordance with the procedure referred to in Article 5(2). Tariff quotas with an order number above 09.5100 shall be administered by the Commission in accordance with Articles 308a, 308b and 308c of Regulation (EEC) No 2454/93.

2. Quantities of goods subject to tariff quotas and released for free circulation as from 1 July 2002 under the concessions provided for in Annex A(b) to Regulation (EC) No 2435/2000 shall be fully counted against the quantities provided for in the fourth column in Annex A(b) to the attached Protocol, except for quantities for which import licences were issued before 1 July 2002.

*Article 5*

1. The Commission shall be assisted by the Management Committee for Cereals instituted by Article 23 of Council

Regulation (EEC) No 1766/92<sup>(1)</sup> or, where appropriate, by the committee instituted by the relevant provisions of the other Regulations on the common organisation of agricultural markets.

2. Where reference is made to this paragraph, Articles 4 and 7 of Decision 1999/468/EC shall apply.

The period provided for in Article 4(3) of Decision 1999/468/EC shall be one month.

3. The Committee shall adopt its rules of procedure.

*Article 6*

Regulation (EC) No 2435/2000 is repealed from the entry into force of the Protocol.

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<sup>(1)</sup> OJ L 181, 1.7.1992, p. 21.

## ANNEX

**Order numbers for EU tariff quotas for products originating in Romania (as referred to in Article 4)**

Quota order No	CN code	Description
09.4598	0102 90 05	Live bovine animals of a live weight not exceeding 80 kg
09.4537	0102 90 21 0102 90 29 0102 90 41 0102 90 49	Live bovine animals of a live weight exceeding 80 kg but not exceeding 300 kg
09.4563	ex 0102 90	Heifers and cows not for slaughter of the following mountain breeds: grey, brown, yellow, spotted Simmental and Pinzgau
09.4753	0201 0202	Meat of bovines, fresh, chilled or frozen
09.4756	ex 0203	Meat of domestic swine, fresh, chilled or frozen
09.4765	0206 10 95 0206 29 91 0210 20 0210 99 51	Fresh or chilled edible bovine thick and thin skirt Frozen edible bovine thick and thin skirt Meat of bovine animals, salted, in brine, dried or smoked Thick and thin skirt of bovine animals
09.5855	0207	Meat and edible offal, of the poultry of heading No 0105
09.4758	0406	Cheese and curd
09.6101	0702 00 00	Tomatoes
09.6103	0703 10 19	Onions, other than sets
09.6105	ex 0704 10 00 0704 90 10 0704 90 90	Cauliflower and headed broccoli, from 15 April to 30 November White cabbages and red cabbages Other
09.6107	ex 0707 00 05	Cucumbers, from 1 November to 15 May
09.5611	ex 0707 00 05	Cucumbers, from 16 May to 31 October
09.6109	0708 20 00	Beans
09.6111	0709 60 10	Sweet peppers
09.6113	0710 21 00 0710 22 00 0710 29 00	Peas, frozen Beans, frozen other leguminous, frozen
09.4726	0711 51 00 2003 10 20 2003 10 30	Mushroom of the genus <i>Agaricus</i>
09.6119	0808 10 20 0808 10 50 0808 10 90	Apples, other than cider apples
09.6121	0809 10 00	Apricots
09.6123	0809 40 05	Plums
09.6125	0810 10 00	Strawberries

Quota order No	CN code	Description
09.6131	0813 10 00	Apricots, dried
	0813 20 00	Plums, dried
	0813 30 00	Apples, dried
09.4766	1001	Wheat and meslin
09.5871	1005 10 90	Maize seed, other than hybrid seed
09.4767	1005 90 00	Maize, other than seed
09.5872	1101	Wheat and meslin flour
	1103 11	Wheat groats and meal
	1103 20 60	Wheat pellets
09.5873	1107	Malt
09.6133	1209 29 80	Other seeds, fruits and spores
	1209 99 91	
	1209 99 99	
09.6137	1512 11 91	Sunflower-seed oil
	1512 19 91	
09.4751	1601 00 91	Sausages, other than of liver
	1601 00 99	
09.6139	1602 31	Prepared or preserved meat of poultry
	1602 32	
	1602 39	
09.4752	1602 41 10	Preserved meat of domestic swine
	1602 42 10	
	1602 49 11	
	1602 49 13	
	1602 49 15	
	1602 49 19	
	1602 49 30	
	1602 49 50	
09.4768	1602 50	Prepared or preserved meat or offal of bovine animals
09.6141	2001 10 00	Cucumbers and gherkins, preserved
	2001 90 60	Other preserved fruits and vegetables
	2001 90 70	
	2001 90 75	
	2001 90 85	
	2001 90 93	
	2001 90 96	
09.6143	2002 90 31	Preserved tomatoes
	2002 90 39	
	2002 90 91	
	2002 90 99	
09.5545	2003 10 20	Mushrooms of the genus <i>Agaricus</i>
	2003 10 30	
09.6145	2005 40 00	Peas
09.5723	2007 10 99	Other homogenised preparations
	2007 99 10	Plum purée and paste
	2007 99 98	Other preparations
09.6149	2401 10 60	Tobacco
	2401 10 70	
	2401 20 60	
	2401 20 70	

