

## COUNCIL DECISION

of 22 December 1995

concerning the conclusion of the results of negotiations with certain third countries under GATT Article XXIV:6 and other related matters

(95/592/EC)

THE COUNCIL OF THE EUROPEAN UNION,

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

Having regard to the proposal from the Commission,

Whereas the Community has entered into negotiations under the General Agreement on Tariffs and Trade (GATT) Article XXIV:6; whereas these negotiations have resulted in agreements with Australia, Chile, Japan, New Zealand and Thailand;

Whereas it was also in the interest of the Community to resolve certain other outstanding issues in the agricultural sector with the parties concerned;

Whereas it is in the interest of the Community to approve these agreements,

HAS DECIDED AS FOLLOWS:

*Article 1*

The following agreements and letters are hereby approved on behalf of the Community:

- Agreement for the conclusion of negotiations between the European Community and Australia under Article XXIV:6 (Annex I),
- Exchange of letters between the European Community and Australia for the conclusion of negotiations under Article XXIV:6 (Annex I),

- Side letter between the European Community and Australia (Annex I),
- Agreement for the conclusion of negotiations between the European Community and Chile under Article XXIV:6 (Annex II),
- Negotiations between the European Community and Japan under Article XXIV:6 (Annex III),
- Agreement for the conclusion of negotiations between the European Community and New Zealand under Article XXIV:6 (Annex IV),
- Agreement for the conclusion of negotiations between the European Community and the Kingdom of Thailand (Annex V).

The texts of the acts referred to in the first paragraph are attached to this Decision.

*Article 2*

The President of the Council is hereby authorized to designate the person empowered to sign the agreements and letters in order to bind the Community.

Done at Brussels, 22 December 1995.

*For the Council*

*The President*

L. ATIENZA SERNA

## ANNEX I

## AGREEMENT

for the conclusion of negotiations between the European Community and Australia under Article XXIV:6

THE EUROPEAN COMMUNITY AND AUSTRALIA,

DESIRING to bring their GATT Article XXIV:6 negotiations to conclusion on the basis of a reasonable and mutually satisfactory compromise, and

FURTHER DESIRING to strengthen the close partnership in commercial and economic matters between the European Community and Australia,

AGREE TO THE FOLLOWING PROVISIONS:

- A. The European Community shall incorporate in its new Schedule CLX, for the customs territory of the EUR 15, the concessions that were included in the previous Schedule LXXX as modified by the European Community Schedule annexed to the Marrakesh Protocol to the General Agreement, 1994 (dated 15 April 1994).
- tariff rate quota 20 000 tonnes of husked (brown) rice 1006 20 55 at ECU 88/t (*erga omnes*), <sup>(1)</sup>,
  - tariff rate quota 21 000 tonnes of oats 1004 00 50 at ECU 89/t (*erga omnes*).
- B. To settle the current GATT Article XXIV:6 negotiations on agriculture the following has been agreed and as regards the tariff rate quotas will apply with effect from 1 January 1996:
- add 2 000 tonnes to the allocation for Australia under the EC tariff rate quota for 'high quality' beef,
  - add 1 150 tonnes to the allocation for Australia under the EC tariff rate quota for sheepmeat,
  - add 750 tonnes to the allocation for Australia under the EC tariff rate quota for cheddar,
  - tariff rate quota 63 000 tonnes of semi-milled and wholly milled rice 1006 30 00 at ECU 0/t (*erga omnes*) <sup>(1)</sup>,
- The Australian Government accepts the basic components of the European Community's approach to adjusting the GATT obligations of the EUR 12 and those of Austria, Finland and Sweden following the recent enlargement of the Community:
- netting out of export commitments,
  - netting out of tariff quotas,
  - aggregation of domestic support commitments.
- The appropriate legal modalities of implementation remain to be agreed.
- C. Final provisions
- This Agreement shall enter into force on the date of signature.
- Consultations will be held with regard to the matters in this Agreement at any time at the request of either Party.

Signed at Brussels this twenty-second day of December in the year one thousand nine hundred and ninety-five.

For the  
Government of Australia

On behalf of the Council  
of the European Union

<sup>(1)</sup> The management of this quota will include allocation to traditional suppliers.

## EXCHANGE OF LETTERS

between the European Community and Australia for the conclusion of negotiations under Article XXIV:6

*A. Letter from the European Community*

Brussels, 22 December 1995

Sir

I have the honour to confirm the following understanding reached between the delegations of Australia and the European Community.

