

Brussels, 6.10.2016 COM(2016) 640 final

ANNEX 1

ANNEX

to the

COUNCIL DECISION

on the conclusion, on behalf of the European Union and its Member States, of the Protocol to the Stabilisation and Association Agreement between the European Communities and their Member States, of the one part, and Bosnia and Herzegovina, of the other part, to take account of the accession of the Republic of Croatia to the European Union

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PROTOCOL

to the Stabilisation and Association Agreement between the European Communities and their Member States, of the one part, and Bosnia and Herzegovina, of the other part, to take account of the accession of the Republic of Croatia to the European Union

THE KINGDOM OF BELGIUM,

THE REPUBLIC OF BULGARIA,

THE CZECH REPUBLIC.

THE KINGDOM OF DENMARK.

THE FEDERAL REPUBLIC OF GERMANY,

THE REPUBLIC OF ESTONIA,

IRELAND,

THE HELLENIC REPUBLIC,

THE KINGDOM OF SPAIN,

THE FRENCH REPUBLIC,

THE REPUBLIC OF CROATIA,

THE ITALIAN REPUBLIC,

THE REPUBLIC OF CYPRUS,

THE REPUBLIC OF LATVIA,

THE REPUBLIC OF LITHUANIA,

THE GRAND DUCHY OF LUXEMBOURG,

HUNGARY,

THE REPUBLIC OF MALTA,

THE KINGDOM OF THE NETHERLANDS,

THE REPUBLIC OF AUSTRIA,

THE REPUBLIC OF POLAND,

THE PORTUGUESE REPUBLIC,

ROMANIA,

THE REPUBLIC OF SLOVENIA,

THE SLOVAK REPUBLIC,

THE REPUBLIC OF FINLAND,

THE KINGDOM OF SWEDEN,

THE UNITED KINGDOM OF GREAT BRITAIN AND NORTHERN IRELAND

Contracting Parties to the Treaty on European Union, the Treaty on the Functioning of the European Union and the Treaty establishing the European Atomic Energy Community, hereinafter referred to as the 'Member States', and

THE EUROPEAN UNION and THE EUROPEAN ATOMIC ENERGY COMMUNITY,

hereinafter referred to as 'the European Union',

of the one part, and

BOSNIA AND HERZEGOVINA,

of the other part,

Having regard to the accession of the Republic of Croatia (hereinafter referred to as 'Croatia') to the European Union on 1 July 2013,

Whereas:

- (1) The Interim Agreement between the European Communities and their Member States, of the one part, and Bosnia and Herzegovina, of the other part, was signed in Luxemburg on 16 June 2008 and was in force from 1 July 2008 until 31 May 2015.
- (2) The Treaty concerning the accession of Croatia to the European Union (hereinafter referred to as 'the Treaty of Accession') was signed in Brussels on 9 December 2011.
- (3) Croatia acceded to the European Union on 1 July 2013.
- (4) The Stabilisation and Association Agreement between the European Communities and their Member States, of the one part, and Bosnia and Herzegovina of the other part (hereinafter referred to as 'SAA') was signed in Luxembourg on 16 June 2008 and entered into force on 1 June 2015.
- (5) Pursuant to Article 6(2) of the Act of Accession of Croatia, the accession of Croatia to the SAA shall be agreed by the conclusion of a protocol to the SAA.
- (6) Consultations pursuant to Article 37(3) of the SAA have taken place so as to ensure that account is taken of the mutual interests of the European Union and Bosnia and Herzegovina stated in that Agreement,

HAVE AGREED AS FOLLOWS:

SECTION I CONTRACTING PARTIES

Article 1

Croatia shall be Party to the Stabilisation and Association Agreement between the European Communities and their Member States, of the one part, and Bosnia and Herzegovina of the other part (hereinafter referred to as 'SAA') signed in Luxembourg on 16 June 2008 and shall respectively adopt and take note, in the same manner as the other Member States of the European Union, of the texts of the SAA, as well as of the Joint Declarations, and the Unilateral Declarations annexed to the Final Act signed on the same date.