## PROTOCOL

**adjusting the trade aspects of the Europe Agreement establishing an association between the European Communities and their Member States, of the one part, and Romania, of the other part, to take account of the outcome of negotiations between the parties on new mutual agricultural concessions**

THE EUROPEAN COMMUNITY, hereinafter referred to as 'the Community',

of the one part, and

ROMANIA,

of the other part,

Whereas:

- (1) The Europe Agreement establishing an association between the European Communities and their Member States, of the one part, and Romania, of the other part (hereinafter referred to as 'the Europe Agreement') was signed in Brussels on 1 February 1993 and entered into force on 1 February 1995 <sup>(1)</sup>.
- (2) Article 21(5) of the Europe Agreement provides that the Community and Romania shall examine in the Association Council, product by product and on an orderly and reciprocal basis, the possibility of granting each other additional agricultural concessions. On this basis negotiations have been undertaken and were concluded between the parties.
- (3) For the first time, improvements to the preferential agricultural regime of the Europe Agreement were provided for in the Protocol adjusting trade aspects of the Europe Agreement <sup>(2)</sup> to take account of the last enlargement of the Community and the outcome of the GATT Uruguay Round.
- (4) Two further rounds of negotiations for improved agricultural trade concessions were concluded on 26 May 2000 and 18 June 2002.
- (5) From the one side, the Council decided, by virtue of Regulation (EC) No 2435/2000 <sup>(3)</sup>, to apply on a provisional basis, as from 1 July 2000, the European Community concessions resulting from the 2000 round of negotiations and from the other side the Government of Romania took legislative provisions to apply, as from the same date of 1 July 2000, the equivalent Romanian concessions (Emergency Ordinance No 124/30 of 30 July 2000) <sup>(4)</sup>.
- (6) The above mentioned concessions will be supplemented and replaced on the date of entry into force of this Protocol by the concessions provided for herein,

HAVE AGREED AS FOLLOWS:

*Article 1*

The arrangements for import into the Community applicable to certain agricultural products originating in Romania as set out in Annex A(a) and A(b) and the arrangements for import into Romania applicable to certain agricultural products originating in the Community as set out in Annex B(a) and B(b) to this Protocol shall replace those set out in Annexes XI and XII as referred to in Article 21(2) and 21(4), as amended, of the Europe Agreement establishing an association between the European Communities and their Member States, of the one part, and Romania, of the other part.

*Article 2*

The Annexes to this Protocol shall form an integral part thereof. This Protocol shall form an integral part of the Europe Agreement.

*Article 3*

This Protocol shall be approved by the Community and Romania in accordance with their own procedures. The Contracting Parties shall take the necessary measures to implement this Protocol.

The Contracting Parties shall notify each other of the accomplishment of the corresponding procedures according to the first paragraph hereof.

*Article 4*

Subject to completion of the procedures provided for in Article 3, this Protocol shall enter into force on 1 January 2003. Should these procedures not be completed in time, it shall enter into force on the first day of the first month following the Contracting Parties' notification of the accomplishment of the procedures.

*Article 5*

This Protocol shall be drawn up in duplicate in the Danish, Dutch, English, Finnish, French, German, Greek, Italian, Portuguese, Spanish, Swedish and Romanian languages, each of these texts being equally authentic.

Done at Brussels, . . .

*For the European Community*

*For Romania*

<sup>(1)</sup> OJ L 357, 31.12.1994, p. 2.

<sup>(2)</sup> OJ L 301, 11.11.1998, p. 3.

<sup>(3)</sup> OJ L 280, 4.11.2000, p. 17.

<sup>(4)</sup> MO I, 306, 4.7.2000.

## ANNEX A(a)

**Custom duties on imports applicable in the Community to products originating in Romania and listed below shall be abolished — CN codes <sup>(1)</sup>**

