



**COUNCIL OF  
THE EUROPEAN UNION**

**Brussels, 27 November 2012  
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**WTO 361  
AGRI 746  
UD 280  
CHINE 13  
OC 641**

**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 People's Republic of China 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: 27.11.2012**

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AGREEMENT  
IN THE FORM OF AN EXCHANGE OF LETTERS  
BETWEEN THE EUROPEAN UNION  
AND THE PEOPLE'S REPUBLIC OF CHINA  
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 Union

Sir,

Following 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 Republic of Bulgaria and Romania in the course of their accession to the European Union, I have the honour to propose the following:

1. The European Union shall incorporate in its schedule, for the customs territory of the EU 27, the concessions contained in the schedule of the EU 25 with the following modifications:

On tariff line 0703 20 00 add 12 375 tonnes to the allocation for People's Republic of China under the EU tariff rate quota for garlic, maintaining the present in quota rate of 9,6 %.

Add 800 tonnes (drained net weight) to the allocation for People's Republic of China under the EU tariff rate quota for mushroom of species *agaricus*, prepared or preserved otherwise than by vinegar (tariff item number 2003 10 30, out of quota rate 18,4 + 222,0 EUR/100kg/net eda) and mushroom of species *agaricus*, provisionally preserved or preserved otherwise than by vinegar (tariff item number 2003 10 20, out of quota rate 18,4 + 191,0 EUR/100kg/net eda), in quota rate 23 %; inclusion of tariff line 0711 51 00 (out of quota rate 9,6 + 191,0 EUR/100 kg/net eda) in the quota.

Create a tariff rate quota of 2 026 tonnes (*erga omnes*) for chocolate with an in-quota rate of 38 % (tariff items numbers 1806 20, 1806 31, 1806 32 and 1806 90).

Create a tariff rate quota of 2 289 tonnes (*erga omnes*) for confectionary with an in-quota rate of 35 % (tariff item number 1704).

Create a tariff rate quota of 409 tonnes (*erga omnes*) for biscuits with an in-quota rate of 40 % (tariff item number 1905 90).

2. The People's Republic of China accepts the European Union's approach to netting-out of tariff rate quotas as a way of adjusting the GATT obligations of the EU 25 and those of the Republic of Bulgaria and Romania following the recent enlargement of the European Union.

The European Union and the People's Republic of China shall notify each other the completion of their internal procedures for the entry into force of the agreement. The agreement shall enter into force 14 days after the date of receipt of the latest notification.

I should be obliged if you would confirm that your Government is in agreement with the content of this letter. 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 People's Republic of China.

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

For the European Union

B. Letter from the People's Republic of China

Sir,

I have the honour 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 1994 (GATT) 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 propose the following:

1. The European Union shall incorporate in its schedule, for the customs territory of the EU 27, the concessions contained in the schedule of the EU 25 with the following modifications:

On tariff line 0703 20 00 add 12 375 tonnes to the allocation for People's Republic of China under the EU tariff rate quota for garlic, maintaining the present in quota rate of 9,6 %.

Add 800 tonnes (drained net weight) to the allocation for People's Republic of China under the EU tariff rate quota for mushroom of species *agaricus*, prepared or preserved otherwise than by vinegar (tariff item number 2003 10 30, out of quota rate 18,4 + 222,0 EUR/100kg/net eda) and mushroom of species *agaricus*, provisionally preserved or preserved otherwise than by vinegar (tariff item number 2003 10 20, out of quota rate 18,4 + 191,0 EUR/100kg/net eda), in quota rate 23 %; inclusion of tariff line 0711 51 00 (out of quota rate 9,6 + 191,0 EUR/100 kg/net eda) in the quota.

Create a tariff rate quota of 2 026 tonnes (*erga omnes*) for chocolate with an in-quota rate of 38 % (tariff items numbers 1806 20, 1806 31, 1806 32 and 1806 90).

Create a tariff rate quota of 2 289 tonnes (*erga omnes*) for confectionary with an in-quota rate of 35 % (tariff item number 1704).

Create a tariff rate quota of 409 tonnes (*erga omnes*) for biscuits with an in-quota rate of 40 % (tariff item number 1905 90).

2. The People's Republic of China accepts the European Union's approach to netting-out of tariff rate quotas as a way of adjusting the GATT obligations of the EU 25 and those of the Republic of Bulgaria and Romania following the recent enlargement of the European Union.

The European Union and the People's Republic of China shall notify each other the completion of their internal procedures for the entry into force of the agreement. The agreement shall enter into force 14 days after the date of receipt of the latest notification.

I should be obliged if you would confirm that your Government is in agreement with the content of this letter. 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 People's Republic of China."

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

For the People's Republic of China