



COMMISSION OF THE EUROPEAN COMMUNITIES

Brussels, 16.12.2005
COM(2005) 652 final

2005/0252 (ACC)

Proposal for a

COUNCIL DECISION

**on a Community position in the EC-Turkey Association Council on the amendment of
Protocols 1 and 2 of Decision No 1/98 of the EC-Turkey Association Council
on the trade regime for agricultural products**

(presented by the Commission)

EXPLANATORY MEMORANDUM

1. Trade in agricultural goods is excluded from the EC-Turkey customs union. Arrangements for preferential trade in agricultural goods between the Community and Turkey are set out in Decision No 1/98 of the EC-Turkey Association Council.
2. In anticipation of the enlargement of the Community on 1 May 2004, the Council issued negotiating directives to the Commission according to which the Community's agreements with a number of third countries (including Turkey) should be reviewed in order to take account of existing concessions and traditional trade flows between the countries concerned and the new Member States.
3. After consultations between Commission services and the competent Turkish authorities, agreement was reached on 28 April 2005 on adaptations to be made to the preferential arrangements for agricultural trade between the Community and Turkey to take account of the EU's enlargement to 25 Member States.
4. In the interest of clarity, these adaptations should be integrated into the existing agreement in the form of new consolidated annexes. This exercise also provides an opportunity to make certain technical amendments updating the presentation of the existing concessions (in particular as regards tariff codes and product descriptions).
5. To implement these changes, the EC-Turkey Association Council should adopt a new Decision amending Decision No 1/98. If adopted, this proposed Council Decision will approve the adoption of the new Decision of the EC-Turkey Association Council.

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**on a Community position in the EC-Turkey Association Council on the amendment of
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on the trade regime for agricultural products**

THE COUNCIL OF THE EUROPEAN UNION,

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

Having regard to the proposal from the Commission,

Whereas:

- (1) Protocols 1 and 2 of Decision No 1/98 of the EC-Turkey Association Council of 25 February 1998 on the trade regime for agricultural products¹ set out the preferential regime applicable to trade in agricultural products between Turkey and the Community.
- (2) Under Article 35 of the Additional Protocol to the Agreement establishing an Association between the European Economic Community and Turkey², the scope of the preferential treatment granted to each other by the Community and Turkey is to be decided by the Association Council,

HAS DECIDED AS FOLLOWS:

Sole Article

The position to be adopted by the Community in the Association Council established by the Agreement establishing an Association between the European Economic Community and Turkey shall be based on the draft Decision of the EC-Turkey Association Council annexed to this Decision.

Done at Brussels,

*For the Council
The President*

¹ OJ L 86, 20.3.1998, p. 1.

² OJ L 293, 29.12.1972, p. 4.

ANNEX

Draft

DECISION OF THE EC-TURKEY ASSOCIATION COUNCIL

amending Protocols 1 and 2 of Decision No 1/98 of the EC-Turkey Association Council on the trade regime for agricultural products

THE ASSOCIATION COUNCIL,

Having regard to the Agreement establishing an Association between the European Economic Community and Turkey,

Having regard to the Additional Protocol to that Agreement and in particular to Article 35 thereof,

Whereas:

- (1) Decision No 1/98 of the EC-Turkey Association Council of 25 February 1998 on the trade regime for agricultural products³ sets out arrangements for preferential agricultural trade between the Community and Turkey. Protocol 1 of the Decision contains details of the preferential regime to be applied by the Community to the import of agricultural products originating in Turkey. Protocol 2 of the Decision contains details of the preferential regime to be applied by Turkey to the import of agricultural products originating in the Community.
- (2) The Parties have held consultations and agreed to adapt the preferential regime to take account of the recent enlargement of the Community.
- (3) The relevant annexes to Protocols 1 and 2 of Decision No 1/98 should be replaced by new consolidated annexes reflecting the agreement on their adaptation and certain technical developments as regards tariff codes.
- (4) Decision No 1/98 should therefore be amended accordingly,

HAS DECIDED AS FOLLOWS:

Article 1

Decision No 1/98 is amended as follows:

- (1) Annex 1 to Protocol 1 is replaced by the text in Annex I to this Decision;
- (2) The Annex to Protocol 2 is replaced by the text in Annex II to this Decision.

³ OJ L 86, 20.3.1998, p. 1.

Article 2

This Decision shall enter into force on the date of its adoption.

It is applicable from 1 January 2006, or from the first day of the month following the day of its adoption, whichever is later.

