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**WTO 38
AGRI 81
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UK 58**

PROPOSAL

From: Secretary-General of the European Commission, signed by Ms Martine DEPREZ, Director

date of receipt: 24 February 2021

To: Mr Jeppe TRANHOLM-MIKKELSEN, Secretary-General of the Council of the European Union

No. Cion doc.: COM(2021) 83 final

Subject: ANNEX to the Proposal for a COUNCIL DECISION on the signing, on behalf of the European Union, of the Agreement in the form of an exchange of letters between the Union and the Republic of Indonesia 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

Delegations will find attached document COM(2021) 83 final.

Encl.: COM(2021) 83 final



Brussels, 24.2.2021
COM(2021) 83 final

ANNEX

SENSITIVE*

ANNEX

to the

Proposal for a

COUNCIL DECISION

on the signing, on behalf of the European Union, of the Agreement in the form of an exchange of letters between the Union and the Republic of Indonesia 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 Republic of Indonesia 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,

Following negotiations under 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 European Union Tariff Schedule CLXXV as a consequence of the United Kingdom's withdrawal from the European Union as communicated to WTO Members in Document G/SECRET/42/Add.2), the Republic of Indonesia and the European Union agree to conclude the negotiations on the following basis:

Indonesia agrees with the principle and methodology of apportioning the scheduled quantitative commitments in the form of tariff rate quotas of the European Union that included the United Kingdom whereby there is an apportioned quantity taken on by the European Union that no longer includes the United Kingdom with the remainder of the quantity taken on by the United Kingdom.

With respect to tariff rate quota 053 (manioc/cassava comprised of the following tariff lines: ex 0714 10 00; 0714 30 00; 0714 40 00; 0714 50 00; 0714 90 20) as set out in Document G/SECRET/42/Add.2 where the Republic of Indonesia holds negotiating rights, the European Union and the Republic of Indonesia agree that the scheduled quantitative commitment for this product for the European Union that no longer includes the United Kingdom will be 165 000 tonnes. The conditions for this tariff rate quota as set out previously in the EU schedule CLXXV (in-quota preferential tariff of 6% ad valorem) and administration in accordance to EU rules will remain unchanged as a result of this apportionment.

The European Union and the Republic of Indonesia shall notify each other of the completion of their internal procedures for the entry into force of this Agreement. This Agreement shall enter into force on the date of the last notification.

I should be obliged if you would confirm that your Government is in agreement with the above. I have the honour to propose that this letter (in English and Bahasa Indonesia both being equally authentic) and your government's confirmation to that effect shall together constitute an Agreement in the form of an exchange of letters between the European Union and the Republic of Indonesia, for the purposes of Article XXVIII:3(a) and (b) of the GATT 1994.

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

On behalf of the European Union

B. Letter from the Republic of Indonesia

Sir/Madam,

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

“Following negotiations under 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 European Union Tariff Schedule CLXXV as a consequence of the United Kingdom's withdrawal from the European Union as communicated to WTO Members in Document G/SECRET/42/Add.2), the Republic of Indonesia and the European Union agree to conclude the negotiations on the following basis:

Indonesia agrees with the principle and methodology of apportioning the scheduled quantitative commitments in the form of tariff rate quotas of the European Union that included the United Kingdom whereby there is an apportioned quantity taken on by the European Union that no longer includes the United Kingdom with the remainder of the quantity taken on by the United Kingdom.

With respect to tariff rate quota 053 (manioc/cassava comprised of the following tariff lines: ex 0714 10 00; 0714 30 00; 0714 40 00; 0714 50 00; 0714 90 20) as set out in Document G/SECRET/42/Add.2 where the Republic of Indonesia holds negotiating rights, the European Union and the Republic of Indonesia agree that the scheduled quantitative commitment for this product for the European Union that no longer includes the United Kingdom will be 165 000 tonnes. The conditions for this tariff rate quota as set out previously in the EU schedule CLXXV (in-quota preferential tariff of 6% ad valorem) and administration in accordance to EU rules will remain unchanged as a result of this apportionment.

The European Union and the Republic of Indonesia shall notify each other of the completion of their internal procedures for the entry into force of this Agreement. This Agreement shall enter into force on the date of the last notification.

I should be obliged if you would confirm that your Government is in agreement with the above. I have the honour to propose that this letter (in English and Bahasa Indonesia both being equally authentic) and your government's confirmation to that effect shall together constitute an Agreement in the form of an exchange of letters between the European Union and the Republic of Indonesia, for the purposes of Article XXVIII:3(a) and (b) of the GATT 1994.”

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

On behalf of the Republic of Indonesia