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2010/315/EU:

★ Commission Decision of 8 June 2010 repealing Decision 2006/601/EC on emergency measures regarding the non-authorised genetically modified organism ‘LL RICE 601’ in rice products, and providing for random testing for the absence of that organism in rice products (<i>notified under document C(2010) 3527</i>) ⁽¹⁾	10
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⁽¹⁾ Text with EEA relevance

II

(Non-legislative acts)

INTERNATIONAL AGREEMENTS

COUNCIL DECISION

of 10 May 2010

on the signing and provisional application of the Geneva Agreement on Trade in Bananas between the European Union and Brazil, Colombia, Costa Rica, Ecuador, Guatemala, Honduras, Mexico, Nicaragua, Panama, Peru and Venezuela and of the Agreement on Trade in Bananas between the European Union and the United States of America

(2010/314/EU)

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on the Functioning of the European Union, and in particular Article 207(4), first subparagraph, in conjunction with Article 218(5) thereof,

Having regard to the proposal from the European Commission,

Whereas:

- (1) The Commission reached Understandings with Ecuador and the United States of America, on 11 April 2001 and on 30 April 2001 respectively (the 'Understandings'), which identified means to resolve the disputes brought by those countries in the World Trade Organisation (WTO) with respect to the tariff treatment of bananas imported into the Union. Those Understandings envisaged the introduction of a tariff-only regime for the imports of bananas. To that effect, on 12 July 2004 the Council authorised the Commission to negotiate the modification of the bound tariff with a view to introducing a tariff-only regime for bananas in the EU schedule for bananas pursuant to Article XXVIII of the General Agreement on Tariffs and Trade 1994 ('GATT 1994').
- (2) On 22 March 2004 and on 29 January 2007 the Council authorised the Commission to open negotiations pursuant to Article XXIV:6 of the GATT 1994 in the course of the accession to the European Union of the Czech Republic, Estonia, Cyprus, Latvia, Lithuania, Hungary, Malta, Poland, Slovenia and Slovakia and of Bulgaria and Romania, respectively.
- (3) The negotiations were successfully concluded on 15 December 2009 by the initialling of a Geneva Agreement on Trade in Bananas with Brazil, Colombia, Costa Rica, Ecuador, Guatemala, Honduras, Mexico, Nicaragua, Panama, Peru and Venezuela (the 'Geneva Agreement') and of an Agreement on Trade in Bananas with the United States of America (the 'EU/US Agreement').
- (4) The Agreements negotiated by the Commission meet the claims of the countries concerned pursuant to Article XXIV:6 and Article XXVIII of the GATT 1994. In addition, they implement the Understandings by providing for the binding of a tariff-only regime, and provide an adequate solution to all the pending disputes concerning the tariff treatment of bananas, which should therefore be formally settled.
- (5) Those two Agreements should be signed on behalf of the Union, subject to their conclusion at a later date.
- (6) In view of the need to implement expeditiously the initial tariff cuts, to prevent the continuation of the pending disputes and to ensure that the Union's final market access commitments for bananas in the next WTO multi-lateral market access negotiations for agricultural products successfully concluded do not exceed those provided for in paragraphs 3, 6 and 7 of the Geneva Agreement and paragraph 2 and paragraph 3(a) and 3(b) of the EU/US Agreement, both Agreements should be applied provisionally, in accordance with paragraph 8(b) of the Geneva Agreement and paragraph 6 of the EU/US Agreement, respectively, from the date of signature of each Agreement, pending their entry into force,

HAS ADOPTED THIS DECISION:

Article 1

The President of the Council is hereby authorised to designate the person(s) empowered to sign, on behalf of the Union, the following Agreements:

- (a) the Geneva Agreement on Trade in Bananas between the European Union and Brazil, Colombia, Costa Rica, Ecuador, Guatemala, Honduras, Mexico, Nicaragua, Panama, Peru and Venezuela (the 'Geneva Agreement');
- (b) the Agreement on Trade in Bananas between the European Union and the United States of America (the 'EU/US Agreement').

The texts of those Agreements are attached to this Decision.

Article 2

1. Paragraphs 3, 6 and 7 of the Geneva Agreement shall be applied provisionally, in accordance with paragraph 8(b)

thereof, from the date of signature of that Agreement, pending its entry into force.