0101	0709 52 00	0901 12 00	1513	2008 30 31
0104 10 30	0709 59 10	0901 21 00	1515 21	2008 30 39
0104 10 80	0709 59 30	0901 22 00	1515 30 90	2008 30 51
0104 20	0709 60 99	0901 90 90	1515 50	2008 30 55
0106 19 10	0709 90 20	0902 10 00	1515 90 29	2008 30 59
0106 39 10	0709 90 31	0904 12 00	1515 90 39	2008 30 71
0204	0709 90 40	0904 20 10	1515 90 40	2008 30 75
0205	0709 90 50	0904 20 90	1515 90 51	2008 30 79
0206 80 91	0710 80 61	0905 00 00	1515 90 59	2008 30 90
0206 90 91	0710 80 69	0907 00 00	1515 90 60	2008 92 72
0208 10 11	0710 80 85	0910 20 90	1515 90 91	2008 99 11
0208 10 19	0711 20	0910 40 13	1515 90 99	2008 99 19
0208 20 00	0711 30 00	0910 40 19	1516 10	2008 99 25
0208 30 00	0711 90 10	0910 40 90	1518 00 31	2008 99 26
0208 40	0712 31 00	0910 91 90	1518 00 39	2008 99 46
0208 50 00	0712 32 00	0910 99 99	1522 00 91	2008 99 47
0208 90 10	0712 33 00	1006 10 10	1602 41 90	2008 99 49
0208 90 55	0712 39 00	1007 00 10	1602 42 90	2008 99 61
0208 90 60	0713 50 00	1008 10 00 <sup>(2)</sup>	1602 49 90	2008 99 62
0208 90 95	0714 20	1008 20 00 <sup>(2)</sup>	1602 90 31	2009 21 00
0210 91 00	0714 90 90	1008 90 <sup>(2)</sup>	1602 90 41	2009 29 19
0210 92 00	0802 12 90	1102 90 90 <sup>(2)</sup>	1602 90 72	2009 29 99
0210 93 00	0802 21 00	1103 19 90 <sup>(2)</sup>	1602 90 74	2009 31 19
0210 99 10	0802 22 00	1103 20 90 <sup>(2)</sup>	1602 90 76	2009 31 51
0210 99 21	0802 31 00	1106 10 00	1602 90 78	2009 31 59
0210 99 29	0802 32 00	1106 30	1602 90 98	2009 31 91
0210 99 31	0802 40 00	1108 20 00	1603 00 10	2009 31 99
0210 99 39	0802 50 00	1208 10 00	1703	2009 39 19
0210 99 59	0802 90 50	1209 10 00	2001 90 20	2009 39 39
0210 99 60	0802 90 60	1209 21 00	2001 90 65	2009 39 55
0407 00 90	0802 90 85	1209 23 80	2001 90 91	2009 39 59
0409 00 00	0808 10 10	1209 29 50	2003 20 00	2009 39 95
0410 00 00	0809 40 90	1209 29 60	2003 90 00	2009 39 99
0601	0810 20 90	1209 30 00	2004 90 30	2009 41 91
0602 30 00	0810 30 90	1209 91	2005 60 00	2009 41 99
0602 90 10	0810 40 30	1211 90 30	2005 90 10	2009 49 19
0602 90 30	0810 40 50	1212 10 10	2005 90 50	2009 49 93
0602 90 41	0810 40 90	1212 10 99	2005 90 75	2009 49 99
0602 90 45	0810 50 00	1214 90 10	2006 00 91	2009 71
0602 90 49	0810 60 00	1302 19 05	2006 00 99	2009 79 19
0602 90 51	0810 90 95	1502 00 90	2008 19 11	2009 79 30
0602 90 59	0811 90 70	1503 00 19	2008 19 13	2009 79 93
0604 10 90	0811 90 85	1503 00 90	2008 19 51	2009 79 99
0604 91 21	0812 10 00	1504 10 10	2008 19 59	2302 50 00
0604 91 29	0812 90 20	1504 10 99	2008 19 93	2306 90 19
0604 91 41	0812 90 30	1504 20 10	2008 20 19	2308 00 90
0604 91 49	0812 90 40	1504 30 10	2008 20 39	2309 90 10
0604 91 90	0812 90 50	1509 10 10	2008 20 51	2309 90 31
0604 99 90	0812 90 60	1509 90 00	2008 20 59	2309 90 41
0701 10 00	0812 90 99	1510 00	2008 20 71	2309 90 51
0704 20 00	0813 40 95	1511 10 90	2008 20 79	2309 90 91
0706 90 30	0813 50 31	1511 90	2008 20 91	
0707 00 90	0813 50 99	1512 21	2008 20 99	
0709 20 00	0814 00 00	1512 29	2008 30 11	

<sup>(1)</sup> As defined in Commission Regulation (EC) No 2031/2001 of 6 August 2001 amending Annex I to Council Regulation (EEC) No 2658/87 on the tariff and statistical nomenclature and on the Common Customs Tariff (OJ L 279, 23.10.2001, p. 1).

<sup>(2)</sup> Customs duties on imports of these products shall be abolished provided they do not benefit from export refunds.

## ANNEX A(b)

**Imports into the Community of the following products originating in Romania shall be subject to the concessions set out below**

(MFN = Most Favoured Nation duty)

