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LEGISLATIVE ACTS AND OTHER INSTRUMENTS

Subject: Agreement between the European Union and the Federative Republic of Brazil 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



AGREEMENT
BETWEEN THE EUROPEAN UNION
AND THE FEDERATIVE REPUBLIC OF BRAZIL
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

THE EUROPEAN UNION,

hereafter referred to as "the Union", and

THE FEDERATIVE REPUBLIC OF BRAZIL,

hereafter referred to as "Brazil",

hereafter jointly referred to as "the Parties",

HAVING REGARD to the negotiations which took place 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,

NOTING that this Agreement does not represent a precedent for future negotiations,

HAVE AGREED AS FOLLOWS:

ARTICLE 1

Objectives

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, the objective of this Agreement is to agree on the quantitative commitments of the Union that no longer includes the United Kingdom, where Brazil has negotiating or consultation rights under Article XXVIII of the GATT 1994.

ARTICLE 2

Tariff rate quotas of the Union that no longer includes the United Kingdom

1. With respect to the tariff rate quotas where Brazil has negotiating rights under Article XXVIII of the GATT 1994, Brazil and the Union agree on the following volumes for scheduled commitments:

TRQ sequence number	Description	Unit	Other terms and conditions	Concession for the Union that no longer includes the United Kingdom
008	Boneless meat of bovine animals, fresh, chilled or frozen Edible offal of bovine animals, fresh, chilled or frozen	t	Brazil	8 951

TRQ sequence number	Description	Unit	Other terms and conditions	Concession for the Union that no longer includes the United Kingdom
010	Meat of bovine animals, frozen Edible offal of bovine animals, frozen	t (boneless weight)	Erga omnes	43 732
011	Meat of bovine animals, frozen Edible offal of bovine animals, frozen	t (bone-in weight)	Erga omnes	19 676
020	Meat of sheep or goats, fresh, chilled or frozen	t (carcasse weight)	Other	200
020	Meat of sheep or goats, fresh, chilled or frozen	t (carcasse weight)	Erga omnes	178
021	Edible offal of bovine animals, frozen	t	Other	800
022	Chicken carcasses, fresh, chilled or frozen	t	Erga omnes	4 054
024	Chicken cuts, fresh, chilled or frozen	t	Erga omnes	8 253
025	Boneless cuts of fowls of the species <i>Gallus domesticus</i> , frozen	t	Erga omnes	2 427
026	Cuts of fowls of the species <i>Gallus domesticus</i> , frozen	t	Brazil	8 879
026	Cuts of fowls of the species <i>Gallus domesticus</i> , frozen	t	Erga omnes	13 471
027	Turkey meat, fresh, chilled or frozen	t	Erga omnes	1 781
028	Cuts of turkeys, frozen	t	Brazil	2 885
028	Cuts of turkeys, frozen	t	Erga omnes	4 253

TRQ sequence number	Description	Unit	Other terms and conditions	Concession for the Union that no longer includes the United Kingdom
029	Salted poultry meat	t	Brazil	124 497
053	Manioc (casava) other than pellets of flour and meal Arrowroot, salep and similar roots and tubers with high starch content	t	Other WTO Members except Thailand, China and Indonesia	124 552
057	Sweet oranges, fresh	t	Erga omnes	20 000
060	Table grapes, fresh, from 21 July to 31 October	t	Erga omnes	885
071	Maize	t	Erga omnes	276 440
088	Prepared turkey meat	t	Brazil	91 767
089	Processed chicken meat, uncooked, containing 57 % or more by weight of poultry meat or offal	t	Brazil	13 800
090	Cooked meat of fowls of the species <i>Gallus domesticus</i>	t	Brazil	37 453
091	Processed chicken meat, containing 25 % or more but less than 57 % by weight of poultry meat or offal	t	Brazil	59 343
092	Processed chicken meat, containing less than 25 % by weight of poultry meat or offal	t	Brazil	295
098	Raw cane sugar, for refining	t	Brazil	341 553
098	Raw cane sugar, for refining	t	Erga omnes	341 460

TRQ sequence number	Description	Unit	Other terms and conditions	Concession for the Union that no longer includes the United Kingdom
103	Chocolate	t	Erga omnes	81
108	Preserved pineapples, citrus fruit, pears, apricots, cherries, peaches and strawberries	t	Erga omnes	2 820
109	Orange juice, frozen, of a density not exceeding 1,33 g/cm ³ at 20° C	t	Erga omnes	1 500
110	Fruit juices	t	Erga omnes	6 551
013	Plywood of coniferous 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

2. With respect to the tariff rate quotas where Brazil has consultation rights under Article XXVIII of the GATT 1994, Brazil is satisfied with the following volumes for scheduled commitments:

TRQ sequence number	Description	Unit	Other terms and conditions	Concession for the Union that no longer includes the United Kingdom
046	Garlic	t	Other	3 711
061	Apples, fresh, from 1 April to 31 July	t	Erga omnes	666
068	Common wheat (medium and low quality)	t	Other	2 285 665

