



**COUNCIL OF  
THE EUROPEAN UNION**

**Brussels, 16 July 2012  
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2012/0166 (NLE)**

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**WTO 253  
AGRI 489  
UD 202  
USA 20  
OC 386**

**LEGISLATIVE ACTS AND OTHER INSTRUMENTS**

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Subject: Agreement in the form of an Exchange of Letters between the European Union and the United States of America pursuant to Article XXIV:6 and Article XXVIII of the General Agreement on Tariffs and Trade (GATT) 1994 relating to the modification of concessions in the schedules of the Republic of Bulgaria and Romania in the course of their accession to the European Union

**COMMON GUIDELINES**

**Consultation deadline for Croatia: 17.7.2012**

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AGREEMENT  
IN THE FORM OF AN EXCHANGE OF LETTERS  
BETWEEN THE EUROPEAN UNION  
AND THE UNITED STATES OF AMERICA  
PURSUANT TO ARTICLE XXIV:6  
AND ARTICLE XXVIII OF THE GENERAL AGREEMENT  
ON TARIFFS AND TRADE (GATT) 1994  
RELATING TO THE MODIFICATION OF CONCESSIONS IN THE SCHEDULES  
OF THE REPUBLIC OF BULGARIA AND ROMANIA  
IN THE COURSE OF THEIR ACCESSION TO THE EUROPEAN UNION

A. Letter from the European Union

Place, date

Sir,

Following negotiations under Article XXIV:6 and Article XXVIII of the General Agreement on Tariffs and Trade (GATT) 1994 relating to the modification of the Schedules of the Republic of Bulgaria and Romania in the course of their accession to the European Union, I have the honour to confirm the following understanding:

1. The European Union shall incorporate and bind in its WTO Schedule for the customs territory of the EU 27 the concessions that were included in its schedule for the customs territory of the EU 25 with the modifications set out in this letter.

Add 4680 tonnes in the country allocated (US) EU tariff rate quota for 'meat and edible offal of poultry, fresh, chilled or frozen', maintaining the existing in-quota rates

(tariff item numbers 0207 1110, 0207 1130, 0207 1190, 0207 1210, 0207 1290, 0207 1310, 0207 1320, 0207 1330, 0207 1340, 0207 1350, 0207 1360, 0207 1370, 0207 1410, 0207 1420, 0207 1430, 0207 1440, 0207 1450, 0207 1460, 0207 1470, 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 2710, 0207 2720, 0207 2730, 0207 2740, 0207 2750, 0207 2760, 0207 2770, 0207 2780);

Add 200 tonnes in the country allocated (US) EU tariff rate quota for 'frozen boneless hams and loins', maintaining the present in-quota rate of 250 €/t (tariff item numbers ex 0203 1955 and ex 0203 2955);

Create a country allocated (US) tariff rate quota of 1550 tonnes for 'food preparations', with an in-quota rate 'Agricultural Element' (tariff item number 2106 9098);

Add 600 tonnes (erga omnes) in the EU tariff rate quota for 'cuts of domestic swine, fresh, chilled or frozen, with or without bone, excluding tenderloin, presented separately', maintaining the existing in-quota rates (tariff item numbers 0203 1211, 0203 1219, 0203 1911, 0203 1913, 0203 1915, ex 0203 1955, 0203 1959, 0203 2211, 0203 2219, 0203 2911, 0203 2913, 0203 2915, ex 0203 2955, 0203 2959);

Add 500 tonnes (erga omnes) in the EU tariff rate quota for 'chicken cuts, fresh, chilled or frozen', maintaining the existing in-quota rates (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 400 tonnes (erga omnes) in the EU tariff rate quota for 'cuts of fowls', maintaining the existing in quota rate 795 €/t (tariff item number 0207 1410);

Add 580 tonnes (*erga omnes*) in the EU tariff rate quota for 'turkey meat, fresh, chilled or frozen', maintaining the existing in-quota rates (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);

If all internal procedures required for the EU to incorporate and bind in its WTO schedule the modifications set forth in this letter are not completed 60 days prior to the expiration of the period for the United States to exercise its right to withdraw substantially equivalent concessions pursuant to Article XXVIII of the GATT, the EU shall request that the WTO Council for Trade in Goods approve, prior to the expiration of the period, an extension of the period. Such extension shall be of sufficient length to ensure that all those EU internal procedures are completed 60 days prior to the expiration of the period for the United States to exercise its rights under Article XXVIII of the GATT.

2. Concurrent with the negotiation of the modifications set forth above and also related to the enlargement of the customs territory of the European Union to include the Republic of Bulgaria and Romania, the United States of America shall within 21 days of entry into force of this agreement submit for publication in the Federal Register a notice modifying the tariff-rate import quotas for cheeses allocated for the European Union in the additional U.S. notes 16, 17, 18, 19, 20, 21, 22, 23 and 25 of Chapter 04 of the Harmonized Tariff Schedule of the United States to reflect the enlargement of the customs territory of the European Union to include Bulgaria and Romania.