Done at Brussels,

*For the Association Council
The President*

ANNEX I

“PROTOCOL 1 – ANNEX 1

ARRANGEMENTS APPLICABLE TO THE IMPORTATION INTO THE COMMUNITY OF AGRICULTURAL PRODUCTS ORIGINATING IN TURKEY

For the purposes of this Annex, the term CCT means the rates shown in column 3 of Part Two or Part Three, Section I of Annex I to Council Regulation (EEC) No 2658/87 on the tariff and statistical nomenclature and on the Common Customs Tariff, as amended⁴.

CN code (a)	Description (b)	CCT ad valorem duty		Specific duty		
		Duty reduction (%)	Tariff quota (tonnes net weight)	In-quota duty (€/t)	Tariff quota (tonnes net weight)	Over- quota duty (€/t)
0204	Meat of sheep or goats	100	–	0	200	
0207 25 10 0207 25 90	Meat of turkeys, not cut in pieces, frozen			170 186		
0207 27 30 0207 27 40 0207 27 50 0207 27 60 0207 27 70	Turkey cuts and offal other than liver, frozen			134 93 339 127 230	1 000	
0406 90 29 0406 90 31 0406 90 50 ex 0406 90 86 ex 0406 90 87 ex 0406 90 88	Kashkaval cheese Feta made from sheep's milk or buffalo milk, in containers containing brine, or in sheepskin or goatskin bottles Other cheese made from sheep's milk or buffalo milk, in containers containing brine, or in sheepskin or goatskin bottles Tulum Peyniri, made from sheep or buffalo milk, in individual plastic or other kind of packings of less than 10 kg			0	2 300	671.9
0701 90 50	New potatoes, from 1 January to 31 March	100	–			
0701 90	Potatoes, fresh or chilled, other	100	2 500			
0703 10 11 0703 10 19	Onions, from 15 February to 15 May	100	–			
0703 10 11 0703 10 19	Onions, from 16 May to 14 February	100	2 000			
0703 20 00	Garlic, fresh or chilled	100	–	0	–	
0708 20 00	Beans, from 1 November to 30 April	100	–			
ex 0708 90 00	Broad beans (<i>Vicia Faba major</i> L.), from 1 July to 30 April	100	–			
0709 30 00	Aubergines, from 15 January to 30 April	100	–			
0709 30 00	Aubergines, from 1 May to 14 January	100	1 000			
ex 0709 40 00	Ribbed or stick celery (<i>Apium graveolens</i> L., var <i>dulce</i> (Mill) Pers.), from 1 January to 30 April	100	–			
0709 90 70	Courgettes, from 1 December to end February	100	–			
0709 90 70	Courgettes, from 1 March to 30 November	100	500			
ex 0709 90 90	Pumpkins, from 1 December to end February	100	–			
ex 0709 90 90	Wild onions of the genus <i>Muscari comosum</i> , from 15 February to 15 May	100	–			
0802 21 00 0802 22 00	Hazelnuts or filberts (<i>Corylus</i> spp)	Duty rate: 3%	–			

⁴

OJ L 256, 7.9.1987, p. 1.

CN code (a)	Description (b)	CCT ad valorem duty		Specific duty		
		Duty reduction (%)	Tariff quota (tonnes net weight)	In-quota duty (€/t)	Tariff quota (tonnes net weight)	Over- quota duty (€/t)
0806 10 10	Fresh table grapes, from 1 May to 17 June and from 1 August to 14 November	100	350			
0806 10 10	Fresh table grapes, from 15 November to 30 April and from 18 June to 31 July	100	–			
0807 11 00	Watermelons, from 1 April to 15 June	100	–			
0807 11 00	Watermelons, from 16 June to 31 March	100	16 500			
0807 19 00	Other melons, from 1 November to 31 May	100	–			
0809 40 05	Plums, from 1 May to 15 June	100	–			
0811 10 11 0811 20 11 0811 90 19	Strawberries, frozen Raspberries, etc., frozen Other fruits, frozen	100	–	0	100	
1002 00 00	Rye			Reduction according to Article 3(4) (MFN – max €11.68/t)		
1107 10	Malt, not roasted			Reduction of €6.57/t	–	
1107 20 00	Malt, roasted			Reduction of €6.57/t	–	
1509 10 10	Virgin lampante olive oil			10% reduction	–	
1509 10 90	Other virgin olive oil	7.5% ad valorem	100	0	100	
1509 10 90	Other virgin olive oil			10% reduction	–	
1509 90 00	Other olive oil than virgin			5% reduction	–	
1510 00 10	Crude olive oil			10% reduction	–	
1510 00 90	Other olive oil			5% reduction	–	
2002 10 2002 90 11 2002 90 19	Prepared tomatoes, whole or in pieces Other prepared tomatoes, with a dry matter content of less than 12% by weight	100	8 900			
2002 90 31 2002 90 39 2002 90 91 2002 90 99	Other prepared or preserved tomatoes, with a dry matter content of not less than 12% by weight	100	30 000 (equivalence 28/30% dry matter content)			
2007 10 10 2007 91 10 2007 91 30 2007 99 20 2007 99 31 2007 99 33 2007 99 35 2007 99 39 2007 99 55 2007 99 57	Jams, jellies, marmalades, puree and pastes	100	–	67% reduction	1 750	
2007 91 30	Jams, jellies, marmalades, puree and pastes, obtained by cooking, other than homogenised preparations, of citrus fruit, with a sugar content exceeding 13% but not exceeding 30% by weight	100	–	0	100	
2007 99 39	Other preparations, with a sugar content exceeding 30% by weight	100	–	0	100	

