

COMMISSION OF THE EUROPEAN COMMUNITIES

Brussels, 6.2.2006
COM(2006) 41 final

2006/0012 (ACC)
2006/0013 (ACC)

Proposal for a

COUNCIL DECISION

on the conclusion of Agreements in the form of Exchanges of Letters between the European Community and the People's Republic of China, and between the European Community and the United States of America

Proposal for a

COUNCIL REGULATION

concerning the implementation of the Agreement concluded by the EC following negotiations in the framework of Article XXIV.6 of GATT 1994, amending and supplementing Annex I to Regulation (EEC) No 2658/87 on the tariff and statistical nomenclature and on the Common Customs Tariff

(presented by the Commission)

EXPLANATORY MEMORANDUM

1. In the context of enlarging the customs union the provisions of GATT Article XXIV.6 oblige the EC to enter into negotiations with third countries having negotiating rights in any of the acceding Members in order to agree on compensatory adjustment if the adoption of the EC's external tariff regime results in an increase in tariff beyond the level for which the acceding country has bound itself at the WTO, whilst taking 'due account of reductions of duties on the same tariff line made by other constituents of the customs union upon its formation'.

2. On 22 March 2004, the Council authorised the Commission to open negotiations under Article XXIV.6 of the GATT 1994 (COM proposal 6792/04 WTO 34).

3. Negotiations have been conducted by the Commission in consultation with the Committee established by Article 133 of the Treaty and within the framework of the negotiating directives issued by the Council.

4. The Commission has negotiated with the Members of the WTO holding negotiating rights with respect to the withdrawal of specific concessions in relation to the withdrawal of the schedules of the Czech Republic, the Republic of Estonia, the Republic of Cyprus, the Republic of Latvia, the Republic of Lithuania, the Republic of Hungary, the Republic of Malta, the Republic of Poland, the Republic of Slovenia and the Slovak Republic, in the course of the accession to the European Community.

5. The negotiations have resulted in Agreements in the form of exchanges of letters with the People's Republic of China, and with the United States of America.

6. This proposal asks the Council to approve these agreements.

2006/0012 (ACC)

Proposal for a

COUNCIL DECISION

on the conclusion of Agreements in the form of Exchanges of Letters between the European Community and the People's Republic of China, and between the European Community and the United States of America

THE COUNCIL OF THE EUROPEAN UNION,

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

Having regard to the proposal from the Commission,

Whereas:

(1) On 22 March 2004 the Council authorised the Commission to open negotiations with certain other Members of the WTO under Article XXIV.6 of the GATT 1994, in the course of the accessions to the European Community of Czech Republic, the Republic of Estonia, the Republic of Cyprus, the Republic of Latvia, the Republic of Lithuania, the Republic of Hungary, the Republic of Malta, the Republic of Poland, the Republic of Slovenia and the Slovak Republic.

(2) Negotiations have been conducted by the Commission in consultation with the Committee established by Article 133 of the Treaty and within the framework of the negotiating directives issued by the Council.

(3) The Commission has finalised negotiations for Agreements in the form of Exchanges of Letters between the European Community and the People's Republic of China and between the European Community and the United States of America. These agreements should be approved.

HAS DECIDED AS FOLLOWS:

Article 1

The Agreements in the form of Exchanges of Letters between the European Community and the People's Republic of China and between the European Community and the United States of America with respect to the withdrawal of specific concessions in relation to the withdrawal of the schedules of the Czech Republic, the Republic of Estonia, the Republic of Cyprus, the Republic of Latvia, the Republic of Lithuania, the Republic of Hungary, the Republic of Malta, the Republic of Poland, the Republic of Slovenia and the Slovak Republic

in the course of accession to the European Community, are hereby approved on behalf of the Community.

The texts of the Agreements are annexed to this Decision.

Article 2

The Commission shall adopt the detailed rules for implementing the agreements in accordance with the procedure laid down in Article 3 of this Decision.

Article 3

1. The Commission shall be assisted by the Management Committee for Cereals instituted by Article 25 of Regulation (EC) No 1784/2003 or the relevant committee instituted by the corresponding article of the regulation for the common market organization for the product concerned.

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

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

Done at Brussels,

For the Council
The President

AGREEMENT

In the form of an exchange of letters between the European Community and the People's Republic of China

relating to the modification of concessions in the schedules of the Czech Republic, the Republic of Estonia, the Republic of Cyprus, the Republic of Latvia, the Republic of Lithuania, the Republic of Hungary, the Republic of Malta, the Republic of Poland, the Republic of Slovenia and the Slovak Republic in the course of accession to the European Community.

Letter from the European Communities

Brussels,

Sir,

Following the initiation of negotiations between the European Communities (EC) and the People's Republic of China under Article XXIV:6 and Article XXVIII of GATT 1994 for the modification of concessions in the schedules of Czech Republic, the Republic of Estonia, the Republic of Cyprus, the Republic of Latvia, the Republic of Lithuania, the Republic of Hungary, the Republic of Malta, the Republic of Poland, the Republic of Slovenia and the Slovak Republic in the course of their accession to the EC, the following is agreed between the EC and the People's Republic of China in order to close the negotiations opened following the EC's notification of 19 January 2004 to the WTO pursuant to Article XXIV.6. of GATT 1994.

The EC agrees to incorporate in its schedule for the customs territory of EC 25, the concessions that were included in its previous schedule.

The EC agrees that it will incorporate in its schedule for the EC 25 the concessions contained in the annex to this agreement.

This Agreement shall enter into force on the date on which the EC receives from the People's Republic of China a duly executed letter of agreement, following consideration by the parties in accordance with their own procedures. The EC undertakes to use its best endeavours to ensure that the appropriate implementing measures enter into force no later than 1 January 2006 and under no circumstances later than 1 July 2006.

