No L 308/59

COUNCIL DECISION

of 22 November 1984

concerning the conclusion of an Agreement in the form of an exchange of letters between the European Economic Community and the Government of New Zealand amending the Joint Discipline Arrangement between New Zealand and the Community concerning cheese

(84/561/EEC)

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community, and in particular Article 113 thereof,

Having regard to the proposal from the Commission,

Whereas during the General Agreement on Tariffs and Trade (GATT) trade negotiations, the Community concluded an Arrangement with New Zealand concerning cheese (1),

Whereas if the objectives of the Arrangement are to be attained, some of its provisions should be amended;

Whereas the Commission has initiated negotiations with New Zealand on this matter and reached a satisfactory agreement with that country,

HAS DECIDED AS FOLLOWS:

Article 1

The Agreement in the form of an exchange of letters between the European Economic Community and the Government of New Zealand amending the Joint Discipline Arrangement between New Zealand and the Community concerning cheese is hereby approved on behalf of the Community.

The text of the Agreement is attached to this Decision.

Article 2

The President of the Council is hereby authorized to designate the person empowered to sign the Agreement in order to bind the Community.

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Done at Brussels, 22 November 1982.

For the Council
The President
J. BRUTON

EXCHANGE OF LETTERS

between the European Economic Community and the Government of New Zealand amending the Joint Discipline Arrangement between New Zealand and the Community concerning cheese

A. Letter from the European Economic Community

Sir.

I have the honour to refer to the Joint Discipline Arrangement between New Zealand and the Community concerning cheese in Annex 3 to the Memorandum of Understanding on the results of bilateral negotiations between the delegations of New Zealand and the European Community to the multilateral trade negotiations, signed on 12 April 1979, and to the negotiations concerning certain amendments to this Arrangement concluded in Brussels on 3 October 1984.

In accordance with the conclusions of these negotiations I have the honour to propose the following amendments to the abovementioned Arrangement:

- 1. The second and third subparagraphs of paragraph 2 of Part I of the second and third subparagraphs of paragraph 2 of Part II shall be suspended;
- 2. The following shall be added to Part III:

'The exchange of information shall take place quarterly, on a reciprocal basis.';

3. Appendices I and II shall be replaced by the following:

Appendix I

Text of EEC concession on Cheddar cheese

CCT heading No	Description	Rate of conventional duty
04.04	Cheese and curd:	
	E. Other:	
ego (ant a see 2)	I. Not grated or powdered, of a fat content, by weight, not exceeding 40 % and a water content, calculated by weight of the non-fatty matter:	jevs jevs
	b) exceeding 47 % but not exceeding 72 %:	
	1. Cheddar:	
÷	 Whole Cheddar cheeses (a) of a minimum fat content of 50 % by weight, in the dry matter, 	
	matured for at least three months (b)	L (c)

- (a) The expression "whole cheeses", as used in subheading 04.04 E I b) 1 shall be taken to apply to:
 - cheeses of the conventional flat cylindrical shape of a net weight of not less than 33 kilograms but not more than 44 kilograms,
 - cubic blocks of cheese of a net weight of 10 kilograms or more.
- (b) Entry under this subheading is subject to conditions to be determined by the competent authorities.
- (c) 15 ECU per 100 kilograms net weight within the limits of an annual tariff quota of 9 000 tonnes to be granted by the competent authorities of the European Communities.

Appendix II EEC concession on Cheddar and other cheeses for processing

CCT heading No	Description	Rate of Conventional duty
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en de la companya de La companya de la co	I. Not grated or powdered, of a fat content, by weight, not exceeding 40 % and a water content, calculated by weight of the non-fatty matter:	
	b) exceeding 47 % but not exceeding 72 %: 1. Cheddar:	Service of the servic
	- Cheddar for processing (a) (b) 2. Other: - for processing (a) (b)	L (c)

- (a) The checks on use for this particular end-use are carried out pursuant to the Community provisions governing this matter.
- (b) Entry under this subheading is subject to conditions to be determined by the competent authorities.
- (c) 15 ECU per 100 kilograms net weight within the limits of an annual tariff quota of 3 500 tonnes to be granted by the competent authorities of the European Communities.'

I have further the honour to propose the following:

- the arrangements mentioned above shall enter into force no later than 30 days after the date of signature of this exchange of letters. They shall remain in force until 31 December 1986 and shall continue in force thereafter subject to each Party having the right to terminate them by giving six months' notice in writing;
- in the event that the present arrangements be terminated the original terms of the Joint Discipline Arrangement of 1979 and the concessions provided for in Schedule LXXII-EEC and applicable prior to the entry into effect of the present arrangement shall apply fully.

I would be obliged if you would kindly let me know that your Government is in agreement with these proposals.

Please accept, Sir, the assurance of my highest consideration.

On behalf of the Council of the European Communities

B. Letter from the Government of New Zealand

Sir,

I am in receipt of your letter of today's date, which reads as follows:

I have the honour to refer to the Joint Discipline Arrangement between New Zealand and the Community concerning cheese in Annex 3 to the Memorandum of Understanding on the results of bilateral negotiations between the delegations of New Zealand and the European Community to the multilateral trade negotiations, signed on 12 April 1979, and to the negotiations concerning certain amendments to this Arrangement concluded in Brussels on 3 October 1984.

In accordance with the conclusions of these negotiations I have the honour to propose the following amendments to the abovementioned Arrangement:

- 1. The second and third subparagraphs of paragraph 2 of Part I of the second and third subparagraphs of paragraph 2 of Part II shall be suspended;
- 2. The following shall be added to Part III:

 "The exchange of information shall take place quarterly, on a reciprocal basis.";
- 3. Appendices I and II shall be replaced by the following:

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*	1. Cheddar:	
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 - cheeses of the conventional flat cylindrical shape of a net weight of not less than 33 kilograms but not more than 44 kilograms,
 - cubic blocks of cheese of a net weight of 10 kilograms or more.
- (b) Entry under this subheading is subject to conditions to be determined by the competent authorities.
- (c) 15 ECU per 100 kilograms net weight within the limits of an annual tariff quota of 9 000 tonnes to be granted by the competent authorities of the European Communities.

Appendix II EEC concession on Cheddar and other cheeses for processing

CCT heading No	Description	Rate of conventional duty
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	b) exceeding 47 % but not exceeding 72 %:	
	1. Cheddar:	
-	— Cheddar for processing (a) (b)	L (c)
	2. Other:	
v	— for processing (a) (b)	L (c)

- (a) The checks on use for this particular end-use are carried out pursuant to the Community provisions governing this matter.
- (b) Entry under this subheading is subject to conditions to be determined by the competent authorities.
- (c) 15 ECU per 100 kilograms net weight within the limits of an annual tariff quota of 3 500 tonnes to be granted by the competent authorities of the European Communities."

I have further the honour to propose the following:

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- in the event that the present arrangements be terminated the original terms of the Joint Discipline Arrangement of 1979 and the concessions provided for in Schedule LXXII-EEC and applicable prior to the entry into effect of the present arrangement shall apply fully.

I would be obliged if you would kindly let me know that your Government is in agreement with these proposals.'

I have the honour to inform you that my Government is in agreement with the proposals in your letter.

Please accept, Sir, the assurance of my highest consideration.

For the Government of New Zealand