1. To settle the current GATT Article XXIV:6 negotiations on agriculture the following has been agreed and as regards the tariff rate quotas will apply with effect from 1 January 1996:
  - add 2 000 tonnes to the allocation for Australia under the EC tariff rate quota for 'high quality' beef,
  - add 1 150 tonnes to the allocation for Australia under the EC tariff rate quota for sheepmeat,
  - add 750 tonnes to the allocation for Australia under the EC tariff rate quota for cheddar,
  - tariff rate quota 63 000 tonnes of semi-milled and wholly milled rice 1006 30 00 at ECU 0/t (*erga omnes*)<sup>(1)</sup>,
  - tariff rate quota 20 000 tonnes of husked (brown) rice 1006 20 55 at ECU 88/t (*erga omnes*),<sup>(1)</sup>,
  - tariff rate quota 21 000 tonnes of oats 1004 00 50 at ECU 89/t (*erga omnes*).

The Australian Government accepts the basic components of the European Community's approach to adjusting the GATT obligations of the EUR 12 and those of Austria, Finland and Sweden following the recent enlargement of the Community:

- netting out of export commitments,
- netting out of tariff quotas,
- aggregation of domestic support commitments.

The appropriate legal modalities of implementation remain to be agreed.

2. Australia and the European Community agree to review in the first quarter of 1996 the particular functioning of the 'representative price' system for cereals as it affects Australian exports of high quality wheat to the EC.

3. Wine

*Australian Capital City Show Awards*

Both sides agreed that:

- The EC recognizes, in accordance with Article 15 of Regulation (EEC) No 3201/90, the Australian Wine Show Awards by publishing the organizations in question in the 'C'

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<sup>(1)</sup> The management of this quota will include allocation to traditional suppliers.

series of the *Official Journal of the European Communities*. This recognition excludes any use of Community names, protected by virtue of the EC/Australia Wine Agreement, as class descriptors of the awards,

- Australia shall ensure that the show organizers will amend their rules so that where a class description consisting of or containing a name listed in Article 8 of the Wine Agreement, i. e. 'Sherry class', 'Port class', is used to describe and/or present wines, including advertising, no reference shall be made to the fact that the award concerned has been recognized by the European Community.

Other pending issues should be addressed and resolved in the framework of the Wine Agreement without delay.

I have the honour to propose that this letter and your letter in reply will constitute an agreement between our two authorities.

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

*On behalf of the Council  
of the European Union*

*B. Letter from Australia*

Brussels, 22 December 1995

Sir,

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

I have the honour to confirm the following understanding reached between the delegations of Australia and the European Community.

1. To settle the current GATT Article XXIV:6 negotiations on agriculture the following has been agreed and as regards the tariff rate quotas will apply with effect from 1 January 1996:
  - add 2 000 tonnes to the allocation for Australia under the EC tariff rate quota for "high quality" beef,
  - add 1 150 tonnes to the allocation for Australia under the EC tariff rate quota for sheepmeat,
  - add 750 tonnes to the allocation for Australia under the EC tariff rate quota for cheddar,
  - tariff rate quota 63 000 tonnes of semi-milled and wholly milled rice 1006 30 00 at ECU 0/t (*erga omnes*) <sup>(1)</sup>,
  - tariff rate quota 20 000 tonnes of husked (brown) rice 1006 20 55 at ECU 88/t (*erga omnes*), <sup>(1)</sup>,
  - tariff rate quota 21 000 tonnes of oats 1004 00 50 at ECU 89/t (*erga omnes*).

The Australian Government accepts the basic components of the European Community's approach to adjusting the GATT obligations of the EUR 12 and those of Austria, Finland and Sweden following the recent enlargement of the Community:

- netting out of export commitments,
- netting out of tariff quotas,
- aggregation of domestic support commitments.

The appropriate legal modalities of implementation remain to be agreed.

2. Australia and the European Community agree to review in the first quarter of 1996 the particular functioning of the "representative price" system for cereals as it affects Australian exports of high quality wheat to the EC.

3. **Wine**

*Australian Capital City Show Awards*

Both sides agreed that:

- The EC recognizes, in accordance with Article 15 of Regulation (EEC) No 3201/90, the Australian Wine Show Awards by publishing the organizations in question in the

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<sup>(1)</sup> The management of this quota will include allocation to traditional suppliers.

