Basic information

2012/0167(NLE) NLE - Non-legislative enactments Decision	Procedure completed
EU/USA Agreement: modification of concessions in the schedules of the Republic of Bulgaria and Romania in the course of their accession to the EU **Subject** 2.10.01 Customs union, tax and duty-free, Community transit 6.20.01 Agreements and relations in the context of the World Trade Organization (WTO) 6.20.03 Bilateral economic and trade agreements and relations 6.20.04 Union Customs Code, tariffs, preferential arrangements, rules of origin **Geographical area** United States	

Key players

European Parliament

Committee responsible	Rapporteur	Appointed
INTA International Trade	MOREIRA Vital (S&D)	11/07/2012
	Shadow rapporteur QUISTHOUDT-ROWOHL Godelieve (PPE) BOVÉ José (Verts/ALE) STURDY Robert (ECR)	

Committee for opinion	Rapporteur for opinion	Appointed
AGRI Agriculture and Rural Development	The committee decided not to give an opinion.	

Council of the European Union

Council configuration	Meetings	Date
Agriculture and Fisheries	3225	2013-02-25

European Commission

Commission DG	Commissioner
Trade and Economic Security	DE GUCHT Karel

Key events

Date	Event	Reference	Summary
29/06/2012	Preparatory document	COM(2012)0346	Summary
16/07/2012	Legislative proposal published	12213/2012	Summary
13/12/2012	Committee referral announced in Parliament		
18/12/2012	Vote in committee		
08/01/2013	Committee report tabled for plenary, 1st reading/single reading	A7-0430/2012	Summary
06/02/2013	Decision by Parliament	T7-0037/2013	Summary
06/02/2013	Results of vote in Parliament		
25/02/2013	Act adopted by Council after consultation of Parliament		
25/02/2013	End of procedure in Parliament		
13/03/2013	Final act published in Official Journal		

Technical information

Procedure reference	2012/0167(NLE)
Procedure type	NLE - Non-legislative enactments
Procedure subtype	Consent by Parliament
Legislative instrument	Decision
Legal basis	Treaty on the Functioning of the European Union TFEU 207-p4
Other legal basis	Rules of Procedure EP 165
Stage reached in procedure	Procedure completed
Committee dossier	INTA/7/09979

Documentation gateway

European Parliament

Document type	Committee	Reference	Date	Summary
Committee draft report		PE496.353	24/09/2012	
Committee report tabled for plenary, 1st reading/single reading		A7-0430/2012	08/01/2013	Summary
Text adopted by Parliament, 1st reading/single reading		T7-0037/2013	06/02/2013	Summary

Council of the EU

Document type	Reference	Date	Summary
Legislative proposal	12213/2012	16/07/2012	Summary
Document attached to the procedure	12214/2012	16/07/2012	

European Commission

Document type	Reference	Date	Summary
Preparatory document	COM(2012)0346	29/06/2012	Summary

Additional information		
Source	**Document**	**Date**
National parliaments	IPEX	
European Commission	EUR-Lex	

Final act	
Decision 2013/0125 OJ L 069 13.03.2013, p. 0004	Summary

EU/USA Agreement: modification of concessions in the schedules of the Republic of Bulgaria and Romania in the course of their accession to the EU

2012/0167(NLE) - 29/06/2012 - Preparatory document

PURPOSE: to conclude an Agreement in the form of an Exchange of Letters between the European Union and the US pursuant to 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.

PROPOSED ACT: Council Decision.

BACKGROUND: with the accession of the Republic of Bulgaria and Romania, the European Union enlarged its customs union. Consequently, the European Union was obliged under WTO rules (GATT Article XXIV:6) to enter into negotiations with WTO Members having negotiating rights in the schedules of any of the acceding Members in order to agree on **compensatory adjustment**. Such adjustment is due if the adoption of the EU's external tariff regime results in an increase in tariff beyond the level for which the acceding country has bound itself at the WTO, whilst taking ‘due account of reductions of duties on the same tariff line made by other constituents of the customs union upon its formation'.

On 29 January 2007, the Council authorised the Commission to open negotiations under Article XXIV:6 of GATT 1994. The Commission has negotiated with the Members of the WTO holding negotiating rights with respect to the withdrawal of specific concessions in relation to the withdrawal of the schedules of the Republic of Bulgaria and Romania, in the course of their accession to the European Union. Negotiations with the United States of America resulted in a draft Agreement in the form of an Exchange of Letters that was initialled by the EU side on 21 December 2011 in Brussels and by the US side on 17 February in Washington D.C.