SECTION II

ADJUSTMENTS TO THE TEXT OF THE SAA INCLUDING ITS ANNEXES AND PROTOCOLS

AGRICULTURAL PRODUCTS

Article 2

Agricultural Products sensu stricto

1. In Article 27 (3) of the SAA the following new subparagraph two is added:

From the date of entry into force of the Protocol to take account of the accession of Croatia to the European Union or, in case this Protocol is applied provisionally, from the date of its provisional application, the annual tariff quota set out in the first subparagraph shall be 13 210 tonnes (net weight).

- 2. In Article 27 of the SAA the following new paragraph 4a is added:
 - 4a. In addition to paragraph 4, from the date of entry into force of the Protocol to take account of the accession of Croatia to the European Union or, in case this Protocol is applied provisionally, from the date of its provisional application Bosnia and Herzegovina shall abolish the customs duties applicable on imports of certain agricultural products originating in the Union, listed in Annex III (f) within the limit of the tariff quota indicated for the products concerned.
- 3. Annex I to this Protocol shall be added as Annex III (f) to the SAA and shall form an integral part of the SAA.

Article 3

Fish and fishery products

- 1. In Article 28 of the SAA the following paragraph shall be added as paragraph 1a:
 - 1a. From the date of entry into force of the Protocol to take account of the accession of Croatia to the European Union or, in case this Protocol is applied provisionally, from the date of its provisional application, the Union shall abolish all customs duties or charges having equivalent effect of fish and fishery products originating in Bosnia and Herzegovina, other than those listed in Annex IVa. Products listed in Annex IVa shall be subject to the provisions laid down therein.
- 2. In Article 28 of the SAA the following paragraph shall be added as paragraph 3:
 - 3. From the date of entry into force of the Protocol to take account of the accession of Croatia to the European Union or, in case this Protocol is applied provisionally, from the date of its provisional application, Bosnia and Herzegovina shall open a duty free quota for imports of live carp under CN code 0301 93 00 within the limit of an annual tariff quota of 75 tonnes. Imports outside the quota limits shall be subject to the duties laid down in Annex V to the SAA.
- 3. Annex II to this Protocol shall be added as Annex IVa to the SAA and shall form an integral part of the SAA.

Article 4

Processed agricultural products

Annex III to this Protocol shall be added as Annex III to Protocol 1 to the SAA and shall form an integral part of the SAA.

Article 5

Wine Agreement

From the date of entry into force of the Protocol to take account of the accession of Croatia to the European Union or, in case this Protocol is applied provisionally, from the date of its provisional application, Annex I to Protocol 7 to the SAA referred to in Article 27 (5) of the SAA shall be amended as set out in Annex IV to this Protocol.

SECTION III

GENERAL AND FINAL PROVISIONS

Article 6

This Protocol and the Annexes thereto shall form an integral part of the SAA.

Article 7

- 1. This Protocol shall be approved by the European Union and its Member States and by Bosnia and Herzegovina in accordance with their own procedures.
- 2. The Parties shall notify each other of the completion of the corresponding procedures referred to in paragraph 1. The instruments of approval shall be deposited with the General Secretariat of the Council of the European Union.

Article 8

- 1. This Protocol shall enter into force on the first day of the first month following the date of the deposit of the last instrument of approval.
- 2. If not all the instruments of approval of this Protocol have been deposited before the first day of the second month following the date of signature, this Protocol shall apply provisionally. The date of provisional application shall be the first day of the second month following the date of signature.

Article 9

This Protocol is drawn up in duplicate in the Bulgarian, Croatian, Czech, Danish, Dutch, English, Estonian, Irish, Finnish, French, German, Greek, Hungarian, Italian, Latvian, Lithuanian, Maltese, Polish, Portuguese, Romanian, Slovak, Slovene, Spanish, Swedish, Bosnian and Serbian languages, each of these texts being equally authentic.