CN code (a)	Description (b)	CCT ad valorem duty		Specific duty		
		Duty reduction (%)	Tariff quota (tonnes net weight)	In-quota duty (€/t)	Tariff quota (tonnes net weight)	Over- quota duty (€/t)
2008 30 19 2008 50 19 2008 50 51 2008 50 92 2008 50 94 2008 60 19 2008 70 19 2008 70 51 2008 80 19	Fruit, nuts and other edible parts of plants, otherwise prepared or preserved	100	2 100			
2009 11 11 2009 11 91 2009 19 11 2009 19 91 2009 29 11 2009 29 91 2009 39 11 2009 39 51 2009 39 91 2009 61 90 2009 69 11 2009 69 79 2009 69 90 2009 80 11 2009 80 32 2009 80 33 2009 80 35 2009 80 61 2009 80 83 2009 80 84 2009 80 86 2009 90 11 2009 90 21 2009 90 31 2009 90 71 2009 90 92 2009 90 94	Fruit juices	100	–	67% reduction	3 400	
2204 10	Sparkling wine			0	–	
2204 21	Other wine, grape must with fermentation prevented or arrested by the addition of alcohol, in containers holding 2 litres or less			0	–	
2204 29	Other wine, grape must with fermentation prevented or arrested by the addition of alcohol, in containers holding more than 2 litres			0	–	
2206 00	Other fermented beverages; mixtures of fermented beverages and mixtures of fermented beverages and non-alcoholic beverages, not elsewhere specified or included			0	–	
ex 2207	Undenatured ethyl alcohol of an alcoholic strength by volume of 80% vol or higher and ethyl alcohol and other spirits, denatured, of any strength, obtained from agricultural goods listed in Annex I to the EC Treaty			0	–	
2209 00	Vinegar and substitutes for vinegar obtained from acetic acid			0	–	

(a) CN codes corresponding to Regulation (EC) No 1810/2004 (OJ L 327 of 30 October 2004).

(b) Notwithstanding the rules for the interpretation of the combined nomenclature, the wording for the description of the products is to be considered as having no more than an indicative value, the preferential scheme being determined, within the context of this Annex, by the coverage of the CN codes. Where ex CN codes are indicated, the preferential scheme is to be determined by application of the CN code and corresponding description taken together.”

