

# Procedure file

| Basic information   |                                |                     |
|---|--------------------------------|---------------------|
| NLE - Non-legislative enactments<br>Decision  | <a href="#">2012/0046(NLE)</a> | Procedure completed |
| EU/Brazil and EU/Thailand Agreements: modification of concessions on processed poultry meat |                                |                     |
| See also <a href="#">2012/0054(COD)</a>   |                                |                     |
| Subject   |                                |                     |
| 3.10.05.03 Eggs and poultry   |                                |                     |
| 6.20.01 Agreements and relations in the context of the World Trade Organization (WTO)       |                                |                     |
| 6.20.04 Union Customs Code, tariffs, preferential arrangements, rules of origin             |                                |                     |
| Geographical area   |                                |                     |
| Thailand  |                                |                     |
| Brazil  |                                |                     |

| Key players                   |  |   |            |
|-------------------------------|--|---|------------|
| European Parliament           | Committee responsible  | Rapporteur                                    | Appointed  |
|                               | <b>INTA</b> International Trade  |   | 25/04/2012 |
|                               |  | S&D <a href="#">MOREIRA Vital</a>             |            |
|                               |  | Shadow rapporteur                             |            |
|                               |  | PPE <a href="#">ŠŤASTNÝ Peter</a>             |            |
|                               |  | ECR <a href="#">STURDY Robert</a>             |            |
|                               | Committee for opinion  | Rapporteur for opinion                        | Appointed  |
|                               | <b>AGRI</b> Agriculture and Rural Development                              | The committee decided not to give an opinion. |            |
| Council of the European Union | Council configuration  | Meeting                                       | Date       |
|                               | <a href="#">Employment, Social Policy, Health and Consumer Affairs3206</a> |   | 06/12/2012 |
|                               | <a href="#">Foreign Affairs</a>  | <a href="#">3159</a>                          | 23/04/2012 |
| European Commission           | Commission DG  | Commissioner                                  |            |
|                               | <a href="#">Agriculture and Rural Development</a>                          | CIOLOȘ Dacian                                 |            |

| Key events |   |   |         |
|------------|---|---|---------|
| 15/03/2012 | Preparatory document  | <a href="#">COM(2012)0106</a>   | Summary |
| 03/04/2012 | Legislative proposal published                                  | <a href="#">07883/2012</a>  | Summary |
| 05/07/2012 | Committee referral announced in Parliament                      |   |         |
| 11/10/2012 | Vote in committee   |   |         |
| 24/10/2012 | Committee report tabled for plenary, 1st reading/single reading | <a href="#">A7-0350/2012</a>  | Summary |
| 21/11/2012 | Results of vote in Parliament                                   |  |         |
| 21/11/2012 | Decision by Parliament  | <a href="#">T7-0437/2012</a>  | Summary |

|            |   |  |  |
|------------|---|--|--|
| 06/12/2012 | Act adopted by Council after consultation of Parliament |  |  |
| 06/12/2012 | End of procedure in Parliament                          |  |  |
| 20/12/2012 | Final act published in Official Journal                 |  |  |

### Technical information

|                            |   |
|----------------------------|---|
| Procedure reference        | 2012/0046(NLE)  |
| Procedure type             | NLE - Non-legislative enactments  |
| Procedure subtype          | Consent by Parliament   |
| Legislative instrument     | Decision  |
|                            | See also <a href="#">2012/0054(COD)</a>   |
| Legal basis                | Treaty on the Functioning of the EU TFEU 207-p4; Treaty on the Functioning of the EU TFEU 218-p6a |
| Other legal basis          | Rules of Procedure EP 159   |
| Stage reached in procedure | Procedure completed   |
| Committee dossier          | INTA/7/09179  |

### Documentation gateway

|   |                               |            |     |         |
|---|-------------------------------|------------|-----|---------|
| Preparatory document  | <a href="#">COM(2012)0106</a> | 15/03/2012 | EC  | Summary |
| Legislative proposal  | <a href="#">07883/2012</a>    | 04/04/2012 | CSL | Summary |
| Document attached to the procedure                              | <a href="#">07884/2012</a>    | 04/04/2012 | CSL |         |
| Document attached to the procedure                              | <a href="#">07885/2012</a>    | 04/04/2012 | CSL |         |
| Committee draft report  | <a href="#">PE494.674</a>     | 28/08/2012 | EP  |         |
| Committee report tabled for plenary, 1st reading/single reading | <a href="#">A7-0350/2012</a>  | 24/10/2012 | EP  | Summary |
| Text adopted by Parliament, 1st reading/single reading          | <a href="#">T7-0437/2012</a>  | 21/11/2012 | EP  | Summary |

### Additional information

|                      |                         |
|----------------------|-------------------------|
| National parliaments | <a href="#">IPEX</a>    |
| European Commission  | <a href="#">EUR-Lex</a> |

### Final act

[Decision 2012/792](#)  
[OJ L 351 20.12.2012, p. 0047](#) Summary

## EU/Brazil and EU/Thailand Agreements: modification of concessions on processed poultry meat

**PURPOSE:** to conclude two agreements between the European Union and Brazil and Thailand respectively in order to deal with the problem of potential substitution effects in the import of poultry.

