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European Union

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LIMITE

POLCOM 191  
WTO 132  
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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 Argentine Republic amending the Agreement in the form of an Exchange of Letters between the European Union and the Argentine Republic 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 ARGENTINE REPUBLIC  
AMENDING THE AGREEMENT IN THE FORM OF AN EXCHANGE OF LETTERS  
BETWEEN THE EUROPEAN UNION AND THE ARGENTINE REPUBLIC  
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 would like to refer to the ongoing procedures under Article XXVIII of the GATT 1994, which were initiated by the European Union (the "Union") by the notification contained in document G/SECRET/42 of 24 July 2018, proposing modifications 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 European Union.

On 10 May 2021 the Union and the Argentine Republic ("Argentina") signed an Agreement in the form of an Exchange of Letters to conclude the negotiations pursuant to Article XXVIII of the GATT 1994 (the "Agreement of 10 May 2021"), which entered into force on 13 July 2021.

The Agreement of 10 May 2021 lays down that it "[...] does not prejudice negotiations between the EU and other WTO Members with rights under Article XXVIII of the GATT 1994 as regards the *erga omnes* tariff-rate quotas concerned [...]". The Union undertook to inform Argentina if the result of such negotiations would change the shares agreed in their bilateral negotiations.

As a result of negotiations between the Union and other WTO Members with rights under Article XXVIII of the GATT 1994, the Union has agreed to change the shares of two tariff-rate quotas for which Argentina has negotiating rights, as follows:

- Tariff-rate quota 030 (skimmed-milk powder): the Union share of the *erga omnes* quota shall be adjusted to 62 917 tonnes;

- Tariff-rate quota 110 (fruit juices): the Union share of the *erga omnes* quota shall be adjusted to 6 551 tonnes.

Following bilateral consultations, Argentina agrees with the modifications as set of in the previous paragraph of this Letter and the resulting quantitative commitments taken on by the Union that no longer includes the United Kingdom.

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 Argentine Republic, amending the Agreement of 10 May 2021 with regards to the apportionment of the two tariff-rate quotas listed above.

The Union and Argentina shall notify each other of the completion of their internal procedures in respect of 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.

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*

B. Letter from the Argentine Republic

Sir/Madam,

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

"I would like to refer to the ongoing procedures under Article XXVIII of the GATT 1994, which were initiated by the European Union ("the Union") by the notification contained in document G/SECRET/42 of 24 July 2018, proposing modifications 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 European Union.

On 10 May 2021 the Union and the Argentine Republic ("Argentina") signed an Agreement in the form of an Exchange of Letters to conclude the negotiations pursuant to Article XXVIII of the GATT 1994 (the "Agreement of 10 May 2021"), which entered into force on 13 July 2021.

The Agreement of 10 May 2021 lays down that it "[...] does not prejudice negotiations between the EU and other WTO Members with rights under Article XXVIII of the GATT 1994 as regards the *erga omnes* tariff-rate quotas concerned [...]". The Union undertook to inform Argentina if the result of such negotiations would change the shares agreed in their bilateral negotiations.

As a result of negotiations between the Union and other WTO Members with rights under Article XXVIII of the GATT 1994, the Union has agreed to change the shares of two tariff-rate quotas for which Argentina has negotiating rights, as follows:

- Tariff-rate quota 030 (skimmed-milk powder): the Union share of the *erga omnes* quota shall be adjusted to 62 917 tonnes;

- Tariff-rate quota 110 (fruit juices): the Union share of the *erga omnes* quota shall be adjusted to 6 551 tonnes.

Following bilateral consultations Argentina agrees with the modifications as set of in the previous paragraph of this Letter and the resulting quantitative commitments taken on by the Union that no longer includes the United Kingdom.

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 Argentine Republic, amending the Agreement of 10 May 2021 with regards to the apportionment of the two tariff-rate quotas listed above.

The Union and Argentina shall notify each other of the completion of their internal procedures in respect of 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.

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 Argentine Republic*