“C” series of the *Official Journal of the European Communities*. This recognition excludes any use of Community names, protected by virtue of the EC/Australia Wine Agreement, as class descriptors of the awards,

- Australia shall ensure that the show organizers will amend their rules so that where a class description consisting of or containing a name listed in Article 8 of the Wine Agreement, i. e. “Sherry class”, “Port class”, is used to describe and/or present wines, including advertising, no reference shall be made to the fact that the award concerned has been recognized by the European Community.

Other pending issues should be addressed and resolved in the framework of the Wine Agreement without delay.

I have the honour to propose that this letter and your letter in reply will constitute an agreement between our two authorities.’

I have the honour to confirm that the above is acceptable to my Government and that your letter and this letter constitute an agreement in accordance with your proposal.

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

*For the  
Government of Australia*

## SIDE LETTER BETWEEN THE EUROPEAN COMMUNITY AND AUSTRALIA

## A. Letter from the European Community

Brussels, 22 December 1995

Sir

The European Community confirms that it does not intend to include in its new schedule live horses or sheepmeat as products that can benefit from export subsidies listed in the Agreement on Agriculture.

The European Community and Australia will resume, in the first quarter of 1996, discussions on outstanding issues under the Wine Agreement, and will work to resolve these issues as quickly as possible.

The management of the TRQ for 63 000 tonnes of milled rice and the TRQ for 20 000 tonnes of husked (brown) rice will include allocation to traditional suppliers based on their exports to Austria, Finland and Sweden.

The specifications for the TRQ for 21 000 tonnes of milling oats are as follows:

- a minimum test weight of 55 kg per hectolitre,
- a maximum moisture level of 12 %,
- a maximum admixture (foreign seeds) of 2 %.

I should be obliged if you would acknowledge receipt of this letter.

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

*On behalf of the Council  
of the European Union*

*B. Letter from Australia*

Brussels, 22 December 1995

Sir

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

'The European Community confirms that it does not intend to include in its new schedule live horses or sheepmeat as products that can benefit from export subsidies listed in the Agreement on Agriculture.

The European Community and Australia will resume, in the first quarter of 1996, discussions on outstanding issues under the Wine Agreement, and will work to resolve these issues as quickly as possible.

The management of the TRQ for 63 000 tonnes of milled rice and the TRQ for 20 000 tonnes of husked (brown) rice will include allocation to traditional suppliers based on their exports to Austria, Finland and Sweden.

The specifications for the TRQ for 21 000 tonnes of milling oats are as follows:

- a minimum test weight of 55 kg per hectolitre,
- a maximum moisture level of 12 %,
- a maximum admixture (foreign seeds) of 2 %.'

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

*For the  
Government of Australia*



## ANNEX II

## AGREEMENT

for the conclusion of negotiations between the European Community and Chile under Article XXIV:6

THE EUROPEAN COMMUNITY AND CHILE,

DESIRING to bring their GATT Article XXIV:6 negotiations to conclusion on the basis of a reasonable and mutually satisfactory compromise, and,

FURTHER DESIRING to strengthen the close partnership in commercial and economic matters between the European Community and Chile,

AGREE TO THE FOLLOWING PROVISIONS:

- A. The European Community shall incorporate in its new Schedule CLX, for the customs territory of the EUR 15, the concessions that were included in the previous Schedule LXXX as modified by the European Community Schedule annexed to the Marrakesh Protocol to the General Agreement, 1994 (dated 15 April 1994).
- B. To settle the current GATT Article XXIV.6 negotiations on agriculture the following has been agreed and will apply with effect from 1 January 1996:
- 0808 10 99 fresh apples (1 April to 31 July): reduction of the final tariff rate by 50 % (from 3 % to 1,5 %),
  - 0808 20 33 fresh pears (1 to 30 April and 1 to 15 July): reduction of the final tariff rate by 50 % (from 2,5 % to 1,3 %),
  - 0813 30 00 dried apples: reduction of the final tariff rate by 50 % (from 6,4 % to 3,2 %),
  - 0813 40 92 other dried fruit: reduction of the final tariff rate by 50 % (from 4,8 % to 2,4 %),
  - add 1 510 tonnes to the allocation for Chile under the EC tariff rate quota for sheepmeat.