CN code	Description <sup>(1)</sup>	Applicable duty (% of MFN) <sup>(2)</sup>	Quantity from 1.7.2002 to 30.6.2003 (tonnes)	Annual quantity from 1.7.2003 to 30.6.2004 (tonnes)	Yearly increase as from 1.7.2004 (tonnes)	Specific provisions
0102 90 05	Live bovine animals of a live weight not exceeding 80 kg	10	178 000 heads	178 000 heads	0	<sup>(3)</sup> <sup>(9)</sup>
0102 90 21 0102 90 29 0102 90 41 0102 90 49	Live bovine animals of a live weight exceeding 80 kg but not exceeding 300 kg	10	153 000 heads	153 000 heads	0	<sup>(3)</sup> <sup>(9)</sup>
ex 0102 90	Heifers and cows not for slaughter of the following mountain breeds: grey, brown, yellow, spotted Simmental and Pinzgau	6 % <i>ad valorem</i>	7 000 heads	7 000 heads	0	<sup>(4)</sup> <sup>(9)</sup>
0201 0202	Meat of bovines, fresh, chilled or frozen	free	3 500	4 000	0	<sup>(8)</sup> <sup>(9)</sup>
ex 0203	Meat of domestic swine, fresh, chilled or frozen	20	15 625	15 625	0	<sup>(5)</sup> <sup>(9)</sup>
0206 10 95	Fresh or chilled edible bovine thick and thin skirt	free	50	100	0	<sup>(8)</sup>
0206 29 91	Frozen edible bovine thick and thin skirt					
0210 20	Meat of bovine animals, salted, in brine, dried or smoked					
0210 99 51	Thick and thin skirt of bovine animals					
0207	Meat and edible offal, of the poultry of heading No 0105	free	3 600	3 900	300	<sup>(8)</sup> <sup>(9)</sup>
0406	Cheese and curd	free	2 400	2 600	200	<sup>(8)</sup> <sup>(9)</sup>
0603 90 00	Cut flowers, not fresh	35	unlimited	unlimited		
0702 00 00	Tomatoes	20	9 750	9 750	0	<sup>(7)</sup> <sup>(9)</sup>
0703 10 19	Onions, other than sets	free	170	170	0	<sup>(9)</sup>
0703 20	Garlic	9,6 % <i>ad valorem</i>	unlimited	unlimited		
ex 0704 10 00	Cauliflower and headed broccoli, from 15 April to 30 November	20	3 250	3 250	0	<sup>(9)</sup>
0704 90 10	White cabbages and red cabbages					
0704 90 90	Other					
ex 0707 00 05	Cucumbers, from 1 November to 15 May	20	4 000	4 000	0	<sup>(7)</sup> <sup>(9)</sup>
ex 0707 00 05	Cucumbers, from 16 May to 31 October	80	unlimited	unlimited		<sup>(7)</sup>
ex 0707 00 05	Cucumbers, from 16 May to 31 October	12 % <i>ad valorem</i>	330	330	0	<sup>(7)</sup> <sup>(9)</sup>
0708 20 00	Beans	free	250	250	0	<sup>(9)</sup>



CN code	Description <sup>(1)</sup>	Applicable duty (% of MFN) ( <sup>2</sup> )	Quantity from 1.7.2002 to 30.6.2003 (tonnes)	Annual quantity from 1.7.2003 to 30.6.2004 (tonnes)	Yearly increase as from 1.7.2004 (tonnes)	Specific provisions
ex 0709 30 00	Aubergines, from 1 January to 31 March	56	unlimited	unlimited		
ex 0709 90 90	Pumpkins and other gourds, from 1 January to 31 March	56				
ex 0709 90 90	Other, except parsley, from 1 January to 31 March	56				
0709 60 10	Sweet peppers	free	3 000	3 000	0	( <sup>9</sup> )
0710 21 00	Peas, frozen	20	250	250	0	( <sup>9</sup> )
0710 22 00	Beans, frozen					
0710 29 00	Other leguminous, frozen					
0711 51 00 2003 10 20 2003 10 30	Mushroom of the genus <i>Agaricus</i>	8,4 % <i>ad valorem</i>	500	500	0	( <sup>9</sup> )
0712 20 00	Dried onions	50	unlimited	unlimited		
ex 0712 90 90	Horse-radish	free				
ex 0806 10 10	Fresh table grapes, from 1 January to 14 July (excl. emperor variety, from 1 to 31 January only)	free	unlimited	unlimited		
ex 0807 11 00	Watermelons, from 1 November to 30 April	59	unlimited	unlimited		
0808 10 20 0808 10 50 0808 10 90	Apples, other than cider apples	20	250	250	0	( <sup>7</sup> ) ( <sup>9</sup> )
0809 10 00	Apricots	20	2 500	2 500	0	( <sup>7</sup> ) ( <sup>9</sup> )
0809 20 05	Sour cherries	73	unlimited	unlimited		( <sup>7</sup> )
0809 40 05	Plums	20	4 250	4 250	0	( <sup>7</sup> ) ( <sup>9</sup> )
0810 10 00	Strawberries	20	3 195	3 195	0	( <sup>6</sup> ) ( <sup>9</sup> )
0810 20 10	Raspberries	free	unlimited	unlimited		( <sup>6</sup> )
0810 30 10	Blackcurrants					
0810 30 30	Redcurrants					
0811 10 90	Strawberries	36	unlimited	unlimited		( <sup>6</sup> )
0811 20 31	Raspberries	39				( <sup>6</sup> )
0811 20 39	Blackcurrants	28				( <sup>6</sup> )
0811 20 59	Blackberries and mulberries	53				
0811 20 90	Other berries	33				
0811 90 50	Bilberries	47				
ex 0811 90 95	Quinces	56				
ex 0811 90 95	Rose-hips	free				
ex 0811 90 95	Other than quinces and rose hips	33				