**PROPOSED ACT:** Council Decision.

**BACKGROUND:** negotiations under Article XXVIII of GATT 1994 concluded on poultry in 2007 covered tariff lines on poultry meat under heading 0210 as well as one processed poultry line, 1602 32 19 in the EC Schedule CXL: cooked preparations containing more than 57% of

poultry meat. Limiting the negotiations to the processed poultry line 1602 32 19 was considered to sufficiently prevent potential substitution effects.

Subsequent import data, however, showed a dramatic import surge of processed poultry meat under tariff line 1602 32 30: preparations containing 25% or more but less than 57% by weight of poultry meat or offal. This indicated that exporters seemed to take advantage of a relative gap in the EU level of protection, substituting poultry preparations containing more than 57% of poultry meat with preparations containing less than 57%, under tariff line 1602 32 30. Comparable substitution effects were to be expected under other 1602 tariff lines in the future.

In order to comprehensively address these substitution effects affecting the EU poultry industry, the Commission requested from the Council the authorisation to renegotiate the concessions on poultry meat under Chapter 16 of the CN.

The Commission has negotiated with the Federal Republic of Brazil and with the Kingdom of Thailand holding each principal supplying interests and/or substantial interests in various of the tariff lines concerned.

The negotiations have resulted in Agreements in the form of exchanges of letters initialled with Thailand on 22 November 2011 and with Brazil on 7 December 2011. It is necessary to conclude the Agreements.

IMPACT ASSESSMENT: no impact assessment has been undertaken.

LEGAL BASIS: Articles 207(4), first subparagraph and 218(6)(a)(v) TFEU.

CONTENT: following the negotiations opened under Article XXVIII of the GATT 1994 in mid-2009 with Brazil and Thailand, this proposal concerns the conclusion of the Agreements between the European Union and Brazil and Thailand respectively in order to deal with the problem of potential substitution effects in the import of poultry.

BUDGETARY IMPLICATIONS: the financial impact of the Regulation of the European Parliament and of the Council, implementing these Agreements, is indicated in its specific Financial Statement, and can be estimated of a reduction of own resources of an approximated net amount of EUR 1.4 million, after deduction of 25% of collection costs by Member States.

## EU/Brazil and EU/Thailand Agreements: modification of concessions on processed poultry meat

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PURPOSE: to conclude two agreements between the European Union and Brazil and Thailand respectively in order to deal with the problem of potential substitution effects in the import of poultry.

PROPOSED ACT: Council Decision.

BACKGROUND: negotiations under Article XXVIII of GATT 1994 concluded on poultry in 2007 covered tariff lines on poultry meat under heading 0210 as well as one processed poultry line, 1602 32 19 in the EC Schedule CXL: cooked preparations containing more than 57% of poultry meat. Limiting the negotiations to the processed poultry line 1602 32 19 was considered to sufficiently prevent potential substitution effects.

Subsequent import data, however, showed a dramatic import surge of processed poultry meat under tariff line 1602 32 30: preparations containing 25% or more but less than 57% by weight of poultry meat or offal. This indicated that exporters seemed to take advantage of a relative gap in the EU level of protection, substituting poultry preparations containing more than 57% of poultry meat with preparations containing less than 57%, under tariff line 1602 32 30. Comparable substitution effects were to be expected under other 1602 tariff lines in the future.

In order to comprehensively address these substitution effects affecting the EU poultry industry, the Commission requested from the Council the authorisation to renegotiate the concessions on poultry meat under Chapter 16 of the CN.

The Commission has negotiated with Brazil and Thailand holding each principal supplying interests and/or substantial interests in several of the tariff lines concerned.

The negotiations have resulted in Agreements in the form of exchanges of letters initialled with Thailand on 22 November 2011 and with Brazil on 7 December 2011. It is necessary to conclude the Agreements on behalf of the European Union.

IMPACT ASSESSMENT: no impact assessment has been undertaken.

LEGAL BASIS: Articles 207(4), first subparagraph and 218(6)(a)(v) TFEU.

CONTENT: following the negotiations opened under Article XXVIII of the GATT 1994 in mid-2009 with Brazil and Thailand, this proposal concerns the conclusion of the Agreements between the European Union and Brazil and Thailand respectively in order to deal with the problem of potential substitution effects in the import of poultry.

Under this proposed Decision, it is provided that only these be concluded on behalf of the European Union.

BUDGETARY IMPLICATIONS: the financial impact of the Regulation of the European Parliament and of the Council, implementing these Agreements, is indicated in its specific Financial Statement, and can be estimated of a reduction of own resources of an approximated net amount of EUR 1.4 million, after deduction of 25% of collection costs by Member States.

