



**COUNCIL OF  
THE EUROPEAN UNION**

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#### **INFORMATION NOTE**

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from:	General Secretariat
to:	Permanent Representatives Committee/Council
Subject:	Proposal for a Regulation of the European Parliament and of the Council concerning the implementation of the Agreements concluded by the EU following negotiations in the framework of Article XXVIII 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 - Outcome of the European Parliament's first reading (Strasbourg, 19 to 22 November 2012)

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#### **I. INTRODUCTION**

The rapporteur, Mr Vital MOREIRA (S&D, PT) presented a report on behalf of the Committee on International Trade, aiming at taking over the Commission proposal for a Regulation of the European Parliament and of the Council concerning the implementation of the Agreements concluded by the EU following negotiations in the framework of Article XXVIII 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.

## II. VOTE

The Parliament adopted its first-reading position on 21 November 2012 by taking over the Commission proposal. This position is contained in its legislative resolution as set out in the Annex hereto<sup>1</sup>.

On 19 November 2012, the Permanent Representatives Committee had approved the Commission's proposal without amendments. The Council should therefore be in a position to approve the European Parliament's position. The legislative act would then be adopted in the wording which corresponds to the European Parliament's position.

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<sup>1</sup> The version of the Parliament's position in the legislative resolution has been marked up to indicate the changes made by the amendments to the Commission's proposal. Additions to the Commission's text are highlighted in ***bold and italics***. The symbol "■" indicates deleted text. The symbol "||" indicates changes of a linguistic or clerical nature.

## **Implementation of the agreements concluded by the EU following negotiations in the framework of Article XXVIII of GATT 1994 \*\*\*I**

**European Parliament legislative resolution of 21 November 2012 on the proposal for a regulation of the European Parliament and of the Council concerning the implementation of the Agreements concluded by the EU following negotiations in the framework of Article XXVIII 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 (COM(2012)0115 – C7-0079/2012 – 2012/0054(COD))**

**(Ordinary legislative procedure: first reading)**

*The European Parliament,*

- having regard to the Commission proposal to Parliament and the Council (COM(2012)0115),
  - having regard to Article 294(2) and Article 207(2) of the Treaty on the Functioning of the European Union, pursuant to which the Commission submitted the proposal to Parliament (C7-0079/2012),
  - having regard to Article 294(3) of the Treaty on the Functioning of the European Union,
  - having regard to the undertaking given by the Council representative by letter of 19 November 2012 to approve Parliament's position, in accordance with Article 294(4) of the Treaty on the Functioning of the European Union,
  - having regard to Rule 55 of its Rules of Procedure,
  - having regard to the report of the Committee on International Trade (A7-0351/2012),
1. Adopts its position at first reading hereinafter set out;
  2. Calls on the Commission to refer the matter to Parliament again if it intends to amend its proposal substantially or replace it with another text;
  3. Instructs its President to forward its position to the Council, the Commission and the national parliaments.

**Position of the European Parliament adopted at first reading 21 November 2012 with a view to the adoption of Regulation (EU) No .../2012 of the European Parliament and of the Council concerning the implementation of the Agreement in the form of an Exchange of Letters between the European Union and Brazil pursuant to Article XXVIII of the General Agreement on Tariffs and Trade (GATT) 1994 relating to the modification of concessions with respect to processed poultry meat provided for in the EU Schedule annexed to GATT 1994, and of the Agreement in the form of an Exchange of Letters between the European Union and Thailand pursuant to Article XXVIII of the General Agreement on Tariffs and Trade (GATT) 1994 relating to the modification of concessions with respect to processed poultry meat provided for in the EU Schedule annexed to GATT 1994, and amending and supplementing Annex I to Council Regulation (EEC) No 2658/87 on the tariff and statistical nomenclature and on the Common Customs Tariff**

THE EUROPEAN PARLIAMENT AND THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on the Functioning of the European Union, and in particular Article 207(2) thereof,

Having regard to the proposal from the European Commission,

After transmission of the draft legislative act to the national parliaments,

Acting in accordance with the ordinary legislative procedure<sup>1</sup>,

Whereas:

- (1) Council Regulation (EEC) No 2658/87<sup>2</sup> established a goods nomenclature (the "Combined Nomenclature"), and set out the conventional duty rates of the Common Customs Tariff.
- (2) By its Decision No .../2012/EU of ...\* on the conclusion of the Agreement in the form of an Exchange of Letters between the European Union and Brazil pursuant to Article XXVIII of the General Agreement on Tariffs and Trade (GATT) 1994 relating to the modification of concessions with respect to processed poultry meat provided for in the EU Schedule annexed to GATT 1994, and of the Agreement in the form of an Exchange of Letters between the European Union and Thailand pursuant to Article XXVIII of the General Agreement on Tariffs and Trade (GATT) 1994 relating to the modification of concessions with respect to processed poultry meat provided for in the EU Schedule annexed to GATT 1994<sup>3</sup> ("the Agreements"), the Council approved the

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<sup>1</sup> Position of the European Parliament of 21 November 2012.

<sup>2</sup> OJ L 256, 7.9.1987, p. 1.

\* OJ: please insert number and date of the Decision (see document st 7883/12).