2. Paragraph 2 and paragraph 3(a) and 3(b) of the EU/US Agreement shall be applied provisionally, in accordance with its paragraph 6, from the date of signature of that Agreement, pending its entry into force.

Article 3

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

Done at Brussels, 10 May 2010.

For the Council
The President
C. ASHTON

GENEVA AGREEMENT ON TRADE IN BANANAS

1. This Agreement is concluded between the European Union (hereinafter the 'EU') and Brazil, Colombia, Costa Rica, Ecuador, Guatemala, Honduras, Mexico, Nicaragua, Panama, Peru and Venezuela (hereinafter the 'Latin American MFN banana suppliers') regarding the structure and operation of the EU trading regime for fresh bananas, excluding plantains, classified under HS tariff line 0803.00.19 (hereinafter 'bananas') and the terms and conditions that apply thereto.

2. This Agreement is without prejudice to the WTO rights and obligations of all the signatories to this Agreement subject to the provisions in paragraphs 3 to 8 below.

3. The EU agrees to the following:

(a) without prejudice to subparagraph (b) below, the EU shall apply tariffs for bananas not greater than the following ⁽¹⁾:

— From 15 December 2009 until 31 December 2010	148 EUR/mt
— 1 January 2011	143 EUR/mt
— 1 January 2012	136 EUR/mt
— 1 January 2013	132 EUR/mt
— 1 January 2014	127 EUR/mt
— 1 January 2015	122 EUR/mt
— 1 January 2016	117 EUR/mt
— 1 January 2017	114 EUR/mt

(b) if Doha Modalities ⁽²⁾ are not established by 31 December 2013, the ensuing tariff cuts in paragraph 3(a) above will be delayed until Doha Modalities are established. Under no circumstances shall the delay extend beyond 31 December 2015. The applicable tariff rate during that period of delay shall be 132 EUR/mt. After the two year period expires, or immediately after Doha Modalities are established, whichever occurs first, the tariff rate shall be 127 EUR/mt. The ensuing tariffs for the next three years, as from 1 January of each year, shall be no greater than 122 EUR/mt, 117 EUR/mt and 114 EUR/mt, respectively;

(c) the EU shall maintain a MFN tariff-only regime for the importation of bananas ⁽³⁾.

4. (a) The EU shall bind the tariff cuts provided in paragraph 3. To this effect this Agreement shall be incorporated into the EU's WTO Schedule by means of Certification ⁽⁴⁾ in accordance with the Decision of 26 March 1980 on Procedures for the Modification and Rectification of Schedules of Tariff Concessions (L/4962).

(b) Upon entry into force of this Agreement the EU shall communicate a draft Schedule on bananas incorporating the text of this Agreement to the Director-General for Certification.

(c) Parties to this Agreement agree not to raise objections to the Certification of the modified Schedule, provided that this Agreement is correctly reflected in the notification.

⁽¹⁾ Upon signature of this Agreement, the EU shall apply retroactively the applicable tariff(s) specified in paragraph 3(a) for the period from 15 December 2009 to the date of signature. Duties paid in excess of the amount stipulated in this provision shall be reimbursed by the competent customs authorities upon request.

⁽²⁾ Doha Modalities for the purpose of this Agreement means that consensus has been reached in the Trade Negotiations Committee to proceed to scheduling in Agriculture and Non-Agricultural Market Access negotiations.

⁽³⁾ This provision shall not be read to authorise non-tariff measures on bananas that are inconsistent with the EU's obligations under the WTO Agreements.

⁽⁴⁾ The date of Certification shall be the date at which the Director-General certifies that the modifications to the EU Schedule have become a Certification in accordance with the Decision of 26 March 1980 on Procedures for the Modification and Rectification of Schedules of tariff concessions (document reference WT/LET).

5. Upon Certification, the pending disputes WT/DS27; WT/DS361; WT/DS364; WT/DS16; WT/DS105; WT/DS158; WT/L/616; WT/L/625 and all claims filed to date by any and all Latin American MFN banana suppliers under the procedures of Articles XXIV and XXVIII of the GATT 1994 with respect to the EU trading regime for bananas (including G/SECRET/22 item 0803.00.19 and G/SECRET/22/Add.1; G/SECRET/20 and G/SECRET/20/Add.1; and G/SECRET/26) shall be settled ⁽¹⁾. Within two weeks after Certification, the relevant parties to this Agreement shall jointly notify the DSB that they have reached a mutually agreed solution through which they have agreed to end these disputes ⁽²⁾.