## EU/Brazil and EU/Thailand Agreements: modification of concessions on processed poultry meat

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The Committee on International Trade adopted the report by Vital MOREIRA (S&D, PT) on the draft Council decision on the conclusion of the Agreement in the form of an Exchange of Letters between the European Union and Brazil pursuant to Article XXVIII of the General Agreement on Tariffs and Trade (GATT) 1994 relating to the modification of concessions with respect to processed poultry meat provided for in the EU

Schedule annexed to GATT 1994, and of the Agreement in the form of an Exchange of Letters between the European Union and Thailand pursuant to Article XXVIII of the General Agreement on Tariffs and Trade (GATT) 1994 relating to the modification of concessions with respect to processed poultry meat provided for in the EU Schedule annexed to GATT 1994.

The parliamentary committee recommends that Parliament gives its consent to the conclusion of the agreements.

## EU/Brazil and EU/Thailand Agreements: modification of concessions on processed poultry meat

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The European Parliament adopted a legislative resolution approving the draft Council decision on the conclusion of the Agreement in the form of an Exchange of Letters between the European Union and Brazil pursuant to Article XXVIII of the General Agreement on Tariffs and Trade (GATT) 1994 relating to the modification of concessions with respect to processed poultry meat provided for in the EU Schedule annexed to GATT 1994, and of the Agreement in the form of an Exchange of Letters between the European Union and Thailand pursuant to Article XXVIII of the General Agreement on Tariffs and Trade (GATT) 1994 relating to the modification of concessions with respect to processed poultry meat provided for in the EU Schedule annexed to GATT 1994.

Parliament gives its consent to conclusion of the Agreements.

## EU/Brazil and EU/Thailand Agreements: modification of concessions on processed poultry meat

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**PURPOSE:** to conclude Agreements between the European Union and Brazil and Thailand respectively in order to deal with the problem of potential substitution effects in the import of poultry.

**NON-LEGISLATIVE ACT:** Council Decision 2012/792/EU on the conclusion of the Agreement in the form of an Exchange of Letters between the European Union and Brazil pursuant to Article XXVIII of the General Agreement on Tariffs and Trade (GATT) 1994 relating to the modification of concessions with respect to processed poultry meat provided for in the EU Schedule annexed to GATT 1994, and of the Agreement in the form of an Exchange of Letters between the European Union and Thailand pursuant to Article XXVIII of the General Agreement on Tariffs and Trade (GATT) 1994 relating to the modification of concessions with respect to processed poultry meat provided for in the EU Schedule annexed to GATT 1994.

**BACKGROUND:** on 25 May 2009, the Council authorised the Commission to open negotiations under Article XXVIII of the GATT 1994 with a view to the renegotiation of concessions on poultry meat tariff lines under Chapter 16 of the Combined Nomenclature as provided for in Article 1 of Council Regulation (EEC) No 2658/87 of 23 July 1987 on the tariff and statistical nomenclature and on the Common Customs Tariff ("CN").

Those negotiations resulted in Agreements in the form of exchanges of letters initialled with Thailand on 22 November 2011 and with Brazil on 7 December 2011. In accordance with Council Decision 2012/231/EU of 23 April 2012, the Agreements were signed on behalf of the Union on 26 June 2012 with Brazil and on 18 June 2012 with Thailand.

The Agreements should now be approved on behalf of the European Union.

**CONTENT:** with this Decision, the Agreement in the form of an Exchange of Letters between the European Union and Brazil pursuant to Article XXVIII of the General Agreement on Tariffs and Trade (GATT) 1994 relating to the modification of concessions with respect to processed poultry meat provided for in the EU Schedule annexed to GATT 1994, and the Agreement in the form of an Exchange of Letters between the European Union and Thailand pursuant to Article XXVIII of the General Agreement on Tariffs and Trade (GATT) 1994 relating to the modification of concessions with respect to processed poultry meat provided for in the EU Schedule annexed to GATT 1994 are hereby approved on behalf of the Union.

**GATT Agreement and its impact on poultry trade:** negotiations under Article XXVIII of GATT 1994 concluded on poultry in 2007 covered tariff lines on poultry meat under heading 0210 as well as one processed poultry line, 1602 32 19 in the EC Schedule CXL: cooked preparations containing more than 57% of poultry meat. Limiting the negotiations to the processed poultry line 1602 32 19 was considered to sufficiently prevent potential substitution effects.

Subsequent import data, however, showed a dramatic import surge of processed poultry meat under tariff line 1602 32 30: preparations containing 25% or more but less than 57% by weight of poultry meat or offal. This indicated that exporters seemed to take advantage of a relative gap in the EU level of protection, substituting poultry preparations containing more than 57% of poultry meat with preparations containing less than 57%, under tariff line 1602 32 30. Comparable substitution effects were to be expected under other 1602 tariff lines in the future.

In order to comprehensively address these substitution effects affecting the EU poultry industry, an Agreement was considered necessary with Brazil and Thailand which both hold principal supplying interests and/or substantial interests in several of the tariff lines concerned.

This is the aim of this Agreement adopted on behalf of the EU is to deal with the problem of potential substitution effects in the import of poultry.

**ENTRY INTO FORCE:** the Decision shall enter into force on 7 December 2012. The Agreement shall enter into force when the necessary procedures have been completed.