CN code	Description <sup>(1)</sup>	Applicable duty (% of MFN) ( <sup>2</sup> )	Quantity from 1.7.2002 to 30.6.2003 (tonnes)	Annual quantity from 1.7.2003 to 30.6.2004 (tonnes)	Yearly increase as from 1.7.2004 (tonnes)	Specific provisions
0813 10 00	Apricots, dried	free	1 250	1 250	0	( <sup>9</sup> )
0813 20 00	Plums, dried					
0813 30 00	Apples, dried					
0813 40 30	Pears, dried	50	unlimited	unlimited		
1001	Wheat and meslin	free	130 000	230 000	0	( <sup>8</sup> )
1005 10 90	Maize seed, other than hybrid seed	free	500	1 000	0	( <sup>8</sup> )
1005 90 00	Maize, other than seed	free	74 500	149 000	0	( <sup>8</sup> )
1101	Wheat and meslin flour	free	1 500	3 000	0	( <sup>8</sup> )
1103 11	Wheat groats and meal					
1103 20 60	Wheat pellets					
1107	Malt	free	5 000	10 000	0	( <sup>8</sup> )
1209 29 80 1209 99 91 1209 99 99	Other seeds, fruits and spores	free	625	625	0	( <sup>9</sup> )
1512 11 91 1512 19 91	Sunflower-seed oil	free	4 750	4 750	0	( <sup>9</sup> )
1601 00 91 1601 00 99	Sausages, other than of liver	20	1 125	1 125	0	( <sup>9</sup> )
1602 20 11 1602 20 19	Goose or duck liver	69 69	unlimited	unlimited		
ex 1602 50 39 ex 1602 50 80	Prepared or preserved tongue of bovine animals	65 65				
1602 31 1602 32 1602 39	Prepared or preserved meat of poultry	free	900	975	75	( <sup>8</sup> ) ( <sup>9</sup> )
1602 41 10 1602 42 10 1602 49 11 1602 49 13 1602 49 15 1602 49 19 1602 49 30 1602 49 50	Preserved meat of domestic swine	20	2 125	2 125	0	( <sup>9</sup> )
1602 50	Prepared or preserved meat or offal of bovine animals	free	250	500	0	( <sup>8</sup> )
2001 10 00	Cucumbers and gherkins, preserved	20	250	250	0	( <sup>9</sup> )
2001 90 60 2001 90 70 2001 90 75 2001 90 85 2001 90 93 2001 90 96	Other preserved fruits and vegetables					
2002 90 31 2002 90 39 2002 90 91 2002 90 99	Preserved tomatoes	20	700	700	0	( <sup>9</sup> )

CN code	Description <sup>(1)</sup>	Applicable duty (% of MFN) <sup>(2)</sup>	Quantity from 1.7.2002 to 30.6.2003 (tonnes)	Annual quantity from 1.7.2003 to 30.6.2004 (tonnes)	Yearly increase as from 1.7.2004 (tonnes)	Specific provisions
2003 10 20 2003 10 30	Mushrooms of the genus <i>Agaricus</i>	free	250	250	0	<sup>(9)</sup>
2005 40 00	Peas	20	250	250	0	<sup>(9)</sup>
2007 10 99	Other homogenized preparations	free	2 400	2 600	200	<sup>(9)</sup>
2007 99 10	Plum purée and paste					
2007 99 98	Other preparations					
ex 2007 91 90	Other, with the exception of orange jams and marmalades	70	unlimited	unlimited		
2007 99 31	Cherry jam	83				<sup>(7)</sup>
ex 2007 99 39	Fruit preparations, with sugar content > 30 % by weight, fruit within headings 0801, 0803, 0804 (except figs and pine- apples), 0807 20 00, 0810 20 90, 0810 30 90, 0810 40 10, 0810 40 50, 0810 40 90, 0810 90	27				<sup>(7)</sup>
2008 60 61	Sour cherries, containing added sugar, in immediate packings of a net content not exceeding 1 kg	70	unlimited	unlimited		
2401 10 60 2401 10 70 2401 20 60 2401 20 70	Tobacco	20	4 375	4 375	0	<sup>(9)</sup>

<sup>(1)</sup> Notwithstanding the rules for the interpretation of the Combined Nomenclature, the wording of the description of the products is to be considered as having no more than indicative value, the preferential scheme being determined, within the context of this Annex, by the coverage of the CN code. Where ex CN codes are indicated, the preferential scheme is to be determined by application to the CN code and corresponding description taken together.

<sup>(2)</sup> In cases where a MFN minimum duty exists, the applicable minimum duty is equal to the MFN minimum duty multiplied by the percentage indicated in this column.

<sup>(3)</sup> The quota for this product is opened for Bulgaria, the Czech Republic, Estonia, Hungary, Latvia, Lithuania, Poland, Romania and the Slovak Republic. Where it appears likely that total Community imports of live bovine animals may exceed 500 000 heads in a given marketing year the Community may take the management measures needed to protect its market, not withstanding any other rights given under the Agreement.

<sup>(4)</sup> The quota for this product is opened for Bulgaria, the Czech Republic, Estonia, Hungary, Latvia, Lithuania, Poland, Romania and the Slovak Republic.

<sup>(5)</sup> Excluding tenderloin presented alone.

<sup>(6)</sup> Subject to minimum import price arrangements contained in the Annex to the present Annex.

<sup>(7)</sup> The reduction applies only to the *ad valorem* part of the duty.

<sup>(8)</sup> This concession is only applicable to products not benefiting from any kind of export subsidies.

<sup>(9)</sup> Quantities of goods subject to this existing tariff quota and released for free circulation as from 1 July 2002 before the entry into force of this Protocol shall be fully counted against the quantity provided for in the fourth column.

