

## รายการอ้างอิง

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**ภาคผนวก.**

ภาคผนวก ก.

ARTICLE XXVIII-MODIFICATION OF  
SCHEDULE  
INTERPRETATIVE NOTE AD ARTICLE  
XXVIII  
FROM ANNEX 1  
  
AND  
  
UNDERSTANDING ON THE  
INTERPRETATION OF ARTICLE XXVIII OF  
GENERAL AGREEMENT ON TARIFF AND  
TRADE 1994

## Article XXVIII\*

### Modification of Schedules

1. On the first day of each three-year period, the first period beginning on 1 January 1958 (or on the first day of any other period\* that may be specified by the CONTRACTING PARTIES by two-thirds of the votes cast) a contracting party (hereafter in this Article referred to as the "applicant contracting party") may, by negotiation and agreement with any contracting party with which such concession was initially negotiated and with any other contracting party determined by the CONTRACTING PARTIES to have a principal supplying interest\* (which two preceding categories of contracting parties, together with the applicant contracting party, are in this Article hereinafter referred to as the "contracting parties primarily concerned"), and subject to consultation with any other contracting party determined by the CONTRACTING PARTIES to have a substantial interest in such concession, modify or withdraw a concession\* included in the appropriate Schedule annexed to this Agreement.

2. In such negotiations and agreement, which may include provision for compensatory adjustment with respect to other products, the contracting parties concerned shall endeavour to maintain a general level of reciprocal and mutually advantageous concessions not less favourable to trade than that provided for in this Agreement prior to such negotiations.

3. (a) If agreement between the contracting parties primarily concerned cannot be reached before 1 January 1958 or before the expiration of a period envisaged in paragraph 1 of this Article, the contracting party which proposes to modify or withdraw the concession shall, nevertheless, be free to do so and if such action is taken any contracting party with which such concession was initially negotiated, any contracting party determined under paragraph 1 to have a principal supplying interest and any contracting party determined under paragraph 1 to have a substantial interest shall then be free not later than six months after such action is taken, to withdraw, upon the expiration of thirty days from the day on which written notice of such withdrawal is received by the CONTRACTING PARTIES substantially equivalent concessions initially negotiated with the applicant contracting party.

(b) If agreement between the contracting parties primarily concerned is reached but any other contracting party determined under paragraph 1 of this Article to have a

substantial interest is not satisfied, such other contracting party shall be free, not later than six months after action under such agreement is taken, to withdraw, upon the expiration of thirty days from the day on which written notice of such withdrawal is received by the CONTRACTING PARTIES, substantially equivalent concessions initially negotiated with the applicant contracting party.

4. The CONTRACTING PARTIES may, at any time, in special circumstances, authorize\* a contracting party to enter into negotiations for modification or withdrawal of a concession included in the appropriate Schedule annexed to this Agreement subject to the following procedures and conditions:

(a) Such negotiations\* and any related consultations shall be conducted in accordance with the provisions of paragraphs 1 and 2 of this Article.

(b) If agreement between the contracting parties primarily concerned is reached in the negotiations, the provisions of paragraph 3 (b) of this Article shall apply.

(c) If agreement between the contracting parties primarily concerned is not reached within a period of sixty days\* after negotiations have been authorized, or within such longer period as the CONTRACTING PARTIES may have prescribed, the applicant contracting party may refer the matter to the CONTRACTING PARTIES.

(d) Upon such reference, the CONTRACTING PARTIES shall promptly examine the matter and submit their views to the contracting parties primarily concerned with the aim of achieving a settlement. If a settlement is reached, the provisions of paragraph 3 (b) shall apply as if agreement between the contracting parties primarily concerned, the applicant contracting party shall be free to modify or withdraw the concession, unless the CONTRACTING PARTIES determine that the applicant contracting party has unreasonably failed to offer adequate compensation.\* If such action is taken, any contracting party with which the concession was initially negotiated, any contracting party determined under paragraph 4 (a) to have a principal supplying interest and any contracting party determined under paragraph 4 (a) to have a substantial interest, shall be free, not later than six months after such action is taken, to modify or withdraw, upon the expiration of thirty days from the

day on which written notice of such withdrawal is received by the CONTRACTING PARTIES, substantially equivalent concessions initially negotiated with the applicant contracting party.

5. Before 1 January 1958 and before the end of any period envisaged in paragraph 1 a contracting party may elect by notifying the CONTRACTING PARTIES to reserve the right, for the duration of the next period, to modify the appropriate Schedule in accordance with the procedures of paragraph 1 to 3. If a contracting party so elects, other contracting parties shall have the right, during the same period, to modify or withdraw, in accordance with the same procedures, concessions initially negotiated with that contracting party.

## Interpretative Note Ad Article XXVIII from Annex I

The CONTRACTING PARTIES and each contracting party concerned should arrange to conduct the negotiations and consultations with the greatest possible secrecy in order to avoid premature disclosure of details of prospective tariff changes. The CONTRACTING PARTIES shall be informed immediately of all changes in national tariffs resulting from recourse to this Article.

### Paragraph 1

1.If the CONTRACTING PARTIES specify a period other than a three-year period, a contracting party may act pursuant to paragraph 1 or paragraph 3 of Article XXVIII on the first day following the expiration of such other period and, unless the CONTRACTING PARTIES have again specified another period, subsequent periods will be three-year periods following the expiration of such specified period.

2.The provision that on 1 January 1958, and on other days determined pursuant to paragraph 1, a contracting party "may...modify or withdraw a concession" means that on such day, and on the first day after the end of each period, the legal obligation of such contracting party under Article II is altered: it does not mean that the changes in its customs tariff should necessarily be made effective on that day. If a tariff change resulting from negotiations undertaken pursuant to this Article is delayed, the entry into force of any compensatory concessions may be similarly delayed

3.Not earlier than six months, nor later than three months, prior to 1 January 1958, or to the termination date of any subsequent period, a contracting party wishing to modify or withdraw any concession embodied in the appropriate Schedule, should notify the CONTRACTING PARTIES to this effect. The CONTRACTING PARTIES shall then determine the contracting party or contracting parties with which the negotiations or consultations referred to in paragraph 1 shall take place. Any contracting party so determined shall participate in such negotiations or consultations with the applicant contracting party with the aim of reaching agreement before the end of the period. Any extension of the assured life of the Schedules shall relate to the Schedules as modified after

such negotiations, in accordance with paragraphs 1, 2, and 3 of Article XXVIII. If the CONTRACTING PARTIES are arranging for multilateral tariff negotiations to take place within the period of six months before 1 January 1958, or before any other day determined pursuant to paragraph 1, they shall include in the arrangements for such negotiations suitable procedures for carrying out the negotiations referred to in this paragraph.

4. The object of providing for the participation in the negotiation of any contracting party with a principal supplying interest, in addition to any contracting party with which the concession was originally negotiated, is to ensure that a contracting party with a larger share in the trade affected by the concession than a contracting party with which the concession was originally negotiated shall have an effective opportunity to protect the contractual right which it enjoys under this Agreement. On the other hand, it is not intended that the scope of the negotiations should be such as to make negotiations and agreement under Article XXVIII unduly difficult not to create complication in the application of this Article in the future to concessions which result from negotiations thereunder. Accordingly, the CONTRACTING PARTIES should only determine that a contracting party has a principal supplying interest if that contracting party has had, over a reasonable period of time prior to the negotiations, a larger share in the market of the applicant contracting party than a contracting party with which the concession was initially negotiated or would, in the judgment of the CONTRACTING PARTIES, have had such a share in the absence of discriminatory quantitative restrictions maintained by the applicant contracting party. It would therefore not be appropriate for the CONTRACTING PARTIES to determine that more than one contracting party, or in those exceptional cases where there is near equality more than two contracting parties, had a principal supplying interest.

5. Notwithstanding the definition of a principal supplying interest in note 4 to paragraph 1, the CONTRACTING PARTIES may exceptionally determine that a contracting party has a principal supplying interest if the concession in question affects trade which constitutes a major part of the total exports of such contracting party.

6. It is not intended that provision for participation in the negotiations of any contracting party with a principal supplying interest, and for consultation with any contracting party having a substantial interest in the concession which the applicant contracting party is seeking to modify or withdraw, should have the effect that it should have to pay

compensation or suffer retaliation greater than the withdrawal or modification sought, judged in the light of the conditions of trade at the time of the proposed withdrawal or modification, making allowance for any discriminatory quantitative restrictions maintained by the applicant contracting party.

7. The expression "substantial interest" is not capable of a precise definition and accordingly may present difficulties for the CONTRACTING PARTIES. It is, however, intended to be construed to cover only those contracting parties which have, or in the absence of discriminatory quantitative restrictions affecting their exports could reasonably be expected to have, a significant share in the market of the contracting party seeking to modify or withdraw the concession.

#### Paragraph 4

1. Any request for authorization to enter into negotiations shall be accompanied by all relevant statistical and other data. A decision on such request shall be made within thirty days of its submission.

2. It is recognized that to permit certain contracting parties, depending in large measure on a relatively small number of primary commodities and relying on the tariff as an important aid for furthering diversification of their economies or as an important source of revenue, normally to negotiate for the modification or withdrawal of concessions only under paragraph 1 of Article XXVIII, might cause them at such time to make modifications or withdrawals which in the long run would prove unnecessary. To avoid such a situation the CONTRACTING PARTIES shall authorize any such contracting party, under paragraph 4, to enter into negotiations unless they consider this would result in, or contribute substantially towards, such an increase in tariff levels as to threaten the stability of the Schedules to this Agreement or lead to undue disturbance of international trade.

3. It is expected that negotiations authorized under paragraph for modification or withdrawal of a single item, or a very small group of items, could normally be brought to a conclusion in sixty days. It is recognized, however, that such a period will be inadequate for cases involving negotiations for the modification or withdrawal of a larger number of items



and in such cases, therefore, it would be appropriate for the CONTRACTING PARTIES to prescribe a longer period.

4. The determination referred to in paragraph 4 (d) shall be made by the CONTRACT PARTIES within thirty days of the submission of the matter to them unless the applicant contracting party agrees to a longer period.

5. In determining under paragraph 4(d) whether an applicant contracting party has unreasonably failed to offer adequate compensation, it is understood that the CONTRACTING PARTIES will take due account of the special position of a contracting party which has bound a high proportion of its tariffs at very low rates of duty and to this extent has less scope than other contracting parties to make compensatory adjustment.

**UNDERSTANDING ON THE INTERPRETATION OF ARTICLE XXVIII  
OF THE GENERAL AGREEMENT ON TARIFFS AND TRADE 1994**

If the trade in question has ceased to benefit from such preferential treatment, thus becoming MFN trade, at the time of the negotiation for the modification or withdrawal of the concession, or will do so by the conclusion of that negotiation.

4. When a tariff concession is modified or withdrawn on a new product (i.e. a product for which three's year trade statistics are not available) the Member possessing initial negotiating rights on the tariff line where the product is or was formerly classified shall be deemed to have an initial negotiating right in the concession in question. The determination of principal supplying and substantial interests and the calculation of compensation shall take into account, inter alia, production capacity and investment in the affected product in the importing Member. For the purposes of this paragraph "new product" is understood to include a tariff item created by means of a breakout from an existing tariff line.

5. Where a Member considers that it has a principal supplying or a substantial interest in terms of paragraph 4, it should communicate its claim in writing, with supporting evidence, to the Member proposing to modify or withdraw a concession, and at the same time inform the Secretariat. Paragraph 4 of the above-mentioned "Procedures for Negotiations under Article XXVIII" shall apply in these cases.

6. When an unlimited tariff concession is replaced by a tariff rate quota, the amount of compensation provides should exceed the amount of the trade actually affected by the modification of the concession. The basic for the calculation of compensation should be the amount by which future trade prospects exceed the level of the quota. It is understood that the calculation of future trade prospects should be based on the greater of:

(a) the average annual trade I the most recent representative three-year period, increased by the average annual growth rate of imports in that same period, or by 10 percent, whichever is the greater; or

(b) trade in most recent increased by 10 percent.

7. Any Member having a principal supplying interest, whether as provides for in paragraph 1 above or in paragraph 1 of Article XXVIII, in a concession which is modified or withdrawn shall be accorded an initial negotiating right in the compensatory concession, unless another form of compensation is agreed by the Members concerned.

Members here by agree as follows:

1. For the purposes of modification or withdrawal of a concession, the Member which has the highest ratio of exports affected by the concession (i.e. exports of the product to the market of the Member modifying or withdrawing the concession) to its total exports shall be deemed to have a principal supplying interest if it does not already have an initial negotiating right or a principal supplying interest as provided for in paragraph 1 of Article XXVIII. It is however agreed that this paragraph will be reviewed by the Council for Trade in Goods five years from the date to entry into force of the WTO Agreement with a view to deciding whether this criterion has worked satisfactorily in securing a redistribution of negotiating rights in favour of small and medium-sized exporting Members. If this is not the case, consideration will be given to possible improvements, including, in the light of the availability of adequate data, the adoption of a criterion based on the ratio of exports affected by the concession to exports to all markets of the product in question.

2. Where a Member considers that it has a principal supplying interest in terms of paragraph 1, it should communicate its claim in writing, with supporting evidence, to the Member proposing to modify or withdraw a concession, and at the same time inform the Secretariat. Paragraph 4 of the "Procedures for Negotiations under Article XXVIII" adopted on 10 November 1980 (BISD 27S/26-28) shall apply in these cases.

3. In the determination of which Members have a principal supplying interest (whether as provided for in paragraph 1 above or in paragraph 1 of Article XXVIII) or substantial interest, only trade in the affected product which has taken place on an MFN basis shall be taken into consideration. However, trade in the affected product which has taken place under non-contractual preferences shall also be taken into account.

ภาคผนวก ข.

PROCEDURES OF NEGOTIATIONS UNDER  
ARTICLE XXVIII  
GUIDELINE ON 10 NOVEMBER 1980  
(BISD 27/S26-28)

## PROCEDURES FOR NEGOTIATIONS UNDER ARTICLE XXVIII

Guidelines adopted on 10 November 1980 (C/113 and Corr.1)

BISD 27S/26-28

March 1981

1.A contracting party intending to negotiate for the modification or withdrawal of concessions in accordance with the procedures of Article XXVIII, paragraph 1 – which are also applicable to negotiations under paragraph 5 of that Article – should transmit a notification to that effect to the secretariat which will distribute the notification to all other contracting parties in a secret document.<sup>n2463</sup> In the case of negotiations under paragraph 4 of Article XXVIII the request for authority to enter into negotiations should be transmitted to the secretariat to be circulated in a separate document and included in the agenda of the next meeting of the Council.

2.The notification or request should include a list of items, with corresponding tariff line numbers, which it is intended to modify or withdraw indicating for each item the contracting parties, if any, with which the item was initially negotiated. It should be indicated whether the intention is to modify a concession or withdraw it, in whole or in part, from the schedule. If a concession is to be modified, the proposed modification should be stated in the notification or circulated as soon as possible thereafter to those contracting parties with which the concession was originally negotiated and those which are recognized, in accordance with paragraph 4 below, to have a principal or a substantial supplying interest. The notification or request should be accompanied by statistics of imports of the 1 products involved, by country of origin, for the last three years for which statistics are available. If specific or mixed duties are affected, both values and quantities should be indicated, if possible.

3.At the same time as the notification is transmitted to the secretariat or when the authorization to enter into negotiations has been granted by the Council – or as soon as possible thereafter – the contracting party referred to in paragraph 1 above should communicate to those contracting parties, with which concessions were initially negotiated, and those which have a principal supplying interest, the compensatory adjustments which it is prepared to offer.

4. Any contracting party which considers that it has a principal or a substantial supplying interest in a concession which is to be the subject of negotiation and consultation under Article XXVIII should communicate its claim in writing to the contracting party referred to in paragraph 1 above and at the same time inform the secretariat. If the contracting party referred to in paragraph 1 above recognizes the claim, the recognition will constitute a determination by the CONTRACTING PARTIES of interest in the sense of Article XXVIII:1.n2464 If a claim of interest is not recognized, the contracting party making the claim may refer the matter to the Council, claims of interest should be made within ninety days following the circulation of the import statistics referred to in paragraph 2 above.

5. Upon completion of each bilateral negotiation the contracting party referred to in paragraph 1 above should send to the secretariat a joint letter on the lines of the model in Annex An2465 attached hereto signed by both parties. To this letter shall be attached a report on the lines of the model in Annex Bn2465 attached hereto. The report should be initialled by both parties. The secretariat will distribute the letter and the report to all contracting parties in a secret document.

6. Upon completion of all its negotiations the contracting party referred to in paragraph 1 above should send to the secretariat, for distribution in a secret document, a final report on the lines of the model in Annex C attached hereto.n2465

7. Contracting parties will be free to give effect to the changes agreed upon in the negotiations as from the first day of the period referred to in Article XXVIII:1, or, in the case of negotiations under paragraph 4 or 5 of Article XXVIII, as from the date on which the conclusion of all the negotiations have been notified as set out in paragraph 6 above. A notification shall be submitted to the secretariat, for circulation to contracting parties, of the date on which these changes will come into force.

8. Formal effect will be given to the changes in the schedules by means of Certifications in accordance with the Decision of the CONTRACTING PARTIES of 26 March 1980.n2466

9. The secretariate will be available at all stages to assist the governments involved in the negotiations and consultations.

10. These procedures are in relevant parts also valid for renegotiations under Article XVIII, paragraph 7, and Article XXIV, paragraph 6.

FOOTNOTES:

[n2463] The date for submission of notification for negotiation under Article XXVIII, paragraph 1, shall comply with the provisions of interpretative note 3 to paragraph 1 of Article XXVIII.