On behalf of the European Communities

AGREEMENT

In the form of an exchange of letters between the European Community and the People's Republic of China

relating to the modification of concessions in the schedules of the Czech Republic, the Republic of Estonia, the Republic of Cyprus, the Republic of Latvia, the Republic of Lithuania, the Republic of Hungary, the Republic of Malta, the Republic of Poland, the Republic of Slovenia and the Slovak Republic in the course of accession to the European Communities.

Letter from the People's Republic of China

Brussels,

Sir,

Reference is made to your letter stating:

"Following the initiation of negotiations between the European Communities (EC) and the People's Republic of China under Article XXIV:6 and Article XXVIII of GATT 1994 for the modification of concessions in the schedules of Czech Republic, the Republic of Estonia, the Republic of Cyprus, the Republic of Latvia, the Republic of Lithuania, the Republic of Hungary, the Republic of Malta, the Republic of Poland, the Republic of Slovenia and the Slovak Republic in the course of their accession to the EC, the following is agreed between the EC and the People's Republic of China in order to close the negotiations opened following the EC's notification of 19 January 2004 to the WTO pursuant to Article XXIV.6. of GATT 1994.

The EC agrees to incorporate in its schedule for the customs territory of EC 25, the concessions that were included in its previous schedule.

The EC agrees that it will incorporate in its schedule for the EC 25 the concessions contained in the annex to this agreement.

This Agreement shall enter into force on the date on which the EC receives from the People's Republic of China a duly executed letter of agreement, following consideration by the parties in accordance with their own procedures. The EC undertakes to use its best endeavours to ensure that the appropriate implementing measures enter into force no later than 1 January 2006 and under no circumstances later than 1 July 2006."

I hereby have the honour to express my government's agreement.

On behalf of the People's Republic of China

ANNEX

03042085 (frozen fillets of Alaska Pollack): A lowering of the current bound EC duty of 15% to 13.7%.

Add 20500 tonnes to the allocation for China under the EC tariff rate quota for garlic, fresh or chilled, tariff item number 07032000, in quota rate 9.6%, out of quota rate 9.6+120.0€/100kg/net.

Add 5200 tonnes (drained net weight) in EC tariff rate quota for mushroom of species agaricus, prepared or preserved otherwise than by vinegar (tariff item number 20031030, out of quota rate 18.4+222.0€/100kg/net eda) & mushroom of species agaricus, provisionally preserved or preserved otherwise than by vinegar (tariff item number 20031020, out of quota rate 18.4+191.0€/100kg/net eda), in quota rate 23%; inclusion of tariff line 07119040 (out of quota rate 9.6+191 €/100 kg/net eda) in the quota.

64021900 (sports footwear): A lowering of the current bound EC duty of 17.0% to 16.9%.

64029100 (footwear covering the ankle): A lowering of the current bound EC duty of 17.0% to 16.9%.

64041100 (sports footwear): A lowering of the current bound EC duty of 17% to 16.9%.

64041910 (slippers and other indoor footwear): A lowering of the current bound EC duty of 17.0 % to 16.9%.

640299 (the category: footwear other): A lowering of the current bound EC duty of 17.0% to 16.8%.

84829190 (balls, needles and rollers): A lowering of the current bound EC duty of 8.0% to 7.7%.

85219000 (video recording apparatus, other): A lowering of the current bound EC duty of 14% to 13.9%.

87120030 (bicycles not motorized): A lowering of the current bound EC duty of 15% to 14.0%.

Open a tariff rate quota of 7 tonnes (erga omnes) for paddy rice (tariff item number 100610), in quota rate 15%, out of quota rate 211€/tonne.

Open a tariff rate quota of 1634 tonnes (erga omnes) for husked rice (tariff item number 100620), in quota rate 15%, out of quota rate 65€/tonne.

Add 25.516 tonnes (erga omnes) in EC tariff rate quota for milled and semi milled rice (tariff item number 100630), in quota rate 0%, out of quota rate 175€/tonne.

Add 31.788 tonnes (erga omnes) in EC tariff rate quota for broken rice (tariff item number 100640), in quota rate 0%, out of quota rate 128€/tonne.

Open a tariff rate quota of 2838 tonnes (erga omnes) for preserved pineapples, citrus fruit, pears, apricots, cherries, peaches and strawberries, in quota rate 20%. Tariff item numbers and out of quota rates as follows:

20082011: 25.6+2.5 €/100 kg/net	20082019: 25.6	20082031: 25.6+2.5 €/100 kg/net
20082039: 25.6	20082071: 20.8	20083011: 25.6
20083019: 25.6+4.2 €/100kg /net	20083031: 24	20083039: 25.6
20083079: 20.8	20084011: 25.6	20084019: 25.6+4.2 €/100 kg/net
20084021: 24	20084029: 25.6	20084031: 25.6+4.2 €/100 kg/net
20084039: 25.6	20085011: 25.6	20085019: 25.6+4.2 €/100 kg/net
20085031: 24	20085039: 25.6	20085051: 25.6+4.2 €/100 kg/net
20085059: 25.6	20085071: 20.8	20086011: 25.6
20086019: 25.6+4.2 €/100 kg/net	20086031: 24	20086039: 25.6
20086060: 20.8	20087011: 25.6	20087919: 25.6+4.2 €/100 kg/net
20087031: 24	20087039: 25.6	20087051: 25.6+4.2 €/100 kg/net
20087059: 25.6	20088011: 25.6	20088019: 25.6+4.2 €/100 kg/net
20088031: 24	20088039: 25.6	20088070: 20.8

The exact tariff description of the EC-15 shall apply to all tariff lines above.