## Annex to Annex A(b)

**Minimum import price arrangement for certain soft fruit for processing**

1. Minimum import prices are fixed as follows for the following products for processing originating in Romania:

CN Code	Description	Minimum import price (EUR/100 kg net)
ex 0810 10 00	Strawberries, fresh, intended for processing	51,4
ex 0810 20 10	Raspberries, fresh, intended for processing	63,1
ex 0810 30 10	Blackcurrants, fresh, intended for processing	38,5
ex 0810 30 30	Redcurrants, fresh, intended for processing	23,3
ex 0811 10 90	Frozen strawberries, containing no added sugar or other sweetening matter: whole fruit	75,0
ex 0811 10 90	Frozen strawberries, containing no added sugar or other sweetening matter: other	57,6
ex 0811 20 31	Frozen raspberries, containing no added sugar or other sweetening matter: whole fruit	99,5
ex 0811 20 31	Frozen raspberries, containing no added sugar or other sweetening matter: other	79,6
ex 0811 20 39	Frozen blackcurrants, containing no added sugar or other sweetening matter: without stalk	62,8
ex 0811 20 39	Frozen blackcurrants, containing no added sugar or other sweetening matter: other	44,8

2. The minimum import prices, as set out in Article 1, will be respected on a consignment by consignment basis. In the case of a customs declaration value being lower than the minimum import price, a countervailing duty will be charged equal to the difference between the minimum import price and the customs declaration value.
3. If the import prices of a given product covered by this Annex show a trend suggesting that the prices could go below the level of the minimum import prices in the immediate future, the European Commission will inform the Romanian authorities in order to enable them to correct the situation.
4. At the request of either the Community or Romania, the Association Committee shall examine the functioning of the system or the revision of the level of the minimum import prices. If appropriate, the Association Committee shall take the necessary decisions.
5. To encourage and promote the development of trade and for the mutual benefit of all parties concerned, a consultation meeting will be organised three months before the beginning of each marketing year in the European Community. This consultation meeting will take place between the European Commission and the interested European producers' organisations for the products concerned, of the one part and the authorities', producers' and exporters' organisations of all the associated exporting countries, of the other part.

During this consultation meeting, the market situation for soft fruit including, in particular, forecasts for production, stock situation, price evolution and possible market development, as well as possibilities to adapt supply to demand, will be discussed.

## ANNEX B(a)

**Custom duties on imports applicable in Romania to products originating in the Community and listed below shall be abolished — Romanian tariff codes <sup>(1)</sup>**

0101	0602 90 20	0812 90 20	1302 19 98	2008 20 59
0102 10	0602 90 30	0812 90 30	1302 32 90	2008 20 71
0102 90 90	0602 90 41	0812 90 40	1302 39 00	2008 20 79
0103 10 00	0602 90 45	0812 90 50	1401	2008 20 91
0103 91 90	0602 90 49	0812 90 60	1402 00 00	2008 20 99
0103 92 90	0602 90 51	0812 90 70	1403 00 00	2008 30
0104	0602 90 59	0812 90 99	1404	2008 92 72
0106	0604	0813 40 50	1502	2008 99 11
0203 11 90	0704 20 00	0813 40 60	1503	2008 99 19
0203 12 90	0706 90 30	0813 40 70	1504	2008 99 25
0203 19 90	0709 20 00	0813 40 95	1509 10 10	2008 99 26
0203 21 90	0709 52 00	0813 50 12	1509 90 00	2008 99 41
0203 22 90	0709 59 10	0813 50 31	1510 00 10	2008 99 46
0203 29 90	0709 59 30	0813 50 99	1510 00 90	2008 99 47
0204	0709 60 91	0814 00 00	1512 21	2008 99 49
0205	0709 60 95	0901	1512 29	2008 99 51
0206 10 91 <sup>(2)</sup>	0709 60 99	0904 20 10	1515 21	2008 99 61
0206 10 99 <sup>(2)</sup>	0709 90 20	0904 20 30	1515 30	2008 99 62
0206 21 00 <sup>(2)</sup>	0709 90 31	0909 10 00	1515 40 00	2009 21 00
0206 22 00 <sup>(2)</sup>	0709 90 40	0909 40 00	1515 50	2009 29 19
0206 29 99 <sup>(2)</sup>	0709 90 50	0909 50 00	1515 90	2009 29 99
0206 30 80	0710 80 10	0910 20	1516 10	2009 31 19
0206 41 80	0710 80 61	0910 40 11	1518 00 31	2009 31 51
0206 49 80	0710 80 69	0910 40 13	1518 00 39	2009 31 59
0206 80 91	0710 80 85	0910 40 19	1522 00 91	2009 31 91
0206 80 99	0711 20	1102 90 90 <sup>(2)</sup>	1522 00 99	2009 31 99
0206 90 91	0711 30 00	1103 19 90 <sup>(2)</sup>	1602 41 90	2009 39 19
0206 90 99	0711 90 10	1103 20 90 <sup>(2)</sup>	1602 42 90	2009 39 39
0208	0712 31 00	1106 10 00	1602 49 90	2009 39 55
0210 91 00	0712 32 00	1106 30	1602 90 31	2009 39 59
0210 92 00	0712 33 00	1108 20 00	1602 90 41	2009 39 95
0210 93 00	0712 39 00	1202 10	1602 90 72	2009 39 99
0210 99 10	0713 20 00	1202 20 00	1602 90 74	2009 41 91
0210 99 21	0713 40 00	1207 30	1602 90 76	2009 41 99
0210 99 29	0713 50 00	1207 40	1602 90 78	2009 49 19
0210 99 31	0714 20	1207 50 90	1602 90 98	2009 49 93
0210 99 39	0714 90 90	1207 60	1603	2009 49 99
0210 99 59	0801	1207 91 10	1703	2301
0210 99 60	0802 11	1209 21 00	2001 90 10	2302 50 00
0407 00 90	0802 12	1209 22 10	2001 90 20	2304 00 00
0408 11 20	0802 21 00	1209 22 80	2001 90 65	2305 00 00
0408 19 20	0802 22 00	1209 23	2001 90 91	2306 10 00
0408 91 20	0802 40 00	1209 24 00	2003 20 00	2306 20 00
0408 99 20	0802 50 00	1209 25 10	2003 90 00	2306 41 00
0410 00 00	0810 00 00	1209 25 90	2004 90 30	2306 50 00
0501 00 00	0803	1209 26 00	2005 60 00	2306 60 00
0502 90 00	0804	1209 29 50	2005 90 10	2306 70 00
0503 00 00	0805	1209 30 00	2005 90 50	2306 90
0504 00 00	0806 20	1209 91	2005 90 75	2307 00 11
0505 10 10	0807 20 00	1209 99 10	2006 00 10	2307 00 90
0506	0808 10 10	1211 90	2006 00 91	2308 00 11
0507 10 00	0809 40 90	1212 10	2006 00 99	2308 00 40
0507 90 00	0810 40 10	1213 00 00	2008 11	2308 00 90
0508 00 00	0810 40 50	1214 10 00	2008 19 11	2309 90 10
0509 00 10	0810 40 90	1214 90	2008 19 13	2309 90 20
0510 00 00	0810 50 00	1301 10 00	2008 19 51	2309 90 31
0511 91	0810 60 00	1301 20 00	2008 19 59	2309 90 41
0511 99	0810 90	1301 90	2008 19 93	2309 90 51
0601	0811 90 70	1302 11 00	2008 20 19	2309 90 91
0602 30 00	0811 90 85	1302 14 00	2008 20 39	
0602 90 10	0812 10 00	1302 19 05	2008 20 51	

