

**Proposal for a Council Decision establishing the Community position within the Ministerial Conference set up by the Agreement establishing the World Trade Organization on the accession of the People's Republic of China to the World Trade Organization**

(2002/C 51 E/10)

COM(2001) 517 *final* — 2001/0218(CNS)

*(Submitted by the Commission on 19 October 2001)*

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community, and in particular Articles 37, 44, 47, 55, 71, 80(2), 95, 133 and 308, in conjunction with the first subparagraph of Article 300(3) thereof,

Having regard to the proposal from the Commission,

Having regard to the opinion of the European Parliament,

Whereas:

- (1) On 10 July 1986 the Government of the People's Republic of China applied to resume its status as a contracting party to the General Agreement on Tariffs and Trade (GATT 1947).
- (2) On 7 December 1995 the Government of the People's Republic of China applied for accession to the Agreement establishing the World Trade Organization (WTO), pursuant to Article XII of that Agreement.
- (3) A Working Party on China's status as a GATT 1947 Contracting Party was established on 4 March 1987, and was transformed into a WTO Accession Working Party on 7 December 1995, in order to reach agreement on terms of accession acceptable to the People's Republic of China and all WTO Members.
- (4) The Commission, on behalf of the Community and its Member States, negotiated a comprehensive series of market opening commitments on the part of the People's Republic of China which are of particular importance to the Community, provided for in the bilateral agreement between the People's Republic of China and the Community authenticated by signature on 19 May 2000.

(5) These commitments are now embodied in the Protocol of Accession of the People's Republic of China to the WTO.

(6) Accession to the WTO is expected to make a positive and lasting contribution to the process of economic reform and sustainable development in the People's Republic of China.

(7) It will also bring trade relations between the People's Republic of China and the Community into a stable and legally binding framework.

(8) The Protocol of Accession should therefore be approved.

(9) Article XII of the Agreement establishing the WTO provides that the terms of accession are to be agreed between the acceding Member and the WTO, and that the Ministerial Conference of the WTO approves the terms of accession on the WTO side.

(10) Accordingly, it is necessary to establish the position to be taken by the Community within the Ministerial Conference.

(11) For some of the objectives of the Community which accession of China to the WTO will help achieve the Treaty does not provide powers other than those under Article 308.

HAS DECIDED AS FOLLOWS:

*Sole Article*

The position to be taken by the Community within the Ministerial Conference set up by the Agreement establishing the WTO on the accession of the People's Republic of China to the WTO, is to support the draft Decision of the Ministerial Conference which supports the accession (see attachment).

## ANNEX

**Draft Decision****ACCESSION OF THE PEOPLE'S REPUBLIC OF CHINA**

Decision of [... November 2001]

[The Ministerial Conference,

*Having regard to* paragraph 2 of Article XII and paragraph 1 of Article IX of the Marrakesh Agreement Establishing the World Trade Organization, and the Decision-Making Procedures under Articles IX and XII of the Marrakesh Agreement Establishing the World Trade Organization agreed by the General Council (WT/L/93),

*Taking note of* the application of the People's Republic of China for accession to the Marrakesh Agreement Establishing the World Trade Organization dated 7 December 1995,

*Noting* the results of the negotiations directed toward the establishment of the terms of accession of the People's Republic of China to the Marrakesh Agreement Establishing the World Trade Organization and having prepared a Protocol on the Accession of the People's Republic of China (WT/ACC/. . ./. . .),

*Has decided as follows:*

The People's Republic of China may accede to the Marrakesh Agreement Establishing the World Trade Organization on the terms and conditions set out in the Protocol annexed to this decision.] <sup>(1)</sup>

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<sup>(1)</sup> Das Dokument ist nur in englisch verfügbar.