AGREEMENT

In the form of an exchange of letters between the European Community and the United States of America relating to the modification of concessions in the Schedules of the Czech Republic, the Republic of Estonia, the Republic of Cyprus, the Republic of Latvia, the Republic of Lithuania, the Republic of Hungary, the Republic of Malta, the Republic of Poland, the Republic of Slovenia and the Slovak Republic in the course of accession to the European Community.

Letter from the European Communities

Brussels,

Sir,

Pursuant to negotiations between under Article XXIV:6 and Article XXVIII of the General Agreement on Tariffs and Trade 1994 ("GATT") relating to the modification of the Schedules of the Czech Republic, the Republic of Estonia, the Republic of Cyprus, the Republic of Latvia, the Republic of Lithuania, the Republic of Hungary, the Republic of Malta, the Republic of Poland, the Republic of Slovenia and the Slovak Republic in the course of their accession to the European Union, and to bring those negotiations to a conclusion, the European Communities and the United States of America (United States) have agreed as follows:

- No later than 1 April 2006, the EC shall incorporate and bind in its Schedule for the Customs territory of the EC-25 (the EC of 25 Countries) the concessions that were included in its schedule CXL for the customs territory of the EC-15 (the EC of 15 countries) with the modifications set out in the Annex to this letter.

- The EC shall reduce tariffs and adjust tariff rate quotas as indicated in the Annex as soon as possible and no later than 1 July 2006.

- As regards tariff quotas, the full year quota volume shall be available regardless of when the quotas are established.

- Consultations shall be held with regard to matters in this agreement at any time at the request of either party.

I would be grateful if you would confirm, following consideration in accordance with your domestic procedures, that this agreement is shared by your Government, and that this letter and your affirmative reply shall constitute an agreement, which shall enter into force on the date of your letter.

On behalf of the European Communities

AGREEMENT

In the form of an exchange of letters between the European Community and the United States of America relating to the modification of concessions in the Schedules of the Czech Republic, the Republic of Estonia, the Republic of Cyprus, the Republic of Latvia, the Republic of Lithuania, the Republic of Hungary, the Republic of Malta, the Republic of Poland, the Republic of Slovenia and the Slovak Republic in the course of accession to the European Communities.

Letter from the United States of America

Brussels,

Sir,

Reference is made to your letter stating:

"Pursuant to negotiations under Article XXIV:6 and Article XXVIII of the General Agreement on Tariffs and Trade 1994 ("GATT") relating to the modification of the Schedules of the Czech Republic, the Republic of Estonia, the Republic of Cyprus, the Republic of Latvia, the Republic of Lithuania, the Republic of Hungary, the Republic of Malta, the Republic of Poland, the Republic of Slovenia and the Slovak Republic in the course of their accession to the European Union, and to bring those negotiations to a conclusion, the European Communities and the United States of America (United States) have agreed as follows:

- No later than 1 April 2006, the EC shall incorporate and bind in its Schedule for the Customs territory of the EC-25 (the EC of 25 Countries) the concessions that were included in its schedule CXL for the customs territory of the EC-15 (the EC of 15 countries) with the modifications set out in the Annex to this letter.

- The EC shall reduce tariffs and adjust tariff rate quotas as indicated in the Annex as soon as possible and no later than 1 July 2006.

- As regards tariff quotas, the full year quota volume shall be available regardless of when the quotas are established.

- Consultations shall be held with regard to matters in this agreement at any time at the request of either party.

I would be grateful if you would confirm, following consideration in accordance with your domestic procedures, that this agreement is shared by your Government, and that this letter and your affirmative reply shall constitute an agreement, which shall enter into force on the date of your letter."

I hereby have the honour to express my government's agreement.

On behalf of the USA

Annex

0304 2058 (frozen fillets of hake) a bound duty of 6.1%

03042085 (frozen fillets of Alaska Pollack): A lowering of the current bound EC duty of 15% to 14.2%.

0304 9005 (surimi): a bound duty of 14.2%

3920 9100 (polyvinyl butyral): a bound duty of 6.1%

7609 0000 (aluminium tube): a bound duty of 5.9%

8102 9600 (molybdenum wire): a bound duty of 6.1%.

- add 4003 tonnes (erga omnes) in EC tariff rate quota for 'meat of bovine animals, frozen; un-separated or separated forequarters; boneless' and 'edible offal of bovine animals, frozen; thick skirt and thin skirt. The meat imported shall be used for processing' (tariff item numbers 0202 2030, 0202 30, 0206 2991),

- adjust the EC tariff rate quota (erga omnes) for 'live bovine animals, heifers and cows (other than for slaughter) of the following mountain breeds: grey, brown, yellow, spotted Simmental and Pinzgau' to 710 heads (tariff item numbers 0102 9005, 0102 9029, 0102 9049, 0102 9059, 0102 9069), in-quota rate 6%,

- adjust the EC tariff rate quota (erga omnes) for 'live bovine animals, bulls, cows and heifers (other than for slaughter) of the following mountain breeds: spotted Simmental, Schwyz and Fribourg' to 711 heads (tariff item numbers 0102 9005, 0102 9029, 0102 9049, 0102 9059, 0102 9069, 0102 9079), in-quota rate 4%,

- adjust the EC tariff rate quota (erga omnes) for 'live bovine animals weighing 300 kg or less intended for fattening' to 24070 heads (tariff item numbers 0102 9005, 0102 9029, 0102 9049), in-quota rate 16% + 582 €/t,

