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LIMITE

POLCOM 131  
WTO 89  
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#### **LEGISLATIVE ACTS AND OTHER INSTRUMENTS**

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Subject: Agreement in the form of an exchange of letters between the European Union and the People's Republic of China pursuant to Article XXVIII of the General Agreement on Tariffs and Trade (GATT) 1994 relating to the modification of concessions on all the tariff rate quotas included in the EU Schedule CLXXV as a consequence of the United Kingdom's withdrawal from the European Union

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AGREEMENT  
IN THE FORM OF AN EXCHANGE OF LETTERS  
BETWEEN THE EUROPEAN UNION  
AND THE PEOPLE'S REPUBLIC OF CHINA  
PURSUANT TO ARTICLE XXVIII  
OF THE GENERAL AGREEMENT ON TARIFFS AND TRADE (GATT) 1994  
RELATING TO THE MODIFICATION OF CONCESSIONS  
ON ALL THE TARIFF RATE QUOTAS INCLUDED IN THE EU SCHEDULE CLXXV  
AS A CONSEQUENCE OF THE UNITED KINGDOM'S WITHDRAWAL  
FROM THE EUROPEAN UNION

A. Letter from the European Union

Sir/Madam,

I have the honour of referring to the negotiations and consultations which took place between the European Union (the "Union") and the People's Republic of China ("China") in accordance with Article XXVIII of the General Agreement on Tariffs and Trade (GATT) 1994 relating to the modification of concessions on tariff rate quotas included in the European Union Tariff Schedule CLXXV as a consequence of the United Kingdom's withdrawal from the Union as communicated to WTO Members in Document G/SECRET/42/Add.2.

As a result of these negotiations, China and the Union agree to conclude the negotiations on the following basis:

1. Without prejudice to future negotiations under Article XXVIII of the GATT 1994 and for the purposes of the United Kingdom's withdrawal from the Union only, China agrees with the principle and methodology of apportioning the scheduled quantitative commitments in the form of tariff rate quotas of the Union that included the United Kingdom whereby there is an apportioned quantity taken on by the Union that no longer includes the United Kingdom, with the remainder of the quantity taken on by the United Kingdom.
2. In respect of the tariff rate quotas where China has negotiating or consultation rights under Article XXVIII of the GATT 1994, China agrees and is satisfied with the proposed tariff rate quota quantity commitments as set out in Document G/SECRET/42/Add.2 taken on by the Union after the withdrawal of the United Kingdom, subject to paragraph 3.

3. Notwithstanding paragraph 2, with respect to the tariff rate quotas set out in the Annex to this Letter, China and the Union agree to the changes to scheduled commitments as set out therein.

4. These arrangements do not prejudice negotiations and consultations between the Union and other WTO Members holding negotiating or consultation rights under Article XXVIII of the GATT 1994, as a consequence of the United Kingdom's withdrawal from the Union as communicated to WTO Members. As a result of those negotiations and consultations, the Union may consider a change to the shares and quantities set out in the Annex to this Letter or those in document G/SECRET/42/Add.2. In the event of such a change with regard to a prior tariff rate quota commitment of the Union for which China has a negotiating or consultation right, the Union shall consult China with a view to seeking a mutually satisfactory outcome before proceeding to any such change, without prejudice to each party's rights under Article XXVIII of the GATT 1994.

The Union and China shall notify each other of the completion of their internal procedures for the entry into force of this Agreement. In the case of the Union, the written notification shall be sent to the Secretary-General of the Council of the European Union. This Agreement shall enter into force on the date of the last notification.

I have the honour to propose that this Letter and your Government's 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, including for the purposes of Article XXVIII:3(a) and (b) of the GATT 1994. This Agreement shall be drawn up in duplicate in the Bulgarian, Croatian, Czech, Danish, Dutch, English, Estonian, Finnish, French, German, Greek, Hungarian, Irish, Italian, Latvian, Lithuanian, Maltese, Polish, Portuguese, Romanian, Slovak, Slovenian, Spanish and Swedish languages, each text being equally authentic.

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

*For the European Union*

## Tariff Rate Quotas of the European Union that no longer includes the United Kingdom

TRQ sequence Number	Description	Unit	Other terms and conditions	Concession for the Union that no longer includes the United Kingdom
046	Garlic	tonnes	China	38 098
047	Carrots and turnips, fresh or chilled	tonnes	Erga omnes	1 244
051	Dried onions	tonnes	Erga omnes	9 770
074	Paddy rice	tonnes	Erga omnes	7
080	Broken rice	tonnes	Erga omnes	28 360
096	Processed duck, geese, guinea fowl meat, cooked, containing less than 25 % by weight of poultry meat or offal	tonnes	Other	33
110	Fruit juices	tonnes	Erga omnes	6 551
112	Food preparations	tonnes	Erga omnes	783