<sup>(1)</sup> As defined in Emergency Ordinance No 171/2001, MO I No 848/29.12.2001.

<sup>(2)</sup> Customs duties on imports of these products shall be abolished provided they do not benefit from export refunds.

## ANNEX B(b)

**Imports into Romania of the following products originating in the Community shall be subject to the concessions set out below**

Romanian tariff code	Description (*)	Applicable custom duty (% of MFN)	Quantity from 1.7.2002 to 30.6.2003 (tonnes)	Annual quantity from 1.7.2003 to 30.6.2004 (tonnes)	Yearly increase as from 1.7.2004 (tonnes)	Specific provisions
ex 0102 90 41 ex 0102 90 49 0102 90 51 0102 90 59	Heifers (female bovines that have never calved), weighing more than 220 kg	18,8	unlimited	unlimited		
0201 0202	Meat of bovine animals, fresh, chilled or frozen	free	2 000	4 000	0	( <sup>1</sup> )
0206 10 95	Fresh or chilled edible bovine thick and thin skirt	free	50	100	0	( <sup>1</sup> )
0206 29 91	Frozen edible bovine thick and thin skirt					
0210 20	Meat of bovine animals, salted, in brine, dried or smoked					
0210 99 51	Thick and thin skirt of bovine animals					
0207	Meat and edible offal, of the poultry of heading No 0105	free	3 600	3 900	300	( <sup>1</sup> ) ( <sup>4</sup> )
0210 99 90	Edible flours and meals of meat or meat offal	18,8	unlimited	unlimited		
0402 10 19	Milk and cream, in powder or other solid forms	15	1 500	1 500	0	( <sup>4</sup> )
0402 21 11		18,8				
0402 21 19		18,8				
0402 21 91		18,8				
0403 10 11 to 0403 10 39	Yoghurt, not flavoured nor containing added fruits, nuts or cocoa	18,8	unlimited	unlimited		
0403 90 11 to 0403 90 69	Other, not flavoured nor containing added fruits, nuts or cocoa					
0404 10 02 to 0404 10 16	Whey, in powder or other solid forms, not containing added sugar or other sweetening matter	18,8	unlimited	unlimited		
0405 10 0405 90	Butter and other fats and oils derived from milk	18,8	1 900	1 900	0	( <sup>4</sup> )
0406	Cheese and curd	free	2 400	2 600	200	( <sup>1</sup> ) ( <sup>4</sup> )
0602 10	Unrooted cuttings and slips	15	unlimited	unlimited		
ex 0701 10 00	Seed potatoes, fresh or chilled, of superior biological categories	free	unlimited	unlimited		
0701 90 50 0701 90 90	Potatoes, fresh or chilled other than seed and other than for the manufacture of starch	18,8	20 000	20 000	0	( <sup>4</sup> )

