



**COUNCIL OF
THE EUROPEAN UNION**

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OUTCOME OF PROCEEDINGS

of :	Trade Policy Committee (Deputies)
on :	2 December 2011
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1. WTO issues

1.1. DDA negotiation and preparation of MC8 (Geneva, 15-17 December 2011)

The Presidency confirmed that the TPC (Full Members) would meet in Geneva on 14 December at 11:00, prior to the FAC (Trade) meeting at 15:00. On 16 December, at 9.00 a ceremony for the signature of bilateral agreements with Russia would be held in the premises of the Russian mission. EU Ministers would be invited to attend. The Full Members are expected to meet again on 16 December around noon.

The Commission presented the possible elements for political guidance, finalised by Geneva Ambassadors and endorsed by the General Council on 30 November (m.d. 573/11). This text should be included in the first ("consensual") part of the Chair's summary at MC8 (no Ministerial declaration is foreseen). A second part will summarize possible "common" elements in the interventions of Ministers during the Conference.

DELETED

DELETED

In its summing-up, the Presidency concluded that:

- on the basis of the presentation by the Commission the Committee had discussed the state of play in preparation to MC8;
- the Commission had presented its assessment on the draft elements of consensual political guidance paper prepared by WTO General Council on 30 November (m.d. 573/11);
- **DELETED**
- the orientation debate concerning EU position for MC8 would take place at TPC Full Members on 7 December and will be conducted on the basis of a paper by the Commission.; the paper would be distributed to delegations on 5 December 2011;
- **DELETED**

1.2. Article XXIV.6 (GATT): United States

The Commission presented the content of the draft GATT Article XXIV.6 agreement with the US following the accession to the EU of Bulgaria and Romania (m.d. 561/11) and outlined in some detail the modifications in product coverage and quotas in the draft proposal. In replay to questions by delegations about the products included in the agreement, the Commission referred for additional information to m.d. 346/07 (State of play of GATT Art. XXIV.6 negotiations following EU enlargement to Bulgaria and Romania) **DELETED**

DELETED

The Presidency concluded that:

- the Committee, on the basis of the presentation by the Commission, had discussed the draft agreement with the United States pursuant to Article XXIV:6 and Article XXVIII of the General Agreement on Tariffs and Trade (GATT) 1994 relating to the modification of concessions in the schedules of the Republic of Bulgaria and Romania in the course of their accession to the European Union;
- **DELETED**
- **DELETED**
- **DELETED**
- the Committee would come back to the issue as appropriate.

1.3. WTO Dispute settlement: overview

The Commission representative provided an extensive update of recent developments in the following cases:

- China scanners (DS 425): **DELETED**
- Ontario measures (DS 426) on domestic content requirements in the renewable energy sector ("Feed-in-Tariff Programme"): **DELETED**
- China raw materials (DS 395): **DELETED**
- EU fasteners case (DS 397): **DELETED**
- Antidumping measures in the footwear sector (DS 405): **DELETED**

- Zeroing DS 294): **DELETED**

- Airbus (DS 316): **DELETED**

The Presidency indicated that:

- on the basis of a Commission's presentation, the Committee had discussed state of play in WTO dispute settlement activity;

DELETED

- The committee would come back to the issue of dispute settlement on the regular basis.

2. Bilateral/Regional issues

2.1. Georgia and Moldova

DELETED

DELETED

In its summing-up the Presidency stated that:

- on the basis of written report and oral presentation by the Commission, the Committee had been consulted on the state of preparedness of Georgia and Moldova for the launch of DCFTA negotiations with the EU;
- the Committee had welcomed the reports as well as it had welcomed the progress made by Georgia and Moldova in the process of fulfilling the key recommendations;
- the Committee had unanimously supported the assessment of the Commission that both countries had achieved sufficient progress in implementation of key recommendations in all areas to start the DCFTA negotiations with the EU;
- **DELETED**
- taking all that into account, it had been concluded that the consultations with the Committee had given positive outcome, and that the UE had been in a position to start the DCFTA negotiations with Georgia and Moldova;
- the Committee had requested the Commission to start the negotiations as soon as possible, preferably by the end of 2011.