[n2464] If, in exceptional circumstances, the contracting party referred to in paragraph 1 above is not in a position to supply relevant import statistics, it shall give due consideration to export statistics provided by contracting parties claiming an interest in the concession or concessions concerned.

**ภาคผนวก ค.**

**EC-Schedule LXXX**

Adopted by

**CXL-Schedule LXXX**



Schedule LXXX - European Communities  
 This Schedule is authentic only in the English language  
 PART I MOST-FAVOURLED-NATION TARIFF  
 SECTION I Agricultural Products  
 SECTION I - B Tariff Quotas

Minimum Access 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 right	Other terms and conditions
1	2	3	4	5	6	7
- Poultry cuts and offal other than liver, frozen : -- Of fowls of the species Gallus domesticus : --- Cuts : ---- Boneless ---- With bone in : ----- Breasts and cuts thereof ----- Other (than halves or quarters; whole wings with or without tips; backs, necks, backs with necks attached, rumps and wing tips; legs and cuts thereof)	0207 41 10 ) 0207 41 41 ) 0207 41 71 )	15.500 t 0 %	15.500 t 0 %			

16365

Tariff item number	Description of products	Base rate of duty	Bound rate of duty	Implementation period from/to	Special safeguard	Initial negotiating right	Other duties and charges	Comments
1	2	3	4	5	6	7	8	9
02073951	....Offal, other than livers ---Of ducks, geese and guinea fowls: ....Cuts: .....Boneless:	292 ECU/T	187 ECU/T		SSG			
02073953	.....Of geese	1727 ECU/T	1105 ECU/T		SSG			
02073955	.....Of ducks and guinea fowls .....With bone in: .....Halves or quarters:	2005 ECU/T	1283 ECU/T		SSG			
02073957	.....Of ducks	882 ECU/T	564 ECU/T		SSG			
02073961	.....Of geese	826 ECU/T	529 ECU/T		SSG			
02073963	.....Of guinea fowls	847 ECU/T	542 ECU/T		SSG			
02073965	.....Whole wings, with or without tips	421 ECU/T	269 ECU/T		SSG			
02073967	.....Backs, necks, backs with necks attached, rumps and wing tips .....Breasts and cuts thereof:	292 ECU/T	187 ECU/T		SSG			
02073971	.....Of geese	1352 ECU/T	865 ECU/T		SSG			
02073973	.....Of ducks and guinea fowls .....Legs and cuts thereof:	1805 ECU/T	1155 ECU/T		SSG			
02073975	.....Of geese	1089 ECU/T	697 ECU/T		SSG			
02073977	.....Of ducks and guinea fowls	724 ECU/T	463 ECU/T		SSG			
02073981	.....Goose or duck paletots	1031 ECU/T	660 ECU/T		SSG			
02073983	.....Other	1925 ECU/T	1232 ECU/T		SSG			
02073985	....Offal, other than livers	292 ECU/T	187 ECU/T		SSG			
02073990	---Poultry livers, other than fatty livers of geese or ducks -Poultry cuts and offal other than livers, frozen:	10.0 %	6.4 %					
020741	--Of fowls of the species Gallus domesticus: ---Cuts:							
02074110	....Boneless ....With bone in:	1600 ECU/T	1024 ECU/T		SSG			
02074111	.....Halves or quarters	559 ECU/T	358 ECU/T		SSG			
02074121	.....Whole wings, with or without tips	421 ECU/T	269 ECU/T		SSG			
02074131	.....Backs, necks, backs with necks attached, rumps and wing tips .....Breasts and cuts thereof	292 ECU/T	187 ECU/T		SSG			
02074141	.....Legs and cuts thereof	940 ECU/T	602 ECU/T		SSG			
02074151		724 ECU/T	463 ECU/T		SSG			

Schedule CXL - European Communities  
 This Schedule is authentic only in the English language  
 PART I MOST-FAVORED-NATION TARIFF  
 SECTION I Agricultural Products  
 SECTION I - B Tariff Quotas

Minimum Access Quotas

Description of product	Tariff item number(s)	Initial quota quantity and in-quota tariff rate	Final quota quantity and in-quota tariff rate	Implemen- tation period from/to	Initial negotia- ting right	Other terms and conditions
1	2	3	4	5	6	7
· Of fowls of the species Gallus domesticus : .. Cuts and offal, frozen : ... Cuts : .... Boneless .... With bone in : ..... Breasts and cuts thereof ..... Other (than halves or quarters; whole wings with or without tips; backs, necks, backs with necks attached, rumps and wing tips; legs and cuts thereof)	0207 14 10 ) 0207 14 50 ) 0207 14 70 )	15.500 t 0 %	15.500 t 0 %			
· Of fowls of the species Gallus domesticus : .. Cuts and offal, frozen : ... Cuts : ... Boneless	0207 14 10	120 t 795 ECU/t	700 t 795 ECU/t			

Tariff item number	Description of products	Base rate of duty	Bound rate of duty	Special safeguard	Initial negotiating right	comments
1	2	3	4	5	6	7
0207 24 10	---Plucked and drawn, without heads and feet but with necks, hearts, livers and gizzards, known as "80 % turkeys"	532 ECU/T	340 ECU/T	SSG		
0207 24 90	---Plucked and drawn, without heads and feet and without necks, hearts, livers and gizzards, known as "73 % turkeys", or otherwise presented	583 ECU/T	373 ECU/T	SSG		
0207 25	--Not cut in pieces, frozen:					
0207 25 10	---Plucked and drawn, without heads and feet but with necks, hearts, livers and gizzards, known as "80 % turkeys"	532 ECU/T	340 ECU/T	SSG		
0207 25 90	---Plucked and drawn, without heads and feet and without necks, hearts, livers and gizzards, known as "73 % turkeys", or otherwise presented	583 ECU/T	373 ECU/T	SSG		
0207 26	--Cuts and offal, fresh or chilled:					
	---Cuts:					
0207 26 10	----Boneless	1329 ECU/T	851 ECU/T	SSG		
	----With bone in:					
0207 26 20	-----Halves or quarters	641 ECU/T	410 ECU/T	SSG		
0207 26 30	-----Whole wings, with or without tips	421 ECU/T	269 ECU/T	SSG		
0207 26 40	-----Backs, necks, backs with necks attached, rumps and wing tips	292 ECU/T	187 ECU/T	SSG		
0207 26 50	----Breasts and cuts thereof	1061 ECU/T	679 ECU/T	SSG		
	-----Legs and cuts thereof:					
0207 26 60	-----Drumsticks and cuts of drumsticks	399 ECU/T	255 ECU/T	SSG		
0207 26 70	-----Other	718 ECU/T	460 ECU/T	SSG		
0207 26 80	-----Other	1297 ECU/T	830 ECU/T	SSG		
	---Offal:					
0207 26 91	----Livers	10.0%	6.4%			
0207 26 99	----Other	292 ECU/T	187 ECU/T	SSG		
0207 27	--Cuts and offal, frozen:					
	---Cuts:					
0207 27 10	----Boneless	1329 ECU/T	851 ECU/T	SSG		
	----With bone in:					
0207 27 20	-----Halves or quarters	641 ECU/T	410 ECU/T	SSG		
0207 27 30	-----Whole wings, with or without tips	421 ECU/T	269 ECU/T	SSG		
0207 27 40	-----Backs, necks, backs with necks attached, rumps and wing tips	292 ECU/T	187 ECU/T	SSG		
0207 27 50	-----Breasts and cuts thereof	1061 ECU/T	679 ECU/T	SSG		
	-----Legs and cuts thereof:					
0207 27 60	-----Drumsticks and cuts thereof	399 ECU/T	255 ECU/T	SSG		
0207 27 70	-----Other	718 ECU/T	460 ECU/T	SSG		
0207 27 80	-----Other	1297 ECU/T	830 ECU/T	SSG		
	---Offal:					

**ภาคผนวก ง.**

**COUNCIL DECISION  
OF 20 DECEMBER 1993**

## II

*(Acts whose publication is not obligatory)*

## COUNCIL

## COUNCIL DECISION

of 20 December 1993

concerning the conclusion of Agreements in the form of Agreed Minutes on certain oil seeds between the European Community and Argentina, Brazil, Canada, Poland, Sweden and Uruguay, respectively, pursuant to Article XXVIII of the General Agreement on Tariffs and Trade (GATT)

(94/87/EC)

THE COUNCIL OF THE EUROPEAN UNION,

HAS DECIDED AS FOLLOWS:

Having regard to the Treaty establishing the European Community, and in particular Article 113 in conjunction with Article 228 (2) thereof,

Having regard to the proposal from the Commission,

Whereas a GATT panel found that the Community's support system for oil seeds had the effect of reducing the value of the tariff concessions granted by the Community in 1962;

Whereas the GATT panel consequently recommended that the Community should act quickly to eliminate this reduction in the value of tariff concessions;

Whereas a mutually satisfactory agreement was reached in the negotiations with the majority of GATT contracting parties having negotiating rights pursuant to Article XXVIII of the GATT;

Whereas these Agreements in the form of Agreed Minutes should be put into effect quickly, so that the agreed deadlines can be met and should therefore be approved,

*Article 1*

The Agreements in the form of Agreed Minutes on certain oil seeds between the European Community and Argentina, Brazil, Canada, Poland, Sweden and Uruguay, respectively, in the framework of the General Agreement on Tariffs and Trade, are hereby approved on behalf of the Community.

The texts of the Agreements are attached to this Decision.

*Article 2*

The President of the Council is hereby authorized to designate the person empowered to sign the Agreements in order to bind the Community <sup>(1)</sup>.

*Article 3*

This Decision shall be published in the *Official Journal of the European Communities*.

Done at Brussels, 20 December 1993.

*For the Council*

*The President*

W. CLAES

<sup>(1)</sup> The dates of entry into force of the Agreements will be published in the *Official Journal of the European Communities* by the General Secretariat of the Council.

## AGREED MINUTES

Negotiations under GATT, Article XXVIII (4), relating to Schedule LXXX — European Communities

In the negotiations conducted under GATT, Article XXVIII (4), the delegations of the Commission of the European Communities and Argentina reached an agreement as indicated in the Annex.

The Delegation of the Commission of the European Communities reserves the right, in consultation with the Delegation of Argentina, to modify the concession contained in Part D of Annex B (Changes in Schedule LXXX — European Communities) relating to quality wheat following the outcome of the negotiations with other Contracting Parties.

The Delegations of the Commission of the European Communities and Argentina will submit this Agreement for approval to their respective authorities.

*For the Delegation of  
the Commission of the  
European Communities*

*For the Delegation of  
Argentina*

## ANNEX A

Director-General  
GATT  
Geneva

## NEGOTIATIONS RELATING TO SCHEDULE LXXX — EUROPEAN COMMUNITIES

The Delegations of the Commission of the European Communities and Argentina have concluded their negotiations pursuant to Article XXVIII for the modification or withdrawal of concessions provided for in Schedule LXXX — European Communities as set out in the report attached.

*For the Delegation of  
the Commission of the  
European Communities*

*For the Delegation of  
Argentina*

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## ANNEX B

Results of negotiations pursuant to Article XXVIII for the modification of withdrawal of concessions in the schedule of the European Communities initially negotiated with Argentina

## CHANGES IN SCHEDULE LXXX — EUROPEAN COMMUNITIES

## A. Concessions to be withdrawn

Tariff No	Description of products	Rates of duty bound in existing schedule
1201 00	Soya beans, whether or not broken:	
1201 00 90	— Other (than for sowing)	Free
1205 00	Rape or colza seeds, whether or not broken:	
1205 00 90	— Other (than for sowing)	Free
1206 00	Sunflower seeds, whether or not broken:	
1206 00 90	— Other (than for sowing)	Free
2304 00 00	Oil-cake and other solid residues, whether or not ground or in the form of pellets, resulting from the extraction of soya-bean oil	Free
2306	Oil-cake and other solid residues, whether or not ground or in the form of pellets, resulting from the extraction of vegetable fats or oils, other than those of heading No 2304 or 2305:	
2306 30 00	— Of sunflower seeds	Free
2306 40 00	— Of rape of colza seeds	Free

## B. Bound rates to be increased

Tariff No	Description of products	Rates of duty bound in existing schedule	Rates of duty to be bound
—	—	—	—

## C. Reduction of rates bound in the existing schedules

Tariff No	Description of products	Rates of duty bound in existing schedule	Rates of duty to be bound
—	—	—	—

## (D) New concessions

Tariff No	Description of products	Rates of duty at present in force	Rates of duty to be bound
0201	Meat of bovine animals, fresh or chilled:		
0201 30 00	— Boneless	20% (bound) + variable levy (unbound)	( <sup>1</sup> )
0206	Edible offal of bovine animals, swine sheep, goats, horses, asses, mules or hinnies, fresh, chilled or frozen:		
0206 10	— Of bovine animals, fresh or chilled:		

Tariff No	Description of products	Rates of duty at present in force	Rates of duty to be bound
0206 10 95	— — — Thick skirt and thin skirt	20 % (bound) + variable levy (unbound)	( <sup>1</sup> )
0207	Meat and edible offal, of the poultry of heading No 0105, fresh, chilled or frozen:		
	— Poultry cuts and offal other than livers, frozen:		
0207 41	— — Of fowls of the species Gallus Domesticus:		
	— — — Cuts:		
0207 41 10	— — — — Boneless	Variable levy	( <sup>2</sup> )
	— — — — With bone in:		
0207 41 41	— — — — — Breasts and cuts thereof	Variable levy	( <sup>2</sup> )
0207 41 71	— — — — — Other (than halves or quarters; whole wings, with or without tips; backs, necks, backs with necks attached, rumps and wing tips; legs and cuts thereof)	Variable levy	( <sup>2</sup> )
1001	Wheat and meslin:		
1001 10 00	— Durum wheat	Variable levy	( <sup>3</sup> )
1001 90	— Other:		
	— — Other spelt, common wheat and meslin:		
1001 90 99	— — — Other (than spelt for sowing)	Variable levy	( <sup>3</sup> )
1005	Maize (corn):		
1005 90 00	— Other (than seed)	Variable levy	( <sup>4</sup> )
1201 00	Soya beans, whether or not broken:		
1201 00 90	— Other (than for sowing)	Free	Free (*)
1205 00	Rape or colza seeds, whether or not broken:		
1205 00 90	— Other (than for sowing)	Free	Free (*)
1206 00	Sunflower seeds, whether or not broken:		
1206 00 90	— Other (than for sowing)	Free	Free (*)
2302	Bran, sharps and other residues, whether or not in the form of pellets derived from the sifting, milling or other working or cereals or of leguminous plants:		
2302 30	— Of wheat:		
2302 30 10	— — Of which the starch content does not exceed 28 % by weight, and of which the proportion that passes through a sieve with an aperture of 0,2 mm does not exceed 10 % by weight or alternatively the proportion that passes through the sieve has an ash content, calculated on the dry product, equal to or more than 1,5 % by weight	Variable levy	ECU 40,80 per tonne ( <sup>5</sup> )
2302 30 90	— — Other	Variable levy	ECU 83,40 per tonne ( <sup>5</sup> )
2302 40	— Of other cereals (than maize and rice):		

Tariff No	Description of products	Rates of duty at present in force	Rates of duty to be bound
2302 40 10	— — Of which the starch content does not exceed 28% by weight, and of which the proportion that passes through a sieve with an aperture of 0,2 mm does not exceed 10% by weight or alternatively the proportion that passes through the sieve has an ash content, calculated on the dry product, equal to or more than 1,5% by weight	Variable levy	ECU 40,80 per tonne <sup>(5)</sup>
2302 40 90	— — Other	Variable levy	ECU 83,00 per tonne <sup>(5)</sup>
2304 00 00	Oil-cake and other solid residues, whether or not ground or in the form of pellets, resulting from the extraction of soya-bean oil	Free	Free
2306	Oil-cake and other solid residues, whether or not ground or in the form of pellets, resulting from the extraction of vegetable fats or oils, other than those of heading No 2304 or 2305:		
2306 30 00	— Of sunflower seeds	Free	Free
2306 40 00	— Of rape or colza seeds	Free	Free

(<sup>1</sup>) A rate of 20% shall be applicable within the limits of a global annual tariff quota of 11 000 tonnes for 'high quality' meat falling within subheadings 0201 30 00, 0206 10 95, and answering the following definition: 'Special or good-quality beef cuts obtained from exclusively pasture-grazed animals, aged between 22 and 24 months, having two permanent incisors and presenting a slaughter liveweight not exceeding 450 kilograms, referred to as "special boxed beef", cuts of which may bear the letters "sc" (special cuts).'

(<sup>2</sup>) Duty exemption shall be applicable for products falling within subheadings 0207 41 10, 0207 41 41 and 0207 41 71 within the limits of a global annual tariff quota of 15 500 tonnes to be granted by the competent Community authorities.

(<sup>3</sup>) Duty exemption shall be applicable for 'quality wheat' falling within subheadings 1001 10 00 and 1001 90 99 within the limits of a global annual tariff quota of 300 000 tonnes to be granted by the competent Community authorities. Qualification for the quota is subject to conditions laid down in the relevant Community provisions.

(<sup>4</sup>) Within the limits of an annual tariff quota of 500 000 tonnes for imports into Portugal to be granted by the competent Community authorities, a rate at a level up to a maximum of ECU 50/tonne so as to ensure that the quota shall be filled, shall be applicable.

(<sup>5</sup>) The indicated rates shall be applicable within the limits of a global annual tariff quota of 475 000 tonnes covering products falling within subheadings 2302 30 10, 2302 30 90, 2302 40 10 and 2302 40 20. Qualification for the quota is subject to conditions laid down in the relevant Community provisions.

