



Council of the  
European Union

Brussels, 3 December 2018  
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**Interinstitutional File:  
2018/0384 (NLE)**

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**SERVICES 70  
WTO 287**

### **LEGISLATIVE ACTS AND OTHER INSTRUMENTS**

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Subject: COUNCIL DECISION on the conclusion of the relevant Agreements under Article XXI of the General Agreement on Trade in Services with Argentina, Australia, Brazil, Canada, China, the Separate customs territory of Taiwan, Penghu, Kinmen and Matsu (Chinese Taipei), Colombia, Cuba, Ecuador, Hong Kong China, India, Japan, Korea, New Zealand, the Philippines, Switzerland and the United States, on the necessary compensatory adjustments resulting from the accession of Czechia, Estonia, Cyprus, Latvia, Lithuania, Hungary, Malta, Austria, Poland, Slovenia, Slovakia, Finland and Sweden to the European Union

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**COUNCIL DECISION (EU) 2018/...**

**of ...**

**on the conclusion of the relevant Agreements  
under Article XXI of the General Agreement on Trade in Services  
with Argentina, Australia, Brazil, Canada, China,  
the Separate customs territory of Taiwan, Penghu,  
Kinmen and Matsu (Chinese Taipei), Colombia, Cuba,  
Ecuador, Hong Kong China, India, Japan, Korea,  
New Zealand, the Philippines, Switzerland and the United States,  
on the necessary compensatory adjustments  
resulting from the accession of Czechia, Estonia, Cyprus,  
Latvia, Lithuania, Hungary, Malta, Austria, Poland,  
Slovenia, Slovakia, Finland and Sweden  
to the European Union**

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on the Functioning of the European Union, and in particular Article 91, Article 100(2), and the first subparagraph of Article 207(4), in conjunction with point (v) of Article 218(6)(a) thereof,

Having regard to the proposal from the European Commission,

Having regard to the consent of the European Parliament,<sup>1</sup>

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<sup>1</sup> Consent of ... (not yet published in the Official Journal).

Whereas:

- (1) The Act of Accession of Austria, Finland and Sweden entered into force on 1 January 1995.
- (2) The Act of Accession of Czechia, Estonia, Cyprus, Latvia, Lithuania, Hungary, Malta, Poland, Slovenia and Slovakia entered into force on 1 May 2004.
- (3) Pursuant to Article XX of the General Agreement on Trade in Services (GATS), WTO Members set out in a schedule the specific commitments they undertake under Part III of GATS.
- (4) The current schedule of the Union and its Member States only covers the specific commitments related to the twelve Member States of 1994. The individual schedules of specific commitments of the Member States that have joined the Union in 1995 and in 2004 ('the acceding Member States') were adopted prior to their accession.

- (5) In order to ensure that the acceding Member States are covered by limitations included in the list of specific commitments of the Union and to ensure consistency with the *acquis communautaire*, it is necessary to modify or withdraw certain specific commitments included in the list of specific commitments of the Union and in the lists of specific commitments of the acceding Member States.
- (6) With a view to present a consolidated schedule, on 28 May 2004, the Union submitted a communication pursuant to Article V of GATS whereby it notified its intention to modify or withdraw certain specific commitments included in its own schedule and in those of the acceding Member States, pursuant to Article V:5 of GATS and in accordance with the terms of Article XXI:1(b) of GATS.
- (7) Following the submission of the notification and pursuant to Article XXI:2(a) of GATS, 18 WTO Members (Argentina, Australia, Brazil, Canada, China, the Separate customs territory of Taiwan, Penghu, Kinmen and Matsu (Chinese Taipei), Colombia, Cuba, Ecuador, Hong Kong China, India, Japan, Korea, New Zealand, the Philippines, Switzerland, Uruguay and the United States ('the affected WTO Members')) submitted claims of interest.

- (8) The Commission conducted negotiations with the affected WTO Members. As a result of those negotiations, an agreement was reached on compensatory adjustments related to the modifications and withdrawals notified on 28 May 2004.
- (9) Following the conclusion of the negotiations, in accordance with the Council Conclusions of 26 July 2006, the Commission was authorised to sign the respective Agreements with each of the affected WTO Members concerned ('the Agreements'). With a view to launching the certification procedure provided for by the applicable WTO rules, on 14 September 2006, the Commission transmitted the draft consolidated schedule to the WTO Secretariat. The certification was concluded on 15 December 2006.
- (10) The agreed compensatory adjustments constitute a satisfactory and balanced outcome of the negotiations. The Agreements should therefore be approved on behalf of the Union,

HAS ADOPTED THIS DECISION:

*Article 1*

1. The Agreements with Argentina, Australia, Brazil, Canada, China, the Separate customs territory of Taiwan, Penghu, Kinmen and Matsu (Chinese Taipei), Colombia, Cuba, Ecuador, Hong Kong China, India, Japan, Korea, New Zealand, the Philippines, Switzerland and the United States, on the necessary compensatory adjustments under Article XXI of GATS resulting from the accession of Czechia, Estonia, Cyprus, Latvia, Lithuania, Hungary, Malta, Austria, Poland, Slovenia, Slovakia, Finland and Sweden to the Union, are hereby approved on behalf of the Union.
2. The Agreements referred to in paragraph 1 are attached to this Decision.

*Article 2*

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

Done at ...,

*For the Council*

*The President*

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