

## **ANNEX 4(D). INTERNATIONAL BOVINE MEAT AGREEMENT**

The *Parties* to this Agreement,

*Convinced* that increased international cooperation should be carried out in such a way as to contribute to the achievement of greater liberalization, stability and expansion in international trade in meat and live animals;

*Taking* into account the need to avoid serious disturbances in international trade in bovine meat and live animals;

*Recognizing* the importance of production and trade in bovine meat and live animals for the economies of many countries, especially for certain developed and developing countries;

*Mindful* of their obligations to the principles and objectives of the General Agreement on Tariffs and Trade 1994 (hereinafter referred to as "GATT 1994");<sup>1</sup>

*Determined*, in carrying out the aims of this Agreement to implement the principles and objectives agreed upon in the Tokyo Declaration of Ministers dated 14 September 1973, in particular as concerns special and more favourable treatment for developing countries;

Hereby *agree* as follows:

### **Article I. Objectives**

The objectives of this Agreement shall be:

1. to promote the expansion, ever greater liberalization and stability of the international meat and livestock market by facilitating the progressive dismantling of obstacles and restrictions to world trade in bovine meat and live animals, including those which compartmentalize this trade, and by improving the international framework of world trade to the benefit of both consumer and producer, importer and exporter;
2. to encourage greater international cooperation in all aspects affecting the trade in bovine meat and live animals with a view in particular to greater rationalization and more efficient distribution of resources in the international meat economy;
3. to secure additional benefits for the international trade of developing countries in bovine meat and live animals through an improvement in the possibilities for these countries to participate in the expansion of world trade in these products by means of inter alia:
  - (a) promoting long-term stability of prices in the context of an expanding world market for bovine meat and live animals; and
  - (b) promoting the maintenance and improvement of the earnings of developing countries that are exporters of bovine meat and live animals;  
the above with a view thus to deriving additional earnings, by means of securing long-term stability of markets for bovine meat and live animals;
4. to further expand trade on a competitive basis taking into account the traditional position of efficient producers.

### **Article II. Product Coverage**

This Agreement applies to the products listed in the Annex and to any other product that may be added by the International Meat Council (hereinafter also referred to as "the Council"), as established under the terms of Article V, in order to accomplish the objectives and provisions of this Agreement.

### **Article III. Information and Market Monitoring**

1. Each Party shall provide regularly and promptly to the Council the information which will permit the Council to monitor and assess the overall situation of the world market for meat and the situation of the world market for each specific meat.
2. Developing country Parties shall furnish the information available to them. In order that these Parties may improve their data collection mechanism, developed country<sup>2</sup> Parties, and any developing country Parties able to do so, shall consider sympathetically any request to them for technical assistance.

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<sup>1</sup>This provision shall apply only among Parties that are Members of the World Trade Organization.

<sup>2</sup>In this Agreement the term "country" is deemed to include the European Communities as well as any separate customs territory Member of the World Trade Organization.

3. The information that the Parties undertake to provide pursuant to paragraph 1, according to the modalities that the Council shall establish, shall include data on past performance and current situation and an assessment of the outlook regarding production (including the evolution of the composition of herds), consumption, prices, stocks of and trade in the products referred to in Article II, and any other information deemed necessary by the Council, in particular on competing products. Parties shall also provide information on their domestic policies and trade measures including bilateral and plurilateral commitments in the bovine sector, and shall notify as early as possible any changes in such policies and measures that are likely to affect international trade in bovine meat and live animals. The provisions of this paragraph shall not require any Party to disclose confidential information which would impede law enforcement or otherwise be contrary to the public interest or would prejudice the legitimate commercial interests of particular enterprises, public or private.

4. The Secretariat of the World Trade Organization (hereinafter referred to as "Secretariat") shall monitor variations in market data, in particular herd sizes, stocks, slaughtering and domestic and international prices, so as to permit early detection of the symptoms of any serious imbalance in the supply and demand situation. The Secretariat shall keep the Council apprized of significant developments on world markets, as well as prospects for production, consumption, exports and imports. The Secretariat shall draw up and keep up to date an inventory of all measures affecting trade in bovine meat and live animals, including commitments resulting from bilateral, plurilateral and multilateral negotiations.