(\*) Plus limitation of the support for producers of soya beans, rape or colza seeds and sunflower seeds in respect of crop specific oil seeds payments along the following terms:

1. European Community (EC) legislation for producers of rape and colza seeds, sunflower seeds and soya beans is set out in Council Regulation (EEC) No 1765/92 of 30 June 1992;
2. the EC shall implement the following additional adjustments to the benefits accruing to European producers under this program in respect of crop-specific oil seeds payments;
3. a) the EC shall not engage in any market support expenditure in respect of rape and colza seeds, sunflower seeds and soya beans except in accordance with the terms and conditions provided pursuant to the Regulation specified in 1;
- b) the EC shall exclude from the benefits of the regime, the cultivation of 'confectionery sunflower seed' with effect from sowings for harvest in 1994;
4. the EC shall introduce a separate base area (SBA) for producers benefiting from the crop specific oil seeds payments system which shall respect the following principles:
  - progressive implementation to affect those crops planted for harvest in 1994 and subsequent years,
  - in recognition of the Treaties of accession, full implementation for Spain and Portugal will commence in 1995/96;
5. the SBA system shall have the following components:
  - an EC oil seed base area shall be established for which crop specific oil seeds payments are made (the figures for EC-12 are set out in Annex 1),
  - for a particular marketing year the applicable EC-12 oil seeds base area shall be reduced to reflect the annual set aside rate for arable crops fixed by the Council. In no year, however, shall the reduction be less than 10% of the base;
6. in respect of any marketing year (without prejudice to the provisions of the corrective mechanism specified in Regulation (EEC) No 1765/92 Article 5 (1) (d)), crop specific oil seeds payments shall be subject to the following additional discipline:
  - for every 1% of area planted benefiting from crop specific oil seeds payments in excess of the EC oil seed base area (after reduction in conformity with 5), the compensatory payments to such oil seed producers, shall be reduced by 1%,

- any such decreases in compensatory payments applied to areas planted above the SBA shall be applied in the same marketing year,
  - in addition, the percentage decrease in the adjusted compensatory payment shall be carried forward to the following marketing year,
  - however, in any year in which there is no decrease required in the compensatory payment (i.e. area planted is equal to or below the SBA (after reduction in conformity with 5), the compensatory payment in that year may return to the level of the base reference amount,
  - subsequent adjustments in the compensatory payment shall be applied in the manner described above;
7. should the by-products made available as a result of the cultivation of oil seeds on land set aside for the manufacture within the Community of products not primarily intended for human or animal consumption exceed 1 000 000 tonnes annually expressed in soya bean meal equivalents, the EC shall take appropriate corrective action within the framework of the CAP reform.

## Annex 1

EC-12 oil seed separate base area system <sup>(1)</sup>  
(soya beans, rape and colza seeds and sunflower seeds)

Member State/Oil seed	Reference year <sup>(2)</sup>	
	1994/95	1995/96 and subsequent years <sup>(3)</sup>
	Hectares	
Spain Sunflower seed	1 411 000	—
Portugal Sunflower seed	122 000	—
EC-12 Other	3 966 000	—
<i>Total</i>	—	5 128 000

<sup>(1)</sup> Figures to be reduced to reflect the annual set aside rate for arable crops.

<sup>(2)</sup> The term 1994/95 refers to the EC marketing year, i.e. oil seeds (both winter and spring sown) for harvest in 1994.

<sup>(3)</sup> It is understood that, should the membership of the EC be expanded, this Agreement will be amended to reflect an increase in the separate base area to an amount no more than the average level of production area of the acceding member in the three years immediately preceding such accession.

## AGREED MINUTES

Negotiations under GATT, Article XXVIII (4), relating to Schedule LXXX — European Communities

In the negotiations conducted under GATT, Article XXVIII (4), the delegations of the Commission of the European Communities and Brazil reached an agreement as indicated in the Annex.

The Delegations of the Commission of the European Communities and Brazil will submit this Agreement for approval to their respective authorities.

*For the Delegation of  
the Commission of the  
European Communities*

*For the Delegation of  
Brazil*

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## ANNEX A

Director-General  
GATT  
Geneva

## NEGOTIATIONS RELATING TO SCHEDULE LXXX — EUROPEAN COMMUNITIES

The Delegations of the Commission of the European Communities and Brazil have concluded their negotiations pursuant to Article XXVIII for the modification or withdrawal of concessions provided for in Schedule LXXX — European Communities as set out in the report attached.

*For the Delegation of  
the Commission of the  
European Communities*

*For the Delegation of  
Brazil*

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## ANNEX B

Results of negotiations pursuant to Article XXVIII for the modification or withdrawal of concessions in the schedule of the European Communities initially negotiated with Brazil

## CHANGES IN SCHEDULE LXXX — EUROPEAN COMMUNITIES

## A. Concessions to be withdrawn

Tariff No	Description of products	Rates of duty bound in existing schedule
1201 00	Soya beans, whether or not broken:	
1201 00 90	— Other (than for sowing)	Free
1205 00	Rape or colza seeds, whether or not broken:	
1205 00 90	— Other (than for sowing)	Free
1206 00	Sunflower seeds, whether or not broken:	
1206 00 90	— Other (than for sowing)	Free
2304 00 00	Oil-cake and other solid residues, whether or not ground or in the form of pellets, resulting from the extraction of soya-bean oil	Free
2306	Oil-cake and other solid residues, whether or not ground or in the form of pellets, resulting from the extraction of vegetable fats or oils, other than those of heading No 2304 or 2305:	
2306 30 00	— Of sunflower seeds	Free
2306 40 00	— Of rape or colza seeds	Free

## B. Bound rates to be increased

Tariff No	Description of products	Rates of duty bound in existing schedule	Rates of duty to be bound
—	—	—	—

## C. Reduction of rates bound in the existing schedules

Tariff No	Description of products	Rates of duty bound in existing schedule	Rates of duty to be bound
—	—	—	—

## D. New concessions

Tariff No	Description of products	Rates of duty at present in force	Rates of duty to be bound
0201	Meat of bovine animals, fresh or chilled:		
0201 30 00	— Boneless	20 % (bound) + variable levy (unbound)	( <sup>1</sup> )
0202	Meat of bovine animals, frozen:		
0202 30	— Boneless:		
0202 30 90	— — Other (than forequarters, 'compensated' quarters; crop, chuck and blade and brisket cuts)	20 % (bound) + variable levy (unbound)	( <sup>1</sup> )

Tariff No	Description of products	Rates of duty at present in force	Rates of duty to be bound
0206	Edible offal of bovine animals, swine, sheep, goats, horses, asses, mules or hinnies, fresh, chilled or frozen:		
0206 10	— Of bovine animals, fresh or chilled:		
0206 10 95	— — — Thick skirt and thin skirt	20 % (bound) + variable levy (unbound)	( <sup>1</sup> )
	— Of bovine animals, frozen		
0206 29	— — Other (than tongues and livers)		
0206 29 91	— — — Thick skirt and thin skirt	20 % (bound) + variable levy (unbound)	( <sup>1</sup> )
0207	Meat and edible offal of the poultry of heading No 0105, fresh, chilled or frozen:		
	— Poultry cuts and offal other than livers, frozen:		
0207 41	— — Of fowls of the species <i>Gallus Domesticus</i> :		
	— — — Cuts:		
0207 41 10	— — — — Boneless	Variable levy	( <sup>2</sup> )
	— — — — With bone in:		
0207 41 41	— — — — — Breasts and cuts thereof	Variable levy	( <sup>2</sup> )
0207 41 71	— — — — — Other (than halves or quarters; whole wings, with or without tips; backs, necks, backs with necks attached rumps and wing tips; legs and cuts thereof)	Variable levy	( <sup>2</sup> )
0207 42	— — Of turkeys:		
	— — — Cuts:		
0207 42 10	— — — — Boneless	Variable levy	( <sup>3</sup> )
	— — — — With bone in:		
0207 42 11	— — — — — Halves or quarters	Variable levy	( <sup>1</sup> )
0207 42 71	— — — — — Other (than whole wings, with or without tips; backs, necks, backs with necks attached, rumps and wing tips; breasts and cuts thereof; legs and cuts thereof)	Variable levy	( <sup>1</sup> )
1201 00	Soya beans, whether or not broken:		
1201 00 90	— Other (than for sowing)	Free	Free (*)



Tariff No	Description of products	Rates of duty at present in force	Rates of duty to be bound
1205 00	Rape or colza seeds, whether or not broken:		
1205 00 90	— Other (than for sowing)	Free	Free (*)
1206 00	Sunflower seeds, whether or not broken:		
1206 00 90	— Other (than for sowing)	Free	Free (*)
2304 00 00	Oil-cake and other solid residues, whether or not ground or in the form of pellets, resulting from the extraction of soya bean oil	Free	Free
2306	Oil-cake and other solid residues, whether or not ground or in the form of pellets, resulting from the extraction of vegetable fats or oils, other than those of heading No 2304 or 2305:		
2306 30 00	— Of sunflower seeds	Free	Free
2306 40 00	— Of rape or colza seeds	Free	Free

(<sup>1</sup>) A rate of 20 % shall be applicable within the limits of a global annual tariff quota of 5 000 tonnes for 'high quality' meat falling within subheadings 0201 30 00, 0202 30 90, 0206 10 95 and 0206 29 91 and answering the following definition: 'Beef cuts obtained from steers (novilhos) or helpers (novilhas) aged between 20 and 24 months, which have been exclusively pasture grazed, have lost their central temporary incisors but do not have more than four permanent incisor teeth, which are of good maturity and which meet the following beef-carcase classification requirements: meat from B or R class carcasses with rounded to straight conformation and a fat-cover class of 2 or 3; the cuts bearing the letters "sc" (special cuts) or an "sc" (special cuts) label as a sign of their high quality will be boxed in cartons bearing the words "high-quality beef".'

(<sup>2</sup>) Duty exemption shall be applicable for cuts falling within subheadings 0207 41 10, 0207 41 41 and 0207 41 71 within the limits of a global annual tariff quota of 15 500 tonnes to be granted by the competent Community authorities.

(<sup>3</sup>) Duty exemption shall be applicable for cuts falling within subheadings 0207 42 10, 0207 42 11 and 0207 42 71 within the limits of a global annual tariff quota of 2 500 tonnes to be granted by the competent Community authorities.

(\*) Plus limitation of the support for producers of soya beans, rape or colza seeds and sunflower seeds in respect of crop specific oil seeds payments along the following terms:

1. European Community (EC) legislation for producers of rape and colza seeds, sunflower seeds and soya beans is set out in Council Regulation (EEC) No 1765/92 of 30 June 1992;
2. the EC shall implement the following additional adjustments to the benefits accruing to European producers under this program in respect of crop specific oil seeds payments;
3. (a) the EC shall not engage in any market support expenditure in respect of rape and colza seeds, sunflower seeds and soya beans except in accordance with the terms and conditions provided pursuant to the Regulation specified in 1;  
(b) the EC shall exclude from the benefits of the regime, the cultivation of 'confectionery sunflower seed' with effect from sowings for harvest in 1994;
4. the EC shall introduce a separate base area (SbA) for producers benefiting from the crop specific oil seeds payments system which shall respect the following principles:
  - progressive implementation to affect those crops planted for harvest in 1994 and subsequent years,
  - in recognition of the Treaties of accession, full implementation for Spain and Portugal will commence in 1995/96;
5. the SBA system shall have the following components:
  - an EC oil seed base area shall be established for which crop specific oil seeds payments are made (the figures for EC-12 are set out in Annex 1),
  - for a particular marketing year the applicable EC-12 oil seeds base area shall be reduced to reflect the annual set aside rate for arable crops fixed by the Council. In no year, however, shall the reduction be less than 10 % of the base;
6. in respect of any marketing year (without prejudice to the provisions of the corrective mechanism specified in Regulation (EEC) No 1765/92 Article 5 (1) (d)), crop specific oil seeds payments shall be subject to the following additional discipline:
  - for every 1 % of area planted benefiting from crop specific oil seeds payments in excess of the EC oil seed base area (after reduction in conformity with 5), the compensatory payments to such oil seed producers shall be reduced by 1 %,
  - any such decreases in compensatory payments applied to areas planted above the SBA shall be applied in the same marketing year,
  - in addition, the percentage decrease in the adjusted compensatory payment shall be carried forward to the following marketing year,

- however, in any year in which there is no decrease required in the compensatory payment (i.e. area planted is equal to or below the SBA (after reduction in conformity with 5), the compensatory payment in that year may return to the level of the base reference amount,
  - subsequent adjustments in the compensatory payment shall be applied in the manner described above;
7. should the by-products made available as a result of the cultivation of oil seeds on land set aside for the manufacture within the Community of products not primarily intended for human or animal consumption exceed 1 000 000 tonnes annually expressed in soya bean meal equivalents, the EC shall take appropriate corrective action within the framework of the CAP reform.

Annex 1

EC-12 oil seed separate base area system <sup>(1)</sup>  
(soya beans, rape and colza seeds and sunflower seeds)

Member State/Oil seed	Reference year <sup>(2)</sup>	
	1994/95	1995/96 and subsequent years <sup>(3)</sup>
	Hectares	
Spain Sunflower seed	1 411 000	—
Portugal Sunflower seed	122 000	—
EG-12 Other	3 966 000	—
<i>Total</i>	—	5 128 000

<sup>(1)</sup> Figures to be reduced to reflect the annual set aside rate for arable crops.

<sup>(2)</sup> The term 1994/95 refers to the EC marketing year, i.e. oil seeds (both winter and spring sown) for harvest in 1994.

<sup>(3)</sup> It is understood that, should the membership of the EC be expanded, this Agreement will be amended to reflect an increase in the separate base area to an amount no more than the average level of production area of the acceding member in the three years immediately preceding such accession.

## AGREED MINUTES

Negotiations under GATT, Article XXVIII (4), relating to Schedule LXXX — European Communities

In the negotiations conducted under GATT, Article XXVIII (4), the Delegations of the Commission of the European Communities and Canada reached an agreement as indicated in the Annex.

The Delegations of the Commission of the European Communities and Canada will submit this Agreement for approval to their respective authorities.

*For the Delegation of  
the Commission of the  
European Communities*

*For the Delegation of  
Canada*

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## ANNEX A

Director-General  
GATT  
Geneva

## NEGOTIATIONS RELATING TO SCHEDULE LXXX — EUROPEAN COMMUNITIES

The Delegations of the Commission of the European Communities and Canada have concluded their negotiations pursuant to Article XXVIII for the modification or withdrawal of concessions provided for in Schedule LXXX — European Communities as set out in the report attached.

*For the Delegation of  
the Commission of the  
European Communities*

*For the Delegation of  
Canada*

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## ANNEX B

Results of negotiations pursuant to Article XXVIII for the modification or withdrawal of concessions in the schedule of the European Communities initially negotiated with Canada

## CHANGES IN SCHEDULE LXXX – EUROPEAN COMMUNITIES

## A. Concessions to be withdrawn

Tariff No	Description of products	Rates of duty bound in existing schedule
1201 00	Soya beans, whether or not broken:	
1201 00 90	– Other (than for sowing)	Free
1205 00	Rape or colza seeds, whether or not broken:	
1205 00 90	– Other (than for sowing)	Free
1206 00	Sunflower seeds, whether or not broken:	
1206 00 90	– Other (than for sowing)	Free
2304 00 00	Oil-cake and other solid residues, whether or not ground or in the form of pellets, resulting from the extraction of soya bean oil	Free
2306	Oil-cake and other solid residues, whether or not ground or in the form of pellets, resulting from the extraction of vegetable fats or oils, other than those of heading No 2304 or 2305:	
2306 30 00	– Of sunflower seeds	Free
2306 40 00	– Of raps or colza seeds	Free

## B. Bound rates to be increased

Tariff No	Description of products	Rates of duty bound in existing schedule	Rates of duty to be bound
—	—	—	—

## C. Reduction of rates bound in the existing schedules

Tariff No	Description of products	Rates of duty bound in existing schedule	Rates of duty to be bound
—	—	—	—

## D. New concessions

Tariff No	Description of products	Rates of duty at present in force	Rates of duty to be bound
1001	Wheat and meslin:		
1001 10 90	– Durum wheat	Variable levy	( <sup>1</sup> )
1001 90	– Other:		
	– – Other spelt, common wheat and meslin:		
1001 90 99	– – – Other (than spelt for sowing)	Variable levy	( <sup>1</sup> )

Tariff No	Description of products	Rates of duty at present in force	Rates of duty to be bound
1201 00	Soya beans, whether or not broken:		
1201 00 90	— Other (than for sowing)	Free	Free (*)
1205 00	Rape or colza seeds, whether or not broken:		
1205 00 90	— Other (than for sowing)	Free	Free (*)
1206 00	Sunflower seeds, whether or not broken:		
1206 00 90	— Other (than for sowing)	Free	Free (*)
2304 00 00	Oil-cake and other solid residues, whether or not ground or in the form of pellets, resulting from the extraction of soya bean oil	Free	Free
2306	Oil-cake and other solid residues, whether or not ground or in the form of pellets, resulting from the extraction of vegetable fats or oils, other than those of heading No 2304 of 2305:		
2306 30 00	— Of sunflower seeds	Free	Free
2306 40 00	— Of rape or colza seeds	Free	Free

(<sup>1</sup>) Duty exemption shall be applicable for 'quality wheat' falling within subheadings 1001 10 00 and 1001 90 99 within the limits of a global annual tariff quota of 300 000 tonnes to be granted by the competent Community authorities. Qualification for the quota is subject to conditions laid down in the relevant Community provisions.