ANNEXES

'ANNEX III (f)

TARIFF CONCESSIONS OF BOSNIA AND HERZEGOVINA FOR AGRICULTURAL PRIMARY PRODUCTS ORIGINATING IN THE EUROPEAN UNION

(Referred to in Article 27(4a) of the SAA)

1. From the date of entry into force or provisional application of the Protocol to take account of the accession of Croatia to the European Union, duty shall be abolished for the products below within the Tariff Quota quantities set out below. For imports out of quota the MFN duty rate shall apply. For the year 2017 the full amount of the quota shall apply, irrespective of the date of entry into force or provisional application of the Protocol.

CN Code	Description	Tariff quota (tonnes)
0102	Live bovine animals:	
	- Cattle:	
0102 29	Other:	
	Other:	
	Of a weight exceeding 300 kg:	
	Cows:	
0102 29 61	For slaughter	1 935
	Other:	
0102 29 91	For slaughter	190
0103	Live swine:	
	- Other:	
0103 92	Weighing 50 kg or more:	
	Domestic species:	
0103 92 11	Sows having farrowed at least once, of a weight of not less than 160 kg	575
0103 92 19	Other	1 755
0103 92 90	Other	195
	Live poultry, that is to say, fowls of the species <i>Gallus domesticus</i> , ducks, geese, turkeys and guinea fowls:	
	- Other:	
0105 94 00	Fowls of the species Gallus domesticus	1 455
0207	Meat and edible offal, of the poultry of heading 0105, fresh, chilled or frozen:	
	- Of fowls of the species Gallus domesticus:	

CN Code	Description	
0207 12	Not cut in pieces, frozen:	
0207 12 90	Plucked and drawn, without heads and feet and without necks, hearts, livers and gizzards, known as '65 % chickens', or otherwise presented	80
0207 13	Cuts and offal, fresh or chilled:	
	Cuts:	
0207 13 10	Boneless	90
	With bone in:	
0207 13 30	Whole wings, with or without tips	55
0207 13 60	Legs and cuts thereof	320
	Offal:	
0207 13 99	Other	25
0207 14	Cuts and offal, frozen:	
	Cuts:	
	With bone in:	
0207 14 20	Halves or quarters	30
0207 14 60	Legs and cuts thereof	130
	Offal:	
0207 14 99	Other	50
0401	Milk and cream, not concentrated nor containing added sugar or other sweetening matter:	
0401 40	- Of a fat content, by weight, exceeding 6 % but not exceeding 10 %:	
0401 40 10	In immediate packings of a net content not exceeding two litres	80
0401 50	- Of a fat content, by weight, exceeding 10 %:	
	Not exceeding 21 %:	
0401 50 11	In immediate packings of a net content not exceeding two litres	30
0402	Milk and cream, concentrated or containing added sugar or other sweetening matter:	
	- In powder, granules or other solid forms, of a fat content, by weight, exceeding 1,5 %:	
0402 21	Not containing added sugar or other sweetening matter:	
	Of a fat content, by weight, not exceeding 27 %:	
0402 21 18	Other	25
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 90	- Other:	
	Not flavoured nor containing added fruit, nuts or cocoa:	
	Other:	
	Not containing added sugar or other sweetening matter, of a fat content, by weight:	

CN Code	Description	Tariff quota (tonnes)
0403 90 51	Not exceeding 3 %	500
0403 90 53	Exceeding 3 % but not exceeding 6 %	290
0405	Butter and other fats and oils derived from milk; dairy spreads:	
0405 10	- Butter:	
	Of a fat content, by weight, not exceeding 85 %:	
	Natural butter:	
0405 10 11	In immediate packings of a net content not exceeding 1 kg	160
0405 10 19	Other	200
0406	Cheese and curd:	
0406 10	- Fresh (unripened or uncured) cheese, including whey cheese, and curd	
	Of a fat content, by weight, not exceeding 40 %	
0406 10 30	Mozzarella, whether or not in a liquid	255
0406 10 50	Other	355
0406 10 80	Other	165
0409 00 00	Natural honey	165
0701	Potatoes, fresh or chilled:	
0701 90	- Other:	
	Other:	
0701 90 50	New, from 1 January to 30 June	50
0701 90 90	Other	1 265
0704	Cabbages, cauliflowers, kohlrabi, kale and similar edible brassicas, fresh or chilled:	
0704 90	- Other:	
0704 90 10	White cabbages and red cabbages	280
0706	Carrots, turnips, salad beetroot, salsify, celeriac, radishes and similar edible roots, fresh or chilled:	
0706 10 00	- Carrots and turnips	50
0806	Grapes, fresh or dried:	
0806 10	- Fresh:	
0806 10 10	Table grapes	45
0809	Apricots, cherries, peaches (including nectarines), plums and sloes, fresh:	
	- Cherries:	
0809 21 00	Sour cherries (<i>Prunus cerasus</i>)	410
0811	Fruit and nuts, uncooked or cooked by steaming or boiling in water, frozen, whether or not containing added sugar or other sweetening matter:	
0811 90	- Other:	
	Other:	
	Cherries:	