- a country allocated (US) tariff rate quota 16 665 tonnes of poultry (tariff item numbers and in-quota rates

0207 1110 (131€/t)	0207 1130 (149€/t)	0207 1190 (162€/t)	0207 1210 (149€/t)
0207 1290 (162€/t)	0207 1310 (512 €/t)	0207 1320 (179 €/t)	0207 1330 (134 €/t)
0207 1340 (93€/t)	0207 1350 (301€/t)	0207 1360 (231€/t)	0207 1370 (504€/t)
0207 1410 (795€/t)	0207 1420 (179 €/t)	0207 1430 (134 €/t)	0207 1440 (93€/t)
0207 1450 (0%)	0207 1460 (231€/t)	0207 1470 (0%)	0207 2410 (170€/t)
0207 2490 (186€/t)	0207 2510 (170€/t)	0207 2590 (186€/t)	0207 2610 (425€/t)
0207 2620 (205€/t)	0207 2630 (134€/t)	0207 2640 (93€/t)	0207 2650 (339€/t)
0207 2660 (127€/t)	0207 2670 (230€/t)	0207 2680 (415€/t)	0207 2710 (0%)

0207 2720 (0%) 0207 2730 (134€/t) 0207 2740 (93€/t) 0207 2750 (339€/t)

0207 2760 (127€/t) 0207 2770 (230€/t) 0207 2780 (0%)

- add 49 tonnes (erga omnes) in the EC tariff rate quota for 'chicken carcass, fresh, chilled or frozen', (tariff item numbers 0207 1110, 0207 1130, 0207 1190, 0207 1210, 0207 1290),

- add 4070 tonnes (erga omnes) in the EC tariff rate quota for 'chicken cuts, fresh, chilled or frozen' (tariff item numbers 0207 1310, 0207 1320, 0207 1330, 0207 1340, 0207 1350, 0207 1360, 0207 1370, 0207 1420, 0207 1430, 0207 1440, 0207 1460),

- add 1605 tonnes (erga omnes) in the EC tariff rate quota for 'cuts of fowls' (tariff item number 0207 1410), in quota rate 795 €/t,

- add 201 tonnes (erga omnes) in the EC tariff rate quota for 'turkey meat, fresh, chilled or frozen (tariff item numbers 0207 2410, 0207 2490, 0207 2510, 0207 2590, 0207 2610, 0207 2620, 0207 2630, 0207 2640, 0207 2650, 0207 2660, 0207 2670, 0207 2680, 0207 2730, 0207 2740, 0207 2750, 0207 2760, 0207 2770),

- add 2485 tonnes (erga omnes) in the EC tariff rate quota for 'turkey cuts, frozen' (tariff item numbers 0207 2710, 0207 2720, 0207 2780),

- a country allocated (US) tariff rate quota 4722 tonnes of 'frozen boneless hams and loins' (tariff item numbers ex0203 1955 and ex0203 2955), in-quota rate 250€/t,

- add 1265 tonnes (erga omnes) in the EC tariff rate quota for 'frozen boneless hams and loins' (tariff item numbers ex0203 1955, ex0203 2955),

- add 67 tonnes (erga omnes) in the EC tariff rate quota for 'carcases and half carcases of domestic swine, fresh, chilled or frozen' (tariff item numbers 0203 1110, 0203 2110),

- add 35 tonnes (erga omnes) in the EC tariff rate quota for 'cuts of domestic swine, fresh, chilled or frozen, with or without bone, excluding tenderloin, presented separately' (tariff item numbers 0203 1211, 0203 1219, 0203 1911, 0203 1913, 0203 1955, 0203 1959, 0203 2211, 0203 2219, 0203 2911, 0203 2913, 0203 2915, 0203 2955, 0203 2959),

- add 2 tonnes (erga omnes) in the EC tariff rate quota for 'sausages, dry or for spreading, uncooked' (tariff item numbers 1601 0091, 1601 0099),

- add 61 tonnes (erga omnes) in the EC tariff rate quota for 'preserved meat of domestic swine' (tariff item numbers 1602 4110, 1602 4210, 1602 4911, 1602 4913, 1602 4915, 1602 4919, 1602 4930, 1602 4950),

- adjust the EC tariff rate quota for 'live sheep, other than pure-bred breeding animals' to 5676 tonnes (tariff item numbers 0104 10 30, 0104 10 80, 0104 20 90), in-quota rate 10%,

- add 60 tonnes (erga omnes) in the EC tariff rate quota for 'pizza cheese' (tariff item numbers ex 0406 1020, ex 0406 1080),

- add 38 tonnes (erga omnes) in the EC tariff rate quota for 'emmentaler' (tariff item numbers ex 0406 3010, 0406 9013),

- add 213 tonnes (erga omnes) in the EC tariff rate quota for ‘gruyere, sbrinz’ (tariff item numbers ex 0406 3010, 0406 9015),

- add 7 tonnes (erga omnes) in the EC tariff rate quota for ‘cheese for processing’ (tariff item number 0406 9001),

- add 5 tonnes (erga omnes) in the EC tariff rate quota for ‘cheddar’ (tariff item number 0406 9021),

- add 25 tonnes (erga omnes) in the EC tariff rate quota for ‘fresh cheeses’ (tariff item numbers ex 0406 1020, ex 0406 1080, 0406 2090, 0406 3031, 0406 3039, 0406 3090, 0406 4010, 0407 4050, 0407 4090, 0406 9017, 0406 9018, 0406 9023, 0406 9025, 0406 9027, 0406 9029, 0406 9031, 0406 9033, 0406 9035, 0406 9037, 0406 9039, 0406 9050, ex 0406 9063, 0406 9069, 0406 9073, ex 0406 9075, ex 0406 9076, 0406 9078, ex 0406 9079, ex 0406 9081, 0406 9082, 0406 9084, 0406 9086, 0406 9087, 0406 9088, 0406 9093, 0406 9099),