(\*) Plus limitation of the support for producers of soya beans, rape or colza seeds and sunflower seeds in respect of crop specific oil seeds payments along the following terms:

1. European Community (EC) legislation for producers of rape and colza seeds, sunflower seeds and soya beans is set out in Council Regulation (EEC) No 1765/92 of 30 June 1992;
2. the EC shall implement the following additional adjustments to the benefits accruing to European producers under this program in respect of crop specific oil seeds payments;
3. (a) the EC shall not engage in any market support expenditure in respect of rape and colza seeds, sunflower seeds and soya beans except in accordance with the terms and conditions provided pursuant to the Regulation specified in 1;
- (b) the EC shall exclude from the benefits of the regime, the cultivation of 'confectionery sunflower seed' with effect from sowings for harvest in 1994;
4. the EC shall introduce a separate base area (SBA) for producers benefiting from the crop specific oil seeds payments system which shall respect the following principles:
  - progressive implementation to affect those crops planted for harvest in 1994 and subsequent years,
  - in recognition of the Treaties of accession, full implementation for Spain and Portugal will commence in 1995/96;
5. the SBA system have the following components:
  - an EC oil seed base area shall be established for which crop specific oil seeds payments are made (the figures for EC-12 are set out in Annex 1),
  - for a particular marketing year the applicable EC-12 oil seeds base area shall be reduced to reflect the annual set aside rate for arable crops fixed by the Council. In no year, however, shall the reduction be less than 10 % of the base;
6. in respect of any marketing year (without prejudice to the provisions of the corrective mechanism specified in Regulation (EEC) No 1765/92 Article 5 (1) (d)), crop specific oil seeds payments shall be subject to the following additional discipline:
  - for every 1 % of area planted benefiting from crop specific oil seeds payments in excess of the EC oil seed base area (after reduction in conformity with 5), the compensatory payments to such oil seed producers shall be reduced by 1 %,
  - any such decreases in compensatory payments applied to areas planted above the SBA shall be applied in the same marketing year;
  - in addition, the percentage decrease in the adjusted compensatory payment shall be carried forward to the following marketing year;
  - however, in any year in which there is no decrease required in the compensatory payment (i.e. area planted is equal to or below the SBA (after reduction in conformity with 5), the compensatory payment in that year may return to the level of the base reference amount;
  - subsequent adjustments in the compensatory payment shall be applied in the manner described above;
7. should the by-products made available as a result of the cultivation of oil seeds on land set aside for the manufacture within the Community of products not primarily intended for human or animal consumption exceed 1 000 000 tonnes annually expressed in soya bean meal equivalents, the EC shall take appropriate corrective action within the framework of the CAP reform.

## Annex 1

EC-12 oil seed separate base area system <sup>(1)</sup>  
 (soya beans, rape and colza seeds and sunflower seeds)

Member State/Oil seed	Reference year <sup>(2)</sup>	
	1994/95	1995/96 and subsequent years <sup>(3)</sup>
Hectares		
Spain Sunflower seed	1 411 000	—
Portugal Sunflower seed	122 000	—
EC-12 Other	3 966 000	—
<i>Total</i>	—	5 128 000

<sup>(1)</sup> Figures to be reduced to reflect the annual set aside rate for arable crops.

<sup>(2)</sup> The term 1994/95 refers to the EC marketing year, i.e. oil seeds (both winter and spring sown) for harvest in 1994.

<sup>(3)</sup> It is understood that, should the membership of the EC be expanded, this Agreement will be amended to reflect an increase in the separate base area to an amount no more than the average level of production area of the acceding member in the three years immediately preceding such accession.

## AGREED MINUTES

Negotiations under GATT, Article XXVIII (4), relating to Schedule LXXX — European Communities

In the negotiations conducted under GATT, Article XXVIII (4), the Delegations of the Commission of the European Communities and Poland reached an agreement as indicated in the Annex.

The Delegation of the Commission of the European Communities reserves the right to modify the concession contained in Part D of Annex B (Changes in Schedule LXXX — European Communities) relating to quality wheat following the outcome of the negotiations with other Contracting Parties.

The Delegations of the Commission of the European Communities and Poland will submit this Agreement for approval to their respective authorities.

*For the Delegation of  
the Commission of the  
European Communities*

*For the Delegation of  
Poland*



## ANNEX A

Director-General  
GATT  
Geneva

## NEGOTIATIONS RELATING TO SCHEDULE LXXX — EUROPEAN COMMUNITIES

The Delegations of the Commission of the European Communities and Poland have concluded their negotiations pursuant to Article XXVIII for the modification or withdrawal of concessions provided for in Schedule LXXX — European Communities as set out in the report attached.

*For the Delegation of  
the Commission of the  
European Communities*

*For the Delegation of  
Poland*

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## ANNEX B

Results of negotiations pursuant to Article XXVIII for the modification or withdrawal of concessions in the schedule of the European Communities initially negotiated with Poland

## CHANGES IN SCHEDULE LXXX — EUROPEAN COMMUNITIES

## A. Concessions to be withdrawn

Tariff No	Description of products	Rates of duty bound in existing schedule
1201 00	Soya beans, whether or not broken:	
1201 00 90	— Other (than for sowing)	Free
1205 00	Rape or colza seeds, whether or not broken:	
1205 00 90	— Other (than for sowing)	Free
1206 00	Sunflower seeds, whether or not broken:	
1206 00 90	— Other (than for sowing)	Free
2304 00 00	Oil-cake and other solid residues, whether or not ground or in the form of pellets, resulting from the extraction of soya bean oil	Free
2306	Oil-cake and other solid residues, whether or not ground or in the form of pellets, resulting from the extraction of vegetable fats or oils, other than those of heading No 2304 or 2305:	
2306 30 00	— Of sunflower seeds	Free
2306 40 00	— Of rape or colza seeds	Free

## B. Bound rates to be increased

Tariff No	Description of products	Rates of duty bound in existing schedule	Rates of duty to be bound
—	—	—	—

## C. Reduction of rates bound in the existing schedules

Tariff No	Description of products	Rates of duty bound in existing schedule	Rates of duty to be bound
—	—	—	—

## D. New concessions

Tariff No	Description of products	Rates of duty at present in force	Rates of duty to be bound
0203	Meat of swine, fresh, chilled or frozen:		
	— Fresh or chilled		
	— — — Of domestic swine:		
0203 19 13	— — — — Loins and cuts thereof, with bone in	Variable levy	( <sup>1</sup> )
	— Frozen:		
	— — — Of domestic swine:		
0203 29 15	Bellies (streaky) and cuts thereof	Variable levy	( <sup>1</sup> )

Tariff No	Description of products	Rates of duty at present in force	Rates of duty to be bound
0207	Meat and edible offal, of the poultry of heading No 0105, fresh, chilled or frozen:		
	— Poultry cuts and offal other than livers, frozen:		
0207 41	— — Of fowls of the species <i>Gallus Domesticus</i> :		
	— — — Cuts:		
0207 41 10	— — — — Boneless	Variable levy	( <sup>1</sup> )
	— — — — With bone in		
0207 41 41	— — — — — Breasts and cuts thereof	Variable levy	( <sup>1</sup> )
0207 41 71	— — — — — Other (than halves or quarters; whole wings, with or without tips; backs, necks, backs with necks attached, rumps and wing tips; legs and cuts thereof)	Variable levy	( <sup>2</sup> )
1001	Wheat and meslin		
1001 10 00	— Durum wheat	Variable levy	( <sup>3</sup> )
1001 90	— — Other:		
	— — — Other spelt, common wheat and meslin:		
1001 90 99	— — — — Other (than spelt for sowing)	Variable levy	( <sup>3</sup> )
1201 00	Soya beans, whether or not broken:		
1201 00 90	— Other (than for sowing)	Free	Free (*)
1205 00	Rape or colza seeds, whether or not broken:		
1205 00 90	— Other (than for sowing)	Free	Free (*)
1206 00	Sunflower seeds, whether or not broken:		
1206 00 90	— Other (than for sowing)	Free	Free (*)
2304	Oil-cake and other solid residues, whether or not ground or in the form of pellets, resulting from the extraction of soya bean oil	Free	Free
2306	Oil-cake and other solid residues, whether or not ground or in the form of pellets, resulting from the extraction of vegetable fats or oils, other than those of heading No 2304 or 2305:		
2306 30 00	— Of sunflower seeds	Free	Free
2306 40 00	— Of rape or colza seeds	Free	Free

(<sup>1</sup>) Duty exemption shall be applicable for cuts falling within subheadings 0203 19 13 and 0203 29 15 within the limits of a global annual tariff quota of 7 000 tonnes to be granted by the competent Community authorities.

(<sup>2</sup>) Duty exemption shall be applicable for products falling within subheadings 0207 41 10, 0207 41 41 and 0207 41 71 within the limits of a global annual tariff quota of 15 500 tonnes to be granted by the competent Community authorities.

(<sup>3</sup>) Duty exemption shall be applicable for 'quality wheat' falling within subheadings 1001 10 00 and 1001 90 99 within the limits of a global annual tariff quota of 300 000 tonnes to be granted by the competent Community authorities. Qualification for the quota is subject to conditions laid down in the relevant Community provisions.

(\*) Plus limitation of the support for producers of soya beans, rape or colza seeds and sunflower seeds in respect of crop specific oil seeds payments along the following terms:

1. European Community (EC) legislation for producers of rape and colza seeds, sunflower seeds and soya beans is set out in Council Regulation (EEC) No 1765/92 of 30 June 1992;
2. the EC shall implement the following additional adjustments to the benefits accruing to European producers under this program in respect of crop specific oil seeds payments;

3. (a) the EC shall not engage in any market support expenditure in respect of rape and colza seeds, sunflower seeds and soya beans except in accordance with the terms and conditions provided pursuant to the Regulation specified in 1;
- (b) the EC shall exclude from the benefits of the regime, the cultivation of 'confectionery sunflower seed' with effect from sowings for harvest in 1994;
4. the EC shall introduce a separate base area (SBA) for producers benefiting from the crop specific oil seeds payments system which shall respect the following principles:
  - progressive implementation to affect those crops planted for harvest in 1994 and subsequent years,
  - in recognition of the Treaties of accession, full implementation for Spain and Portugal will commence in 1995/96;
5. the SBA system shall have the following components:
  - an EC oil seed base area shall be established for which crop specific oil seeds payments are made (the figures for EC-12 are set out in Annex 1),
  - for a particular marketing year the applicable EC-12 oil seeds base area shall be reduced to reflect the annual set aside rate for arable crops fixed by the Council. In no year, however, shall the reduction be less than 10% of the base;
6. in respect of any marketing year (without prejudice to the provisions of the corrective mechanism specified in Regulation (EEC) No 1765/92 Article 5 (1) (d)), crop specific oil seeds payments shall be subject to the following additional discipline:
  - for every 1% of area planted benefiting from crop specific oil seeds payments in excess of the EC oil seed base area (after reduction in conformity with 5), the compensatory payments to such oil seed producers shall be reduced by 1%,
  - any such decreases in compensatory payments applied to areas planted above the SBA shall be applied in the same marketing year,
  - in addition, the percentage decrease in the adjusted compensatory payment shall be carried forward to the following marketing year,
  - however, in any year in which there is no decrease required in the compensatory payment (i.e. area planted is equal to or below the SBA (after reduction in conformity with 5), the compensatory payment in that year may return to the level of the base reference amount,
  - subsequent adjustments in the compensatory payment shall be applied in the manner described above;
7. should the by-products made available as a result of the cultivation of oil seeds on land set aside for the manufacture within the Community of products not primarily intended for human or animal consumption exceed 1 000 000 tonnes annually expressed in soya bean meal equivalents, the EC shall take appropriate corrective action within the framework of the CAP reform.

Annex 1

EC-12 oil seed separate base area system <sup>(1)</sup>

(soya beans, rape and colza seeds and sunflower seeds)

Member State/Oil seed	Reference year <sup>(2)</sup>	
	1994/95	1995/96 and subsequent years <sup>(3)</sup>
	Hectares	
Spain Sunflower seed	1 411 000	—
Portugal Sunflower seed	122 000	—
EC-12 Other	3 966 000	—
<i>Total</i>	—	5 128 000

<sup>(1)</sup> Figures to be reduced to reflect the annual set aside rate for arable crops.

<sup>(2)</sup> The term 1994/95 refers to the EC marketing year, i.e. oil seeds (both winter and spring sown) for harvest in 1994.

<sup>(3)</sup> It is understood that, should the membership of the EC be expanded, this Agreement will be amended to reflect an increase in the separate base area to an amount no more than the average level of production area of the acceding member in the three years immediately preceding such accession.

## AGREED MINUTES

Negotiations under GATT, Article XXVIII (4), relating to Schedule LXXX — European Communities

In the negotiations conducted under GATT, Article XXVIII (4), the Delegations of the Commission of the European Communities and Sweden reached an agreement as indicated in the Annex.

The Delegation of the Commission of the European Communities, in consultation with the Delegation of Sweden, reserves the right to modify the concession contained in Part D of Annex B (Changes in Schedule LXXX — European Communities) relating to quality wheat following the outcome of the negotiations with other Contracting Parties.

The Delegations of the Commission of the European Communities and Sweden will submit this Agreement for approval to their respective authorities.

*For the Delegation of  
the Commission of the  
European Communities*

*For the Delegation of  
Sweden*

—

## ANNEX A

Director-General  
GATT  
Geneva

## NEGOTIATIONS RELATING TO SCHEDULE LXXX — EUROPEAN COMMUNITIES

The Delegations of the Commission of the European Communities and Sweden have concluded their negotiations pursuant to Article XXVIII for the modification or withdrawal of concessions provided for in Schedule LXXX — European Communities as set out in the report attached.

*For the Delegation of  
the Commission of the  
European Communities*

*For the Delegation of  
Sweden*

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## ANNEX B

Results of negotiations pursuant to Article XXVIII for the modification or withdrawal of concessions in the schedule of the European Communities initially negotiated with Sweden

## CHANGES IN SCHEDULE LXXX — EUROPEAN COMMUNITIES

## A. Concessions to be withdrawn

Tariff No	Description of products	Rates of duty bound in existing schedule
1201 00	Soya beans, whether or not broken:	
1201 00 90	— Other (than for sowing)	Free
1205 00	Rape or colza seeds, whether or not broken:	
1205 00 90	— Other (than for sowing)	Free
1206 00	Sunflower seeds, whether or not broken:	
1206 00 90	— Other (than for sowing)	Free
2304 00 00	Oil-cake and other solid residues, whether or not ground or in the form of pellets, resulting from the extraction of soya bean oil	Free
2306	Oil-cake and other solid residues, whether or not ground or in the form of pellets, resulting from the extraction of vegetable fats or oils, other than those of heading No 2304 or 2305:	
2306 30 00	— Of sunflower seeds	Free
2306 40 00	— Of rape or colza seeds	Free

## B. Bound rates to be increased

Tariff No	Description of products	Rates of duty bound in existing schedule	Rates of duty to be bound
—	—	—	—

## C. Reduction of rates bound in the existing schedules

Tariff No	Description of products	Rates of duty bound in existing schedule	Rates of duty to be bound
—	—	—	—

## D. New concessions

Tariff No	Description of products	Rates of duty at present in force	Rates of duty to be bound
0203	Meat of swine, fresh, chilled or frozen:		
	— Fresh or chilled:		
	— — — Of domestic swine		
0203 19 13	— — — — Loins and cuts thereof, with bone in	Variable levy	( <sup>1</sup> )
	— Frozen:		
	— — — Of domestic swine		

Tariff No	Description of products	Rates of duty at present in force	Rates of duty to be bound
0203 19 15	Bellies (streaky) and cuts thereof	Variable levy	( <sup>1</sup> )
1001	Wheat and meslin:		
1001 10 00	— Durum wheat	Variable levy	( <sup>2</sup> )
1001 90	— Other:		
	— — Other spelt, common wheat and meslin:		
1001 90 99	— — — Other (than spelt for sowing)	Variable levy	( <sup>2</sup> )
1201 00	Soya beans, whether or not broken:		
1201 00 90	— Other (than for sowing)	Free	Free (*)
1205 00	Rape or colza seeds, whether or not broken:		
1205 00 90	— Other (than for sowing)	Free	Free (*)
1206 00	Sunflower seeds, whether or not broken:		
1206 00 90	— Other (than for sowing)	Free	Free (*)
2304 00 00	Oil-cake and other solid residues, whether or not ground or in the form of pellets, resulting from the extraction of soya bean oil	Free	Free
2306	Oil-cake and other solid residues, whether or not ground or in the form of pellets, resulting from the extraction of vegetable fats or oils, other than those of heading No 2304 or 2305:		
2306 30 00	— Of sunflower seeds	Free	Free
2306 40 00	— Of rape or colza seeds	Free	Free

(<sup>1</sup>) Duty exemption shall be applicable for cuts falling within subheadings 0203 19 13 and 0203 29 15 within the limits of a global annual tariff quota of 7 000 tonnes to be granted by the competent Community authorities.

(<sup>2</sup>) Duty exemption shall be applicable for 'quality wheat' falling within subheadings 1001 10 00 and 1001 90 99 within the limits of a global annual tariff quota of 300 000 tonnes to be granted by the competent Community authorities. Qualification for the quota is subject to conditions laid down in the relevant Community provisions.