2.2. EU-Russia Summit: preparation (Brussels, 15 December 2011)

The Commission reported on the trade-related aspects of the Summit's preparations, in particular Russia's WTO accession at MC8 and the state of play in the trade and investment chapters of the New Agreement negotiations. **DELETED**

The Presidency concluded that:

- on the basis of a presentation by the Commission the Committee had discussed the trade aspects of the preparation of the EU-Russia Summit, which would be held in Brussels on 15 December; the main trade elements of that Summit would concern the Russian accession to the WTO and the prospects for the conclusion of the New Agreement negotiations;
- **DELETED**
- **DELETED**
- the Committee would come back to the issue as appropriate.

2.3. EU-Ukraine Summit: preparation (Kiev, 19 December 2011)

The Committee discussed the preparation of the trade-related aspects of the EU-Ukraine Summit that is scheduled to take place in Kiev on 19 December. **DELETED**

Following the discussion the Presidency concluded that:

- the Committee had discussed, on the basis of a presentation by the Commission, the state of play in preparation and the expectations for EU-Ukraine Summit scheduled for 19 December in Kiev;
- **DELETED**
- **DELETED**
- **DELETED**
- the Committee would revert to the issue as appropriate.

2.4. EU-Algeria

DELETED

2.5. EU-Singapore FTA

The Commission presented the latest developments in the EU-Singapore FTA negotiations, including the issue of regional cumulation and possible next steps. **DELETED**

Following the discussions, the presidency concluded that:

- on the basis of the Commission information, the Committee had discussed the state of play in the FTA negotiations with Singapore **DELETED**

2.6. EU Trade Agreement with Colombia and Peru

The Commission presented its non-paper setting out the legal arguments concluding that the Trade Agreement with Colombia and Peru can be signed and concluded by the EU alone (m.d. 515/11). Following an intervention from the Council Legal Service, a number of delegations commented on the legal nature of the agreement, its signature and provisional application. The Commission indicated that, if some of the possible changes regarding the competence issue were confirmed, it would submit a declaration on the issue.

The Presidency concluded that:

- the Committee had discussed the legal aspects the trade agreement between the EU (and its Member States) and Peru and Columbia;
- there had been a consensus among delegations to change the legal nature of the agreement and work further on the basis of the mixed nature of the agreement; the Commission had accepted to work on that basis while keeping its view that all provisions of the agreement were covered by EU competences; the Committee had taken note that this modification would not require the consent of all contracting parties;
- given the fact that this modification had raised the issue of provisional application of the agreement it would be appropriate to identify the provisions of the agreement that should not be provisionally applied by the EU because they fall outside the scope of competences that can be exercised under provisional application by the EU;
- on the basis of the discussion and contributions by delegations, the Presidency in cooperation with the Commission and Council Legal Service would make an attempt to prepare the revision of the draft decision on signature of the agreement;
- the committee would come back to the issue as appropriate.

2.7. Economic Partnership Agreements

- **EU-West Africa (Accra, 15-18 November 2011)**

Written report not discussed.

- **EU-EAC (Kampala, 15-17 November 2011)**

Written report not discussed.

3. Trade and Investment Barriers Report 2012

The Commission presented the draft outline for the Trade and Investment Barriers Report 2012, which will be presented to the European Council on 1 March, 2012 (m.d. 565/11).

DELETED

Following the discussion, the Presidency concluded that:

- on the basis of the presentation by the Commission, the Committee had discussed the state of preparations of the Trade and Investment Barriers Report 2012, which will be presented to the European Council in March 2012 and consists of three parts;
- **DELETED**
- **DELETED**
- the Committee would come back to the issue at its meeting in February 2012.

4. ACTA: Decision on signature

The Presidency noted that, given the fact that the asterisk on this item had not been lifted, the text of the decision on the signature of ACTA, as revised in Presidency compromise proposal (m.d. 562/11), had been agreed.

The Decision will be transmitted, for its adoption, to the Coreper on 12 December and the Council on 14 December.

DELETED

5. Any Other Business

5.1. Legislative developments

The Presidency informed the Committee about the state of play of the discussions on the implementation of the safeguard clauses and the stabilisation mechanisms of the EU-Central America Association Agreement and the EU- Colombia and Peru FTA at the Working Party on Trade Questions.

The Presidency also noted that on 24 November the Council (Transport, Telecommunications and Energy) adopted the Regulation amending Council Regulation (EC) No 1215/2009 introducing exceptional trade measures for countries and territories participating in or linked to the European Union's Stabilisation and Association process (47/11 and 15672/11 ADD 1). Its signature is expected to take place at the EP Plenary meeting in December, and its publication in the OJ before the end of the year. The WTO General Council also took a decision on its waiver at its meeting on 30 December 2011.