- open a tariff rate quota 7 tonnes (erga omnes) for paddy rice (tariff item number 1006 10), in quota rate 15%,

- open a tariff rate quota 1634 tonnes (erga omnes) for husked rice (tariff item number 1006 20), in quota rate 15%,

- add 25516 tonnes (erga omnes) in EC tariff rate quota for semi milled and wholly milled rice (tariff item number 1006 30), in quota rate 0%,

- add 31788 tonnes (erga omnes) in EC tariff rate quota for broken rice (tariff item number 1006 40), in quota rate 0%,

- add 6215 tonnes (erga omnes) in EC tariff rate quota for barley (tariff item number 1003 00), in quota rate 16 €/t,

- add 6787 tonnes (erga omnes) in EC tariff rate quota for common wheat (tariff item number 1001 9099), in quota rate 12€/t,

- open a tariff rate quota 242074 tonnes (erga omnes) for maize (tariff item numbers 1005 1090, 1005 9000), in quota rate 0%,

- add 1413 tonnes (erga omnes) in EC tariff rate quota for raw cane sugar (tariff item number 1701 1110), in quota rate 98€/t,

- open a tariff rate quota 1253 tonnes (erga omnes) for fructose (tariff item number 1702 5000), in-quota rate 20%,

- add 44 tonnes (erga omnes) in EC tariff rate quota for carrots and turnips (tariff item number 0706 1000),

- add 34 tonnes (erga omnes) in EC tariff rate quota for cucumbers (tariff item number ex 0707 0005),

- open a tariff rate quota 472 tonnes (erga omnes) for tomatoes (tariff item number 0702 0000),

- open a tariff rate quota 2838 tonnes (erga omnes) for preserved pineapples, citrus fruit, pears, apricots, cherries, peaches and strawberries (tariff item numbers 2008 2011, 2008 2019, 2008 2031, 2008 2039, 2008 2071, 2008 3011, 2008 3019, 2008 3031, 2008 3039, 2008 3079, 2008 4011, 2008 4019, 2008 4021, 2008 4029, 2008 4031, 2008 4039, 2008 5011, 2008 5019, 2008 5031, 2008 5039, 2008 5051, 2008 5059, 2008 5071, 2008 6011, 2008 6019, 2008 6031, 2008 6039, 2008 6060, 2008 7011, 2008 7019, 2008 7031, 2008 7039, 2008 7051, 2008 7059, 2008 8011, 2008 8019, 2008 8031, 2008 8039, 20088070), in quota rate 20%,

- open a tariff rate quota 7044 tonnes (erga omnes) for fruit juices (tariff item numbers 2009 1111, 2009 1119, 2009 1911, 2009 1919, 2009 2911, 2009 2919, 2009 3911, 2009 3919, 2009 4911, 2009 4919, 2009 7911, 2009 7919, 2009 8011, 2009 8019, 2009 8032, 2009 8033, 2009 8035, 2009 8036, 2009 8038, 2009 9011, 2009 9019, 2009 9021, 2009 9029), in quota rate 20%,

- add 29 tonnes (erga omnes) in EC tariff rate quota for grape juice (tariff item numbers 2009 6190, 2009 6911, 2009 6919, 2009 6951, 2009 6990),

- add 295 tonnes (erga omnes) in EC tariff rate quota for fresh or chilled new potatoes (tariff item number ex 0701 9051),

- eliminate ad valorem duty of 9% on protein concentrates (tariff item number 2106 1080),

- a country allocated (US) tariff rate quota 10 000 tonnes of corn gluten (tariff item number 2303 1011), in-quota rate 16%,

- open a tariff rate quota 532 tonnes (erga omnes) for pasta (tariff item number 1902; 1902 2010 and 1902 2030 excluded), in quota rate 11%,

- open a tariff rate quota 107 tonnes (erga omnes) for chocolate (tariff item number 1806), in quota rate 43%,

- open a tariff rate quota 921 tonnes (erga omnes) for food preparations (tariff item number 2106 9098), in quota rate 18%,

- open a tariff rate quota 191 tonnes (erga omnes) for food preparations with cereals (tariff item numbers 1901 9099, 1904 3000, 1904 9080, 1905 9020), in quota rate 33%,

- open a tariff rate quota 2058 tonnes (erga omnes) for dog and cat food (tariff item numbers 2309 1013, 2309 1015, 2309 1019, 2309 1033, 2309 1039, 2309 1051, 2309 1053, 2309 1059, 2309 1070), in quota rate 7%.

The exact tariff descriptions of the EC-15 shall apply to all tariff lines and quotas above.