(\*) Plus limitation of the support for producers of soya beans, rape or colza seeds and sunflower seeds in respect of crop specific oil seeds payments along the following terms:

1. European Community (EC) legislation for producers of rape and colza seeds, sunflower seeds and soya beans is set out in Council Regulation (EEC) No 1765/92 of 30 June 1992;
2. The EC shall implement the following additional adjustments to the benefits accruing to European producers under this program in respect of crop specific oil seeds payments;
3. (a) the EC shall not engage in any market support expenditure in respect of rape and colza seeds, sunflower seeds and soya beans except in accordance with the terms and conditions provided pursuant to the Regulation specified in 1;
- (b) the EC shall exclude from the benefits of the regime, the cultivation of 'confectionery sunflower seed' with effect from sowings for harvest in 1994;
4. the EC shall introduce a separate base area (SBA) for producers benefiting from the crop specific oil seeds payments system which shall respect the following principles:
  - progressive implementation to affect those crops planted for harvest in 1994 and subsequent years;
  - in recognition of the Treaties of accession, full implementation for Spain and Portugal will commence in 1995/96;
5. the SBA system shall have the following components:
  - an EC oil seed base area shall be established for which crop specific oil seeds payments are made (the figures for EC-12 are set out in Annex 1);
  - for a particular marketing year the applicable EC-12 oil seeds base area shall be reduced to reflect the annual set aside rate for arable crops fixed by the Council. In no year, however, shall the reduction be less than 10% of the base;
6. in respect of any marketing year (without prejudice to the provisions of the corrective mechanism specified in Regulation (EEC) No 1765/92 Article 5 (1) (d)), crop specific oil seeds payments shall be subject to the following additional discipline:
  - for every 1% of area planted benefiting from crop specific oil seeds payments in excess of the EC oil seed base area (after reduction in conformity with 5), the compensatory payments to such oil seed producers shall be reduced by 1%;
  - any such decreases in compensatory payments applied to areas planted above the SBA shall be applied in the same marketing year;



- in addition, the percentage decrease in the adjusted compensatory payment shall be carried forward to the following marketing year;
  - however, in any year in which there is no decrease required in the compensatory payment (i. e. area planted is equal to or below the SBA (after reduction in conformity with 5), the compensatory payment in that year may return to the level of the base reference amount;
  - subsequent adjustments in the compensatory payment shall be applied in the manner described above;
7. should the by-products made available as a result of the cultivation of oil seeds on land set aside for the manufacture within the Community of products not primarily intended for human or animal consumption exceed 1 000 000 tonnes annually expressed in soya bean meal equivalents, the EC shall take appropriate corrective action within the framework of the CAP reform.

Annex 1

EC-12 oil seed separate base area system <sup>(1)</sup>  
(soya beans, rape and colza seeds and sunflower seeds)

Member State/Oil seed	Reference year <sup>(2)</sup>	
	1994/95	1995/96 and subsequent years <sup>(3)</sup>
	Hectares	
Spain Sunflower seed	1 411 000	—
Portugal Sunflower seed	122 000	—
EC-12 Other	3 966 000	—
<i>Total</i>	—	5 128 000

<sup>(1)</sup> Figures to be reduced to reflect the annual set aside rate for arable crops

<sup>(2)</sup> The term 1994/95 refers to the EC marketing year, i. e. oil seeds (both winter and spring sown) for harvest in 1994.

<sup>(3)</sup> It is understood that, should the membership of the EC be expanded, this Agreement will be amended to reflect an increase in the separate base area to an amount no more than the average level of production area of the acceding member in the three years immediately preceding such accession.

## AGREED MINUTES

Negotiations under GATT, Article XXVIII (4), relating to Schedule LXXX — European Communities

In the negotiations conducted under GATT, Article XXVIII (4), the Delegations of the Commission of the European Communities and Uruguay reached an agreement as indicated in the Annex.

The Delegations of the Commission of the European Communities and Uruguay will submit this Agreement for approval to their respective authorities.

*For the Delegation of  
the Commission of the  
European Communities*

*For the Delegation of  
Uruguay*

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## ANNEX A

Director-General  
GATT  
Geneva

## NEGOTIATIONS RELATING TO SCHEDULE LXXX — EUROPEAN COMMUNITIES

The Delegations of the Commission of the European Communities and Uruguay have concluded their negotiations pursuant to Article XXVIII for the modification or withdrawal of concessions provided for in Schedule LXXX — European Communities as set out in the report attached.

*For the Delegation of  
the Commission of the  
European Communities*

*For the Delegation of  
Uruguay*

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## ANNEX B

Results of negotiations pursuant to Article XXVIII for the modification or withdrawal of concessions in the schedule of the European Communities initially negotiated with Uruguay

## CHANGES IN SCHEDULE LXXX — EUROPEAN COMMUNITIES

## A. Concessions to be withdrawn

Tariff No	Description of products	Rates of duty bound in existing schedule
1201 00	Soya beans, whether or not broken:	
1201 00 90	— Other (than for sowing)	Free
1205 00	Rape or colza seeds, whether or not broken:	
1205 00 90	— Other (than for sowing)	Free
1206 00	Sunflower seeds, whether or not broken:	
1206 00 90	— Other (than for sowing)	Free
2304 00 00	Oil-cake and other solid residues, whether or not ground or in the form of pellets, resulting from the extraction of soya-bean oil	Free
2306	Oil-cake and other solid residues, whether or not ground or in the form of pellets, resulting from the extraction of vegetable fats or oils, other than those of heading No 2304 or 2305	
2306 30 00	— Of sunflower seeds	Free
2306 40 00	— Of rape or colza seeds	Free

## B. Bound rates to be increased

Tariff No	Description of products	Rates of duty bound in existing schedule	Rates of duty to be bound
—	—	—	—

## C. Reduction of rates bound in the existing schedules

Tariff No	Description of products	Rates of duty bound in existing schedule	Rates of duty to be bound
—	—	—	—

## D. New concessions

Tariff No	Description of products	Rates of duty at present in force	Rates of duty to be bound
0201	Meat of bovine animals, fresh or chilled:		
0201 30 00	— Boneless	20 % (bound) + variable levy (unbound)	( <sup>1</sup> )
0202	Meat of bovine animals, frozen:		
0202 30	— Boneless:		
0202 30 90	— — Other (than forequarters, 'compensated' quarters; crop, chuck and blade and brisket cuts)	20 % (bound) + variable levy (unbound)	( <sup>1</sup> )

Tariff No	Description of products	Rates of duty at present in force	Rates of duty to be bound
0206	Edible offal of bovine animals, swine, sheep, goats, horses, asses, mules or hinnles, fresh, chilled or frozen:		
0206 10	— Of bovine animals, fresh or chilled:		
0206 10 95	— — — Thick skirt and thin skirt	20% (bound) + variable levy (unbound)	( <sup>1</sup> )
	— Of bovine animals, frozen		
0206 29	— — Other (than tongues and livers)		
0206 29 91	— — — Thick skirt and thin skirt	20% (bound) + variable levy (unbound)	( <sup>1</sup> )
1201 00	Soya beans, whether, or not broken:		
1201 00 90	— Other (than for sowing)	Free	Free (*)
1205 00	Rape or colza seeds, whether or not broken:		
1205 00 90	— Other (than for sowing)	Free	Free (*)
1206 00	Sunflower seeds, whether or not broken:		
1206 00 90	— Other (than for sowing)	Free	Free (*)
2304 00 00	Oil-cake and other solid residues, whether or not ground or in the form of pellets, resulting from the extraction of soya-bean oil	Free	Free
2306	Oil-cake and other solid residues, whether or not ground or in the form of pellets, resulting from the extraction of vegetable fats or oils, other than those of heading No 2304 or 2305:		
2306 30 00	— Of sunflower seeds	Free	Free
2306 40 00	— Of rape or colza seeds	Free	Free

(<sup>1</sup>) A rate of 20% shall be applicable within the limits of a global annual tariff quota of 2 000 tonnes for 'high quality' meat falling within subheadings 0201 30 00, 0202 30 90, 0206 10 95 and 0206 29 91 and answering the following definition: 'Special or good-quality beef cuts obtained from exclusively pasture-grazed animals presenting a slaughter liveweight not exceeding 460 kilograms, referred to as "special boxed beef". These cuts may bear the letters "sc" (special cuts).'

(\*) Plus limitation of the support for producers of soya beans, rape or colza seeds and sunflower seeds in respect of crop specific oil seeds payments along the following terms:

- European Community (EC) legislation for producers of rape and colza seeds, sunflower seeds and soya beans is set out in Council Regulation (EEC) No 1765/92 of 30 June 1992;
- the EC shall implement the following additional adjustments to the benefits accruing to European producers under this program in respect of crop specific oil seeds payments;
- (a) the EC shall not engage in any market support expenditure in respect of rape and colza seeds, sunflower seeds and soya beans except in accordance with the terms and conditions provided pursuant to Regulation specified in (1);  
(b) the EC shall exclude from the benefits of the regime, the cultivation of 'confectionery sunflower seed' with effect from sowings for harvest in 1994;
- the EC shall introduce a separate base area (SBA) for producers benefiting from the crop specific oil seeds payments system which shall respect the following principles:
  - progressive implementation to affect those crops planted for harvest in 1994 and subsequent years,
  - in recognition of the Treaties of accession, full implementation for Spain and Portugal will commence in 1995/96;

5. the SBA system shall have the following components:
  - an EC oil seed base area shall be established for which crop specific oil seeds payments are made (the figures for EC-12 are set out in Annex 1),
  - for a particular marketing year the applicable EC-12 oil seeds base area shall be reduced to reflect the annual set aside rate for arable crops fixed by the Council. In no year, however, shall the reduction be less than 10 % of the base;
6. in respect of any marketing year (without prejudice to the provisions of the corrective mechanism specified in Regulation (EEC) No 1765/92 Article 5 (1) (d)), crop specific oil seeds payments shall be subject to the following additional discipline:
  - for every 1 % of area planted benefiting from crop specific oil seeds payments in excess of the EC oil seed base area (after reduction in conformity with (5), the compensatory payments to such oil seed producers shall be reduced by 1 %,
  - any such decreases in compensatory payments applied to areas planted above the SBA shall be applied in the same marketing year,
  - in addition, the percentage decrease in the adjusted compensatory payment shall be carried forward to the following marketing year,
  - however, in any year in which there is no decrease required in the compensatory payment (i.e. area planted is equal to or below the SBA (after reduction in conformity with (5), the compensatory payment in that year may return to the level of the base reference amount;
  - subsequent adjustments in the compensatory payment shall be applied in the manner described above;
7. should the by-products made available as a result of the cultivation of oil seeds on land set aside for the manufacture within the Community of products not primarily intended for human or animal consumption exceed 1 000 000 tonnes annually expressed in soya bean meal equivalents, the EC shall take appropriate corrective action within the framework of the CAP reform.

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*Annex 1*

EC-12 oil seed separate base area system <sup>(1)</sup>

(soya beans, rape and colza seeds and sunflower seeds)

Member State/Oil seed	Reference year <sup>(2)</sup>	
	1994/95	1995/96 and subsequent years <sup>(3)</sup>
	Hectares	
Spain Sunflower seed	1 411 000	—
Portugal Sunflower seed	122 000	—
EC-12 Other	3 966 000	—
<i>Total</i>	—	5 128 000

<sup>(1)</sup> Figures to be reduced to reflect the annual set aside rate for arable crops.

<sup>(2)</sup> The term 1994/95 refers to the EC marketing year, i.e. oil seeds (both winter and spring sown) for harvest in 1994.

<sup>(3)</sup> It is understood that, should the membership of the EC be expanded, this agreement will be amended to reflect an increase in the separate base area to an amount no more than the average level of production area of the acceding member in the three years immediately preceding such accession.

## COMMISSION REGULATION (EC) No 2198/95

of 18 September 1995

amending Council Regulation (EC) No 774/94 opening and providing for the administration of certain Community tariff quotas for high-quality beef, and for pigmeat, poultrymeat, wheat and meslin, and brans, sharps and other residues

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 774/94 of 29 March 1994 opening and providing for the administration of certain Community tariff quotas for high-quality beef, and for pigmeat, poultrymeat, wheat and meslin, and brans, sharps and other residues<sup>(1)</sup>, and in particular Article 8 thereof,

Whereas the Agreement on Agriculture concluded under the Uruguay Round of multilateral trade negotiations and approved by the Council Decision of 22 December 1994<sup>(2)</sup> affects the quota provided for in Article 1 of Regulation (EC) No 774/94 and other conditions relating to the quotas covered by that Regulation; whereas it should be adapted accordingly;

Whereas the measures provided for in this Regulation are in accordance with the opinions of all the Management Committees concerned,

HAS ADOPTED THIS REGULATION:

*Article 1*

Articles 1 to 6 of Regulation (EC) No 774/94 are hereby replaced by the following:

*Article 1*

1. An annual Community tariff quota of a total of 20 000 tonnes, expressed in product weight, is hereby opened for high-quality fresh, chilled or frozen beef covered by CN codes 0201 and 0202 and for the products covered by CN codes 0206 10 95 and 0206 29 91.

2. The Common Customs Tariff duty applicable to that quota shall be 20 %.

*Article 2*

1. An annual Community tariff quota of a total of 7 000 tonnes is hereby opened for fresh, chilled or frozen pigmeat covered by CN codes 0203 19 13 and 0203 29 15.

2. The Common Customs Tariff duty applicable to that quota shall be 0 %.

*Article 3*

1. An annual Community tariff quota of a total of 15 500 tonnes is hereby opened for poultrymeat covered by CN codes 0207 41 10, 0207 41 41 and 0207 41 71.

2. The Common Customs Tariff duty applicable to that quota shall be 0 %.

*Article 4*

1. An annual Community tariff quota of a total of 2 500 tonnes is hereby opened for turkeymeat covered by CN codes 0207 42 10, 0207 42 11 and 0207 42 71.

2. The Common Customs Tariff duty applicable to that quota shall be 0 %.

*Article 5*

1. An annual Community tariff quota of a total of 300 000 tonnes is hereby opened for quality wheat covered by CN codes 1001 10 00 and 1001 90 99.

2. The Common Customs Tariff duty applicable to that quota shall be 0 %.

*Article 6*

1. An annual Community tariff quota of a total of 475 000 tonnes is hereby opened for brans, sharps and other residues of wheat and cereals other than maize and rice covered by CN codes 2302 30 10, 2302 30 90, 2302 40 10 and 2302 40 90.

2. The Common Customs Tariff duty applicable to that quota shall be ECU 30,60 per tonne in the case of products covered by CN codes 2302 30 10 and 2302 40 10 and ECU 62,25 per tonne in the case of products covered by CN codes 2302 30 90 and 2302 40 90.

*Article 2*

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

It shall apply from 1 July 1995.

<sup>(1)</sup> OJ No L 91, 8. 4. 1994, p. 1.

<sup>(2)</sup> OJ No L 336, 23. 12. 1994, p. 1.

## I

*(Acts whose publication is obligatory)*

**COUNCIL REGULATION (EC) No 774/94**

**of 29 March 1994**

**opening and providing for the administration of certain Community tariff quotas for high-quality beef, and for pigmeat, poultrymeat, wheat and meslin, and brans, sharps and other residues**

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community, and in particular Article 113 thereof,

Having regard to the proposal from the Commission,

Whereas the Community negotiated new tariff concessions under Article XXVIII of the GATT; whereas these negotiations led to agreements with Argentina, Brazil, Canada, Poland, Sweden and Uruguay; whereas these agreements were approved by Council Decision of 20 December 1993<sup>(1)</sup>;

Whereas the agreements in question provide for the opening on 1 January 1994, under certain conditions, of annual tariff quotas for high-quality beef falling within CN codes 0201 30 00, 0202 30 90, 0206 10 95 and 0206 29 91, pigmeat falling within CN codes 0203 19 13 and 0203 29 15, poultrymeat falling within CN codes 0207 41 10, 0207 41 41, 0207 41 71, 0207 42 10, 0207 42 11 and 0207 42 71, wheat and meslin falling within CN codes 1001 10 00 and 1001 90 99, and brans, sharps and other residues falling within CN codes 2302 30 10, 2302 30 90, 2303 40 10 and 2303 40 20; whereas these quotas have therefore to be opened with effect from 1 January 1994;

Whereas the agreements in question cover an undetermined period; whereas in the interests of rationalization and efficiency, the quotas should therefore be opened on a multiannual basis;

Whereas a system guaranteeing the nature, provenance and origin of the products may prove to be appropriate; whereas to that end imports within the framework of these new tariff concessions should be subject, where appropriate, to the presentation of a certificate of authenticity;

Whereas it may be appropriate to spread out these imports over the year on the basis of the needs of the

Community market; whereas to that end a system for using up quotas based on the presentation of an import licence may prove appropriate;

Whereas the Council's approval of the abovementioned agreements renders redundant the system provided for in Council Regulation (EEC) No 1058/88 of 28 March 1988 on the import of bran, sharps and other residues derived from sifting, milling or other working of cereals other than maize and rice and amending Regulation (EEC) No 2658/87 on the tariff and statistical nomenclature and on the Common Customs Tariff<sup>(2)</sup>; whereas that Regulation should consequently be repealed;

Whereas detailed rules for the application of this Regulation and, in particular, the provisions required for the sound administration of the quotas must be adopted in accordance with the procedure laid down in Article 27 of Regulation (EEC) No 805/68 of 27 June 1968 on the common organization of the market in beef and veal<sup>(3)</sup> or in the corresponding Articles of the other Regulations on the common organization of the markets affected by the opening of the quotas;

Whereas Council Regulation (EEC) No 234/79 of 5 February 1979 on the procedure for adjusting the Common Customs Tariff nomenclature used for agricultural products<sup>(4)</sup> and Council Regulation (EEC) No 2658/87 of 23 July 1987 on the tariff and statistical nomenclature and on the Common Customs Tariff<sup>(5)</sup> already provide that the Commission may make the technical amendments and adjustments to this Regulation as

<sup>(1)</sup> OJ No L 104, 23. 4. 1988, p. 1.

<sup>(2)</sup> OJ No L 148, 28. 6. 1968, p. 24. Regulation as last amended by Regulation (EEC) No 3611/93 (OJ No L 328, 29. 12. 1993, p. 7).

