



WORLD TRADE ORGANIZATION
ORGANISATION MONDIALE DU COMMERCE
ORGANIZACIÓN MUNDIAL DEL COMERCIO

Reference: WLI/100

30 October 2012

**MARRAKESH AGREEMENT ESTABLISHING
THE WORLD TRADE ORGANIZATION
DONE AT MARRAKESH ON 15 APRIL 1994**

GENERAL AGREEMENT ON TARIFFS AND TRADE 1994

**CERTIFICATION OF MODIFICATIONS AND RECTIFICATIONS TO
SCHEDULE CXL - EUROPEAN COMMUNITIES**

TRANSMISSION OF CERTIFIED TRUE COPY

I have the honour to furnish herewith a certified true copy of the Certification of Modifications and Rectifications to Schedule **CXL - European Communities**, effective **27 October 2012**.

Pascal Lamy
Director-General

12-5922

WT/Let/868

**SCHEDULES OF TARIFF CONCESSIONS TO THE
GENERAL AGREEMENT ON TARIFFS AND TRADE 1994**

CERTIFICATION OF MODIFICATIONS AND RECTIFICATIONS

SCHEDULE CXL - EUROPEAN COMMUNITIES

WHEREAS the CONTRACTING PARTIES to the General Agreement on Tariffs and Trade 1947 adopted, on 26 March 1980, a Decision on Procedures for Modification and Rectification of Schedules of Tariff Concessions (BISD 27S/25);

WHEREAS in accordance with the provisions of the above-mentioned Decision, a draft containing modifications and rectifications to Schedule **CXL - European Communities** was communicated to all Members of the World Trade Organization in document G/MA/TAR/RS/297 on 27 July 2012;

WHEREAS in its original communication dated 24 July 2012, and circulated in document G/MA/TAR/RS/297, the European Union¹ noted as follows:

"Certification of these modifications shall be to Schedule CXL - European Communities (i.e. EC-15). These modifications will be included in all subsequent EU WTO Schedules.

It should be noted that tariff item number 08030012 in Schedule 'CXL – European Communities' corresponds to tariff item number 08030019 in HS 2002 and HS 2007 and to tariff item number 08039010 in HS 2012."

IT IS HEREBY CERTIFIED that the modifications and rectifications to Schedule **CXL - European Communities** are established in conformity with the above-mentioned Decision.

The annexed modifications and rectifications are effective as of **27 October 2012**.

This Certification is deposited with the Director-General of the World Trade Organization, who shall promptly furnish a certified true copy to each Member of the World Trade Organization. It shall be registered in accordance with the provisions of Article 102 of the Charter of the United Nations.

DONE at Geneva this thirtieth day of October, two thousand and twelve.

Pascal Lamy

Certified true copy:

Director-General

¹ On 1 December 2009, the European Union succeeded the European Community (WT/Let/679).

SCHEDULE CXL - EUROPEAN COMMUNITIES

27 October 2012

Schedule CXL – European Communities
This Schedule is authentic only in the English language
PART I MOST-FAVOURLED-NATION TARIFF
SECTION 1 - Agricultural Products
Section 1 – A Tariffs

Tariff item number	Description of products	Base rate of duty	Bound rate of duty	Special safeguard	Initial negotiating rights	Comments
1	2	3	4	5	6	7
0803 00 12	Fresh bananas other than plantains	€680/mt	<p>Paragraph 3 of the Geneva Agreement on Trade in Bananas annexed hereto, states in part:</p> <p>(a) Without prejudice to subparagraph (b) below, the EU shall apply tariffs for bananas not greater than the following:[]*</p> <ul style="list-style-type: none"> - From the 15 December 2009 until 31 December 2010 - 148 €/mt <li style="padding-left: 40px;">-1 January 2011 - 143 €/mt <li style="padding-left: 40px;">-1 January 2012 - 136 €/mt <li style="padding-left: 40px;">-1 January 2013 - 132 €/mt <li style="padding-left: 40px;">-1 January 2014 - 127 €/mt <li style="padding-left: 40px;">-1 January 2015 - 122 €/mt <li style="padding-left: 40px;">-1 January 2016 - 117 €/mt <li style="padding-left: 40px;">-1 January 2017 - 114€/mt <p>(b) If Doha Modalities[]* are not established by the 31 December 2013, the ensuing tariff cuts in paragraph 3(a) above will be delayed until Doha</p>			<p>1) Subject to the terms and conditions set forth in the Geneva Agreement on Trade in Bananas annexed hereto, which is an integral part of this Schedule.</p> <p>2) SSG has been abolished</p>

Tariff item number	Description of products	Base rate of duty	Bound rate of duty	Special safeguard	Initial negotiating rights	Comments
1	2	3	4	5	6	7
			<p>Modalities are established. Under no circumstances shall the delay extend beyond 31 December 2015. The applicable tariff rate during that period of delay shall be 132 €/mt. After the two year period expires, or immediately after Doha Modalities are established, whichever occurs first, the tariff rate shall be 127€/mt. The ensuing tariffs for the next three years, as from 1 January of each year, shall be no greater than 122€/mt, 117€/mt and 114€/mt, respectively.</p> <p>*For the purposes of presentation in this column the text of the footnotes has been omitted. Please see Comments, column 7, note 1 and the Geneva Agreement on Trade in Bananas annexed hereto for the full text of tariff reductions to be bound upon certification.</p>			

Schedule CXL – European Communities
PART I MOST-FAVOURLED-NATION TARIFF
Section 1 Agricultural Products
Section 1 – B Tariff Quotas