FINANCIAL STATEMENT					DATE: 13/10/2005
1.	BUDGET HEADING: Chapter 10 – Agricultural duties Chapter 12 – Customs duties				CREDITS B 2005: 76.16 M€
2.	TITLE: Proposal for a Council Decision on the conclusion of an Agreement in the form of an exchange of letters between the European Community and the People's Republic of China and between the European Community and the United States of America on compensatory adjustment as provided for by Article XXIV:6 of the GATT 1994.				
3.	LEGAL BASIS: Article 133 of the Treaty				
4.	AIMS: To comply with Article XXIV:6 of the GATT 1994 in relation to the enlargement of the Customs Union as of 1 May 2004.				
5.	FINANCIAL IMPLICATIONS:	PERIODE DE 12 MOIS (Mio EUR)	EXERCICE EN COURS 2005 (Mio EUR)		EXERCICE SUIVANT 2006 (Mio EUR)
5.0	EXPENDITURE - CHARGED TO THE EC BUDGET (REFUNDS/INTERVENTIONS) - NATIONAL AUTHORITIES - OTHER	-	-		-
5.1	REVENUE - OWN RESOURCES OF THE EC (LEVIES/CUSTOMS DUTIES) - NATIONAL	-	- 76.16 (1)		(1)
		[n+2]	[n+3]	[n+4]	[n+5]
5.0.1	ESTIMATED EXPENDITURE	-	-	-	-
5.1.1	ESTIMATED REVENUE	(1)	(1)	(1)	(1)
5.2	METHOLD OF CALCULATION:				
6.0	CAN THE PROJECT BE FINANCED FROM APPROPRIATIONS ENTERED IN THE RELEVANT CHAPTER OF THE CURRENT BUDGET?				N/A
6.1	CAN THE PROJECT BE FINANCED BY TRANSFER BETWEEN CHAPTERS OF THE CURRENT BUDGET?				N/A
6.2	WILL A SUPPLEMENTARY BUDGET BE NECESSARY?				NO
6.3	WILL APPROPRIATIONS NEED TO BE ENTERED IN FUTURE BUDGETS?				NO
OBSERVATIONS:					

EXPLANATORY MEMORANDUM

(1) Reference is made to Council Decision XXXX, regarding the conclusion of Agreements with the People's Republic of China and with the United States of America following negotiations in the framework of Article XXIV:6 of the GATT 1994.

(2) The present proposal for a Council Regulation implements the Agreement entered into by the Community.

2006/0013 (ACC)

Proposal for a

COUNCIL REGULATION

concerning the implementation of the Agreement concluded by the EC following negotiations in the framework of Article XXIV.6 of GATT 1994, amending and supplementing Annex I to Regulation (EEC) No 2658/87 on the tariff and statistical nomenclature and on the Common Customs Tariff

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community, and in particular Article 133 thereof,

Having regard to the proposal from the Commission[1],

Whereas:

(1) Council Regulation (EEC) No 2658/87(1) established a goods nomenclature, hereinafter referred to as the "Combined Nomenclature", and set out the conventional duty rates of the Common Customs Tariff.

(2) By its decision XX/XXX/EC concerning the conclusion of Agreements in the form of an Exchange of Letters between the European Community and the People's Republic of China and between the European Community and the United States of America, the Council approved, on behalf of the Community, the before mentioned Agreements with a view to closing negotiations initiated pursuant to Article XXIV:6 of GATT 1994.

HAS ADOPTED THIS REGULATION:

Article 1

Annex I to Regulation (EEC) No 2658/87 shall be amended with the duties and supplemented with the volumes shown in the Annex to this Regulation.

[1] OJ C , , p. .

Article 2

This Regulation shall enter into force on the day following that of its publication in the *Official Journal of the European Union* with the exception to amendments to Annex 7 which shall enter into force six weeks from its publication.

This Regulation shall be binding in its entirety and directly applicable in all Member States.

Done at Brussels,

For the Council
The President

ANNEX

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 concessions being determined, within the context of this Annex, by the coverage of the CN codes as they exist at the time of adoption of the current regulation. Where ex CN codes are indicated, the concessions are to be determined by application of the CN code and corresponding description taken together.

Part Two **Schedule of Customs duties.**		
CN code	**Description**	**Duty rate**
Tariff item number 03042058	Frozen fillets of hake	Bound duty of 6.1%
Tariff item number 03042085	Frozen fillets Of Alaska pollack (Theragra chalcogramma)	A lowering of the current bound EC duty of 15% to 13.7%
Tariff item number 03049005	Surimi	Bound duty of 14.2%
Tariff item number 21061080	Protein concentrates	Elimination of the ad valorem duty of 9%
Tariff item number 39209100	Polyvinyl butyral	Bound duty of 6.1%
Tariff item number 64021900	Other footwear with outer soles and uppers of rubber or plastics	A lowering of the current bound EC duty of 17% to 16.9%
Tariff item number 64029100	Other footwear covering the ankle with outer soles and uppers of rubber or plastics	A lowering of the current bound EC duty of 17% to 16.9%
Tariff item number 640299	Other footwear with outer soles and uppers of rubber or plastics	A lowering of the current bound EC duty of 17% to 16.8%
Tariff item number 64041100	Sports footwear; tennis shoes, basketball shoes, gym shoes, training shoes and the like	A lowering of the current bound EC duty of 17% to 16.9%

Tariff item number 64041910	Slippers and other indoor footwear	A lowering of the current bound EC duty of 17% to 16.9%
Tariff item number 76090000	Aluminium tube	Bound duty of 5.9%
Tariff number 81029600	Molybdenum wire	Bound duty of 6.1%
Tariff item number 84829190	Other Balls, needles and rollers	A lowering of the current bound EC duty of 8% to 7.7%
Tariff item number 85219000	Other video recording or reproducing apparatus, whether or not incorporating a video tuner	A lowering of the current bound EC duty of 14% to 13.9%
Tariff item number 87120030	Bicycles not motorized	A lowering of the current bound EC duty of 15% to 14%

Annex 7
WTO Tariff Quotas to be opened by the Competent community authorities

(Qualification for these quotas is subject to conditions laid down in the relevant Community provisions)