<sup>(3)</sup> OJ No L 34, 9. 2. 1979, p. 2. Regulation as last amended by Regulation (EEC) No 3209/89, (OJ No L 312, 27. 10. 1989, p. 5).

<sup>(4)</sup> OJ No L 256, 7. 9. 1987, p. 1. Regulation as last amended by Commission Regulation (EEC) No 534/94, (OJ No L 68, 11. 3. 1994, p. 5).

<sup>(1)</sup> OJ No L 47, 18. 2. 1994, p. 1.



are necessary following the amendments to the combined nomenclature and to the Taric codes; whereas any adjustments to the quota volumes and other quota requirements adopted by the Council will also require that amendments be made to this regulation; whereas, for the purpose of simplifying matters, provision should be made for the Commission to make such amendments and adjustments to this regulation in accordance with the procedure laid down in Article 27 of Regulation (EEC) No 805/68 or in the other abovementioned Regulations,

HAS ADOPTED THIS REGULATION:

#### *Article 1*

1. An annual Community tariff quota of a total volume of 18 000 tonnes, expressed in product weight, is hereby opened for high-quality beef, fresh, chilled or frozen falling within CN codes 0201 and 0202 and for the products falling within CN codes 0206 10 95 and 0206 29 91.

2. Within the quota volume, the Common Customs Tariff duty applicable shall be 20 % and the variable levy 0 %.

#### *Article 2*

1. An annual Community tariff quota of a total volume of 7 000 tonnes is hereby opened for pigmeat, fresh, chilled or frozen falling within CN codes 0203 19 13 and 0203 29 15.

2. Within the quota volume, the variable levy shall be 0 %.

#### *Article 3*

1. A Community tariff quota of an annual total volume of 15 500 tonnes is hereby opened for poultrymeat falling within CN codes 0207 41 10, 0207 41 41 and 0207 41 71.

2. Within the quota volume, the variable levy shall be 0 %.

#### *Article 4*

1. An annual Community tariff quota of a total volume of 2 500 tonnes is hereby opened for turkeymeat falling within CN codes 0207 42 10, 0207 42 11 and 0207 42 71.

2. Within the quota volume, the variable levy shall be 0 %.

#### *Article 5*

1. An annual Community tariff quota of a total volume of 300 000 tonnes is hereby opened for quality wheat falling within CN codes 1001 10 00 and 1001 90 99.

2. Within the quota volume, the variable levy shall be 0 %.

#### *Article 6*

1. An annual tariff quota of a total volume of 475 000 tonnes is hereby opened for brans, sharps and other residues of wheat and cereals other than maize and rice falling within CN codes 2302 30 10, 2302 30 90, 2302 40 10 and 2302 40 90.

2. Within the quota volume, the variable levy shall be 0 %. The Common Customs Tariff duty applicable shall be ECU 40,80 per tonne for products falling within CN codes 2302 30 10 and 2302 40 10, ECU 83,40 per tonne for products falling within CN code 2302 30 90 and ECU 83,00 per tonne for products falling within CN code 2302 40 90.

#### *Article 7*

The detailed rules for this Regulation and, as appropriate:

- (a) the provisions guaranteeing the nature, provenance and origin of the product;
- (b) the provisions relating to the recognition of the document allowing the guarantees referred to in (a) to be verified, and
- (c) the conditions for the issue of import licences and their term of validity

shall be adopted in accordance with the procedure laid down in Article 27 of Regulation (EEC) No 805/68 or in the corresponding Articles of the other Regulations on the common organization of the markets concerned.

#### *Article 8*

Should the Council decide to adjust the volumes and other conditions of those quota arrangements, in particular by a decision to approve an agreement with one or more third countries, the resulting adjustments to this Regulation shall subsequently be adopted in accordance with the procedure laid down in Article 27 of Regulation (EEC) No 805/68 or in the corresponding Articles of the other Regulations on the common organization of the markets concerned.

#### *Article 9*

Regulation (EEC) No 1058/88 is hereby repealed.

#### *Article 10*

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

It shall apply from 1 January 1994.

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

Done at Brussels, 29 March 1994.

*For the Council*

*The President*

G. MORAITIS

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ภาคผนวก จ.

COUNCIL REGULATION (EC) NO.774/94

AND

COMMISSION REGULATION (EC)

NO.2198/95

## I

*(Acts whose publication is obligatory)*

**COUNCIL REGULATION (EC) No 774/94**

of 29 March 1994

opening and providing for the administration of certain Community tariff quotas for high-quality beef, and for pigmeat, poultrymeat, wheat and meslin, and brans, sharps and other residues

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community, and in particular Article 113 thereof,

Having regard to the proposal from the Commission,

Whereas the Community negotiated new tariff concessions under Article XXVIII of the GATT; whereas these negotiations led to agreements with Argentina, Brazil, Canada, Poland, Sweden and Uruguay; whereas these agreements were approved by Council Decision of 20 December 1993<sup>(1)</sup>;

Whereas the agreements in question provide for the opening on 1 January 1994, under certain conditions, of annual tariff quotas for high-quality beef falling within CN codes 0201 30 00, 0202 30 90, 0206 10 95 and 0206 29 91, pigmeat falling within CN codes 0203 19 13 and 0203 29 15, poultrymeat falling within CN codes 0207 41 10, 0207 41 41, 0207 41 71, 0207 42 10, 0207 42 11 and 0207 42 71, wheat and meslin falling within CN codes 1001 10 00 and 1001 90 99, and brans, sharps and other residues falling within CN codes 2302 30 10, 2302 30 90, 2303 40 10 and 2303 40 20; whereas these quotas have therefore to be opened with effect from 1 January 1994;

Whereas the agreements in question cover an undetermined period; whereas in the interests of rationalization and efficiency, the quotas should therefore be opened on a multiannual basis;

Whereas a system guaranteeing the nature, provenance and origin of the products may prove to be appropriate; whereas to that end imports within the framework of these new tariff concessions should be subject, where appropriate, to the presentation of a certificate of authenticity;

Whereas it may be appropriate to spread out these imports over the year on the basis of the needs of the

Community market; whereas to that end a system for using up quotas based on the presentation of an import licence may prove appropriate;

Whereas the Council's approval of the abovementioned agreements renders redundant the system provided for in Council Regulation (EEC) No 1058/88 of 28 March 1988 on the import of bran, sharps and other residues derived from sifting, milling or other working of cereals other than maize and rice and amending Regulation (EEC) No 2658/87 on the tariff and statistical nomenclature and on the Common Customs Tariff<sup>(2)</sup>; whereas that Regulation should consequently be repealed;

Whereas detailed rules for the application of this Regulation and, in particular, the provisions required for the sound administration of the quotas must be adopted in accordance with the procedure laid down in Article 27 of Regulation (EEC) No 805/68 of 27 June 1968 on the common organization of the market in beef and veal<sup>(3)</sup> or in the corresponding Articles of the other Regulations on the common organization of the markets affected by the opening of the quotas;

Whereas Council Regulation (EEC) No 234/79 of 5 February 1979 on the procedure for adjusting the Common Customs Tariff nomenclature used for agricultural products<sup>(4)</sup> and Council Regulation (EEC) No 2658/87 of 23 July 1987 on the tariff and statistical nomenclature and on the Common Customs Tariff<sup>(5)</sup> already provide that the Commission may make the technical amendments and adjustments to this Regulation as

<sup>(1)</sup> OJ No L 104, 23. 4. 1988, p. 1.

<sup>(2)</sup> OJ No L 148, 28. 6. 1968, p. 24. Regulation as last amended by Regulation (EEC) No 3611/93 (OJ No L 328, 29. 12. 1993, p. 7).

<sup>(3)</sup> OJ No L 34, 9. 2. 1979, p. 2. Regulation as last amended by Regulation (EEC) No 3209/89, (OJ No L 312, 27. 10. 1989, p. 5).

<sup>(4)</sup> OJ No L 256, 7. 9. 1987, p. 1. Regulation as last amended by Commission Regulation (EEC) No 534/94, (OJ No L 68, 11. 3. 1994, p. 5).

<sup>(1)</sup> OJ No L 47, 18. 2. 1994, p. 1.

are necessary following the amendments to the combined nomenclature and to the Taric codes; whereas any adjustments to the quota volumes and other quota requirements adopted by the Council will also require that amendments be made to this regulation; whereas, for the purpose of simplifying matters, provision should be made for the Commission to make such amendments and adjustments to this regulation in accordance with the procedure laid down in Article 27 of Regulation (EEC) No 805/68 or in the other abovementioned Regulations,

HAS ADOPTED THIS REGULATION:

#### *Article 1*

1. An annual Community tariff quota of a total volume of 18 000 tonnes, expressed in product weight, is hereby opened for high-quality beef, fresh, chilled or frozen falling within CN codes 0201 and 0202 and for the products falling within CN codes 0206 10 95 and 0206 29 91.

2. Within the quota volume, the Common Customs Tariff duty applicable shall be 20 % and the variable levy 0 %.

#### *Article 2*

1. An annual Community tariff quota of a total volume of 7 000 tonnes is hereby opened for pigmeat, fresh, chilled or frozen falling within CN codes 0203 19 13 and 0203 29 15.

2. Within the quota volume, the variable levy shall be 0 %.

#### *Article 3*

1. A Community tariff quota of an annual total volume of 15 500 tonnes is hereby opened for poultrymeat falling within CN codes 0207 41 10, 0207 41 41 and 0207 41 71.

2. Within the quota volume, the variable levy shall be 0 %.

#### *Article 4*

1. An annual Community tariff quota of a total volume of 2 500 tonnes is hereby opened for turkeymeat falling within CN codes 0207 42 10, 0207 42 11 and 0207 42 71.

2. Within the quota volume, the variable levy shall be 0 %.

#### *Article 5*

1. An annual Community tariff quota of a total volume of 300 000 tonnes is hereby opened for quality wheat falling within CN codes 1001 10 00 and 1001 90 99.

2. Within the quota volume, the variable levy shall be 0 %.

#### *Article 6*

1. An annual tariff quota of a total volume of 475 000 tonnes is hereby opened for brans, sharps and other residues of wheat and cereals other than maize and rice falling within CN codes 2302 30 10, 2302 30 90, 2302 40 10 and 2302 40 90.

2. Within the quota volume, the variable levy shall be 0 %. The Common Customs Tariff duty applicable shall be ECU 40,80 per tonne for products falling within CN codes 2302 30 10 and 2302 40 10, ECU 83,40 per tonne for products falling within CN code 2302 30 90 and ECU 83,00 per tonne for products falling within CN code 2302 40 90.

#### *Article 7*

The detailed rules for this Regulation and, as appropriate:

- (a) the provisions guaranteeing the nature, provenance and origin of the product;
- (b) the provisions relating to the recognition of the document allowing the guarantees referred to in (a) to be verified, and
- (c) the conditions for the issue of import licences and their term of validity

shall be adopted in accordance with the procedure laid down in Article 27 of Regulation (EEC) No 805/68 or in the corresponding Articles of the other Regulations on the common organization of the markets concerned.

#### *Article 8*

Should the Council decide to adjust the volumes and other conditions of those quota arrangements, in particular by a decision to approve an agreement with one or more third countries, the resulting adjustments to this Regulation shall subsequently be adopted in accordance with the procedure laid down in Article 27 of Regulation (EEC) No 805/68 or in the corresponding Articles of the other Regulations on the common organization of the markets concerned.

#### *Article 9*

Regulation (EEC) No 1058/88 is hereby repealed.

#### *Article 10*

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

It shall apply from 1 January 1994.

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

Done at Brussels, 29 March 1994.

*For the Council*

*The President*

G. MORAITIS

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## COMMISSION REGULATION (EC) No 2198/95

of 18 September 1995

amending Council Regulation (EC) No 774/94 opening and providing for the administration of certain Community tariff quotas for high-quality beef, and for pigmeat, poultrymeat, wheat and meslin, and brans, sharps and other residues

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 774/94 of 29 March 1994 opening and providing for the administration of certain Community tariff quotas for high-quality beef, and for pigmeat, poultrymeat, wheat and meslin, and brans, sharps and other residues<sup>(1)</sup>, and in particular Article 8 thereof,

Whereas the Agreement on Agriculture concluded under the Uruguay Round of multilateral trade negotiations and approved by the Council Decision of 22 December 1994<sup>(2)</sup> affects the quota provided for in Article 1 of Regulation (EC) No 774/94 and other conditions relating to the quotas covered by that Regulation; whereas it should be adapted accordingly;

Whereas the measures provided for in this Regulation are in accordance with the opinions of all the Management Committees concerned,

HAS ADOPTED THIS REGULATION:

*Article 1*

Articles 1 to 6 of Regulation (EC) No 774/94 are hereby replaced by the following:

*Article 1*

1. An annual Community tariff quota of a total of 20 000 tonnes, expressed in product weight, is hereby opened for high-quality fresh, chilled or frozen beef covered by CN codes 0201 and 0202 and for the products covered by CN codes 0206 10 95 and 0206 29 91.

2. The Common Customs Tariff duty applicable to that quota shall be 20 %.

*Article 2*

1. An annual Community tariff quota of a total of 7 000 tonnes is hereby opened for fresh, chilled or frozen pigmeat covered by CN codes 0203 19 13 and 0203 29 15.

2. The Common Customs Tariff duty applicable to that quota shall be 0 %.

*Article 3*

1. An annual Community tariff quota of a total of 15 500 tonnes is hereby opened for poultrymeat covered by CN codes 0207 41 10, 0207 41 41 and 0207 41 71.

2. The Common Customs Tariff duty applicable to that quota shall be 0 %.

*Article 4*

1. An annual Community tariff quota of a total of 2 500 tonnes is hereby opened for turkeymeat covered by CN codes 0207 42 10, 0207 42 11 and 0207 42 71.

2. The Common Customs Tariff duty applicable to that quota shall be 0 %.

*Article 5*

1. An annual Community tariff quota of a total of 300 000 tonnes is hereby opened for quality wheat covered by CN codes 1001 10 00 and 1001 90 99.

2. The Common Customs Tariff duty applicable to that quota shall be 0 %.

*Article 6*

1. An annual Community tariff quota of a total of 475 000 tonnes is hereby opened for brans, sharps and other residues of wheat and cereals other than maize and rice covered by CN codes 2302 30 10, 2302 30 90, 2302 40 10 and 2302 40 90.

2. The Common Customs Tariff duty applicable to that quota shall be ECU 30,60 per tonne in the case of products covered by CN codes 2302 30 10 and 2302 40 10 and ECU 62,25 per tonne in the case of products covered by CN codes 2302 30 90 and 2302 40 90.

*Article 2*

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

It shall apply from 1 July 1995.

<sup>(1)</sup> OJ No L 91, 8. 4. 1994, p. 1.

<sup>(2)</sup> OJ No L 336, 23. 12. 1994, p. 1.

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

Done at Brussels, 18 September 1995.

*For the Commission*  
Franz FISCHLER  
*Member of the Commission*

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**COMMISSION REGULATION (EC) No 1431/94**  
of 22 June 1994

laying down detailed rules for the application in the poultrymeat sector of the import arrangements provided for in Council Regulation (EC) No 774/94 opening and providing for the administration of certain Community tariff quotas for poultrymeat and certain other agricultural products

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 774/94 of 29 March 1994 opening and providing for the administration of certain Community tariff quotas for high-quality beef, and for pigmeat, poultrymeat, wheat and meslin, and brans, sharps and other residues<sup>(1)</sup>, and in particular Article 7 thereof,

Having regard to Council Regulation (EEC) No 2777/75 of 29 October 1975 on the common organization of the market in poultrymeat<sup>(2)</sup>, as last amended by Commission Regulation (EEC) No 1574/93<sup>(3)</sup>, and in particular Article 15 thereof,

Whereas Council Regulation (EC) No 774/94 opened, from 1 January 1994, new annual tariff quotas for certain poultry products; whereas the said quotas are to apply for an unspecified period;

Whereas the administration of the arrangements should be based on import licences; whereas, to that end, the detailed rules for submission of the applications and the information which must appear on the applications and licences, by way of derogation from Article 8 of Commission Regulation (EEC) No 3719/88 of 16 November 1988 laying down common detailed rules for the application of the system of import and export licences and advance fixing certificates for agricultural products<sup>(4)</sup>, as last amended by Regulation (EC) No 3519/93<sup>(5)</sup>, should be laid down; whereas, in addition, provision should be made for the licences to be issued after a period of consideration, applying, where necessary, a single percentage of acceptance; whereas it is in the interest of importers and exporters to allow the licence application to be withdrawn after the coefficient of acceptance has been fixed;

Whereas Regulation (EC) No 774/94 provides for the levy to be fixed at 0 % for imports of certain poultry products, up to a certain quantity; whereas, in order to ensure the

regularity of imports, the quantity in question should be staggered over one year;

Whereas, to ensure that such quantities are used in accordance with traditional import flows to the Community market, they should be distributed according to the origin of the imports on the basis of imports during the last three years;

Whereas, in order to ensure proper administration of the system, the security for import licences under the said system should be fixed at ECU 50 per 100 kilograms; whereas, in view of the risk of speculation inherent in the system in the poultrymeat sector, precise conditions governing access by traders to the said system should be laid down;

Whereas the Management Committee for Poultrymeat and Eggs has not delivered an opinion within the time limit set by the chairman,

HAS ADOPTED THIS REGULATION:

*Article 1*

All imports into the Community under the tariff quotas opened in Articles 3 and 4 of Regulation (EC) No 774/94 of products in the groups referred to in Annex I to this Regulation shall be subject to the presentation of an import licence.

The quantities of products to which these arrangements apply and the rate of reduction in the levy shall be those listed for each group in Annex I.

*Article 2*

The quantity fixed for each group shall be staggered over the year as follows:

For 1994:

- 50 % in the period 1 January to 30 September,
- 50 % in the period 1 October to 31 December.