6. Without prejudice to their rights under the WTO Agreement including those derived from the disputes and claims identified in paragraph 5, the Latin American MFN banana suppliers further undertake not to take any further action with respect to those disputes and claims referred to in paragraph 5 between 15 December 2009 and Certification provided that the EU complies with paragraph 3 and paragraph 4(b) and (c).

7. The Latin American MFN banana suppliers agree that this Agreement shall constitute the EU's final market access commitments for bananas for inclusion in the final results of the next multilateral market access negotiation for agriculture products successfully concluded in the WTO (including the Doha Round) ⁽³⁾.

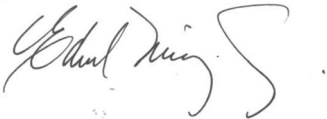
8. (a) This Agreement enters into force the first day of the month following that in which the last of the signatories has notified the Director-General of the completion of the procedures necessary for that purpose. Each signatory shall furnish a copy of the notification to the other signatories.

(b) Notwithstanding subparagraph (a), the signatories agree to provisionally apply paragraphs 3, 6 and 7 from the day of signature of this Agreement.

For Brazil



For Colombia



For Costa Rica



For Ecuador



For the European Union



⁽¹⁾ The date of the settlement shall be the date of Certification (document reference WT/LET).

⁽²⁾ The settlement of these disputes does not affect any party's right to initiate a new dispute under the DSU, or future rights under the procedures of Articles XXIV and XXVIII of the GATT 1994.

⁽³⁾ If Certification has not been completed by the date of the conclusion of the next multilateral market access negotiation for agriculture products in the WTO (including the Doha Round), this Agreement shall be incorporated into the EU's WTO Schedule on the date that the Schedule enters into force as part of the results of that negotiation.

For Guatemala



For Honduras



For Mexico



For Nicaragua



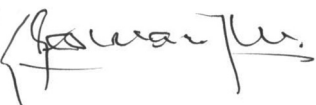
For Panama



For Peru



For Venezuela



AGREEMENT**on trade in bananas between the European Union and the United States of America**

THE EUROPEAN UNION (the 'EU'),

and

THE UNITED STATES OF AMERICA (the 'United States'),

RECALLING the US-EC Understanding on Bananas of April 11, 2001 (WT/DS27/59);

TAKING NOTE of the Geneva Agreement on Trade in Bananas (GATB) signed between the EU and Brazil, Colombia, Costa Rica, Ecuador, Guatemala, Honduras, Mexico, Nicaragua, Panama, Peru and Venezuela on 31 May 2010, a copy of which is attached;

TAKING NOTE of the questions and answers exchanged between the United States and the European Commission on March 16 and 18, 2009 and April 10 and 17, 2009;

HAVE AGREED AS FOLLOWS:

1. Upon settlement by all the signatories to the GATB of the pending disputes and claims listed in the first sentence of paragraph 5 of the GATB (the 'settlement date'), the dispute *EC — Regime for the Importation, Sale and Distribution of Bananas* (WT/DS27) (the 'dispute') shall be settled as between the United States and the EU. Immediately after the last notification to the Dispute Settlement Body of all the mutually agreed solutions referred to in paragraph 5 of the GATB has been submitted, the United States and the EU shall jointly notify to the Dispute Settlement Body, pursuant to Article 3.6 of the *Understanding on Rules and Procedures Governing the Settlement of Disputes* (DSU), that they have reached a mutually agreed solution through which they have agreed to end the dispute ⁽¹⁾.
2. Without prejudice to their rights and obligations under the World Trade Organisation (WTO) Agreement, including those derived from the dispute, the United States and the EU undertake not to take any further action with respect to the dispute between the date of initialling of this Agreement and the settlement date, provided that the EU complies with paragraph 3(a) and (b) below and its obligations contained in paragraph 3 and paragraph 4(b) and (c) of the GATB.
3. The EU further undertakes:
 - (a) to apply an MFN tariff-only regime for the importation of bananas and therefore not to apply measures affecting the importation of bananas into its territory in the form of quotas, tariff rate quotas, or import licensing regimes for bananas supplied from any source (other than automatic licensing regimes solely for market monitoring purposes) ⁽²⁾; and
 - (b) not to apply any measure that discriminates between suppliers of banana distribution services based on the ownership or control of the service supplier or the origin of the bananas distributed.