<sup>3</sup> OJ L ...

Agreements on behalf of the Union with a view to closing negotiations initiated pursuant to Article XXVIII of GATT 1994.

- (3) The Agreements were negotiated on the basis of the Combined Nomenclature codes in force at the time.
- (4) In the newest version of Annex I to Regulation (EEC) No 2658/87 as laid down in Commission Implementing Regulation (EU) No 1006/2011<sup>1</sup>, the tariff lines 1602 39 40 and 1602 39 80 have been merged into a new tariff line 1602 39 85. The Annex to this Regulation reflects this new situation.
- (5) The autonomous customs duty rates for the tariff lines covered by the negotiations are currently set at levels below the new conventional duty rates resulting from the modification of concessions pursuant to Article XXVIII of GATT 1994. However, under Regulation (EEC) No 2658/87, the autonomous customs duties apply when they are below the conventional duties.
- (6) The autonomous rate of duty fixed in the Common Customs Tariff should therefore be increased to the level of the conventional duty.
- (7) Annex I to Regulation (EEC) No 2658/87 should therefore be amended and supplemented accordingly,

HAVE ADOPTED THIS REGULATION:

*Article 1*

In Regulation (EEC) No 2658/87, Part Two of Annex I ("Schedule of Customs Duties") shall be amended with the duties shown in the Annex to this Regulation.

The autonomous duties shall be set at the level of the conventional duties.

*Article 2*

In Regulation (EEC) No 2658/87, Annex 7 of Section III of Part Three ("WTO tariff quotas to be opened by the Competent Community Authorities") of Annex I shall be amended with the tariff quotas and supplemented with the volumes and duties shown in the Annex to this Regulation.

*Article 3*

This Regulation shall enter into force on the day following its publication in the *Official Journal of the European Union*.

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<sup>1</sup> Commission Implementing Regulation (EU) No 1006/2011 of 27 September 2011 amending Annex I to Council Regulation (EEC) No 2658/87 on the tariff and statistical nomenclature and on the Common Customs Tariff (OJ L 282, 28.10.2011, p. 1).

It shall apply from the date of entry into force of the Agreements.

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

Done at

*For the European Parliament*  
*The President*

*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 this Regulation.

### **Part Two Schedule of Customs Duties**

<b>CN code</b>	<b>Description</b>	<b>Duty rate (autonomous and conventional)</b>
1602 32 11	Processed chicken meat, uncooked, containing 57 % or more by weight of poultry meat or offal	2 765 EUR/tonne
1602 32 30	Processed chicken meat, containing 25 % or more but less than 57 % by weight of poultry meat or offal	2 765 EUR /tonne
1602 32 90	Processed chicken meat, containing less than 25 % by weight of poultry meat or offal	2 765 EUR /tonne
1602 39 21	Processed duck, geese, guinea fowl meat, uncooked, containing 57 % or more by weight of poultry meat or offal	2 765 EUR /tonne
1602 39 29	Processed duck, geese, guinea fowl meat, cooked, containing 57 % or more by weight of poultry meat or offal	2 765 EUR /tonne
1602 39 85	Processed duck, geese, guinea fowl meat, containing less than 57 % by weight of poultry meat or offal	2 765 EUR /tonne

### **Part Three Tariff Annexes**

<b>CN code</b>	<b>Description</b>	<b>Duty rate</b>
1602 32 11	Processed chicken meat, uncooked, containing 57 % or more by weight of poultry meat or offal	Open a tariff quota of 16 140 tonnes, of which 15 800 tonnes shall be allocated to Brazil In-quota rate: 630 EUR /tonne
1602 32 30	Processed chicken meat, containing 25 % or more but less than 57 % by weight of poultry meat or offal	Open a tariff quota of 79 705 tonnes, of which 62 905 tonnes shall be allocated to Brazil and 14 000 tonnes to Thailand In-quota rate: 10,9 %
1602 32 90	Processed chicken meat, containing less than 25 % by weight of poultry meat or offal	Open a tariff quota of 2 865 tonnes, of which 295 tonnes shall be allocated to Brazil and 2 100 tonnes to Thailand In-quota rate: 10,9 %

1602 39 21	Processed duck, geese, guinea fowl meat, uncooked, containing 57 % or more by weight of poultry meat or offal	Open a tariff quota of 10 tonnes for Thailand In-quota rate: 630 EUR /tonne
1602 39 29	Processed duck, geese, guinea fowl meat, cooked, containing 57 % or more by weight of poultry meat or offal	Open a tariff quota of 13 720 tonnes, of which 13 500 tonnes shall be allocated to Thailand In-quota rate: 10,9 %
ex 1602 39 85	Processed duck, geese, guinea fowl meat, containing 25 % or more but less than 57 % by weight of poultry meat or offal	Open a tariff quota of 748 tonnes, of which 600 tonnes shall be allocated to Thailand In-quota rate: 10,9 %
ex 1602 39 85	Processed duck, geese, guinea fowl meat, containing less than 25 % by weight of poultry meat or offal	Open a tariff quota of 725 tonnes, of which 600 tonnes shall be allocated to Thailand In-quota rate: 10,9 %

The exact tariff description of the EU WTO Schedule shall apply to all tariff lines and quotas above.