CN Code	**Description**	**Other terms and conditions**
Tariff item numbers 01029005, 01029029, 01029049, 01029059, 01029069, 01029079	Live bovine animals, bulls, cows and heifers (other than for slaughter) of the following mountain breeds: spotted Simmental, Schwyz and Fribourg	Adjust the EC tariff rate quota (erga omnes) to 711 heads, in-quota rate 4%
Tariff item numbers 01029005, 01029029, 01029049, 01029059, 01029069	Live bovine animals, heifers and cows (other than for slaughter) of the following mountain breeds: grey, brown, yellow, spotted Simmental and Pinzgau	Adjust the EC tariff rate quota (erga omnes) to 710 heads, in-quota rate 6%
Tariff item numbers 01029005, 01029029,	Live bovine animals weighing 300 kg or less intended for fattening	Adjust the EC tariff rate quota (erga omnes) to 24070 heads, in-quota rate

01029049		16% + 582 €/t
Tariff item numbers 01041030, 01041080, 01042090),	Live sheep, other than pure-bred breeding animals	Adjust the EC tariff rate quota to 5676 tonnes, in-quota rate 10%
Tariff item numbers 02022030, 020230, 02062991	Meat of bovine animals, frozen; un-separated or separated forequarters; boneless' and 'edible offal of bovine animals, frozen; thick skirt and thin skirt. The meat imported shall be used for processing,	Add 4003 tonnes (erga omnes) in EC tariff rate quota
Tariff item numbers ex02031955 and ex02032955	Frozen boneless hams and loins	Open a country allocated (US) tariff rate quota 4722 tonnes, in-quota rate 250€/t
Tariff item numbers ex02031955, ex0203 2955	Frozen boneless hams and loins	Add 1265 tonnes (erga omnes) in the EC tariff rate quota
Tariff item numbers 02031110, 02032110	Carcases and half carcases of domestic swine, fresh, chilled or frozen	Add 67 tonnes (erga omnes) in the EC tariff rate quota
Tariff item numbers 02031211, 02031219, 02031911, 02031913, 02031955, 02031959, 02032211, 02032219, 02032911, 02032913, 02032915, 02032955, 0203 2959	Cuts of domestic swine, fresh, chilled or frozen, with or without bone, excluding tenderloin, presented separately	Add 35 tonnes (erga omnes) in the EC tariff rate quota
Tariff item	Poultry	Open a country

[2]

numbers and in-quota rates (see footnote 3)[2]		allocated (US) tariff rate quota 16 665 tonnes
Tariff item numbers 02071110, 02071130, 02071190, 02071210, 02071290	Chicken carcass, fresh, chilled or frozen	Add 49 tonnes (erga omnes) in the EC tariff rate quota
Tariff item numbers 02071310, 02071320, 02071330, 02071340, 02071350, 02071360, 02071370, 02071420, 02071430, 02071440, 02071460),	Chicken cuts, fresh, chilled or frozen	Add 4070 tonnes (erga omnes) in the EC tariff rate quota
Tariff item number 02071410	Cuts of fowls	Add 1605 tonnes (erga omnes) in the EC tariff rate quota, in quota rate 795 €/t
Tariff item numbers 02072410, 02072490, 02072510, 02072590,	Turkey meat, fresh, chilled or frozen	Add 201 tonnes (erga omnes) in the EC tariff rate quota

0207 1110 (131€/t) 0207 1130 (149€/t) 0207 1190 (162€/t) 0207 1210 (149€/t)
0207 1290 (162€/t) 0207 1310 (512 €/t) 0207 1320 (179 €/t) 0207 1330 (134 €/t)
0207 1340 (93€/t) 0207 1350 (301€/t) 0207 1360 (231€/t) 0207 1370 (504€/t)
0207 1410 (795€/t) 0207 1420 (179 €/t) 0207 1430 (134 €/t) 0207 1440 (93€/t)
0207 1450 (0%) 0207 1460 (231€/t) 0207 1470 (0%) 0207 2410 (170€/t)
0207 2490 (186€/t) 0207 2510 (170€/t) 0207 2590 (186€/t) 0207 2610 (425€/t)
0207 2620 (205€/t) 0207 2630 (134€/t) 0207 2640 (93€/t) 0207 2650 (339€/t)
0207 2660 (127€/t) 0207 2670 (230€/t) 0207 2680 (415€/t) 0207 2710 (0%)
0207 2720 (0%) 0207 2730 (134€/t) 0207 2740 (93€/t) 0207 2750 (339€/t)
0207 2760 (127€/t) 0207 2770 (230€/t) 0207 2780 (0%)

02072610, 02072620, 02072630, 02072640, 02072650, 02072660, 02072670, 02072680, 02072730, 02072740, 02072750, 02072760, 02072770		
Tariff item numbers 02072710, 02072720, 02072780	Turkey cuts, frozen	Add 2485 tonnes (erga omnes) in the EC tariff rate quota
Tariff item numbers ex04061020, ex04061080	Pizza cheese	Add 60 tonnes (erga omnes) in the EC tariff rate quota
Tariff item numbers ex04063010, 04069013	Emmentaler	Add 38 tonnes (erga omnes) in the EC tariff rate quota
Tariff item numbers ex04063010, 04069015	Gruyere, sbrinz	Add 213 tonnes (erga omnes) in the EC tariff rate quota
Tariff item number 04069001	Cheese for processing	Add 7 tonnes (erga omnes) in the EC tariff rate quota
Tariff item number 04069021	Cheddar	Add 5 tonnes (erga omnes) in the EC tariff rate quota
Tariff item numbers ex04061020, ex04061080, 04062090, 04063031, 04063039, 04063090, 04064010, 04074050, 04074090,	Fresh cheeses	Add 25 tonnes (erga omnes) in the EC tariff rate quota