For following years:

- 25 % in the period 1 January to 31 March,
- 25 % in the period 1 April to 30 June,

<sup>(1)</sup> OJ No L 91, 8. 4. 1994, p. 1.

<sup>(2)</sup> OJ No L 282, 1. 11. 1975, p. 77.

<sup>(3)</sup> OJ No L 152, 24. 6. 1993, p. 1.

<sup>(4)</sup> OJ No L 331, 2. 12. 1988, p. 1.

<sup>(5)</sup> OJ No L 320, 22. 12. 1993, p. 16.

- 25 % in the period 1 July to 30 September,
- 25 % in the period 1 October to 31 December.

### Article 3

The import licences referred to in Article 1 shall be subject to the following provisions:

- (a) Applicants for import licences must be natural or legal persons who, at the time applications are submitted, can prove to the satisfaction of the competent authorities in the Member States that they have imported or exported not less than 25 tonnes (product weight) of products falling within the scope of Regulation (EEC) No 2777/75 in 1992 and 1993. However, retail establishments or restaurants selling their products to final consumers are excluded from the benefits of this regime.
- (b) Licence applications must not involve more than one of the groups referred to in Annex I to this Regulation. They may involve several products covered by different CN codes; in such cases, all the CN codes shall be indicated in section 16 and their descriptions in section 15;

Licence applications must relate to at least one tonne and to a maximum of 10 % of the quantity available for the group concerned and the periods specified in Article 2.

- (c) Section 8 of licence applications and licences shall show the country of origin; licences shall carry with them an obligation to import from the country indicated.
- (d) Section 20 of licence applications and licences shall show one of the following:

Reglamento (CE) n° 1431/94,  
 Forordning (EF) nr. 1431/94,  
 Verordnung (EG) Nr. 1431/94,  
 Κανονισμός (ΕΚ) αριθ. 1431/94,  
 Regulation (EC) No 1431/94,  
 Règlement (CE) n° 1431/94,  
 Regolamento (CE) n. 1431/94,  
 Verordening (EG) nr. 1431/94,  
 Regulamento (CE) n° 1431/94.

- (e) Section 24 of licences shall show one of the following:

Levy fixed at 0 % pursuant to:

Reglamento (CE) n° 1431/94,  
 Forordning (EF) nr. 1431/94,  
 Verordnung (EG) Nr. 1431/94,  
 Κανονισμός (ΕΚ) αριθ. 1431/94,  
 Regulation (EC) No 1431/94,  
 Règlement (CE) n° 1431/94,  
 Regolamento (CE) n. 1431/94,  
 Verordening (EG) nr. 1431/94,  
 Regulamento (CE) n° 1431/94.

### Article 4

1. Licence applications may be lodged only during the first 10 days of each period as specified in Article 2.

However, for the period 1 January to 30 September 1994 licence applications may be lodged only during the first 10 days of July 1994.

2. Licence applications shall only be admissible where the applicant declares in writing that he has not submitted and undertakes not to submit any applications, in respect of the current period, concerning products in the same group in the Member State in which his application is lodged or in another Member State; where an applicant submits more than one application relating to products in the same group, all applications from that person shall be inadmissible.

However, in the case of groups 3 and 5, each applicant may lodge more than one application for import licences for products in one group, where such products originate in more than one country. Separate applications for each country of origin must be submitted simultaneously to the competent authority of a Member State. They shall be considered, as regards the maximum referred to in Article 3 (b) as well as application of the rule in the previous subparagraph, as a single application.

3. Member States shall notify the Commission, on the fifth working day following the end of the application submission period, of applications lodged for each of the products in the group in question. Such notification shall include a list of applicants and a statement of the quantities applied for in the group.

All notifications, including notification that there have been no applications, shall be made by telex or fax on the working day stipulated, drawn up on the model shown in Annex II in cases where no application is made, and on the models shown in Annexes II and III in cases where applications have been made.

4. The Commission shall decide as quickly as possible to what extent quantities may be awarded in respect of applications as referred to in Article 3.

If quantities in respect of which licences have been applied for exceed the quantities available, the Commission shall fix a single percentage of acceptance for the quantities applied for. Where this percentage is less than 5 %, it is possible that the Commission will not award the quantities applied for and release the securities.

Exporters may withdraw their licence applications within 10 working days following publication of the single percentage of acceptance in the *Official Journal of the European Communities* if application of that percentage results in the fixing of a quantity less than 20 tonnes. The Member States shall inform the Commission thereof within five days following the withdrawal of the licence application and shall release the security.

The Commission shall calculate the quantity remaining, which shall be added to the quantity available in respect of the following period in the same year, and may transfer unused quantities between groups of the same product.

5. Licences shall be issued as quickly as possible after the Commission has taken its decision.

6. Licences issued shall be valid throughout the Community.

#### *Article 5*

For the purposes of Article 21 (2) of Regulation (EEC) No 3719/88, import licences shall be valid for 150 days from the date of actual issue.

However, licences shall not be valid beyond 31 December of the year of issue.

Import licences issued pursuant to this Regulation shall not be transferable.

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

Done at Brussels, 22 June 1994.

#### *Article 6*

A security of ECU 50 per 100 kilograms shall be lodged for import licence applications for all products referred to in Article 1.

#### *Article 7*

Without prejudice to the provisions of this Regulation, Regulation (EEC) No 3719/88 shall apply.

However, Article 8 (4) of that Regulation notwithstanding, the quantity imported under this Regulation may not exceed that shown in sections 17 and 18 of the import licence. The figure 0 shall accordingly be entered in section 19 of the licence.

#### *Article 8*

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

*For the Commission*

René STEICHEN

*Member of the Commission*

## ANNEX I

0 % LEVY

Chicken

*(tonnes)*

Country	Group number	CN code	Annual quantities
Brazil	1	0207 41 10	7 100
		0207 41 41	
		0207 41 71	
Thailand	2	0207 41 10	5 100
		0207 41 41	
		0207 41 71	
Other	3	0207 41 10	3 300
		0207 41 41	
		0207 41 71	

## Turkey

*(tonnes)*

Country	Group number	CN code	Annual quantities
Brazil	4	0207 42 10	1 800
		0207 42 11	
		0207 42 71	
Other	5	0207 42 10	700
		0207 42 11	
		0207 42 71	

## ANNEX II

## Application of Regulation (EC) No 1431/94

COMMISSION OF THE EUROPEAN COMMUNITIES		GD VI/D/3 — Poultry sector
Application for licences to import at 0 % levy	Date	Period
Member State : Dispatcher : Person to contact : Telephone : Fax :		
Group number	Quantity applied for	

## ANNEX III

## Application of Regulation (EC) No 1431/94

COMMISSION OF THE EUROPEAN COMMUNITIES		GD VI/D/3 — Poultry sector	
Application for licences to import at 0 % levy	Date	Period	
Member State :			
Group number	CN code	Applicant (name and address)	Quantity <i>(tonnes)</i>
Total in tonnes for each group number			

## COMMISSION REGULATION (EC) No 641/95

of 24 March 1995

determining the extent to which applications lodged in March 1995 for import licences for certain poultrymeat products under the regime provided for in Council Regulation (EC) No 774/94 opening and providing for the administration of certain Community tariff quotas for poultrymeat and certain other agricultural products can be accepted

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Commission Regulation (EC) No 1431/94 of 22 June 1994, laying down detailed rules for the application in the poultrymeat sector of the import arrangements provided for in Council Regulation (EC) No 774/94 opening and providing for the administration of certain Community tariff quotas for poultrymeat and certain other agricultural products<sup>(1)</sup>, as amended by Regulation (EC) No 2389/94<sup>(2)</sup>, and in particular Article 4 (5) thereof,

Whereas the applications for import licences lodged for the period 1 April to 30 June 1995 are greater than the

quantities available and must therefore be reduced by a fixed percentage to ensure a fair distribution,

HAS ADOPTED THIS REGULATION :

*Article 1*

Applications for import licences for the period 1 April to 30 June 1995 submitted under Regulation (EC) No 1431/94 shall be met as referred to in the Annex.

*Article 2*

This Regulation shall enter into force on 1 April 1995.

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

Done at Brussels, 24 March 1995.

*For the Commission*

Franz FISCHLER

*Member of the Commission*

<sup>(1)</sup> OJ No L 156, 23. 6. 1994, p. 9.

<sup>(2)</sup> OJ No L 255, 1. 10. 1994, p. 104.

## COMMISSION REGULATION (EC) No 997/97

of 3 June 1997

amending Regulations (EC) No 1431/94, (EC) No 1474/95 and (EC) No 1251/96 laying down detailed rules for the application of certain tariff quotas for eggs and poultrymeat and prolonging the term of validity of certain licences in those sectors

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 2771/75 of 29 October 1975 on the common organization of the market in eggs<sup>(1)</sup>, as last amended by Commission Regulation (EC) No 1516/96<sup>(2)</sup>, and in particular Articles 3 (2), 6 (1) and 15 thereof,

Having regard to Council Regulation (EEC) No 2777/75 of 29 October 1975 on the common organization of the market in poultrymeat<sup>(3)</sup>, as last amended by Commission Regulation (EC) No 2916/95<sup>(4)</sup>, and in particular Article 15 thereof,

Having regard to Council Regulation (EEC) No 2783/75 of 29 October 1975 on the common system of trade for ovalbumin and lactalbumin<sup>(5)</sup>, as last amended by Regulation (EC) No 2916/95, and in particular Articles 2 (1), 4 (1) and 10 thereof,

Having regard to Council Regulation (EC) No 774/94 of 29 March 1994 opening and providing for the administration of certain Community tariff quotas for high-quality beef, and for pigmeat, poultrymeat, wheat and meslin, and brans, sharps and other residues<sup>(6)</sup>, as amended by Commission Regulation (EC) No 2198/95<sup>(7)</sup>, and in particular Article 7 thereof,

Having regard to Council Regulation (EC) No 1095/96 of 18 June 1996 on the implementation of the concessions set out in Schedule CXL drawn up in the wake of the conclusion of the GATT Article XXIV.6 negotiations<sup>(8)</sup>,

Whereas tariff quotas were granted for certain products in the eggs and poultrymeat sectors pursuant to Commission Regulation (EC) No 1431/94 of 22 June 1994 laying down detailed rules for the application in the poultrymeat sector of the import arrangements provided for in Council

Regulation No 774/94<sup>(9)</sup> opening and providing for the administration of certain Community tariff quotas for poultrymeat and certain other agricultural products, as last amended by Regulation (EC) No 958/96<sup>(10)</sup>, pursuant to Commission Regulation (EC) No 1474/95 of 28 June 1995 opening and providing for the administration of the tariff quotas in the egg sector<sup>(11)</sup>, as last amended by Regulation (EC) No 1219/96<sup>(12)</sup> and pursuant to Commission Regulation (EC) No 1251/96 of 28 June 1996 opening and providing for the administration of tariff quotas in the poultrymeat sector<sup>(13)</sup>; whereas, in order to facilitate trade between the European Community and third countries, it must be possible to import eggs and poultrymeat without an obligation to import from the country of origin, which must nevertheless be mentioned for statistical reasons in section 8 of the import licence;

Whereas, these provisions should apply to import licences whose term of validity has not yet expired and which have not been used or have only been used in part;

Whereas, in order to allow operators to make use of the new provisions laid down in this Regulation before the date of expiry of licences, the validity of certain licences should be prolonged;

Whereas the measures provided for in this Regulation are in accordance with the opinion of the Management Committee for Poultrymeat and Eggs,

HAS ADOPTED THIS REGULATION:

*Article 1*

Article 3 (c) of Regulation (EC) No 1431/94 is hereby replaced by the following:

(c) section 8 of licence applications and licences shall show the country of origin; licences shall carry with them an obligation to import from the country indicated except for groups 3 and 5.

<sup>(1)</sup> OJ No L 282, 1. 11. 1975, p. 49.

<sup>(2)</sup> OJ No L 189, 30. 7. 1996, p. 99.

<sup>(3)</sup> OJ No L 282, 1. 11. 1975, p. 77.

<sup>(4)</sup> OJ No L 305, 19. 12. 1995, p. 49.

<sup>(5)</sup> OJ No L 282, 1. 11. 1975, p. 104.

<sup>(6)</sup> OJ No L 91, 8. 4. 1994, p. 1.

<sup>(7)</sup> OJ No L 221, 19. 9. 1995, p. 3.

<sup>(8)</sup> OJ No L 146, 20. 6. 1996, p. 1.

<sup>(9)</sup> OJ No L 156, 23. 6. 1994, p. 9.

<sup>(10)</sup> OJ No L 130, 31. 5. 1996, p. 6.

<sup>(11)</sup> OJ No L 145, 29. 6. 1995, p. 47.

<sup>(12)</sup> OJ No L 161, 29. 6. 1996, p. 55.

<sup>(13)</sup> OJ No L 161, 29. 6. 1996, p. 136.

*Article 2*

Article 4(c) of Regulation (EC) No 1474/95 is hereby replaced by the following:

'(c) section 8 of licence applications and licences shall show the country of origin'.

*Article 3*

Article 4(c) of Regulation (EC) No 1251/96 is hereby replaced by the following:

'(c) section 8 of licence applications and licences shall show the country of origin'.

*Article 4*

1. The validity of licences issued during the first quarter 1997 pursuant to Regulation (EC) No 1431/94 for groups 3 and 5 is prolonged until 31 July 1997.

2. The validity of licences issued during the first and second quarters 1997 pursuant to Regulation (EC) No 1251/96 is prolonged until 31 July 1997.

3. The validity of licences issued during the first quarter 1997 pursuant to Regulation (EC) No 1474/95 is prolonged until 31 July 1997.

*Article 5*

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

This Regulation shall apply to licences whose term of validity has not yet expired and which have not been used or have been used only in part.

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

Done at Brussels, 3 June 1997.

*For the Commission*

Franz FISCHLER

*Member of the Commission*



## COMMISSION REGULATION (EC) No 1514/97

of 30 July 1997

amending Regulations (EEC) No 903/90, (EEC) No 2699/93, (EC) No 1431/94, (EC) No 1559/94, (EC) No 1474/95, (EC) No 1866/95, (EC) No 1251/96, (EC) No 2497/96 and (EC) No 509/97 in the egg, ovalbumin and poultrymeat sectors

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 715/90 of 5 March 1990 on the arrangements applicable to agricultural products and certain goods resulting from the processing of agricultural products originating in the ACP States or in the overseas countries and territories (OCT) <sup>(1)</sup>, as last amended by Regulation (EC) No 619/96 <sup>(2)</sup>, and in particular Article 27 thereof,

Having regard to Council Regulation (EC) No 2490/96 of 20 December 1996 extending Regulation (EC) No 3066/95 establishing certain concessions in the form of Community tariff quotas for certain agricultural products and providing for the adjustment, as an autonomous and transitional measure, of certain agricultural concessions provided for in the Europe Agreements to take account of the Agreement on Agriculture concluded during the Uruguay Round of multilateral trade negotiations <sup>(3)</sup>,

Having regard to Council Regulation (EC) No 774/94 of 29 March 1994 opening and providing for the administration of certain Community tariff quotas for high-quality beef, and for pigmeat, poultrymeat, wheat and meslin, and brans, sharps and other residues <sup>(4)</sup>, as amended by Regulation (EC) No 2198/95 <sup>(5)</sup>, and in particular Article 7 thereof,

Having regard to Council Regulation (EC) No 1926/96 of 7 October 1996 establishing certain concessions in the form of Community tariff quotas for certain agricultural products and providing for the adjustment, as an autonomous and transitional measure, of certain agricultural concessions provided for in the agreements on free trade and trade-related matters with Estonia, Latvia and Lithuania, to take account of the Agreement on Agriculture concluded during the Uruguay Round Multilateral Trade Negotiations <sup>(6)</sup>, and in particular Article 5 thereof,

Having regard to Council Regulation (EC) No 1095/96 of 18 June 1996 on the implementation of the concessions set out in Schedule CXL drawn up in the wake of the conclusion of the GATT XXIV.6 negotiations <sup>(7)</sup>,

Having regard to Council Regulation (EC) No 2398/96 of 12 December 1996 opening a tariff quota for turkey meat originating in and coming from Israel as provided for in the Association Agreement and the Interim Agreement between the European Community and the State of Israel <sup>(8)</sup>, and in particular Article 2 thereof,

Having regard to Council Regulation (EEC) No 2771/75 of 29 October 1975 on the common organization of the market in eggs <sup>(9)</sup>, as last amended by Commission Regulation (EC) No 1516/96 <sup>(10)</sup>, and in particular Article 22 thereof,

Having regard to Council Regulation (EEC) No 2777/75 of 29 October 1975 on the common organization of the market in poultrymeat <sup>(11)</sup>, as last amended by Commission Regulation (EC) No 2916/95 <sup>(12)</sup>, and in particular Article 22 thereof,

Having regard to Council Regulation (EEC) No 2783/75 of 29 October 1975 on the common system of trade for ovalbumin and lactalbumin <sup>(13)</sup>, as last amended by Regulation (EC) No 2916/95, and in particular Articles 2 (1), 4 (1) and 10 thereof,

Whereas Commission Regulation (EEC) No 903/90 <sup>(14)</sup>, as last amended by Regulation (EC) No 1206/97 <sup>(15)</sup>, lays down detailed rules for the application of the arrangements applicable to imports of certain poultrymeat products originating in the African, Caribbean and Pacific States (ACP) or in the overseas countries and territories (OCT) with a view to the implementation of the Agreement on Agriculture concluded during the Uruguay Round of multilateral trade negotiations;

<sup>(1)</sup> OJ No L 84, 30. 3. 1990, p. 85.