The provisions of paragraph 1 will not apply if, as of the settlement date, the EU is not in compliance with either of the undertakings contained in this paragraph.

4. In accordance with applicable WTO rules, the EU will notify to the WTO promptly upon conclusion, any concluded bilateral or regional free trade agreement that includes provisions regarding trade in bananas.

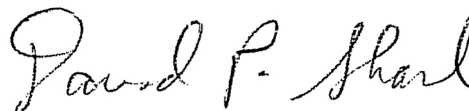
⁽¹⁾ The settlement of this dispute does not affect any party's right to initiate a new dispute under the DSU.

⁽²⁾ This provision is without prejudice to the EU's right to apply measures that are in conformity with Article XXIV of the *General Agreement on Tariffs and Trade 1994*.

5. The United States and the EU agree to communicate, and upon request of either party the other party will consult, in a timely manner with respect to any issues arising under or relating to this Agreement.
6. The United States and the EU shall notify each other in writing of the completion of the internal procedures necessary for the entry into force of this Agreement. This Agreement shall enter into force on the later of: (a) the date of the last notification referred to in the previous sentence; and (b) the date of entry into force of the GATB. Paragraph 2 and paragraph 3(a) and (b) shall provisionally apply as of the date of signature of this Agreement.

For the European Union

For the United States of America



REGULATIONS

COMMISSION REGULATION (EU) No 497/2010

of 8 June 2010

establishing the standard import values for determining the entry price of certain fruit and vegetables

THE EUROPEAN COMMISSION,

Having regard to the Treaty on the Functioning of the European Union,

Having regard to Council Regulation (EC) No 1234/2007 of 22 October 2007 establishing a common organisation of agricultural markets and on specific provisions for certain agricultural products (Single CMO Regulation) ⁽¹⁾,

Having regard to Commission Regulation (EC) No 1580/2007 of 21 December 2007 laying down implementing rules for Council Regulations (EC) No 2200/96, (EC) No 2201/96 and (EC) No 1182/2007 in the fruit and vegetable sector ⁽²⁾, and in particular Article 138(1) thereof,

Whereas:

Regulation (EC) No 1580/2007 lays down, pursuant to the outcome of the Uruguay Round multilateral trade negotiations, the criteria whereby the Commission fixes the standard values for imports from third countries, in respect of the products and periods stipulated in Annex XV, Part A thereto,

HAS ADOPTED THIS REGULATION:

Article 1

The standard import values referred to in Article 138 of Regulation (EC) No 1580/2007 are fixed in the Annex hereto.

Article 2

This Regulation shall enter into force on 9 June 2010.

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

Done at Brussels, 8 June 2010.

*For the Commission,
On behalf of the President,*

Jean-Luc DEMARTY
*Director-General for Agriculture and
Rural Development*

⁽¹⁾ OJ L 299, 16.11.2007, p. 1.

⁽²⁾ OJ L 350, 31.12.2007, p. 1.

ANNEX

Standard import values for determining the entry price of certain fruit and vegetables

(EUR/100 kg)

CN code	Third country code ⁽¹⁾	Standard import value
0702 00 00	MA	44,4
	MK	61,5
	TR	52,4
	ZZ	52,8
0707 00 05	MA	37,3
	MK	41,0
	TR	121,8
	ZZ	66,7
0709 90 70	TR	109,2
	ZZ	109,2
0805 50 10	AR	83,3
	BR	112,1
	TR	100,4
	ZA	106,4
	ZZ	100,6
0808 10 80	AR	114,8
	BR	82,0
	CA	103,3
	CL	95,8
	CN	87,2
	IL	49,0
	NZ	115,9
	US	118,9
	UY	116,3
	ZA	89,2
	ZZ	97,2
0809 10 00	TN	380,0
	TR	186,3
	ZZ	283,2
0809 20 95	TR	486,1
	US	584,5
	ZZ	535,3

⁽¹⁾ Nomenclature of countries laid down by Commission Regulation (EC) No 1833/2006 (OJ L 354, 14.12.2006, p. 19). Code 'ZZ' stands for 'of other origin'.