ANNEX II

“PROTOCOL 2 – ANNEX

ARRANGEMENTS APPLICABLE TO THE IMPORTATION INTO TURKEY OF AGRICULTURAL PRODUCTS ORIGINATING IN THE COMMUNITY

CN code (a)	Description (b)	Reduction of the MFN duty (%)	Tariff quota (tonnes net weight)
0102 10	Live bovines: pure bred breeding animals	100	unlimited
0102 90 29	Live bovines, other than pure bred breeding animals, of a weight exceeding 80 kg but not exceeding 160 kg	100	2 260
ex 0102 90	Live bovines, other than pure bred breeding animals, other than those of a weight exceeding 80 kg but not exceeding 160 kg	50	4 025
0202 20	Other cuts of bovine meat, with bone in, frozen	50% reduction with maximum duty of 30%	5 000
0202 20	Other cuts of bovine meat, with bone in, frozen	30% reduction with maximum duty of 43%	14 100
0210	Meat and edible meat offal, salted, in brine, dried or smoked; edible flours and meals of meat or meat offal	52% ad valorem	250
0402 10	Milk and cream in powder, granules or other solid forms, of a fat content, by weight, not exceeding 1,5 %	100	2 500 (c)
0402 21	Milk and cream in powder, granules or other solid forms, of a fat content, by weight, exceeding 1.5%, not containing added sugar or other sweetening matter	100	2 500 (c)
0404	Whey, whether or not concentrated or containing added sugar or other sweetening matter; products consisting of natural milk constituents, whether or not containing added sugar or other sweetening matter, not elsewhere specified or included	30% ad valorem	700
0405 10 0405 20 90 0405 90	Butter and other fats and oils derived from milk; dairy spreads	100	3 700
0406 30	Processed cheese, not grated or powdered	100	300
0406 90	Other cheese	100	2 000
ex 0406 90	Cheese, other, excluding 0406 90 29 / 31 / 50 / 86 / 87 / 88	100	1 000
0408 11 80	Egg yolks, dried, other	24% ad valorem	75
0601	Bulbs, tubers, tuberous roots, corms, crowns and rhizomes, dormant, in growth or in flower; chicory plants and roots other than roots of heading No 1212	100	200
ex 0602 90	Other live plants, excluding 0602 90 91	100	3 400
0603 10	Cut flowers, etc., fresh	100	100
0604	Foliage, branches and other parts of plants, without flowers or flower buds, and grasses, mosses and lichens, being goods of a kind suitable for bouquets or for ornamental purposes, fresh, dried, dyed, bleached, impregnated or otherwise prepared	100	100
0701 10 00	Seed potatoes, fresh or chilled	100	6 000
0709 51 00	Mushrooms of the genus Agaricus, fresh or chilled	7% ad valorem	100
0710 22 00	Beans, frozen	11.5% ad valorem	100
ex 0808 10 (excl. (d) 0808.10.80.00.11 0808.10.80.00.13 0808.10.80.00.14)	Apples, fresh, other than Golden Delicious, Starking and Starkrimson	100	1 750
0808 20	Pears and quinces, fresh	30% ad valorem	500
0809 30	Peaches, including nectarines, fresh, from 15 July to 31 December	100	1 000

CN code (a)	Description (b)	Reduction of the MFN duty (%)	Tariff quota (tonnes net weight)
0810 90 30	Tamarinds, cashew apples, lychees, jackfruit and sapodilla plums, fresh	100	1 000
0810 90 40	Passion fruit, carambola and pitahaya, fresh	100	500
0810 90 95	Other fruit, fresh	100	500
0811 10	Strawberries, frozen	20% ad valorem	100
0902	Tea	Maximum duty: 45%	200
1001	Wheat and meslin, from 1 September to 31 May	100	30 000
1001 10 00	Durum wheat, from 1 September to 31 May	100	100 000
1001 90	Other wheat, from 1 September to 31 May	100	200 000
1002 00 00	Rye, from 1 September to 31 May	100	22 500
ex 1003 00	Barley, from 1 September to 31 May, for malting	100	49 500
1004 00 00	Oats, from 1 September to 31 May	50	5 000
1005 90 00	Maize (corn), from 1 September to 31 May, other than seed	100	53 640
1005 90 00	Maize (corn), from 1 December to 31 May, other than seed	100	52 000
1006 30	Semi-milled or wholly milled rice	100	28 000
1104 12 90	Flaked grains of oats	50	100
1107	Malt, whether or not roasted	100	500
1206 00 91 1206 00 99	Other sunflower seeds, other than for sowing, from 1 January to 31 August	100	1 000
1207 20 90	Cotton seeds, other than for sowing	100	1 500
ex 1209	Seeds, fruit and spores, for sowing, except 1209 10 00	100	1 050
1209 10 00	Sugar beet seed	100	300
1502 00	Fats of bovine animals, sheep or goats	100	3 000
1507 10	Soya bean crude oil, from 1 January to 31 August	100	60 000
1507 90	Refined soya oil, from 1 January to 31 August	50	2 000
1512 11	Sunflower seed or safflower crude oil, from 1 January to 31 August	100	18 400
1514 11 1514 91	Crude rape, colza or mustard oil and fractions thereof, not chemically modified, containing 0% erucic acid, from 1 January to 31 August	100	10 600
1602 10 00	Homogenised preparations	30% ad valorem	400
1701 99	Cane or beet sugar and chemically pure sucrose, in solid form, other than raw sugar, not containing added flavouring or colouring matter	20% reduction with a maximum duty of 50%	80 000
2001 90 50 2001 90 99	Mushrooms, prepared or preserved by vinegar or acetic acid Other vegetables and fruit, prepared or preserved by vinegar or acetic acid	50	325
2002 90	Tomatoes, prepared or preserved otherwise than by vinegar or acetic acid, other	100	1 500
2003	Mushrooms and truffles, prepared or preserved otherwise than by vinegar or acetic acid	13% ad valorem	50
2005 10	Homogenised vegetables	15% ad valorem	300
2005 40	Peas prepared or preserved otherwise than by vinegar or acetic acid, not frozen	100	300
2007 10	Homogenised preparations	25% ad valorem	450
2007 99 10 2007 99 33 2007 99 35 ex 2007 99 39 ex 2007 99 57 ex 2007 99 98	Jams, fruit jellies, marmalades, whether or not containing added sugar or other sweetening matter (excluding hazelnut purée)	20% ad valorem	1 000