CN Code	Description	Tariff quota (tonnes)
0811 90 75	Sour cherries (<i>Prunus cerasus</i>)	70
1601	Sausages and similar products, of meat, meat offal or blood; food preparations based on these products:	
	- Other:	
1601 00 91	Sausages, dry or for spreading, uncooked	285
1602	Other prepared or preserved meat, meat offal or blood:	
1602 10 00	- Homogenised preparations	75
1602 20	- Of liver of any animal:	
1602 20 90	Other	140
	- Of poultry of heading 0105:	
1602 31	Of turkeys:	
	Containing 57 % or more by weight of poultry meat or offal:	
1602 31 19	Other	40
1602 32	Of fowls of the species Gallus domesticus	
	- Of swine:	
	Containing 57 % or more by weight of poultry meat or offal:	
1602 32 11	Uncooked	130
1602 32 19	Other	30
1602 32 30	Containing 25 % or more but less than 57 % by weight of poultry meat or offal	170
1602 32 90	Other	230
1602 41	Hams and cuts thereof:	
1602 41 10	Of domestic swine	360
1602 49	Other, including mixtures:	
	Of domestic swine:	
	Containing by weight 80 % or more of meat or meat offal, of any kind, including fats of any kind or origin:	
1602 49 15	Other mixtures containing hams (legs), shoulders, loins or collars, and cuts thereof	150
1602 49 30	Containing by weight 40 % or more but less than 80 % of meat or meat offal, of any kind, including fats of any kind or origin	445
1602 49 50	Containing by weight less than 40 % of meat or meat offal, of any kind, including fats of any kind or origin	60
1602 50	- Of bovine animals:	
	Other:	
1602 50 31	Corned beef, in airtight containers	70
1602 50 95	Other	295
1701	Cane or beet sugar and chemically pure sucrose, in solid form:	
	- Other:	
1701 91 00	Containing added flavouring or colouring matter	55

CN Code	Description	Tariff quota (tonnes)
1701 99	Other:	
1701 99 10	White sugar	3 470
2001	Vegetables, fruit, nuts and other edible parts of plants, prepared or preserved by vinegar or acetic acid:	
2001 10 00	- Cucumbers and gherkins	265
2001 90	- Other:	
2001 90 70	Sweet peppers	70
2005	Other vegetables prepared or preserved otherwise than by vinegar or acetic acid, not frozen, other than products of heading 2006:	
	- Other vegetables and mixtures of vegetables:	
2005 99	Other:	
2005 99 50	Mixtures of vegetables	245
2005 99 60	Sauerkraut	40

2. Imports into Bosnia and Herzegovina of the following products shall be subject to the concessions set out below. For imports out of quota the MFN duty rate shall apply. For the year 2017 the full amount of the quota shall apply, irrespective of the date of entry into force or provisional application of the Protocol.

