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Legislation

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- ★ **Agreement in the form of an Exchange of Letters between the European Union and Australia 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** 3

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Acts whose titles are printed in light type are those relating to day-to-day management of agricultural matters, and are generally valid for a limited period.

The titles of all other acts are printed in bold type and preceded by an asterisk.

II

(Non-legislative acts)

INTERNATIONAL AGREEMENTS

COUNCIL DECISION (EU) 2021/2234

of 29 November 2021

on the conclusion, on behalf of the Union, of the Agreement in the form of an Exchange of Letters between the European Union and Australia 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 COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on the Functioning of the European Union, and in particular the first subparagraph of Article 207(4), in conjunction with point (a)(v) of the second subparagraph of Article 218(6) thereof,

Having regard to the proposal from the European Commission,

Having regard to the consent of the European Parliament ⁽¹⁾,

Whereas:

- (1) On 15 June 2018 the Council authorised the Commission to open negotiations pursuant to Article XXVIII of the General Agreement on Tariffs and Trade (GATT) 1994 on the apportionment of the tariff-rate quotas included in the EU Schedule CLXXV as a consequence of the United Kingdom's withdrawal from the Union.
- (2) Negotiations with Australia were concluded on 18 December 2020 with the initialling of an Agreement in the form of an Exchange of Letters between the European Union and Australia 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 'Agreement').
- (3) The Agreement was signed on behalf of the Union on 4 October 2021, subject to its conclusion at a later date, in accordance with Council Decision (EU) 2021/515 ⁽²⁾.
- (4) The Agreement should be approved,

⁽¹⁾ Consent of 11 November 2021 (not yet published in the Official Journal).

⁽²⁾ Council Decision (EU) 2021/515 of 22 March 2021 on the signing, on behalf of the Union, of the Agreement in the form of an Exchange of Letters between the European Union and Australia 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 (OJ L 104, 25.3.2021, p. 27).

HAS ADOPTED THIS DECISION:

Article 1

The Agreement in the form of an Exchange of Letters between the European Union and Australia 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 is hereby approved on behalf of the Union ⁽³⁾.

Article 2

The President of the Council shall, on behalf of the Union, give the notification provided for in the Agreement ⁽⁴⁾.

Article 3

This Decision shall enter into force on the date of its adoption.

Done at Brussels, 29 November 2021.

For the Council
The President
S. KUSTEC

⁽³⁾ See page 3 of this Official Journal.

⁽⁴⁾ The date of entry into force of the Agreement will be published in the *Official Journal of the European Union* by the General Secretariat of the Council.

AGREEMENT

in the form of an Exchange of Letters between the European Union and Australia 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

Dear Sir/Madam,

Following negotiations under 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 European Union ("EU") as communicated to WTO Members in document G/SECRET/42/Add.2, Australia and the EU agree to conclude the negotiations on the following basis:

Without prejudice to future negotiations under Article XXVIII of the GATT 1994 and for the purposes of the United Kingdom's withdrawal from the EU only, Australia agrees with the principle and methodology of apportioning the scheduled quantitative commitments in the form of the tariff-rate quotas of the EU that included the United Kingdom, whereby an apportioned quantity of those quotas is taken on by the EU without the United Kingdom and the remainder taken on by the United Kingdom. This reflects the unique circumstances resulting from the United Kingdom's withdrawal from the EU.

In respect of the tariff-rate quotas where Australia has negotiating or consultation rights under Article XXVIII of the GATT 1994, Australia 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 EU without the United Kingdom.

Notwithstanding the previous paragraph, with respect to the tariff-rate quotas below Australia and the EU agree as follows:

- Tariff-rate quota 005 (Meat of bovine animals/Edible offal of bovine animals): the EU volume of the Australian country specific part will be adjusted to 3 389 tonnes;
- Tariff-rate quota 020 (Meat of sheep or goats: fresh, chilled or frozen): the EU volume of the Australian country specific part will be adjusted to 5 851 tonnes;
- Tariff-rate quota 038 (Cheese for processing): the EU volume of the Australian country specific quota will be adjusted to 150 tonnes;
- Tariff-rate quota 040 (Cheddar): the EU volume of the Australian country specific quota will be adjusted to 1 113 tonnes;
- Tariff-rate quota 076 (Semi-milled and wholly milled rice): the Australian sub-allocation of this quota administered internally under the relevant EU legislation will be adjusted to 240 tonnes. The EU agrees to extend the period of imports for the Australian rice sub-allocation starting from the beginning of the tariff-rate quota period on 1 January without any volume restrictions in the relevant subsequent sub-periods (i.e. 1 January to 30 September). The EU will maintain the existing quota reallocation arrangements on a most-favoured nation basis from 1 October to 31 December;
- Tariff-rate quota 098 (raw cane sugar for refining): the EU volume of the Australia's country specific quota will be adjusted to 9 925 tonnes.