DECISIONS

COMMISSION DECISION

of 8 June 2010

repealing Decision 2006/601/EC on emergency measures regarding the non-authorised genetically modified organism 'LL RICE 601' in rice products, and providing for random testing for the absence of that organism in rice products

*(notified under document C(2010) 3527)***(Text with EEA relevance)**

(2010/315/EU)

THE EUROPEAN COMMISSION,

Having regard to the Treaty on the Functioning of the European Union,

Having regard to Regulation (EC) No 178/2002 of the European Parliament and of the Council of 28 January 2002 laying down the general principles and requirements of food law, establishing the European Food Safety Authority and laying down procedures in matters of food safety⁽¹⁾, and in particular Article 53(2) thereof,

Whereas:

(1) Commission Decision 2006/601/EC⁽²⁾ requires that consignments of rice products originating from the United States of America and likely to be mixed may be placed on the market only if they are accompanied by certain documents demonstrating that the products concerned do not contain the genetically modified organism 'LL RICE 601'. In addition, that Decision provides for certain other control measures.

(2) The United States Department of Agriculture (USDA) has published the results of its investigation on, in particular, the presence of 'LL RICE 601' in US commercial rice. While the exact mechanisms of the admixture could not be established, the findings indicated that the source of the admixture with 'LL RICE 601' was limited.

(3) Additionally, the US Rice Federation adopted a plan aiming to remove 'LL RICE 601' from the US export channels. This plan included testing of the seeds before planting, as well as documentary and analytical controls at the delivery points.

(4) Following the latest amendment to Decision 2006/601/EC, by Commission Decision 2008/162/EC⁽³⁾, the 2008 seed test results for the five rice growing US states — Arkansas, Mississippi, Louisiana, Texas and Missouri —, provided in the framework of that plan, were all negative for the presence of 'LL RICE 601'.

(5) The findings and conclusions of the Food and Veterinary Office report of 2008 concerning the evaluation of control activities in the United States of America regarding emergency measures for rice exports to the EU [United States 2008-7857] show that there was an acceptable system in place as regards the measures provided for in Decision 2006/601/EC.

(6) Testing by the US Rice Federation for the 2009 crop of harvested rice, also known as green rice, did not detect lots containing LLRice601. In addition, the US industry indicated that it would continue to apply its plan for the 2010 crop and to provide pre-export testing and certification even if the measure is lifted, should market interests require continued measures.

(7) Consequently, the reasons which justified Decision 2006/601/EC no longer exist. That Decision should therefore be repealed.

(8) Member States should nevertheless keep up monitoring, at an appropriate level of random testing, to verify the absence of rice products mixed with 'LL RICE 601' on the market. The results of this monitoring are to be rapidly communicated through the RASFF to the Commission which will evaluate whether further action is required.

(9) The measures provided for in this Decision are in accordance with the opinion of the Standing Committee on the Food Chain and Animal Health,

⁽¹⁾ OJ L 31, 1.2.2002, p. 1.

⁽²⁾ OJ L 244, 7.9.2006, p. 27.

⁽³⁾ OJ L 52, 27.2.2008, p. 25.

HAS ADOPTED THIS DECISION:

Article 1

Decision 2006/601/EC is repealed.

Article 2

Member States shall ensure an appropriate level of random testing to verify the absence on the market of rice products containing, consisting of, or produced from the genetically modified 'LL RICE 601', in accordance with Regulation (EC) No 178/2002.

Article 3

This Decision is addressed to the Member States.

Done at Brussels, 8 June 2010.

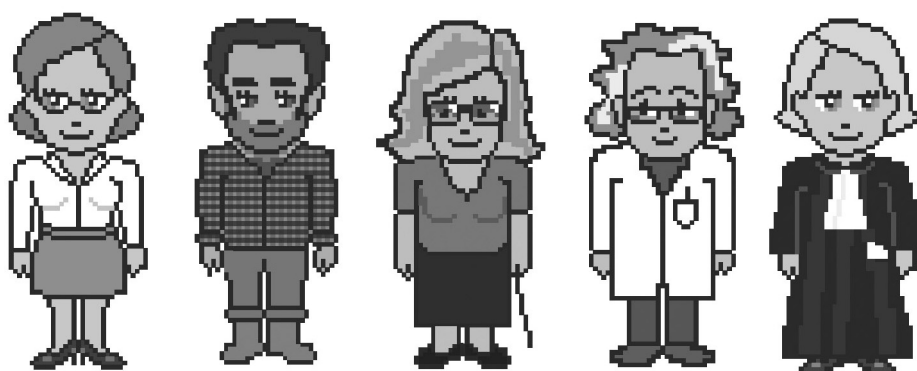
For the Commission

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