Chile accepts the basic components of the European Community's approach to adjusting the obligations of the European Community of 12 and those of Austria, Finland and Sweden following the recent enlargement of the Community:

- netting out of export commitments,
- netting out of tariff quotas,
- aggregation of domestic support commitments.

The appropriate legal modalities of implementation remain to be agreed.

C. The following has also been agreed:

- 2301 20 00 fishmeal: reduction in the tariff rate to zero.

D. Final provisions

This Agreement shall enter into force on the date of signature.

Consultations will be held with regard to the matters in this Agreement at any time at the request of either party.

Signed at Brussels this twenty-second day of December in the year one thousand nine hundred and ninety-five.

*For the Government  
of Chile*

*On behalf of the Council  
of the European Union*

## ANNEX III

## NEGOTIATIONS

## between the European Community and Japan under Article XXIV:6

THE EUROPEAN COMMUNITY AND JAPAN,

DESIRING to bring their GATT Article XXIV:6 negotiations to conclusion on the basis of a reasonable and mutually satisfactory compromise, and

FURTHER DESIRING to strengthen the close partnership in commercial and economic matters between the European Community and Japan,

HAVE ACHIEVED A SOLUTION AS DESCRIBED BELOW:

## I. Market access concessions

- A. The European Community shall incorporate in its new Schedule CLX, for the customs territory of the EUR 15, the concessions that were included in the previous Schedule LXXX as modified by the European Community Schedule annexed to the Marrakesh Protocol to the General Agreement, 1994 (dated 15 April 1994).
- B. As provided in Annex A to this Agreement, the European Community shall reduce and bind tariffs effective 1 January 1996 except as noted, shall open tariff quotas as indicated and shall accelerate the staging of Uruguay Round tariff concessions.
- C. Improvements granted to third countries in European Community Article XXIV:6 negotiations shall also be applied to Japan.

## II. Agriculture

- A. The basic components of the European Community's approach to adjusting the obligations of the European Community of 12 and those of Austria, Finland and Sweden following the recent enlargement of the Community will be as follows:
  - netting out of export commitments,
  - netting out of tariff quotas,
  - aggregation of domestic support commitments.The appropriate legal modalities of implementation remain to be agreed.
- B. The following tariff reduction will take effect from 1 January 1996:  
1209 91 90: other vegetable seeds (other than Kohlrabi) —  
reduction in the duty rate from 4 to 3 %.

Signed at Brussels this twenty-second day of December in the year one thousand nine hundred and ninety-five.

*For the Government  
of Japan*

*On behalf of the Council  
of the European Union*

*Annex A*

1. The European Community will accelerate the Uruguay Round reductions due to take place in 1997 to 1 January 1996 for all non-agricultural products (fish and industrial) except for those which are separately listed in Annexes I to III to the Council Regulation providing for the implementation of tariff reductions resulting from Article XXIV:6 negotiations following the accession of Austria, Finland and Sweden.
2. The reductions listed in Annexes I to III will be implemented in the following manner:
  - (a) From 1 January 1996 the conventional rates of duty for the products listed in Annex I shall be those indicated in column 3 of that Annex.
  - (b) From 1 January 1996 the autonomous and conventional rates of duty for the products listed in Annex II shall be those indicated in column 3 and column 4 respectively of that Annex.
  - (c) For the products listed in Section 1 of Annex III the conventional rates of duty applicable on 1 January 1996 shall be those indicated in column 3.

For the products listed in Section 2 of Annex III the conventional rates of duty shall be progressively reduced in accordance with the timetable contained in column 3.

For the products listed in Section 3 of Annex III and within the limit of the quantities indicated in column 3, the conventional rates of duty applicable on 1 January 1996 shall be those indicated in column 4.