04069017, 04069018, 04069023, 04069025, 04069027, 04069029, 04069031, 04069033, 04069035, 04069037, 04069039, 04069050, ex04069063, 04069069, 04069073, ex04069075, ex04069076, 04069078, ex04069079, ex04069081, 04069082, 04069084, 04069086, 04069087, 04069088, 04069093, 04069099		
Tariff item number ex07019051	Fresh or chilled new potatoes	Add 295 tonnes (erga omnes) in EC tariff rate quota
Tariff item number 07020000	Tomatoes	Open a tariff rate quota 472 tonnes (erga omnes)
Tariff item number 07032000	Garlic, fresh or chilled	Add 20500 tonnes to the allocation for China under the EC tariff rate quota
Tariff item number 07061000	Carrots and turnips	Add 44 tonnes (erga omnes) in EC tariff rate quota
Tariff item number ex07070005	Cucumbers	Add 34 tonnes (erga omnes) in EC tariff rate quota
Tariff item number 10019099	Common wheat	Add 6787 tonnes (erga omnes) in EC tariff rate quota, in quota rate 12€/t

Tariff item number 100300	Barley	Add 6215 tonnes (erga omnes) in EC tariff rate quota, in quota rate 16 €/t
Tariff item numbers 10051090, 10059000	Maize	Open a tariff rate quota 242074 tonnes (erga omnes), in quota rate 0%
Tariff item number 100610	Paddy rice	Implemented through EC Regulation XXX
Tariff item number 100620	Husked rice	Implemented through EC Regulation XXX
Tariff item number 100630	Milled and semi-milled rice	Implemented through EC Regulation XXX
Tariff item number 100640	Broken rice	Implemented through EC Regulation XXX
Tariff item numbers 16010091, 16010099	Sausages, dry or for spreading, uncooked	Add 2 tonnes (erga omnes) in the EC tariff rate quota
Tariff item numbers 16024110, 16024210, 16024911, 16024913, 16024915, 16024919, 16024930, 16024950	Preserved meat of domestic swine	Add 61 tonnes (erga omnes) in the EC tariff rate quota
Tariff item number 17011110	Raw cane sugar	Add 1413 tonnes (erga omnes) in EC tariff rate quota, in quota rate 98€/t
Tariff item number 17025000	Fructose	Open a tariff rate quota 1253 tonnes (erga omnes), in-quota rate 20%,
Tariff item number	Chocolate	Open a tariff rate quota 107 tonnes

1806		(erga omnes), in quota rate 43%
Tariff item numbers 19019099, 19043000, 19049080, 19059020	Food preparations with cereals	Open a tariff rate quota 191 tonnes (erga omnes), in quota rate 33%
Tariff item number 1902; 19022010 and 19022030 excluded	Pasta	Open a tariff rate quota 532 tonnes (erga omnes), in quota rate 11%
Tariff item number 20031030	Mushroom of species agaricus, prepared or preserved otherwise than by vinegar	Add 5200 tonnes (drained net weight) in EC tariff rate quota, allocated to China
Tariff item number 20031020	Mushroom of species agaricus, provisionally preserved or preserved otherwise than by vinegar	
Tariff item number 07115100		

Tariff item numbers (see footnote²)[3]	Preserved pineapples, citrus fruit, pears, apricots, cherries, peaches and strawberries	Open a tariff rate quota of 2 838 tonnes (erga omnes), in quota rate 20%. The existing out-of-quota rates of the EC shall apply ²
Tariff item numbers 20091111, 20091119, 20091911, 20091919, 20092911, 20092919, 20093911, 20093919, 20094911, 20094919, 20097911, 20097919, 20098011, 20098019, 20098032, 20098033, 20098035, 20098036, 20098038, 20099011, 20099019, 20099021, 20099029	Fruit juices	Open a tariff rate quota 7044 tonnes (erga omnes), in quota rate 20%
Tariff item numbers	Grape juice	Add 29 tonnes (erga omnes) in EC

[3]

20082011: 25.6+2.5 €/100 kg/net
20082019: 25.6
20082031: 25.6+2.5 €/100 kg/net
20082039: 25.6
20082071: 20.8
20083011: 25.6
20083019: 25.6+4.2 €/100kg /net
20083031: 24
20083039: 25.6
20083079: 20.8
20084011: 25.6
20084019: 25.6+4.2 €/100 kg/net
20084021: 24
20084029: 25.6
20084031: 25.6+4.2 €/100 kg/net
20084039: 25.6
20085011: 25.6
20085019: 25.6+4.2 €/100 kg/net
20085031: 24
20085039: 25.6
20085051: 25.6+4.2 €/100 kg/net
20085059: 25.6
20085071: 20.8
20086011: 25.6
20086019: 25.6+4.2 €/100 kg/net
20086031: 24
20086039: 25.6
20086060: 20.8
20087011: 25.6
20087919: 25.6+4.2 €/100 kg/net
20087031: 24
20087039: 25.6
20087051: 25.6+4.2 €/100 kg/net
20087059: 25.6
20088011: 25.6
20088019: 25.6+4.2 €/100 kg/net
20088031: 24
20088039: 25.6
20088070: 20.8

20096190, 20096911, 20096919, 20096951, 20096990		tariff rate quota
Tariff item number 21069098	Food preparations	Open a tariff rate quota 921 tonnes (erga omnes), in quota rate 18%
Tariff item number 23031011	Corn gluten	Open a country allocated (US) tariff rate quota 10 000 tonnes, in-quota rate 16%
Tariff item numbers 23091013, 23091015, 23091019, 23091033, 23091039, 23091051, 23091053, 23091059, 23091070	Dog and cat food	Open a tariff rate quota 2058 tonnes (erga omnes), in quota rate 7%.