## **Article IV. Functions of the International Meat Council and Cooperation between the Parties**

1. The Council shall meet in order to:

- (a) evaluate the world supply and demand situation and outlook on the basis of an interpretative analysis of the present situation and of probable developments drawn up by the Secretariat, on the basis of documentation provided in conformity with Article III, including that relating to the operation of domestic and trade policies and of any other information available to the Secretariat;
- (b) proceed to a comprehensive examination of the functioning of this Agreement;
- (c) provide an opportunity for regular consultation on all matters affecting international trade in bovine meat.

2. If after evaluation of the world supply and demand situation referred to in paragraph 1 (a), or after examination of all relevant information pursuant to paragraph 3 of Article III, the Council finds evidence of a serious imbalance or a threat thereof in the international meat market, the Council will proceed by consensus, taking particular account of the situation in developing countries, to identify for consideration by governments<sup>3</sup> possible solutions to remedy the situation consistent with the principles and rules of GATT 1994.

3. Depending on whether the Council considers that the situation defined in paragraph 2 is temporary or more durable, the measures referred to in paragraph 2 could include short-, medium-, or long-term measures taken by importers as well as exporters to contribute to improve the overall situation of the world market consistent with the objectives and aims of this Agreement, in particular the expansion, ever greater liberalization, and stability of the international meat and livestock markets.

4. When considering the suggested measures pursuant to paragraphs 2 and 3, due consideration shall be given to special and more favourable treatment to developing countries, where this is feasible and appropriate.

5. The Parties undertake to contribute to the fullest possible extent to the implementation of the objectives of this Agreement set forth in Article I. To this end, and consistent with the principles and rules of the GATT 1994, Parties shall, on a regular basis, enter into the discussions provided in paragraph 1 (c) with a view to exploring the possibilities of achieving the objectives of this Agreement, in particular the further dismantling of obstacles to world trade in bovine meat and live animals. Such discussions should prepare the way for subsequent consideration of possible solutions of trade problems consistent with the rules and principles of the GATT 1994, which could be jointly accepted by all the Parties concerned, in a balanced context of mutual advantages.

6. Any Party may raise before the Council any matter<sup>4</sup> affecting this Agreement, inter alia, for the same purposes provided for in paragraph 2. The Council shall, at the request of a Party, meet within a period of not more than fifteen days to consider any matter affecting this Agreement.

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<sup>3</sup>For the purpose of this Agreement, the term "government" is deemed to include the competent authorities of the European Communities.

<sup>4</sup>It is confirmed that the term "matter" in this paragraph includes any matter which is covered by Multilateral Trade Agreements annexed to the Agreement Establishing the WTO, in particular those bearing on export and import measures.

## Article V. Administration

### 1. International Meat Council

An International Meat Council shall be established within the framework of the World Trade Organization (hereinafter referred to as "the WTO"). The Council shall comprise representatives of all Parties to the Agreement and shall carry out all the functions which are necessary to implement the provisions of the Agreement. The Council shall be serviced by the Secretariat. The Council shall establish its own rules of procedure. The Council may, as appropriate, establish subsidiary working groups or other bodies.

### 2. Regular and special meetings

The Council shall normally meet as appropriate, but not less than twice each year. The Chairman may call a special meeting of the Council either on his own initiative or at the request of a Party to this Agreement.

### 3. Decisions

The Council shall reach its decisions by consensus. The Council shall be deemed to have decided on a matter submitted for its consideration if no member of the Council formally objects to the acceptance of a proposal.

### 4. Cooperation with other organizations

The Council shall make arrangements as appropriate for consultation or cooperation with intergovernmental and non-governmental organizations.

### 5. Admission of observers

(a) The Council may invite any non-Party government to be represented at any of its meetings as an observer and may determine rules on the rights and obligations of observers, in particular with respect to the provision of information.

(b) The Council may also invite any of the organizations referred to in paragraph 4 to attend any meeting as an observer.