<sup>(2)</sup> OJ No L 89, 10. 4. 1996, p. 1.

<sup>(3)</sup> OJ No L 338, 28. 12. 1996, p. 13.

<sup>(4)</sup> OJ No L 91, 8. 4. 1994, p. 1.

<sup>(5)</sup> OJ No L 221, 19. 9. 1995, p. 3.

<sup>(6)</sup> OJ No L 254, 8. 10. 1996, p. 1.

<sup>(7)</sup> OJ No L 146, 20. 6. 1996, p. 1.

<sup>(8)</sup> OJ No L 327, 18. 12. 1996, p. 7.

<sup>(9)</sup> OJ No L 282, 1. 11. 1975, p. 49.

<sup>(10)</sup> OJ No L 189, 30. 7. 1996, p. 99.

<sup>(11)</sup> OJ No L 282, 1. 11. 1975, p. 77.

<sup>(12)</sup> OJ No L 305, 19. 12. 1995, p. 49.

<sup>(13)</sup> OJ No L 282, 1. 11. 1975, p. 104.

<sup>(14)</sup> OJ No L 93, 10. 4. 1990, p. 20.

<sup>(15)</sup> OJ No L 170, 28. 6. 1997, p. 32.

Whereas Commission Regulation (EEC) No 2699/93<sup>(1)</sup>, as last amended by Regulation (EC) No 2513/96<sup>(2)</sup>, lays down detailed rules for the application in the poultrymeat and egg sectors of the arrangements provided for in the Interim Agreements between the Community and Poland, Hungary and the former Czech and Slovak Federal Republic;

Whereas Commission Regulation (EC) No 1431/94<sup>(3)</sup>, as last amended by Regulation (EC) No 997/97<sup>(4)</sup>, lays down detailed rules for the application in the poultrymeat sector of the import arrangements provided for in Regulation (EC) No 774/94;

Whereas Commission Regulation (EC) No 1559/94<sup>(5)</sup>, as last amended by Regulation (EC) No 2513/96, lays down detailed rules for the application in the poultrymeat and egg sectors of the arrangements provided for in the Interim Agreements between the Community, of the one part, and Bulgaria and Romania, of the other part;

Whereas Commission Regulation (EC) No 1474/95<sup>(6)</sup>, as last amended by Regulation (EC) No 1242/97<sup>(7)</sup>, opens tariff quotas in the egg sector and for egg albumin;

Whereas Commission Regulation (EC) No 1866/95 of 26 July 1995 laying down procedures for applying in the poultrymeat sector the arrangements provided for in the Agreements on free trade and trade related matters between the Community, of the one part, and Estonia, Lithuania and Latvia, of the other part<sup>(8)</sup>, as last amended by Regulation (EC) No 2166/96<sup>(9)</sup>, lays down the detailed rules for applying the arrangements provided for in the said Agreements in the poultrymeat sector; whereas that Regulation should be amended to take account of the measures concerning poultrymeat and egg products laid down by Regulation (EC) No 1926/96;

Whereas Commission Regulation (EC) No 1251/96<sup>(10)</sup>, as last amended by Regulation (EC) No 1211/97<sup>(11)</sup>, opens tariff quotas in the poultrymeat sector;

Whereas Commission Regulation (EC) No 2497/96<sup>(12)</sup> lays down procedures for applying in the poultrymeat sector the arrangements provided for in the Association Agreement and the Interim Agreement between the European Community and the State of Israel;

Whereas Commission Regulation (EC) No 509/97<sup>(13)</sup> lays down procedures for applying in the poultrymeat sector the Interim Agreement on trade and accompanying measures between the European Community, the European Coal and Steel Community and the European Atomic Energy Community, of the one part, and the Republic of Slovenia, of the other part;

Whereas, in order to minimize the risk of fraud, checks on applicants' compliance with the eligibility criteria should be carried out in the Member State in which the importer is established or has set up his registered office;

Whereas it is not obligatory to import from the country indicated in the case of import certificates delivered in accordance with Regulation (EC) No 1431/94 for groups 3 and 5; whereas it should however be indicated on licences for the countries of groups 3 and 5 that imports from countries belonging to other groups are not admitted under these licences;

Whereas the measures provided for in this Regulation are in accordance with the opinion of the Management Committee for Poultrymeat and Eggs,

HAS ADOPTED THIS REGULATION:

#### *Article 1*

Article 4 (2) of Regulations (EEC) No 903/90, (EEC) No 2699/93, (EC) No 1559/94, (EC) No 1866/95, (EC) No 2497/96 and (EC) No 509/97 is hereby replaced by the following:

'2. Licence applications must be submitted to the competent authority of the Member State in which the applicant is established or has set up his registered office. Applications shall be admissible only where the applicant declares in writing that he has not submitted and undertakes not to submit any other applications, in respect of the same period, concerning products in the same group.

Where the same applicant submits more than one application relating to products in the same group, all applications from that person shall be inadmissible.'

#### *Article 2*

Regulation (EC) No 1431/94 is hereby amended as follows:

<sup>(1)</sup> OJ No L 245, 1. 10. 1993, p. 88.

<sup>(2)</sup> OJ No L 345, 31. 12. 1996, p. 30.

<sup>(3)</sup> OJ No L 156, 23. 6. 1994, p. 9.

<sup>(4)</sup> OJ No L 144, 4. 6. 1997, p. 11.

<sup>(5)</sup> OJ No L 166, 1. 7. 1994, p. 62.

<sup>(6)</sup> OJ No L 145, 29. 6. 1995, p. 19.

<sup>(7)</sup> OJ No L 173, 1. 7. 1997, p. 77.

<sup>(8)</sup> OJ No L 179, 29. 7. 1995, p. 26.

<sup>(9)</sup> OJ No L 290, 13. 11. 1996, p. 6.

<sup>(10)</sup> OJ No L 161, 29. 6. 1996, p. 136.

<sup>(11)</sup> OJ No L 170, 27. 6. 1997, p. 40.

<sup>(12)</sup> OJ No L 338, 28. 12. 1996, p. 48.

<sup>(13)</sup> OJ No L 80, 21. 3. 1997, p. 3.

1. in Article 3, the following points (f) and (g) are added:

(f) Section 24 of licences for group 3 shall show one of the following:

Not to be used for products originating in Brazil and Thailand

Reglamento (CE) n° 1514/97

Forordning (EF) nr. 1514/97

Verordnung (EG) Nr. 1514/97

Κανονισμός (ΕΚ) αριθ. 1514/97

Regulation (EC) No 1514/97

Règlement (CE) n° 1514/97

Regolamento (CE) n. 1514/97

Verordening (EG) nr. 1514/97

Regulamento (CE) n° 1514/97

Asetus (EY) N:o 1514/97

Förordning (EG) nr 1514/97.

(g) Section 24 of licences for group 5 shall show one of the following:

Not to be used for products originating in Brazil

Reglamento (CE) n° 1514/97

Forordning (EF) nr. 1514/97

Verordnung (EG) Nr. 1514/97

Κανονισμός (ΕΚ) αριθ. 1514/97

Regulation (EC) No 1514/97

Règlement (CE) n° 1514/97

Regolamento (CE) n. 1514/97

Verordening (EG) nr. 1514/97

Regulamento (CE) n° 1514/97

Asetus (EY) N:o 1514/97

Förordning (EG) nr 1514/97.'

2. the first subparagraph of Article 4 (2) is replaced by the following:

'Licence applications must be submitted to the competent authority of the Member State in which the applicant is established or has set up his registered office. Applications shall be admissible only where the applicant declares in writing that he has not submitted and undertakes not to submit any other applications, in respect of the same period, concerning products in the same group.

Where the same applicant submits more than one application relating to products in the same group, all applications from that person shall be inadmissible.'

#### Article 3

The first subparagraph of Article 5 (2) of Regulations (EC) No 1474/95 and (EC) No 1251/96 are hereby replaced by the following:

'Licence applications must be submitted to the competent authority of the Member State in which the applicant is established or has set up his registered office. Applications shall be admissible only where the applicant declares in writing that he has not submitted and undertakes not to submit any other applications, in respect of the same period, concerning products in the same group.

Where the same applicant submits more than one application relating to products in the same group, all applications from that person shall be inadmissible.'

#### Article 4

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

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

Done at Brussels, 30 July 1997.

*For the Commission*

Franz FISCHLER

*Member of the Commission*

ภาคผนวก จ.

Arguments Presented by Thailand (Third Party)

## ARGUMENTS PRESENTED BY THE THAILAND

## (PANEL)

Thailand is of the view that a Member is free to conclude any bilateral agreement with any country. However, if the agreement has any effect on the rights and obligations of Members, all the provisions of general application of the *WTO Agreement*, including Articles I, III and XIII of the GATT 1994, must apply. Thailand agrees with the Panel's findings in paragraphs 213, 216 and 218 of the Panel Report. Allocation of any tariff-rate quota is governed by, and must be consistent with, Article XIII:2(d) of the GATT 1994. Insofar as the allocation of tariff-rate quotas to Members is concerned, Thailand agrees with the Panel's finding in paragraph 232 of the Panel Report that "Article XIII is a general provision regarding the non-discriminatory administration of import restrictions applicable to any TRQs regardless of their origin."

Thailand disagrees with the Panel's conclusion in paragraph 262 of the Panel Report that the tariff-rate quota for frozen poultry meat is fully utilized. Because the import licensing regime of the European Communities is operating in such a way that exporters do not know whether the transactions involved are within or outside the tariff-rate quota, and thus cannot take that factor into account when making the transactions, Thailand maintains it cannot be said that the tariff-rate quota is fully utilized. Once a tariff-rate quota is allocated, it must be administered in a manner that enables Members to "utilize fully the share of any such total quantity or value which has been allotted" to them in accordance with Article XIII:2(d) of the GATT 1994. No conditions or formalities may be imposed that would prevent such full utilization. This is a substantive provision that Thailand

understands to be applicable not only with respect to the total quantity or total value *per se*, but also in respect of the full benefits derived from the tariff-rate quotas, including the full enjoyment of the in-quota tariff rate. Thailand agrees with the Panel's finding in paragraph 278 of the Panel Report that the "ordinary meaning of the phrase 'the price at which imports may enter the customs territory of the member granting the concession' would include payment of applicable duties" and in paragraph 282 of the Panel Report that "the EC has not invoked the special safeguard provision with respect to poultry in accordance with Article 5.1(b)." Thailand, however, disagrees with the Panel's exercise of judicial economy concerning Article 5.5 of the *Agreement on Agriculture* and argues that the Panel should have examined the consistency of the representative price with Article 5.1(b). In Thailand's opinion, the representative price is not in conformity with Article 5.1(b), which requires that the market entry price must be calculated on the basis of the c.i.f. import price of the shipment concerned alone. To the extent that the representative price is used in place of the c.i.f. import price for comparison with the trigger price for the purpose of setting additional duties to be paid as special safeguard duties, it is also inconsistent with Article 5.5 of the *Agreement on Agriculture*, which requires that the comparison be made only between the c.i.f. import price and the trigger price. Because the representative price is calculated on the basis of an average of a variety of prices, including internal market prices that are not c.i.f. prices within the meaning of Article 5.1(b), the representative price is thus functioning in such a way as to stabilize the price of the product concerned in the same fashion as the former EC regime of variable import levies.

ARGUMENTS PRESENTED BY THAILANDS  
(APPELLATE BODY)



Article XIII of GATT

Thailand was of the view that any Member's agricultural tariff schedule under the Uruguay Round negotiations was part and parcel of that Member's schedule in accordance with paragraph 1 of the Marrakesh Protocol.<sup>1</sup> In this respect, the allocation of tariff quotas was governed by, and had to be consistent with, the provisions of Article XIII of the GATT 1994, especially Article XIII:2. Nothing in the GATT, or any other WTO Agreement, provided any special treatment to the tariff quotas derived from a negotiation under Article XXVIII of GATT. Referring to Article XIII:2(d), Thailand submitted that the interest of Thailand as a Member with a substantial interest in supplying poultry to the EC market had to be taken into account, and the allocation of the annual tariff quota of 5,100 tonnes to Thailand by the EC, if done in accordance with the provisions of Article XIII:2(d) would be consistent with the GATT. Once a quota had been established, Thailand said, the manner in which the applying country administered the quota was also very important and subject to the provision of Article XIII:2(d). The Member applying the restriction, in this case the EC, was obligated to administer those quotas in such a way that they were fully utilized. Thailand submitted that it had experienced difficulties in utilizing fully its quota due to, in Thailand's view, the excessive formalities and measures imposed by the EC, such as the fragmentation of the import quantity allotted to importers and the imposition of safeguard measures based upon its own representative price. Thailand believed that these formalities and measures were not consistent with the EC's obligations under the last sentence of Article XIII:2(d), and should be so held by this Panel. Thailand submitted further that the Agreement on Agriculture did not change the rules regarding the allocation of tariff quotas as contained in Article XIII, especially Article XIII:2(d) of GATT as set out in the *Banana III* panel report.<sup>1</sup> The Appellate Body's decision in the same *Banana III* case confirmed that Article XIII, in particular Article XIII:2(d), governed the allocation of tariff quotas.

The Licensing Agreement

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<sup>1</sup>The Panel Report on *Banana III*, *op. cit.*, paragraphs 7.124, 7.125, and 7.126.

Thailand submitted that a tariff quota of 5,100 tonnes of poultry meat was allocated to Thailand by the EC in 1994. This amount was also confirmed during the Uruguay Round negotiations. Therefore, Thailand's production and export plan for frozen poultry meat had been adjusted accordingly. Thailand was, however, of the view that there were uncertainty in utilizing the tariff quota and no flexibility in the quota arrangement due to (i) the lack of information concerning which importers were granted a quota and the amount of quota granted to each importer; and (ii) the allocation of import licence to each applicant in each quarter was fragmented. According to Regulations 774/94, 1431/94, 641/95 and 997/97, as last amended by Regulation 1514/97, import licences of no more than 10 per cent of the quarterly quota would be allocated to each applicant. If the quantities for which licences had been applied exceeded the quarterly quota, a reduction coefficient was applied to the quantities requested. For example, in the second quarter of 1997, the tariff quota allocated to Thailand was 1,275 tonnes. The amount of import licences was 127.5 tonnes per applicant. In the case where import applications exceeded the quarterly quota, a reduction coefficient was applied, at 4.9 per cent, and each importer would be granted import licences for 6.25 tonnes. This amount was, in the opinion of Thailand, not commercially meaningful. Referring to the administration of import licences, Thailand was of the view that the provisions of the Licensing Agreement should apply. Those provisions included, inter alia, Article 3.2, 3.3 and 3.5(h). In view of these provisions, Thailand considered that the EC import licensing procedures concerning the frozen poultry meat quota administration were inconsistent.



## The Agreement on Agriculture

Thailand submitted that the Appellate Body had confirmed the decision and reasoning of the panel in *Banana III* that the Agreement on Agriculture did not change the rules regarding the allocation of tariff quotas as contained in Article XIII of the GATT<sup>ii</sup>, concluding that "For these reasons, we agree with the Panel's conclusion that the Agreement on Agriculture does not permit the European Communities to act inconsistently with the requirements of Article XIII of the GATT 1994". In light of the above, Thailand requested the Panel to find that all of the tariff quota allocations was governed by and had to be consistent with Article XIII of GATT and that the EC's administration system of the tariff quota was not consistent with the provisions of Article XIII:2(d) last sentences, and the Licensing Agreement, especially its Article 3.

In conclusion, the United States submitted, this Panel should find that Brazil had failed to provide evidence that the bilateral agreement between Brazil and the EC justified any expectation that the EC would issue a tariff rate quota relating to frozen poultry meat that would be for the exclusive benefit of Brazil. In addition, it was clear that the EC could not have granted a tariff rate quota exclusively to Brazil with respect to frozen poultry meat without violating the obligations of Articles I, II, and XIII of GATT. The Panel should also give serious consideration to whether the licensing regime established by the EC to administer the pertinent tariff rate quota had served inappropriately to distort or restrict trade, thereby violating the Licensing Agreement. Finally, in the view of the United States, the EC might have violated the special safeguard provision of Article 5 of the Agreement on Agriculture by adopting a mechanism for establishing the applicable "c.i.f. entry" price that was inconsistent with the express language of Article 5.1(b).

## Nullification or Impairment

Thailand submitted that since the EC's import licensing regime violated the provisions of the GATT and the Licensing Agreement, it constituted a prima facie case of nullification and impairment to the benefits of Thailand. Thailand noted that Article 3.8 of the DSU, as its predecessor the 1979 Understanding, did not refer to the adverse impact of the measures concerned. Consequently, when the prima facie case had been established, the actual volume of trade in the product concerned was immaterial. The past GATT/WTO jurisprudence testified to this.

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<sup>i</sup>Paragraph 1 of the Marrakesh Protocol to the GATT 1994 stated that "... (t)he schedule annexed to this Protocol relating to a Member shall become a Schedule to GATT 1994 relating to that Member on the day on which the WTO Agreement enters into force for that Member ...". <sup>ii</sup>The Appellate Body's reasons with respect to this matter appear in paragraphs 157 and 158 of its report."



## ประวัติผู้วิจัย

นางสาวกาญจนา แสงอินทร์ เกิดเมื่อวันที่ 6 กุมภาพันธ์ พ.ศ. 2520 ที่กรุงเทพมหานคร สำเร็จ  
การศึกษานิติศาสตรบัณฑิต จากจุฬาลงกรณ์มหาวิทยาลัย ในปีการศึกษา 2540 และเข้าศึกษาต่อใน  
หลักสูตรนิติศาสตรมหาบัณฑิต ที่จุฬาลงกรณ์มหาวิทยาลัย เมื่อปี พ.ศ. 2541