

ARTICLE XXVIII:5 NEGOTIATIONS

Schedule CXL – European Union

Addendum

The following communication, dated 17 December 2012, is being circulated at the request of the delegation of the European Union.

With reference to the negotiations held by the European Union in connection with its notification, circulated in documents G/SECRET/32 of 16 June 2009, in which it notified its intent to modify its concession on tariff item 1602 20 10, 1602 32 11, 1602 32 30, 1602 32 90, 1602 39 21, 1602 39 29, 1602 39 40 and 1602 39 80 included in Schedule CXL of the European Communities, in accordance with the provisions of Article XXVIII GATT 1994, and pursuant to paragraph 5 of the Guidelines on Procedures for Negotiations under Article XXVIII (documents C/113 and Corr.1 of 10 November 1980, hereinafter referred to as the Guidelines), the European Union has the honour to submit herewith the following documents¹:

- (i) The joint letters, on the lines of Annex A&B referred to in paragraph 5 of the Guidelines, signed by the EU upon completion of each bilateral negotiation respectively with Brazil and Thailand; and
- (ii) The report entitled "Negotiations relating to the schedule of the European Union" setting out the results of those negotiations drafted along the lines of the model in Annex B referred to in paragraph 5 of the Guidelines;
- (iii) A final report entitled "Report on Negotiations under Article XXVIII", drafted along the lines of the model in Annex C referred to in paragraph 6 of the Guidelines, as required upon completion of all the negotiations under paragraph 1 of Article XXVIII.

¹ In English only.

NEGOTIATIONS RELATING TO THE SCHEDULE OF THE EUROPEAN UNION

The delegations of the European Union and Brazil have concluded their negotiations under Article XXVIII for the modification or withdrawal of concessions provided for in the Schedule CXL of the European Union as set out in the report attached.

signed for the delegation of the European
Union

H.E. Mr Steffen SMIDT
Ambassador
Permanent Representative of Denmark to
the WTO

signed for the delegation of Brazil

H.E. Mr Roberto Carvalho AZEVÊDO
Ambassador
Permanent Representative to the WTO

Results of the Negotiations under Article XXVIII for the Modification or Withdrawal of
Concessions in the Schedule of the European Union

A. Concession to be withdrawn

Nil.

B. Bound rate to be modified

Tariff item number	Description of products	Current binding	Proposed binding	Special remarks
1602	Other prepared or preserved meat, meat offal or blood:			
	-Of poultry of heading No 0105:			
1602 32	--Of fowls of the species Gallus domesticus:			
1602 32 11	----Uncooked	867 €T	2 765 €T	A tariff quota of 16 140 tonnes, of which 15 800 tonnes shall be allocated to Brazil, in-quota rate: 630 €/ton
1602 32 30	---Containing 25 % or more but less than 57 % by weight of poultry meat or offal	10.9%	2 765 €T	A tariff quota of 79 705 tonnes, of which 62 905 tonnes shall be allocated to Brazil, in-quota rate: 10,9 %
1602 32 90	---Other	10.9%	2 765 €T	Open a tariff quota of 2 865 tonnes, of which 295 tonnes shall be allocated to Brazil, in-quota rate: 10,9 %

C. Reduction of rates bound in the existing schedules

Nil.

D. New concessions on items not existing schedules

Nil.

NEGOTIATIONS RELATING TO THE SCHEDULE OF THE EUROPEAN UNION

The delegations of the European Union and Thailand have concluded their negotiations under Article XXVIII for the modification or withdrawal of concessions provided for in the Schedule CXL of the European Union as set out in the report attached.

signed for the delegation of the European
Union

H.E. Mr Jeppe TRANHOLM
MIKKELSEN
Ambassador
Permanent Representative of Denmark to
the EU

signed for the delegation of Thailand

H.E. Mr Apichart CHINWANNO
Ambassador
Head of the Thai Mission to the EU

Results of the Negotiations under Article XXVIII for the Modification or Withdrawal of
Concessions in the Schedule of the European Union

A. Concession to be withdrawn

Nil.

B. Bound rate to be modified

Tariff item number	Description of products	Current binding	Proposed binding	Special remarks
1602	Other prepared or preserved meat, meat offal or blood:			
	-Of poultry of heading No 0105:			
1602 32	--Of fowls of the species Gallus domesticus:			
1602 32 30	---Containing 25 % or more but less than 57 % by weight of poultry meat or offal	10.9%	2 765 €T	A tariff quota of 79 705 tonnes, of which 14 000 tonnes shall be allocated to Thailand, in-quota rate: 10,9 %
1602 32 90	---Other	10.9%	2 765 €T	Open a tariff quota of 2 865 tonnes, of which 2 100 tonnes shall be allocated to Thailand, in-quota rate: 10,9 %
1602 39	--Other:			
	---Containing 57 % or more by weight of poultry meat or offal (10):			
1602 39 21	----Uncooked	867 €T	2 765 €T	Open a tariff quota of 10 tonnes for Thailand, in-quota rate: 630 €ton
1602 39 29	----Other	10.9%	2 765 €T	Open a tariff quota of 13 720 tonnes, of which 13 500 tonnes shall be allocated to Thailand, in-quota rate: 10,9 %
1602 39 40	---Containing 25 % or more but less than 57 % by weight of poultry meat or offal (10)	10.9%	2 765 €T	Open a tariff quota of 748 tonnes, of which 600 tonnes shall be allocated to Thailand, in-quota rate: 10,9 %
1602 39 80	---Other	10.9%	2 765 €T	Open a tariff quota of 725 tonnes, of which 600 tonnes shall be allocated to Thailand, in-quota rate: 10,9 %

(10) For the purposes of determining the percentage of poultrymeat, the weight of any bones is to be disregarded.

C. Reduction of rates bound in the existing schedules

Nil.

D. New concessions on items not existing schedules

Nil.

REPORT ON NEGOTIATIONS UNDER ARTICLE XXVIII

Report by the delegation of the European Union relating to negotiations under Article XXVIII with respect to Schedule CXL of the European Union.

1. Negotiations resulted in agreement with:

Brazil;
Thailand.

2. Agreement was not reached with:

None.

3. Consultations have been held with:

Although contacted by Argentina within the 90 day period referred to in paragraph 4 of the Guidelines on Procedures for Negotiation under Article XXVIII (documents C/113 and Corr.1 of 10 November 1980), the EU did not hold consultations with Argentina as Argentina did not have Initial Negotiating Rights, a principal supplying interest or a substantial interest in any of the products that the EU had notified in its proposal for modifying the existing bindings.

No other WTO Member expressed its interest to enter into negotiations in accordance with the provisions of Article XXVIII GATT 1994 within the 90 day period referred to in paragraph 4 of the Guidelines on Procedures for Negotiations under Article XXVIII (documents C/113 and Corr.1 of 10 November 1980); therefore, the EU considers its negotiations under Article XVIII to be completed.