It is now necessary to conclude this Agreement on behalf of the European Union.

It should be noted that the Council (TPC) and the European Parliament (INTA - International Trade Committee) were informed of the text of the draft agreement prior to being initialled. IMPACT ASSESSMENT: no impact assessment was carried out.

LEGAL BASIS: the first subparagraph of Article 207(4), in conjunction with Article 218(6)(a)(v) of the Treaty on the Functioning of the European Union (TFEU).

CONTENT: this proposal asks the Council to adopt a decision concluding the Agreement in the form of an Exchange of Letters with the United States of America.

According to the draft Agreement, the European Union shall incorporate and bind in its WTO Schedule for the customs territory of the EU 27, the concessions that were included in its schedule for the customs territory of the EU 25 with the modifications as regards the volumes allocated to the US under the EU tariff rate quota for 'meat and edible offal of poultry, fresh, chilled or frozen', maintaining the existing in-quota rates.

The implementing Regulation will consequently be adopted by the Commission, pursuant to Article 144 of the Single Common Market Organisation (CMO) Regulation (Regulation (EC) No 1234/2007) and to Article 7 of the Regulation (EC) No 1216/2009 laying down the trade arrangements applicable to certain goods resulting from the processing of agricultural products.

BUDGETARY IMPLICATION: this proposal has no implications on the EU budget.

EU/USA Agreement: modification of concessions in the schedules of the Republic of Bulgaria and Romania in the course of their accession to the EU

2012/0167(NLE) - 16/07/2012 - Legislative proposal

PURPOSE: the conclusion in the form of an Exchange of Letters between the European Union and the United States of America pursuant to the GATT 1994 relating to the modification of concessions in the schedules of Bulgaria and Romania following their accession to the European Union.

PROPOSED ACT: Council Decision.

BACKGROUND: on 29 January 2007, the Council authorised the Commission to open negotiations with certain other Members of the World Trade Organization under Article XXIV:6 of the General Agreement on Tariffs and Trade (GATT) 1994 in the course of the accession to the European Union of Bulgaria and Romania.

These negotiations have been concluded and the Agreement in the form of an Exchange of Letters between the European Union and the United States of America was initialled by a representative of the European Union on 21 December 2011 and by a representative of the United States of America on 17 February 2012.

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

IMPACT ASSESSMENT: no impact assessment was undertaken.

LEGAL BASIS: Article 207(4) of the Treaty on the functioning of the European Union (TFEU), in conjunction with point (v) of Article 218(6)(a) thereof.

CONTENT: based on this proposal, the Council is called upon to adopt a decision on the conclusion of the Agreement with the United States in the form of an Exchange of Letters.

The text of the Agreement is attached to the draft decision.

For further details concerning the content of this Agreement, please refer to the summary of the initial legislative proposal dated 29/06/2012.

BUDGETARY IMPLICATION: the proposal has no implications for the EU budget.

EU/USA Agreement: modification of concessions in the schedules of the Republic of Bulgaria and Romania in the course of their accession to the EU

2012/0167(NLE) - 08/01/2013 - Committee report tabled for plenary, 1st reading/single reading

The Committee on International Trade adopted a recommendation by Vital MOREIRA (S&D, PT) on on the draft Council decision on the conclusion of the Agreement in the form of an Exchange of Letters between the European Union and the United States of America 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.

The committee recommends that the European Parliament give its consent to the conclusion of the Agreement which enables the United States to have its previous trading rights restored, following their slight erosion due to the enlargement of the EU customs union with Romanian and Bulgarian EU accession.

EU/USA Agreement: modification of concessions in the schedules of the Republic of Bulgaria and Romania in the course of their accession to the EU

2012/0167(NLE) - 06/02/2013 - Text adopted by Parliament, 1st reading/single reading

The European Parliament adopted a legislative resolution on the draft Council decision on the conclusion of the Agreement in the form of an Exchange of Letters between the European Union and the United States of America 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.

Parliament gave its consent to the conclusion of the Agreement.