This agreement 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 EU undertakes to consult with Australia if the result of those negotiations would change the shares set out in the document G/SECRET/42/Add.2.

The EU and Australia 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 and your Government's confirmation shall together constitute an Agreement in the form of an Exchange of Letters between the European Union and Australia, including for the purposes of Article XXVIII:3(a) and (b) of the GATT 1994.

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

Съставено в Брюксел на четвърти октомври две хиляди двадесет и първа година.
 Hecho en Bruselas, el cuatro de octubre de dos mil veintiuno.
 V Bruselu dne čtvrtého října dva tisíce dvacet jedna.
 Udfærdiget i Bruxelles, den fjerde oktober to tusind og enogtyve.
 Geschehen zu Brüssel am vierten Oktober zweitausendeinundzwanzig.
 Kahe tuhande kahekümne esimese aasta oktoobrikuu neljandal päeval Brüsselis.
 Έγινε στις Βρυξέλλες, στις τέσσερις Οκτωβρίου δύο χιλιάδες είκοσι ένα.
 Done at Brussels, on the fourth day of October in the year two thousand and twenty one.
 Fait à Bruxelles, le quatre octobre deux mille vingt et un.
 Sastavljeno u Bruxellesu četvrtog listopada godine dvije tisuće dvadeset prve.
 Fatto a Bruxelles, addì quattro ottobre duemilaventuno.
 Briselē, divi tūkstoši divdesmit pirmā gada ceturtajā oktobrī.
 Priimta du tūkstančiai dvidešimt pirmų metų spalio ketvirtą dieną Briuselyje.
 Kelt Brüsszelben, a kétézer-huszonegyedik év október havának negyedik napján.
 Magħmul fi Brussell, fir-raba' jum ta' Ottubru fis-sena elfejn u wiehed u ghoxrin.
 Gedaan te Brussel, vier oktober tweeduizend eenentwintig.
 Sporządzono w Brukseli dnia czwartego października roku dwa tysiące dwudziestego pierwszego.
 Feito em Bruxelas, em quatro de outubro de dois mil e vinte e um.
 Întocmit la Bruxelles la patru octombrie două mii douăzeci și unu.
 V Bruseli štvrtého oktobra dvetisíc dvadsať jeden.
 V Bruslju, četrtega oktobra dva tisoč enaindvajset.
 Tehty Brysselissä neljäntenä päivänä lokakuuta vuonna kaksituhattakaksikymmentäyksi.
 Som skedde i Bryssel den fjärde oktober år tjugohundratjugoett.

За Европейския съюз
 Por la Unión Europea
 Za Evropskou unii
 For Den Europæiske Union
 Für die Europäische Union
 Euroopa Liidu nimel
 Για την Ευρωπαϊκή Ένωση
 For the European Union
 Pour l'Union européenne
 Za Europsku uniju
 Per l'Unione europea
 Eiropas Savienības vārdā –
 Europos Sąjungos vardu
 Az Európai Unió részéről
 Għall-Unjoni Ewropea
 Voor de Europese Unie
 W imieniu Unii Europejskiej
 Pela União Europeia
 Pentru Uniunea Europeană
 Za Európsku úniu
 Za Evropsko unijo
 Euroopan unionin puolesta
 För Europeiska unionen

B. Letter from Australia

Dear 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 tariff-rate quotas included in the European Union Tariff Schedule CLXXV as a consequence of the United Kingdom's withdrawal from the European Union ('EU') as communicated to WTO Members in document G/SECRET/42/Add.2, Australia and the EU agree to conclude the negotiations on the following basis:

Without prejudice to future negotiations under Article XXVIII of the GATT 1994 and for the purposes of the United Kingdom's withdrawal from the EU only, Australia agrees with the principle and methodology of apportioning the scheduled quantitative commitments in the form of the tariff-rate quotas of the EU that included the United Kingdom, whereby an apportioned quantity of those quotas is taken on by the EU without the United Kingdom and the remainder taken on by the United Kingdom. This reflects the unique circumstances resulting from the United Kingdom's withdrawal from the EU.

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The EU and Australia 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.

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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 Australia, including 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.

Done at Brussels, on the fourth day of October in the year two thousand and twenty one.
Съставено в Брюксел на четвърти октомври две хиляди двадесет и първа година.
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Som skedde i Bryssel den fjärde oktober år tjugohundratjugoett.

For Australia
За Австралия
Por Australia
Za Austrálii
For Australien
Für Australien
Austraalia nimel
Για την Αυστραλία
Pour l'Australie
Za Australiju
Per l'Australia
Austrālijas vārdā —
Australijos vardu
Az Ausztrália nevében
Ghall-Awstralja
Voor Australië
W imieniu Australii
Pela Austrália
Pentru Australia
Za Austráliu
Za Avstralijo
Australian puolesta
För Australien

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