



**COUNCIL OF
THE EUROPEAN UNION**

**Brussels, 28 August 2009
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LEGISLATIVE ACTS AND OTHER INSTRUMENTS

Subject: COUNCIL REGULATION concerning the implementation of the Agreement in the form of an Exchange of Letters between the European Community and Brazil pursuant to Article XXIV:6 and Article XXVIII of the General Agreement on Tariffs and Trade (GATT) 1994 relating to the modification of concessions in the schedules of the Republic of Bulgaria and Romania in the course of their accession to the European Union, amending and supplementing Annex I to Regulation (EEC) No 2658/87 on the tariff and statistical nomenclature and on the Common Customs Tariff

COUNCIL REGULATION (EC) No/2009

of

**concerning the implementation of the Agreement in the form of an Exchange of Letters
between the European Community and Brazil pursuant to Article XXIV:6 and
Article XXVIII of the General Agreement on Tariffs and Trade (GATT) 1994 relating to the
modification of concessions in the schedules of the Republic of Bulgaria and Romania in the
course of their accession to the European Union, amending and supplementing Annex I to
Regulation (EEC) No 2658/87 on the tariff and statistical nomenclature
and on the Common Customs Tariff**

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community, and in particular Article 133 thereof,

Having regard to the proposal from the Commission,

Whereas:

- (1) Council Regulation (EEC) No 2658/87¹ established a goods nomenclature, hereinafter referred to as the "Combined Nomenclature", and set out the conventional duty rates of the Common Customs Tariff.
- (2) By its Decision 2009/XXX/EC of [day month]... 2009* on the conclusion of an Agreement in the form of an Exchange of Letters between the European Community and Brazil, the Council approved, on behalf of the Community, the abovementioned Agreement with a view to closing negotiations initiated pursuant to Article XXIV:6 of GATT 1994.

¹ OJ L 256, 7.9.1987, p. 1.

* OJ: please insert the date and reference of the publication of 12107/09.

- (3) Pursuant to Article 153(3) of Council Regulation (EC) No 1234/2007 of 22 October 2007 establishing a common organisation of agricultural markets and on specific provisions for certain agricultural products¹, full-time refiners in the Community enjoy a privileged access to sugar for refining during the first three months of the marketing year 2009/2010, i.e. from 1 October to 31 December 2009. In case that this Regulation should apply from a date later than 1 October 2009 and in order to guarantee the priority to full-time refiners in the marketing year 2009/2010, the start of the three month period should be postponed until the first day of application of this Regulation.
- (4) Regulation (EEC) No 2658/87 should therefore be amended and supplemented accordingly,

HAS ADOPTED THIS REGULATION:

¹ OJ L 299, 16.11.2007, p. 1.

Article 1

In Regulation (EEC) No 2658/87, Annex 7 entitled "WTO tariff quotas to be opened by the competent Community authorities", to Section III of Part Three of Annex I, the quotas with Order Numbers 10, 14, 28, 31, 101 and 103 shall be replaced by the quotas with the same Order Numbers shown in the Annex to this Regulation.

Article 2

By way of derogation from Article 153(3) of Council Regulation (EC) No 1234/2007, for the quotas with the Order Numbers 101 and 103 as set out in the Annex to this Regulation, the three-month period for the marketing year 2009/2010 shall start from 1 October 2009, or from the first day of application of this Regulation, whichever is the later.

Article 3

This Regulation shall enter into force on the day following that of its publication in the *Official Journal of the European Union*.

This Regulation shall apply as from 1 October 2009.

However, should the signed letter from Brazil referred to in the Agreement in the form of an Exchange of Letters approved by Decision 2009/XXX/EC of [day month]... 2009 * ¹ not be received before that date, the Commission shall publish a notice in the C series of the *Official Journal of the European Union* to that effect. In that case, this Regulation shall apply from the day following the publication in the *Official Journal of the European Union* of the detailed rules to be adopted by the Commission for the implementation of the tariff quotas referred to in Article 1 of this Regulation pursuant to Article 2 of Decision 2009/XXX/EC of [day month]... 2009.