3. Consultations may be held at any time with regard to any of the above matters at the request of either Party.

I should be obliged if you would confirm that your Government is in agreement with the content of this letter. I have the honour to propose that, should this be the case, this letter and your confirmation shall together constitute an Agreement in the form of an Exchange of Letters between the European Union and the United States of America (the 'Agreement').

The European Union and the United States of America shall notify to each other in writing of the completion of any internal procedures necessary for the entry into force of this Agreement. This Agreement shall enter into force 14 days after the date of receipt of the date of the latest notification.

Please accept, Sir, the assurance of my highest consideration.

For the European Union

B. Letter from the United States of America

Place, date

Sir,

I have the honor to acknowledge the receipt of your letter of today's date, which reads as follows:

"Following negotiations under Article XXIV:6 and Article XXVIII of the General Agreement on Tariffs and Trade (GATT) 1994 relating to the modification of the Schedules of the Republic of Bulgaria and Romania in the course of their accession to the European Union, I have the honour to confirm the following understanding:

1. The European Union shall incorporate and bind in its WTO Schedule for the customs territory of the EU 27 the concessions that were included in its schedule for the customs territory of the EU 25 with the modifications set out in this letter.

Add 4680 tonnes in the country allocated (US) EU tariff rate quota for 'meat and edible offal of poultry, fresh, chilled or frozen', maintaining the existing in-quota rates

(tariff item numbers 0207 1110, 0207 1130, 0207 1190, 0207 1210, 0207 1290, 0207 1310, 0207 1320, 0207 1330, 0207 1340, 0207 1350, 0207 1360, 0207 1370, 0207 1410, 0207 1420, 0207 1430, 0207 1440, 0207 1450, 0207 1460, 0207 1470, 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 2710, 0207 2720, 0207 2730, 0207 2740, 0207 2750, 0207 2760, 0207 2770, 0207 2780);

Add 200 tonnes in the country allocated (US) EU tariff rate quota for 'frozen boneless hams and loins', maintaining the present in-quota rate of 250 €/t (tariff item numbers ex 0203 1955 and ex 0203 2955);

Create a country allocated (US) tariff rate quota of 1550 tonnes for 'food preparations', with an in-quota rate 'Agricultural Element' (tariff item number 2106 9098);

Add 600 tonnes (erga omnes) in the EU tariff rate quota for 'cuts of domestic swine, fresh, chilled or frozen, with or without bone, excluding tenderloin, presented separately', maintaining the existing in-quota rates (tariff item numbers 0203 1211, 0203 1219, 0203 1911, 0203 1913, 0203 1915, ex 0203 1955, 0203 1959, 0203 2211, 0203 2219, 0203 2911, 0203 2913, 0203 2915, ex 0203 2955, 0203 2959);

Add 500 tonnes (erga omnes) in the EU tariff rate quota for 'chicken cuts, fresh, chilled or frozen', maintaining the existing in-quota rates (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 400 tonnes (erga omnes) in the EU tariff rate quota for 'cuts of fowls', maintaining the existing in quota rate 795 €/t (tariff item number 0207 1410);



Add 580 tonnes (erga omnes) in the EU tariff rate quota for 'turkey meat, fresh, chilled or frozen', maintaining the existing in-quota rates (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);

If all internal procedures required for the EU to incorporate and bind in its WTO schedule the modifications set forth in this letter are not completed 60 days prior to the expiration of the period for the United States to exercise its right to withdraw substantially equivalent concessions pursuant to Article XXVIII of the GATT, the EU shall request that the WTO Council for Trade in Goods approve, prior to the expiration of the period, an extension of the period. Such extension shall be of sufficient length to ensure that all those EU internal procedures are completed 60 days prior to the expiration of the period for the United States to exercise its rights under Article XXVIII of the GATT.

2. Concurrent with the negotiation of the modifications set forth above and also related to the enlargement of the customs territory of the European Union to include the Republic of Bulgaria and Romania, the United States of America shall within 21 days of entry into force of this agreement submit for publication in the Federal Register a notice modifying the tariff-rate import quotas for cheeses allocated for the European Union in the additional U.S. notes 16, 17, 18, 19, 20, 21, 22, 23 and 25 of Chapter 04 of the Harmonized Tariff Schedule of the United States to reflect the enlargement of the customs territory of the European Union to include Bulgaria and Romania.

3. Consultations may be held at any time with regard to any of the above matters at the request of either Party.

I should be obliged if you would confirm that your Government is in agreement with the content of this letter. I have the honour to propose that, should this be the case, this letter and your confirmation shall together constitute an Agreement in the form of an Exchange of Letters between the European Union and the United States of America (the 'Agreement').

The European Union and the United States of America shall notify to each other in writing of the completion of any internal procedures necessary for the entry into force of this Agreement. This Agreement shall enter into force 14 days after the date of receipt of the date of the latest notification."

I hereby have the honor to express my Government's agreement with the above letter.

Please accept, Sir, the assurance of my highest consideration.

On behalf of the United States of America