		Tariff quota (tonnes)		
CN Code	Description	As of 01.01.2017	As of 01.01.2018	As of 01.01.2019
0401	Milk and cream, not concentrated nor containing added sugar or other sweetening matter:			
0401 20	- Of a fat content, by weight, exceeding 1 % but not exceeding 6 %:			
	Not exceeding 3 %:			
0401 20 11	In immediate packings of a net content not exceeding two litres	5 432	9 506	13 580
	Exceeding 3 %:			
0401 20 91	In immediate packings of a net content not exceeding two litres	720	1 440	1 440
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	- Yogurt:			
	Not flavoured nor containing added fruit, nuts or cocoa:			
	Not containing added sugar or other sweetening matter, of a fat content, by weight:			
0403 10 11	Not exceeding 3 %	1 515	3 030	3 030
0403 10 13	Exceeding 3 % but not exceeding 6 %	1 520	3 040	3 040
0403 90	- Other:			
	Not flavoured nor containing added fruit, nuts or cocoa:			
	Other:			
	Not containing added sugar or other sweetening matter, of a fat content, by weight:			
0403 90 59	Exceeding 6 %	1 762.5	3 525	3 525
1601	Sausages and similar products, of meat, meat offal or blood; food preparations based on these products:			
	- Other:			
1601 00 99	Other	1 692.5	3 385	3 385

'ANNEX IVa

DUTIES APPLICABLE TO GOODS ORIGINATING IN BOSNIA AND HERZEGOVINA ON IMPORT INTO THE EUROPEAN UNION

(Referred to in Article 28 (1a) of the SAA)

1. From the date of entry into force or provisional application of the Protocol to take account of the accession of Croatia to the European Union, imports from Bosnia and Herzegovina into the European Union shall be subject to the concessions set below. For the year 2017 the full amount of the quota shall apply, irrespective of the date of entry into force or provisional application of the Protocol.

CN Codes	Description	Tariff quota volume (in tonnes)	Rate of duty within quota	Rate of duty over quota
0301 91 00 0302 11 00 0303 14 00 0304 42 00 ex 0304 52 00 0304 82 00 ex 0304 99 21 ex 0305 10 00 ex 0305 39 90 0305 43 00 ex 0305 59 80 ex 0305 69 80	Trout (Salmo trutta, Oncorhynchus mykiss, Oncorhynchus clarki, Oncorhynchus aguabonita, Oncorhynchus gilae, Oncorhynchus apache and Oncorhynchus chrysogaster): live; fresh or chilled; frozen; dried, salted or in brine, smoked; fillets and other fish meat; flours, meals and pellets, fit for human consumption	500	0%	70% of MFN duty
0301 93 00 0302 73 00 0303 25 00 ex 0304 39 00 ex 0304 51 00 ex 0304 69 00 ex 0305 10 00 ex 0305 31 00 ex 0305 44 90	Carp (Cyprinus carpio, Carassius carassius, Ctenopharyngodon idellus, Hypophthalmichthys spp., Cirrhinus spp., Mylopharyngodon piceus): live; fresh or chilled; frozen; dried, salted or in brine, smoked; fillets and other fish meat; flours, meals and pellets, fit for human consumption	140	0%	70% of MFN duty

				1
ex 0305 59 80				
ex 0305 69 80				
ex 0301 99 85				
0302 85 10				
0303 89 50				
ex 0304 49 90				
ex 0304 59 90	Sea bream (Dentex dentex and			
ex 0304 89 90	Pagellus spp.): live; fresh or chilled; frozen; dried, salted or in brine,	20	00/	30%
ex 0304 99 99	smoked; fillets and other fish meat;	30	0%	of MFN duty
ex 0305 10 00	flours, meals and pellets, fit for human consumption			
ex 0305 39 90				
ex 0305 49 80				
ex 0305 59 80				
ex 0305 69 80				
ex 0301 99 85				
0302 84 10				
0303 84 10				
ex 0304 49 90				
ex 0304 59 90	Sea bass (Dicentrarchus labrax):			
ex 0304 89 90	live; fresh or chilled; frozen; dried,	20	00/	30%
ex 0304 99 99	salted or in brine, smoked; fillets and other fish meat; flours, meals and	30	0%	of MFN duty
ex 0305 10 00	pellets, fit for human consumption			
ex 0305 39 90				
ex 0305 49 80				
ex 0305 59 80				
ex 0305 69 80				
1604 13 11				
1604 13 19	Prepared or preserved sardines	50	6%	100%
ex 1604 20 50				
1604 16 00				
1604 20 40	Prepared or preserved anchovies	70	12,5%	100%

^{2.} The duty rate applicable to all products of HS heading 1604 except prepared or preserved sardines and prepared or preserved anchovies is reduced to 70 % of MFN duty rate.

