



Council of the  
European Union

Brussels, 9 July 2019  
(OR. en)

10720/19

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**Interinstitutional File:**  
**2019/0132 (NLE)**

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**COEST 154**  
**WTO 186**  
**VETER 48**  
**AGRI 367**

### **LEGISLATIVE ACTS AND OTHER INSTRUMENTS**

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Subject: COUNCIL DECISION on the conclusion, on behalf of the Union, of the Agreement in the form of an exchange of letters between the European Union and Ukraine amending the trade preferences for poultry meat and poultry meat preparations provided for by the Association Agreement between the European Union and the European Atomic Energy Community and their Member States, of the one part, and Ukraine, of the other part

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**COUNCIL DECISION (EU) 2019/...**

**of ...**

**on the conclusion, on behalf of the Union, of the Agreement  
in the form of an exchange of letters between the European Union  
and Ukraine amending the trade preferences for poultry meat  
and poultry meat preparations provided for by the Association Agreement  
between the European Union and the European Atomic Energy Community  
and their Member States, of the one part,  
and Ukraine, of the other part**

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on the Functioning of the European Union, and in particular the first subparagraph of Article 207(4), in conjunction with point (a)(v) of the second subparagraph of Article 218(6) thereof,

Having regard to the proposal from the European Commission,

Having regard to the consent of the European Parliament,<sup>1</sup>

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<sup>1</sup> Consent of ... (not yet published in the Official Journal).

Whereas:

- (1) The Association Agreement between the European Union and the European Atomic Energy Community and their Member States, of the one part, and Ukraine, of the other part<sup>1</sup> (the "Association Agreement") entered into force on 1 September 2017.
- (2) A new type of poultry cut consists of a traditional breast cap with the humerus bones of the wings attached and can, after minimal transformation in the Union, be marketed in the Union as poultry breast. Unlimited imports of those cuts, of which imports from Ukraine reached 55 500 tons in 2018, therefore risk undermining the conditions under which traditional poultry breast cuts may be imported into the Union under the Association Agreement, in particular the quantitative restrictions in the form of a tariff rate quota.
- (3) On 20 December 2018, the Council authorised the Commission to open negotiations with Ukraine with a view to finding a solution by amending the trade preferences for poultry meat and poultry meat preparations provided for by the Association Agreement. Those negotiations were successfully concluded on 19 March 2019.

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<sup>1</sup> OJ L 161, 29.5.2014, p. 3.

- (4) In accordance with Council Decision (EU) 2019/...<sup>1\*</sup>, the Agreement in the form of an exchange of letters between the European Union and Ukraine amending the trade preferences for poultry meat and poultry meat preparations provided for by the Association Agreement (the "Agreement in the form of an exchange of letters") was signed on ..., subject to the conclusion of the said Agreement in the form of an exchange of letters.
- (5) The General Secretariat of the Council of the European Union is the depositary of the Agreement in the form of an exchange of letters.
- (6) The Agreement in the form of an exchange of letters should be approved,

HAS ADOPTED THIS DECISION:

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<sup>1</sup> Council Decision (EU) 2019/... of ... on the signing, on behalf of the Union, and provisional application of the Agreement in the form of an exchange of letters between the European Union and Ukraine amending the trade preferences for poultry meat and poultry meat preparations provided for by the Association Agreement between the European Union and the European Atomic Energy Community and their Member States, of the one part, and Ukraine, of the other part (OJ L ..., ..., p. ...).

\* OJ: please insert in the text the number of the Decision in document ST 10721/19 and the date of signature of the Agreement in the form of an exchange of letters in document ST 10752/19, and in the corresponding footnote the number, date and OJ reference of that Decision.

*Article 1*

The Agreement in the form of an exchange of letters between the European Union and Ukraine amending the trade preferences for poultry meat and poultry meat preparations provided for by the Association Agreement between the European Union and the European Atomic Energy Community and their Member States, of the one part, and Ukraine, of the other part, is hereby approved on behalf of the Union.<sup>1</sup>

*Article 2*

The President of the Council shall designate the person(s) empowered to proceed, on behalf of the Union, to give the notification provided for in the Agreement in the form of an exchange of letters.<sup>2</sup>

*Article 3*

This Decision shall enter into force on the date of its adoption.

Done at ...,

*For the Council*

*The President*

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<sup>1</sup> The text of the Agreement in the form of an exchange of letters has been published in [*insert OJ reference*] together with the decision on signature.

<sup>2</sup> The date of entry into force of the Agreement in the form of an exchange of letters will be published in the *Official Journal of the European Union* by the General Secretariat of the Council.