TRQ sequence number	Description	Unit	Other terms and conditions	Concession for the Union that no longer includes the United Kingdom
068	Common wheat (medium and low quality)	t	Erga omnes	129 577
075	Husked (brown) rice	t	Erga omnes	1 416
076	Semi-milled or wholly milled rice	t	Erga omnes	45 272
077	Semi-milled or wholly milled rice	t	Other	7 779
078	Semi-milled or wholly milled rice	t	Erga omnes	22 442
079	Broken rice, intended for the production of foodstuffs of subheading 1901 10 00	t	Erga omnes	1 000
080	Broken rice	t	Erga omnes	28 360
081	Broken rice	t	Erga omnes	93 709
102	Confectionary	t	Erga omnes	2 245
112	Food preparations	t	Erga omnes	783
119	Preparations consisting of a mixture of malt sprouts and of barley screenings before the malting process (possibly including other seeds) with barley cleanings after the malting process, and containing, by weight, 12,5 % or more of protein Preparations consisting of a mixture of malt sprouts and of barley screenings before the malting process (possibly including other seeds) with barley cleanings after the malting process, and containing, by weight, 12,5 % or more of protein and not more than 28 % of starch	t	Erga omnes	20 000

TRQ sequence number	Description	Unit	Other terms and conditions	Concession for the Union that no longer includes the United Kingdom
120	Preparations consisting of a mixture of malt sprouts and of barley screenings before the malting process (possibly including other seeds) with barley cleanings after the malting process, and containing, by weight, 15,5 % or more of protein Preparations consisting of a mixture of malt sprouts and of barley screenings before the malting process (possibly including other seeds) with barley cleanings after the malting process, and containing, by weight, 15,5 % or more of protein and not more than 23 % of starch	t	Erga omnes	100 000
121	Other preparations of a kind used in animal feeding: Containing no milk products or containing less than 10 % by weight of such products	t	Erga omnes	2 800
122	Other preparations of a kind used in animal feeding: Containing no milk products or containing less than 10 % by weight of such products	t	Erga omnes	2 700

TRQ sequence number	Description	Unit	Other terms and conditions	Concession for the Union that no longer includes the United Kingdom
001	Tunas (of the genus <i>Thunnus</i>) and fish of the genus <i>Euthynnus</i>	t	Erga omnes	17 221
016	Ferro-silicon	t	Erga omnes	12 600
017	Ferro-silicon-manganese	t	Erga omnes	18 550
018	Ferro-chromium containing not more than 0,10 % by weight of carbon, and more than 30 % but not more than 90 % of chromium	t	Erga omnes	2 804

3. With respect to the tariff rate quotas listed in paragraph 1, the Union will acknowledge Brazil's initial negotiating rights.

4. With respect to the tariff rate quota 011 (meat of bovine animals, frozen; edible offal of bovine animals, frozen), Brazil and the Union agree on the following change to scheduled commitments to facilitate the usage of the tariff rate quota: the *ad valorem* part of the in-quota duty shall be limited to 15 %, instead of 20 %, as it currently stands.

5. With respect to the Brazil country specific allocation for tariff rate quota 098 (raw cane sugar, for refining), notwithstanding the bound in quota rate of 98 EUR per tonne, and provided that the relevant quantities are available within the tariff rate quota period running at the moment of the entry into force of this Agreement, the Union will autonomously apply:

- (a) In the year in which the Agreement enters into force (year 1), an in-quota rate of no more than 11 EUR per tonne on a volume of 5 963 tonnes;
- (b) In year 2, an in-quota rate of no more than 11 EUR per tonne on a volume of 4 472 tonnes and an in-quota rate of no more than 54 EUR per tonne on an additional volume of 5 963 tonnes.

Where the relevant quantities are not available in full within the tariff rate quota period running at the moment of the entry into force of this Agreement, the Union will implement point (a) starting from year 2 and for a duration corresponding to the period between the entry into force of this Agreement and implementing point (b) in year 3.

ARTICLE 3

The Union's ongoing negotiations under Article XXVIII of the GATT 1994

1. The Parties acknowledge that the Union is continuing to conduct negotiations and consultations with 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.

2. As a result of those negotiations and consultations, the Union may consider a change to the shares and quantities set out in Article 2 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 Brazil has a negotiating or consultation right, the Union shall consult or negotiate with Brazil, as appropriate, 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.

ARTICLE 4

Poultry tariff rate quotas 029, 088, 089, 090, 091, 092

For imports of poultry products under tariff rate quotas 029, 088, 089, 090, 091, 092 opened by the Union in favour of Brazil, the proof of origin to be presented when the product is released for free circulation continues to be a certificate of origin issued in a non-discriminatory way by the competent authorities in Brazil.

ARTICLE 5

Implementation of the new TRQ volumes

1. The changes to tariff rate quotas introduced by this Agreement shall apply at the earliest from the date when the corresponding changes provided for in the Agreement under Article XXVIII of the GATT 1994 between Brazil and the United Kingdom become applicable.

2. Brazil shall inform the Union about the conclusion of the negotiations under Article XXVIII of the GATT 1994 with the United Kingdom without undue delay.

3. The Union will use its best efforts to coordinate with the United Kingdom on a schedule to implement the relevant amendments concerning the volumes for the poultry tariff rate quotas modified by this Agreement so as to ensure that the aggregate volume of each Union/United Kingdom pair of the poultry tariff rate quotas will never be lower than the existing volume of the Union's tariff rate quotas before the United Kingdom's withdrawal from the Union. This is without prejudice to any future recourse to Article XXVIII of the GATT 1994 by either the Union or the United Kingdom.

ARTICLE 6

Final provisions

1. This Agreement shall enter into force on the day following the date on which the Union has notified Brazil of the completion of its internal legal procedures necessary for this purpose.

2. This arrangement constitutes an international agreement between the Union and Brazil, including for the purposes of Article XXVIII:3(a) and (b) of the GATT 1994.

3. 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.

IN WITNESS WHEREOF, the undersigned Plenipotentiaries, duly authorised to this effect, have signed this Agreement.

DONE at..., this day of.... in the year...

For the European Union

For the Federative Republic of Brazil