EU/USA Agreement: modification of concessions in the schedules of the Republic of Bulgaria and Romania in the course of their accession to the EU

2012/0167(NLE) - 25/02/2013 - Final act

PURPOSE: the conclusion of the Agreement in the form of an Exchange of Letters between the European Union and the USA pursuant to the General Agreement on Tariffs and Trade (GATT) 1994 relating to the modification of concessions in the schedules of Bulgaria and Romania in the course of their accession to the European Union

NON-LEGISLATIVE ACT: Council Decision 2013/125/EU on the conclusion of the Agreement in the form of an Exchange of Letters between the European Union and the United States of America 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

BACKGROUND:

with the accession of the Republic of Bulgaria and Romania, the European Union enlarged its customs union. Consequently, the European Union was obliged under WTO rules (GATT Article XXIV:6) to enter into negotiations with WTO Members having negotiating rights in the schedules of any of the acceding Members in order to agree on compensatory adjustment.

Such adjustment is required if the adoption of the EU's external tariff regime results in an increase in tariff beyond the level for which the acceding country has bound itself at the WTO, whilst taking 'due account of reductions of duties on the same tariff line made by other constituents of the customs union upon its formation'.

These negotiations have been concluded and the Agreement was signed on behalf of the European Union on 7 December 2012, subject to its conclusion at a later date, in accordance with Council Decision 2012/644/EU.

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

CONTENT: under this Decision, the Agreement in the form of an Exchange of Letters between the European Union and the United States of America 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 (‘the Agreement’) is approved on behalf of the Union.

The implementing regulation shall be adopted by the Commission in accordance with Article 144 of the Regulation on the common organisation of agricultural markets (single CMO Regulation).

ENTRY INTO FORCE: the Decision enters into force on 25 February 2013. The Agreement shall enter into force once the necessary procedures have been completed.

EU/USA Agreement: modification of concessions in the schedules of the Republic of Bulgaria and Romania in the course of their accession to the EU

2012/0167(NLE) - 29/06/2012

PURPOSE: to conclude an Agreement in the form of an Exchange of Letters between the European Union and the US pursuant to 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.

PROPOSED ACT: Council Decision.

BACKGROUND: with the accession of the Republic of Bulgaria and Romania, the European Union enlarged its customs union. Consequently, the European Union was obliged under WTO rules (GATT Article XXIV:6) to enter into negotiations with WTO Members having negotiating rights in the schedules of any of the acceding Members in order to agree on **compensatory adjustment**. Such adjustment is due if the adoption of the EU's external tariff regime results in an increase in tariff beyond the level for which the acceding country has bound itself at the WTO, whilst taking 'due account of reductions of duties on the same tariff line made by other constituents of the customs union upon its formation'.

On 29 January 2007, the Council authorised the Commission to open negotiations under Article XXIV:6 of GATT 1994. The Commission has negotiated with the Members of the WTO holding negotiating rights with respect to the withdrawal of specific concessions in relation to the withdrawal of the schedules of the Republic of Bulgaria and Romania, in the course of their accession to the European Union. Negotiations with the United States of America resulted in a draft Agreement in the form of an Exchange of Letters that was initialled by the EU side on 21 December 2011 in Brussels and by the US side on 17 February in Washington D.C.

It is now necessary to conclude this Agreement on behalf of the European Union.

It should be noted that the Council (TPC) and the European Parliament (INTA – International Trade Committee) were informed of the text of the draft agreement prior to being initialled. IMPACT ASSESSMENT: no impact assessment was carried out.

LEGAL BASIS: the first subparagraph of Article 207(4), in conjunction with Article 218(6)(a)(v) of the Treaty on the Functioning of the European Union (TFEU).

CONTENT: this proposal asks the Council to adopt a decision concluding the Agreement in the form of an Exchange of Letters with the United States of America.

According to the draft Agreement, the European Union shall incorporate and bind in its WTO Schedule for the customs territory of the EU 27, the concessions that were included in its schedule for the customs territory of the EU 25 with the modifications as regards the volumes allocated to the US under the EU tariff rate quota for 'meat and edible offal of poultry, fresh, chilled or frozen', maintaining the existing in-quota rates.

The implementing Regulation will consequently be adopted by the Commission, pursuant to Article 144 of the Single Common Market Organisation (CMO) Regulation (Regulation (EC) No 1234/2007) and to Article 7 of the Regulation (EC) No 1216/2009 laying down the trade arrangements applicable to certain goods resulting from the processing of agricultural products.

BUDGETARY IMPLICATION: this proposal has no implications on the EU budget.