



Council of the
European Union

**Brussels, 23 July 2018
(OR. en)**

10883/18

**Interinstitutional File:
2018/0274 (NLE)**

**WTO 188
AGRI 346
UD 162
COASI 186**

LEGISLATIVE ACTS AND OTHER INSTRUMENTS

Subject: Agreement in the form of an Exchange of Letters between the European Union and the People's Republic of China in connection with DS492 European Union – Measures affecting Tariff Concessions on Certain Poultry Meat Products

AGREEMENT
IN THE FORM OF AN EXCHANGE OF LETTERS
BETWEEN THE EUROPEAN UNION
AND THE PEOPLE'S REPUBLIC OF CHINA
IN CONNECTION WITH DS492 EUROPEAN UNION –
MEASURES AFFECTING TARIFF CONCESSIONS
ON CERTAIN POULTRY MEAT PRODUCTS

A. Letter from the European Union

Sir/Madam,

I have the honour to write to you concerning the above mentioned WTO dispute and the results of our negotiations towards a mutually agreed solution.

The European Union shall open the following Tariff Rate Quotas (TRQ)¹:

- a TRQ of 6060 tonnes for the tariff line 1602.3929 (with specific country allocation of 6 000 tonnes to China and 60 tonnes to all others), with an in-quota duty rate of 10,9 %;
- a TRQ of 660 tonnes for the tariff line 1602.3985 (with specific country allocation of 600 tonnes to China and 60 tonnes to all others), with an in-quota duty rate of 10,9 %;
- an erga omnes TRQ of 5 000 tonnes for the tariff line 1602.3219, with an in-quota duty rate of 8 %.

The European Union and China shall notify each other of the completion of their internal procedures for the entry into force of this Agreement. The Agreement shall enter into force 14 days after the date of receipt of the latest notification. The European Union shall open the above mentioned TRQs from the date of entry into force of this Agreement.

¹ The allocation to China for the first two TRQs is in agreement with Thailand.

After opening of the TRQs, the European Union and China shall notify this Agreement to the Dispute Settlement Body (DSB) as a mutually agreed solution under Article 3.6 of the DSU in relation to DS492 European Union – Measures affecting Tariff Concessions on Certain Poultry Meat Products. On this basis, China confirms that, with regard to DS492, it will neither request initiation of procedures pursuant to Article 21.5 of the DSU nor request suspension of concessions or other obligations pursuant to DSU Article 22.6, as long as the European Union is in compliance with all of its obligations under this Agreement.

I should be obliged if you would confirm that your Government is in agreement with the above.

I have the honour to propose that, if the above is acceptable to your Government, this letter and your confirmation shall together constitute an Agreement in the form of an Exchange of Letters between the European Union and the People's Republic of China.

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

Cc. Thailand

For the European Union

B. Letter from China

Sir/Madam,

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

"I have the honour to write to you concerning the above mentioned WTO dispute and the results of our negotiations towards a mutually agreed solution.

The European Union shall open the following Tariff Rate Quotas (TRQ)¹:

- a TRQ of 6060 tonnes for the tariff line 1602.3929 (with specific country allocation of 6 000 tonnes to China and 60 tonnes to all others), with an in-quota duty rate of 10,9 %;
- a TRQ of 660 tonnes for the tariff line 1602.3985 (with specific country allocation of 600 tonnes to China and 60 tonnes to all others), with an in-quota duty rate of 10,9 %;
- an erga omnes TRQ of 5 000 tonnes for the tariff line 1602.3219, with an in-quota duty rate of 8 %.

The European Union and China shall notify each other of the completion of their internal procedures for the entry into force of this Agreement. The Agreement shall enter into force 14 days after the date of receipt of the latest notification. The European Union shall open the above mentioned TRQs from the date of entry into force of this Agreement.

¹ The allocation to China for the first two TRQs is in agreement with Thailand.

After opening of the TRQs, the European Union and China shall notify this agreement to the Dispute Settlement Body (DSB) as a mutually agreed solution under Article 3.6 of the DSU in relation to DS492 European Union – Measures affecting Tariff Concessions on Certain Poultry Meat Products. On this basis, China confirms that, with regard to DS492, it will neither request initiation of procedures pursuant to Article 21.5 of the DSU nor request suspension of concessions or other obligations pursuant to DSU Article 22.6, as long as the European Union is in compliance with all of its obligations under this Agreement."

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

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

For the People's Republic of China
