

**No. 49631**

---

**European Community  
and  
United States of America**

**Agreement in the form of an exchange of letters between the European Community and the United States of America relating to the modification of concessions with respect to cereals provided for in EC Schedule CXL to the GATT 1994. Brussels, 20 December 2002, and Geneva, 27 December 2002**

**Entry into force:** *27 December 2002, in accordance with the provisions of the said letters*

**Authentic text:** *English*

**Registration with the Secretariat of the United Nations:** *Council of the European Union,  
8 June 2012*

---

**Communauté européenne  
et  
États-Unis d'Amérique**

**Accord sous forme d'échange de lettres entre la Communauté européenne et les États-Unis d'Amérique en vue de la modification, en ce qui concerne certaines céréales, des concessions prévues dans la liste CE CXL annexée au GATT de 1994. Bruxelles, 20 décembre 2002, et Genève, 27 décembre 2002**

**Entrée en vigueur :** *27 décembre 2002, conformément aux dispositions desdites lettres*

**Texte authentique :** *anglais*

**Enregistrement auprès du Secrétariat des Nations Unies :** *Conseil de l'Union européenne,  
8 juin 2012*

AGREEMENT  
IN THE FORM OF AN EXCHANGE OF LETTERS  
BETWEEN THE EUROPEAN COMMUNITY  
AND THE UNITED STATES OF AMERICA  
RELATING TO THE MODIFICATION OF CONCESSIONS  
WITH RESPECT TO CEREALS PROVIDED FOR  
IN EC SCHEDULE CXL TO THE GATT 1994

I

A. Letter from the European Community

Sir,

The European Community (EC) and the United States of America, with respect to the concessions on cereals provided for in EC Schedule CXL to the General Agreement on Tariffs and Trade 1994 (GATT 1994), agree to the conclusions as outlined below.

Common Wheat

- (1) For item 1001 90 95 (other spelt, common wheat, and meslin), the concessions contained in EC Schedule CXL shall continue to apply to high quality common wheat (as specified in Annex I to Commission Regulation (EC) No 1249/96 (28 June 1996), OJ L 161, p. 125).
- (2)
  - (a) For other spelt, medium and low quality common wheat (as specified in Annex I to Commission Regulation (EC) No 1249/96), and meslin under item 1001 90 95 (other spelt, common wheat, and meslin), the EC shall establish a tariff quota of 2 981 600 metric tonnes.
  - (b) Within the tariff quota specified in (2)(a) above, 572 000 metric tonnes shall be allocated to the United States of America. Subject to prior approval by the United States of America, in the event the United States of America is unable to fill its allocation, this allocation may be opened to other countries.

- (c) The in-quota tariff rate for the tariff quota specified in (2)(a) above shall be EUR 12/metric tonne, and the out-of-quota tariff rate shall be no higher than the lower of the bound rate of duty for item 1001 90 95 (other spelt, common wheat, and meslin) in EC Schedule CXL as of July 1, 2002 or the most-favoured-nation rate of duty.
- (3) Once the EC has established the tariff quota as specified in (2) above, the EC need not apply the concessions for other spelt, medium and low quality common wheat (as specified in Annex I to Commission Regulation (EC) No 1249/96 (28 June 1996), OJ L 161, p. 125) and meslin under item 1001 90 95, contained in headnote 6 of EC Schedule CXL.

#### Barley

- (4)
  - (a) For item 1003 00 50 (barley), the EC shall establish a tariff quota of 50 000 metric tonnes for malting barley (barley intended for the production of malt used for manufacture of beer aged in vats containing beechwood and with quality criteria as specified in Article 2(3) of Commission Regulation (EC) No 1234/2001 (22 June 2001), OJ L 168, p. 12) and a tariff quota for all other barley of 300 000 metric tonnes.
  - (b) The in-quota tariff rate for the malting-barley tariff quota specified in (4)(a) above shall be EUR 8/metric tonne, and the out-of-quota tariff rate shall be no higher than the lower of the bound rate of duty for item 1003 00 50 (barley) in EC Schedule CXL as of 1 July 2002 or the most-favoured-nation rate of duty. The in-quota tariff rate for the all-other-barley tariff quota specified in (4)(a) above shall be EUR 16/metric tonne, and the out-of-quota tariff rate shall be no higher than the lower of the bound rate of duty for item 1003 00 50 (barley) in EC Schedule CXL as of 1 July 2002 or the most-favoured-nation rate of duty.

- (5) Once the EC has established the tariff quotas as specified in (4) above, the EC need not apply the concessions for item 1003 00 50 (barley) contained in headnote 6 of EC Schedule CXL.

General

- (6) The tariff quotas specified in (2) and (4) above shall open on 1 January of each year.
- (7) The tariff quotas specified in (2) and (4) above shall be managed on a first-come, first-served basis.
- (8) Any modification of concessions in EC Schedule CXL pursuant to (3) and/or (5) shall add the concessions specified in (2), (4), and (6) to EC Schedule CXL.
- (9) The EC recognises that the United States of America has initial negotiating rights with respect to the concessions contained in headnote 6 of EC Schedule CXL and the concessions specified in (2), (4) and (6) above.
- (10) With respect to the notification of 26 July 2002 by the EC of its intention to modify certain concessions in EC Schedule CXL (circulated in G/SECRET/15), the EC is not modifying concessions contained in EC Schedule CXL on item 10019095 as specified in (1) above and on items 1001 10 50 (durum wheat), 1002 00 00 (rye), ex 1005 (maize, except hybrid seed), and ex 1007 (grain sorghum, except hybrids for sowing) and shall notify the WTO of such.

This Agreement shall be approved by the Parties in accordance with their own procedures.