'ANNEX III TO PROTOCOL 1

TARIFF CONCESSIONS OF BOSNIA AND HERZEGOVINA FOR PROCESSED AGRICULTURAL PRODUCTS ORIGINATING IN THE EUROPEAN UNION

(Referred to in Article 25 of the SAA)

From the date of entry into force or provisional application of the Protocol to take account of the accession of Croatia to the European Union, the import duty shall be abolished within the tariff quota quantities set out below. For imports out of quota the MFN duty rate shall apply. For the year 2017 the full amount of the quota shall apply, irrespective of the date of entry into force or provisional application of the Protocol.

CN Code	Description	Tariff quota (tonnes)
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	- Yogurt:	
	Flavoured or containing added fruit, nuts or cocoa:	
	Other, of a milkfat content, by weight:	
0403 10 91	Not exceeding 3 %	480
0403 10 93	Exceeding 3 % but not exceeding 6 %	130
0403 10 99	Exceeding 6 %	25
0403 90	- Other:	
	Flavoured or containing added fruit, nuts or cocoa:	
	Other, of a milkfat content, by weight:	
0403 90 91	Not exceeding 3 %	530
0403 90 93	Exceeding 3 % but not exceeding 6 %	55
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:	
	- Sweet biscuits; waffles and wafers:	
1905 31	Sweet biscuits:	
	Completely or partially coated or covered with chocolate or other preparations containing cocoa:	
1905 31 19	Other	365
	Other:	
	Other:	

	CN Code	Description	Tariff quota (tonnes)
	1905 31 99	Other	600
	1905 32	Waffles and wafers:	
		Other:	
		Completely or partially coated or covered with chocolate or other preparations containing cocoa:	
	1905 32 19	Other	300
	1905 90	- Other:	
		Other:	
	1905 90 45	Biscuits	35
	2208	Undenatured ethyl alcohol of an alcoholic strength by volume of less than 80 % vol; spirits, liqueurs and other spirituous beverages:	
	2208 20	- Spirits obtained by distilling grape wine or grape marc:	
		In containers holding 2 litres or less:	
	2208 20 29	Other:	
ex	2208 20 29	Grape brandy and grape marc brandy	85
ex	2208 20 29	Other	
	2402	Cigars, cheroots, cigarillos and cigarettes, of tobacco or of tobacco substitutes:	
	2402 20	- Cigarettes containing tobacco:	
	2402 20 90	Other	3 200

'AMENDMENTS TO ANNEX I TO PROTOCOL 7

1. The table at Point 1 of Annex I to Protocol 7, on imports of wines into the European Union, shall be replaced by the table below:

CN code	Description (in accordance with Article 2(1)(b) of Protocol 7)	Applicable duty	Quantities (hl)	Specific provisions
ex 2204 10	Quality sparkling wine	exemption	25 500	<i>(</i> 1)
ex 2204 21	Wine of fresh grapes	exemption	23 300	(1)
ex 2204 29	Wine of fresh grapes	exemption	15 100	(1)

⁽¹) Consultations at the request of one of the Parties may be held to adapt the quotas by transferring quantities from the quota applying to position ex 2204 29 to the quota applying to positions ex 2204 10 and ex 2204 21. For the year 2017 the full amount of the quotas shall apply, irrespective of the date of entry into force or provisional application of the Protocol.

2. The table at Point 3 of Annex I to Protocol 7, on imports of wines into Bosnia and Herzegovina, shall be replaced by the table below:

Bosnia and Herzegovina customs tariff code	Description (in accordance with Article 2(1)(a) of Protocol 7)	Applicable duty	Quantities as of 01.01.2017 (hl)	Quantities as of 01.01.2018 (hl)	Specific provisions
ex 2204 10	Quality sparkling wine	exemption	13 765	19 530	(²)
ex 2204 21	Wine of fresh grapes	cpuon	13 703	17 330	()

⁽²) For the year 2017 the full amount of the quotas shall apply, irrespective of the date of entry into force or provisional application of the Protocol.