Description of product	Tariff item number(s)	Initial quota quantity and in-quota tariff rate	Final quota quantity and in-quota tariff rate	Implementation period from/to	Initial negotiating rights	Other terms and conditions
Fresh bananas, other than plantains	0803 00 12	2.200.000 t 75 €/t	-			The quota in Section I B and the Banana Framework Agreement previously annexed to Schedule CXL have been deleted

ANNEX

15 December 2009

Geneva Agreement on Trade in Bananas

1. This Agreement is concluded between the European Union (hereinafter "the EU") and Brazil, Colombia, Costa Rica, Ecuador, Guatemala, Honduras, Mexico, Nicaragua, Panama, Peru and Venezuela (hereinafter "the Latin American MFN banana suppliers") regarding the structure and operation of the EU trading regime for fresh bananas, excluding plantains, classified under HS tariff line 0803.00.19 (hereinafter "bananas") and the terms and conditions that apply thereto.
2. This Agreement is without prejudice to the WTO rights and obligations of all the signatories to this Agreement subject to the provisions in paragraphs 3 to 8 below.
3. The EU agrees to the following:
 - (a) Without prejudice to subparagraph (b) below, the EU shall apply tariffs for bananas not greater than the following:

- From the 15 December 2009 until 31 December 2010	148 €/mt
- 1 January 2011	143 €/mt
- 1 January 2012	136 €/mt
- 1 January 2013	132 €/mt
- 1 January 2014	127 €/mt
- 1 January 2015	122 €/mt
- 1 January 2016	117 €/mt
- 1 January 2017	114 €/mt
 - (b) If Doha Modalities² are not established by the 31 December 2013, the ensuing tariff cuts in paragraph 3(a) above will be delayed until Doha Modalities are established. Under no circumstances shall the delay extend beyond 31 December 2015. The applicable tariff rate during that period of delay shall be 132 €/mt. After the two year period expires, or immediately after Doha Modalities are established, whichever occurs first, the tariff rate shall be 127€/mt. The ensuing tariffs for the next three years, as from 1 January of each year, shall be no greater than 122€/mt, 117€/mt and 114€/mt, respectively.
 - (c) The EU shall maintain a MFN tariff-only regime for the importation of bananas.³

¹ Upon signature of this Agreement, the EU shall apply retroactively the applicable tariff(s) specified in paragraph 3(a) for the period from the 15 December 2009 to the date of signature. Duties paid in excess of the amount stipulated in this provision shall be reimbursed by the competent customs authorities upon request.

² Doha Modalities for the purpose of this Agreement means that consensus has been reached in the Trade Negotiations Committee to proceed to scheduling in Agriculture and Non-Agricultural Market Access negotiations.

³ This provision shall not be read to authorise non-tariff measures on bananas that are inconsistent with the EU's obligations under the WTO Agreements.

4. (a) The EU shall bind the tariff cuts provided in paragraph 3. To this effect this Agreement shall be incorporated into the EU's WTO Schedule by means of Certification⁴ in accordance with the Decision of 26 March 1980 on Procedures for the Modification and Rectification of Schedules of Tariff Concessions (L/4962).
 - (b) Upon entry into force of this Agreement the EU shall communicate a draft Schedule on bananas incorporating the text of this Agreement to the Director-General for Certification.
 - (c) Parties to this Agreement agree not to raise objections to the Certification of the modified Schedule, provided that this Agreement is correctly reflected in the notification.
5. Upon Certification, the pending disputes WT/DS27; WT/DS361; WT/DS364; WT/DS16; WT/DS105; WT/DS158; WT/L/616; WT/L/625 and all claims filed to date by any and all Latin American MFN banana suppliers under the procedures of Articles XXIV and XXVIII of the GATT 1994 with respect to the EU trading regime for bananas (including G/SECRET/22 item 0803.00.19 and G/SECRET/22/Add.1; G/SECRET/20 and G/SECRET/20/Add.1; and G/SECRET/26) shall be settled⁵. Within two weeks after Certification, the relevant parties to this Agreement shall jointly notify the DSB that they have reached a mutually agreed solution through which they have agreed to end these disputes.⁶
 6. Without prejudice to their rights under the WTO Agreement including those derived from the disputes and claims identified in paragraph 5, the Latin American MFN banana suppliers further undertake not to take any further action with respect to those disputes and claims referred to in para. 5 between the 15 December 2009 and Certification provided that the EU complies with paragraphs 3 and 4 (b) and (c).
 7. The Latin American MFN banana suppliers agree that this Agreement shall constitute the EU's final market access commitments for bananas for inclusion in the final results of the next multilateral market access negotiation for agriculture products successfully concluded in the WTO (including the Doha Round).⁷
 8. (a) This Agreement enters into force the first day of the month following that in which the last of the signatories has notified the Director-General of the completion of the procedures necessary for that purpose. Each signatory shall furnish a copy of the notification to the other signatories.
 - (b) Notwithstanding subparagraph (a), the signatories agree to provisionally apply paragraphs 3, 6 and 7 from the day of signature of this Agreement.

⁴ The date of Certification shall be the date at which the Director-General certifies that the modifications to the EU Schedule have become a Certification in accordance with the Decision of 26 March 1980 on Procedures for the Modification and Rectification of Schedules of tariff concessions (document reference WT/LET).

⁵ The date of the settlement shall be the date of Certification (document reference WT/LET).

⁶ The settlement of these disputes does not affect any party's right to initiate a new dispute under the DSU, or future rights under the procedures of Articles XXIV and XXVIII of the GATT 1994.

⁷ If Certification has not been completed by the date of the conclusion of the next multilateral market access negotiation for agriculture products in the WTO (including the Doha Round), this Agreement shall be incorporated into the EU's WTO Schedule on the date that the Schedule enters into force as part of the results of that negotiation.