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## ANNEX IV

## AGREEMENT

for the conclusion of negotiations between the European Community and New Zealand under Article XXIV:6

THE EUROPEAN COMMUNITY AND NEW ZEALAND,

DESIRING to bring their GATT Article XXIV:6 negotiations to conclusion on the basis of a reasonable and mutually satisfactory compromise, and

FURTHER DESIRING to strengthen the close partnership in commercial and economic matters between the European Community and New Zealand,

AGREE TO THE FOLLOWING PROVISIONS:

- A. The European Community shall incorporate in its new Schedule CLX, for the customs territory of the EUR 15, the concessions that were included in the previous Schedule LXXX as modified by the European Community Schedule annexed to the Marrakesh Protocol to the General Agreement, 1994 (dated 15 April 1994).
- B. To settle the current GATT Article XXIV:6 negotiations on agriculture the following has been agreed and as regards the tariff rate quotas will apply with effect from 1 January 1996:
- add 1 700 tonnes to the allocation for New Zealand under the EC tariff rate quota for sheepmeat,
  - add 1 000 tonnes to the allocation for New Zealand under the EC tariff rate quota for cheese for processing,
  - add 500 tonnes to the allocation for New Zealand under the EC tariff rate quota for cheddar,
  - tariff rate quota 300 tonnes of high quality beef at 20 %,
  - ex 0810 90 10 Kiwifruit, 15 May to 15 November:
    - reduction of the final tariff rate from 8,8 % to 8,0 %;
    - reduction by 0,8 % percentage points of the tariff rate at each stage prior to the final tariff rate. The first such reduction shall apply from 15 May 1996.
- New Zealand accepts the basic components of the European Community's approach to adjusting the GATT obligations of the EUR 12 and those of Austria, Finland and Sweden, following the recent enlargement of the Community:
- netting out of export commitments,
  - netting out of tariff quotas,
  - aggregation of domestic support commitments.
- The appropriate legal modalities of implementation remain to be agreed.
- C. The following has also been agreed:
- ex 0304 20 96 frozen fillets of fish of the species *Pseudocyttus Maculatus* and *Allocytus* spp. tariff quota of 200 tonnes at zero duty.
- D. Final provisions
- This Agreement shall enter into force on the date of signature.
- Consultations will be held with regard to the matters in this Agreement at any time at the request of either party.

Signed at Brussels this twenty-second day of December in the year one thousand nine hundred and ninety-five.

*For the Government  
of New Zealand*

*On behalf of the Council  
of the European Union*

## ANNEX V

## AGREEMENT

for the conclusion of negotiations between the European Community and the Kingdom of Thailand under Article XXIV:6

THE EUROPEAN COMMUNITY AND THE KINGDOM OF THAILAND,

DESIRING to bring their GATT Article XXIV:6 negotiations to conclusion on the basis of a reasonable and mutually satisfactory compromise, and

FURTHER DESIRING to strengthen the close partnership in commercial and economic matters between the European Community and Thailand,

AGREE TO THE FOLLOWING PROVISIONS:

- A. The European Community shall incorporate in its new Schedule CLX, for the customs territory of the EUR 15, the concessions that were included in the previous Schedule LXXX as modified by the European Community Schedule annexed to the Marrakesh Protocol to the General Agreement, 1994 (dated 15 April 1994).
- B. To settle the current GATT Article XXIV:6 negotiations on agriculture the following has been agreed:
- Bound tariff rate quota 63 000 tonnes of semi-milled and wholly milled rice  
1006 30 00 at zero duty (*erga omnes*) with effect from 1 January 1996,
  - Bound tariff rate quota 20 000 tonnes of husked (brown) rice  
1006 20 55 at ECU 88/T (*erga omnes*) with effect from 1 January 1996.

The Kingdom of Thailand accepts the basic components of the European Community's approach to adjusting the obligations of the European Community of 12 and those of Austria, Finland and Sweden following the recent enlargement of the Community:

- netting out of export commitments,
- netting out of tariff quotas,
- aggregation of domestic support commitments.

The appropriate legal modalities of implementation remain to be agreed.

C. Final provisions

This Agreement shall enter into force on the date of signature.

Consultations will be held with regard to the matters in this Agreement at any time at the request of either party.

Signed at Brussels this twenty-second day of December in the year one thousand nine hundred and ninety-five.

*For the Government  
of the Kingdom of Thailand*

*On behalf of the Council  
of the European Union*

*Technical Annex*

The basis of the understandings arrived at are listed below:

- Milled or semi-milled rice (1006 30 00)  
TRQ 63 000 tonnes (Thailand 19 505 tonnes + 10 %)
- Husked rice (1006 20 55)  
TRQ 20 000 tonnes (Thailand 1 647 tonnes + 10 %).

To the extent that the Kingdom of Thailand is a beneficiary under each of the TRQs above, the European Community import licences will be issued automatically within the agreed limits on the basis of export certificates issued by the Government of Thailand.

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