## Article VI. Final provisions

### 1. Acceptance

(a) This Agreement is open for acceptance, by signature or otherwise, by any State or separate customs territory possessing full autonomy in the conduct of its external commercial relations and of the other matters provided for in the Agreement Establishing the WTO (hereinafter referred to as "WTO Agreement"), and by the European Communities.

(b) Reservations may not be entered without the consent of the other Parties.

(c) Acceptance of this Agreement shall carry denunciation of the Arrangement Regarding Bovine Meat, done at Geneva on 12 April 1979, which entered into force on 1 January 1980, for Parties having accepted that Arrangement. Such denunciation shall take effect on the date of entry into force of this Agreement for that Party.

### 2. Entry into force

This Agreement shall enter into force for those Parties having accepted it, on the date of entry into force of the WTO Agreement. For Parties accepting this Agreement after that date, it shall be effective from the date of their acceptance.

### 3. Validity

This Agreement shall remain in force for three years. The duration of this Agreement shall be extended for further periods of three years at a time, unless the Council, at least eighty days prior to each date of expiry, decides otherwise.

### 4. Amendment

Except where provision for modification is made elsewhere in this Agreement, the Council may recommend an amendment to the provisions of this Agreement. The proposed amendment shall enter into force upon acceptance by all Parties.

### 5. Relationship between the Agreement and other Agreements

Nothing in this Agreement shall affect the rights and obligations of Parties under the General Agreement on Tariffs and Trade or the WTO Agreement.<sup>5</sup>

### 6. Withdrawal

Any Party may withdraw from this Agreement. Such withdrawal shall take effect upon the expiration of sixty days from the date on which written notice of withdrawal is received by the Director-General of the WTO.

### 7. Deposit

Until the entry into force of the WTO Agreement, the text of this Agreement shall be deposited with the Director-General to the CONTRACTING Parties to GATT who shall promptly furnish a certified copy thereof and a notification of each acceptance thereof to each Party. The texts of this Agreement in the English, French and

<sup>5</sup>This provision shall apply only among Parties that are Members of the WTO or the GATT.

Spanish languages shall all be equally authentic. This Agreement, and any amendments thereto, shall, upon the entry into force of the WTO Agreement, be deposited with the Director-General of the WTO.

8. Registration

This Agreement shall be registered in accordance with the provisions of Article 102 of the Charter of the United Nations.

Done at Marrakesh on this fifteenth day of April nineteen hundred and ninety four.

## **ANNEX. PRODUCT COVERAGE**

This Agreement applies to bovine meat. For the purpose of this Agreement, the term "bovine meat" is considered to include the following products, as defined by the Harmonized Commodity Description and Coding System ("Harmonized System") established by the Customs Co-operation Council<sup>6</sup>:

HS code

01.02 - Live bovine animals:

0102.10 - Pure-bred breeding animals

0102.90 - Other

02.01 - Meat of bovine animals, fresh or chilled:

0201.10 - Carcasses and half-carcasses

0201.20 - Other cuts with bone-in

0201.30 - Boneless

02.02 - Meat of bovine animals, frozen:

0202.10 - Carcasses and half-carcasses

0202.20 - Other cuts with bone-in

0202.30 - Boneless

02.06 - Edible offal of bovine animals, fresh, chilled or frozen:

0206.10 - Of bovine animals, fresh or chilled

- Of bovine animals, frozen:

0206.21 - Tongues

0206.22 - Livers

0206.29 - Other

02.10 - Meat and edible meat offal, salted, in brine, dried or smoked; edible flours and meals of meat or meat offal:

0210.20 - Meat of bovine animals

ex0210.90 - Edible offal of bovine animals

16.02 - Other prepared or preserved meat, meat offal or blood:

1602.50 - Of bovine animals

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<sup>6</sup>For those Parties which have not yet implemented the Harmonized System, the following Customs Co-operation Council Nomenclature applies with respect to Article II:

CCCN

(a) Live bovine animals 01.02

(b) Meat and edible offals of bovine animals, fresh, chilled or frozen ex 02.01

(c) Meat and edible offals of bovine animals, salted, in brine, dried or smoked ex 02.06

(d) Other prepared or preserved meat or offal of bovine animals ex 16.02