This Regulation shall be binding in its entirety and directly applicable in all Member States.

Done at Brussels,

For the Council
The President

* OJ: please insert the date and reference of the Decision of 12107/09.
¹ OJ

ANNEX

Notwithstanding the rules for the interpretation of the Combined Nomenclature, the wording for the description of the products is to be considered as having no more than an indicative value, the concessions being determined, within the context of this Annex, by the coverage of the CN codes as they exist at the time of adoption of the present Regulation. Where ex CN codes are indicated, the concessions are to be determined by application of the CN code and corresponding description taken together.

In Regulation (EEC) No 2658/87, Annex 7 entitled "WTO tariff quotas to be opened by the competent Community authorities", of Section III of Part Three of Annex I, the quotas with the Order numbers 10, 14, 28, 31, 103 and 101 are replaced by the following:

Order No	CN Code	Description	Quota quantity	Rate of duty (%)	Other terms and conditions
1	2	3	4	5	6
10	0201 3000, 0202 3090, 0206 1095, 0206 2991	Boneless high-quality meat of bovine animals, fresh, chilled or frozen, meeting the following definition: "Selected cuts obtained from steers or heifers having been exclusively fed with pasture grass since their weaning. The carcasses shall be classified as "B" with fat cover "2" or "3", in accordance with the official beef carcass classification established by the Ministry of Agriculture, Livestock and Supply in Brazil (Ministério da Agricultura, Pecuaria e Abastecimento)"	10 000 t	20	Supplying country: Brazil

Order No	CN Code	Description	Quota quantity	Rate of duty (%)	Other terms and conditions
14	0202 2030	Unseparated or separated forequarters of bovine animals, frozen	63 703 t (bone-in weight)	20 (*) 20 + 994,5 €/1 000 kg/net (**)	The meat imported shall be used for processing (*) When the meat is intended for the manufacture of preserved food which does not contain characteristic components other than beef and jelly (**) When the meat is intended for the manufacture of products other than the preserved food referred to above The quantity may according to Community provisions be converted into an equivalent quantity of high quality meat
	0202 3010	Forequarters, whole or cut into a maximum of five pieces, each quarter being in a single block; "compensated" quarters in two blocks, one of which contains the forequarter, whole or cut into a maximum of five pieces, and the other, the hindquarter, excluding the tenderloin, in one piece		20 (*) 20 + 1 554,3 €/1 000 kg/net (**)	
	0202 3050	Crop, chuck and blade and brisket cuts		20 + 1554,3 €/1 000 kg/net (**)	
	0202 3090	Other		20 (*) 20 + 2 138,4€/1 000 kg/net (**)	
	0206 2991	Thick skirt and thin skirt, frozen		20 (*) 20 + 2 138,4 €/1 000 kg/net (**)	

Order No	CN Code	Description	Quota quantity	Rate of duty (%)	Other terms and conditions
28		Cuts of fowls of the species <i>Gallus domesticus</i> , frozen:	18 000 t	0	Allocated to supplying countries as follows: - Brazil 9 600 t - Thailand 5 100 t - Other 3 300 t
	0207 1410	Boneless			
	0207 1450	Breasts and cuts thereof			
	0207 1470	Other			
31		Cuts of turkey, frozen	7 485 t	0	Allocated to supplying countries as follows: - Brazil 4 300 t - Other 3 185 t
	0207 2710	Boneless			
	0207 2720	Halves or quarters			
	0207 2780	Other			

Order No	CN Code	Description	Quota quantity	Rate of duty (%)	Other terms and conditions
103	1701 1110	Raw cane sugar, for refining	310 124 t	9,8€/100 kg/net (*)	(*) This rate applies to raw sugar with a yield of 92 % Allocated to Brazil
101	1701 1110	Raw cane sugar, for refining	336 876 t	9,8€/100 kg/net (*)	(*) This rate applies to raw sugar with a yield of 92 % See also additional Note 2 to Chapter 17