TRQ sequence Number	Description	Unit	Other terms and conditions	Concession for the Union that no longer includes the United Kingdom
122	Other preparations of a kind used in animal feeding: Containing no milk products or containing less than 10 % by weight of such products	tonnes	Erga omnes	2 700
013	Plywood of coniferus species, without the addition of other substances: - of which the faces are not further prepared than the peeling process, of a thickness greater than 8.5 mm, or - sanded, of a thickness greater than 18.5 mm	cubic m	Erga omnes	448 500

B. Letter from the People's Republic of 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 of referring to the negotiations and consultations which took place between the European Union (the "Union") and the People's Republic of China ("China") in accordance with Article XXVIII of the General Agreement on Tariffs and Trade (GATT) 1994 relating to the modification of concessions on tariff rate quotas included in the European Union Tariff Schedule CLXXV as a consequence of the United Kingdom's withdrawal from the Union as communicated to WTO Members in Document G/SECRET/42/Add.2.

As a result of these negotiations, China and the Union agree to conclude the negotiations on the following basis:

1. Without prejudice to future negotiations under Article XXVIII of the GATT 1994 and for the purposes of the United Kingdom's withdrawal from the Union only, China agrees with the principle and methodology of apportioning the scheduled quantitative commitments in the form of tariff rate quotas of the Union that included the United Kingdom whereby there is an apportioned quantity taken on by the Union that no longer includes the United Kingdom, with the remainder of the quantity taken on by the United Kingdom.
2. In respect of the tariff rate quotas where China has negotiating or consultation rights under Article XXVIII of the GATT 1994, China agrees and is satisfied with the proposed tariff rate quota quantity commitments as set out in Document G/SECRET/42/Add.2 taken on by the Union after the withdrawal of the United Kingdom, subject to paragraph 3.

3. Notwithstanding paragraph 2, with respect to the tariff rate quotas set out in the Annex to this Letter, China and the Union agree to the changes to scheduled commitments as set out therein.

4. These arrangements do not prejudice negotiations and consultations between the Union and other WTO Members holding negotiating or consultation rights under Article XXVIII of the GATT 1994, as a consequence of the United Kingdom's withdrawal from the Union as communicated to WTO Members. As a result of those negotiations and consultations, the Union may consider a change to the shares and quantities set out in the Annex to this Letter or those in document G/SECRET/42/Add.2. In the event of such a change with regard to a prior tariff rate quota commitment of the Union for which China has a negotiating or consultation right, the Union shall consult China with a view to seeking a mutually satisfactory outcome before proceeding to any such change, without prejudice to each party's rights under Article XXVIII of the GATT 1994.

The Union and China shall notify each other of the completion of their internal procedures for the entry into force of this Agreement. In the case of the Union, the written notification shall be sent to the Secretary-General of the Council of the European Union. This Agreement shall enter into force on the date of the last notification.

I have the honour to propose that this Letter and your Government's confirmation shall together constitute an Agreement in the form of an Exchange of Letters between the European Union and People's Republic of China, including for the purposes of Article XXVIII:3(a) and (b) of the GATT 1994. This Agreement shall be drawn up in duplicate in the Bulgarian, Croatian, Czech, Danish, Dutch, English, Estonian, Finnish, French, German, Greek, Hungarian, Irish, Italian, Latvian, Lithuanian, Maltese, Polish, Portuguese, Romanian, Slovak, Slovenian, Spanish and Swedish languages, each text being equally authentic."

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

*For the People's Republic of China*

## Tariff Rate Quotas of the European Union that no longer includes the United Kingdom

TRQ sequence Number	Description	Unit	Other terms and conditions	Concession for the Union that no longer includes the United Kingdom
046	Garlic	tonnes	China	38 098
047	Carrots and turnips, fresh or chilled	tonnes	Erga omnes	1 244
051	Dried onions	tonnes	Erga omnes	9 770
074	Paddy rice	tonnes	Erga omnes	7
080	Broken rice	tonnes	Erga omnes	28 360
096	Processed duck, geese, guinea fowl meat, cooked, containing less than 25 % by weight of poultry meat or offal	tonnes	Other	33
110	Fruit juices	tonnes	Erga omnes	6 551
112	Food preparations	tonnes	Erga omnes	783

TRQ sequence Number	Description	Unit	Other terms and conditions	Concession for the Union that no longer includes the United Kingdom
122	Other preparations of a kind used in animal feeding: Containing no milk products or containing less than 10 % by weight of such products	tonnes	Erga omnes	2 700
013	Plywood of coniferus species, without the addition of other substances: - of which the faces are not further prepared than the peeling process, of a thickness greater than 8.5 mm, or - sanded, of a thickness greater than 18.5 mm	cubic m	Erga omnes	448 500