Romanian tariff code	Description (*)	Applicable custom duty (% of MFN)	Quantity from 1.7.2002 to 30.6.2003 (tonnes)	Annual quantity from 1.7.2003 to 30.6.2004 (tonnes)	Yearly increase as from 1.7.2004 (tonnes)	Specific provisions
0709 10	Globe artichokes, fresh or chilled	18,8	unlimited	unlimited		
0709 90 39	Olives, for the production of oil					
ex 0806 10 10	Fresh table grapes, from 1 January to 14 July (excl. emperor variety, from 1 to 31 January only)	free	unlimited	unlimited		
ex 1001 10 00	Durum wheat, seed	free	unlimited	unlimited		
ex 1001	Wheat and meslin, except durum wheat seed	free	125 000	125 000	0	( <sup>1</sup> ) ( <sup>4</sup> )
1002 00 00	Rye	18,8	30 000	30 000	0	( <sup>4</sup> )
1003 00 10	Barley, seed	18,8	1 118	1 118	0	( <sup>4</sup> )
1003 00 90	Barley, other than seed	18,8	55 882	55 882	0	( <sup>4</sup> )
1005 10	Maize seed	free	1 000	1 000	0	( <sup>1</sup> ) ( <sup>4</sup> )
1005 90 00	Maize, other than seed	free	24 500	49 000	0	( <sup>1</sup> )
1006	Rice	free	10 000	10 000	0	( <sup>4</sup> )
1102 30 00	Rice flour					
1103 19 50	Rice groats and meal					
1103 20 50	Rice pellets					
1101	Wheat and meslin flour	free	1 500	3 000	0	( <sup>1</sup> )
1103 11	Wheat groats and meal					
1103 20 60	Wheat pellets					
1107	Malt	free	5 000	10 000	0	( <sup>1</sup> )
1204 00 10	Linseed, for sowing	free	unlimited	unlimited		( <sup>2</sup> )
1209 10 00	Sugar beet seed	free	unlimited	unlimited		( <sup>3</sup> )
1509 10 90	Virgin olive oil, other than lampante virgin olive oil	18,8	unlimited	unlimited		
1515 11 00	Crude linseed oil	18,8	unlimited	unlimited		
1602 20 90	Preparations of liver, other than goose or duck liver	18,8	unlimited	unlimited		
1602 49 19	Meat preparations of domestic swine, other					
1602 31 to 1602 39	Prepared or preserved meat of poultry	free	600	650	50	( <sup>1</sup> ) ( <sup>4</sup> )
1602 50	Meat preparations of bovine animals	free	250	500	0	( <sup>1</sup> )
1701 11	Raw cane sugar	18,8	20 000	20 000	0	( <sup>4</sup> )
1701 12	Raw beet sugar					
1701 99	White or other sugar, not containing added flavouring or colouring					
1801 00 00	Cocoa beans, whole or broken	free	unlimited	unlimited		( <sup>2</sup> )
2005 70	Olives, prepared or conserved	free	5 000	5 000	0	( <sup>4</sup> )

Romanian tariff code	Description (*)	Applicable custom duty (% of MFN)	Quantity from 1.7.2002 to 30.6.2003 (tonnes)	Annual quantity from 1.7.2003 to 30.6.2004 (tonnes)	Yearly increase as from 1.7.2004 (tonnes)	Specific provisions
2007 91	Jams, fruit jellies, marmalades, purée and pastes of citrus fruits	18,8	unlimited	unlimited		
2007 99 35	Jams, fruit jellies, marmalades, purée and pastes of raspberries					
2007 99 51	Chestnut purée and paste					
2009 11	Frozen orange juice	18,8	unlimited	unlimited		
2009 19	Other orange juice					
2009 29 11	Grapefruit juice					
2009 29 91						
2009 31 11	Other citrus fruit juice					
2009 39 11						
2009 39 31						
2009 39 51	Lemon juice					
2009 41 10	Pineapple juice					
2009 49 11						
2009 49 30						
2009 49 91						
2401 10 10	Unmanufactured tobacco	18,8	2 500	2 500	0	( <sup>4</sup> )
2401 10 20						
2401 10 60						
2401 10 70						
2401 20 10						
2401 20 20						

(\*) The wording of the description of the products is to be considered as having no more than indicative value, the preferential scheme being determined, within the context of this Annex, by the coverage of the code. Where ex codes are indicated, the preferential scheme is to be determined by application to the code and corresponding description taken together.

(<sup>1</sup>) This concession is only applicable to products non-benefiting from any kind of export subsidies.

(<sup>2</sup>) In the event of an increase in the customs duty applicable *erga omnes*, the preferential duty applicable to imports originating in the Community may be set at 75 % of the customs duty applicable *erga omnes*, subject to a maximum of 18,8 % *ad valorem*.

(<sup>3</sup>) In the event of an increase in the customs duty applicable *erga omnes*, the preferential duty applicable to imports originating in the Community may be set at 75 % of the customs duty applicable *erga omnes*, subject to a maximum of 15 % *ad valorem*.

(<sup>4</sup>) Quantities of goods subject to this existing tariff quota and released for free circulation as from 1 July 2002 before the entry into force of this Protocol shall be fully counted against the quantity provided for in the fourth column.