CN code (a)	Description (b)	Reduction of the MFN duty (%)	Tariff quota (tonnes net weight)
2009 11 2009 12 2009 19 2009 61 2009 71 2009 79 2009 80 89 2009 80 96 2009 90 11 2009 90 19 2009 90 21 2009 90 29 2009 90 31 2009 90 39	Orange juice Grape juice Apple juice Juice of any other single fruit or vegetable with an added sugar content not exceeding 30% by weight Cherry juice Mixtures of juices	15% ad valorem	1 000
2204 10	Sparkling wine	35% ad valorem	750 hl
2209 00	Vinegar and substitutes obtained from acetic acid	100	2 500
2301	Flours, meals and pellets, of meat or meat offal, of fish or of crustaceans, molluscs or other aquatic invertebrates, unfit for human consumption; greaves	100	–
2304 00 00	Oilcake and other solid residues resulting from the extraction of soya-bean oil	100	–
2309 10	Dog or cat food, put up for retail sale	100	1 400
2309 90	Other preparations of a kind used in animal feeding	100	6 700

- (a) CN codes corresponding to Regulation (EC) No 1810/2004 (OJ L 327 of 30 October 2004).
- (b) Notwithstanding the rules for the interpretation of the combined nomenclature, the wording for the description of the products is to be considered as having no more than an indicative value, the preferential scheme being determined, within the context of this Annex, by the coverage of the CN codes. Where ex CN codes are indicated, the preferential scheme is to be determined by application of the CN code and corresponding description taken together.
- (c) These quotas are foreseen for imports under the inward processing scheme.
- (d) Turkish customs codes.”

FINANCIAL STATEMENT

1. BUDGET HEADING: Chapter 10 – Agricultural Duties Chapter 5 – Agricultural expenditure		APPROPRIATIONS: € 819.5 million €42 514.3 million		
2. TITLE: Proposal for a Council Decision on a Community position in the EC-Turkey Association Council on the amendment of Protocols 1 and 2 of Decision No 1/98 of the EC-Turkey Association Council on the trade regime for agricultural products				
3. LEGAL BASIS: Article 133 of the Treaty				
4. AIMS: Adjustment of the bilateral arrangements for preferential agricultural trade between the EU and Turkey to take account of the enlargement of the Community on 1 May 2004.				
5. FINANCIAL IMPLICATIONS	12-MONTH PERIOD (EUR million)	CURRENT FINANCIAL YEAR 2005 (EUR million)	FOLLOWING FINANCIAL YEAR 2006 (EUR million)	
5.0 EXPENDITURE – CHARGED TO THE EC BUDGET (REFUNDS/INTERVENTIONS) – NATIONAL AUTHORITIES – OTHER	none	none	none	
5.1 REVENUE – OWN RESOURCES OF THE EC (LEVIES/CUSTOMS DUTIES) – NATIONAL	none	none	none	
	2007	2008	2009	2010
5.0.1 ESTIMATED EXPENDITURE	–	–	–	–
5.1.1 ESTIMATED REVENUE	–	–	–	–
5.2 METHOD OF CALCULATION:				
6.0 CAN THE PROJECT BE FINANCED FROM APPROPRIATIONS ENTERED IN THE RELEVANT CHAPTER OF THE CURRENT BUDGET?				YES
6.1 CAN THE PROJECT BE FINANCED BY TRANSFER BETWEEN CHAPTERS OF THE CURRENT BUDGET?				
6.2 WILL A SUPPLEMENTARY BUDGET BE NECESSARY?				NO
6.3 WILL APPROPRIATIONS NEED TO BE ENTERED IN FUTURE BUDGETS?				NO
OBSERVATIONS: The agreement includes no new concessions – neither on the EU export side, nor supplementary import concessions. The EU-25 takes over the concessions previously granted by the new Member States towards Turkey.				