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**Interinstitutional File:
2026/0005 (NLE)**

**POLCOM 208
WTO 68
AGRI 452
PECHE 216**

'I/A' ITEM NOTE

From: General Secretariat of the Council
To: Permanent Representatives Committee (Part 2)/Council

Subject: COUNCIL DECISION on the position to be taken on behalf of the European Union within the General Council of the World Trade Organization on the request of the United States for a WTO waiver to extend the AGOA programme and on the incorporation of the Agreement on Investment Facilitation for Development into Annex 4 to the WTO Agreement
- Adoption

1. On 20 January 2026, the Commission submitted to the Council a proposal for a Council Decision on the position to be taken on behalf of the European Union within the 14th Ministerial Conference of the World Trade Organization (doc. 5537/26).
2. The Trade Policy Committee (Deputies and Full Members) examined this proposal at several meetings between January and March 2026. On 12 March 2026, the Trade Policy Committee (Full Members) endorsed the text of the proposal with a number of modifications, on the understanding that it would have to be adapted in the light of the outcomes at the 14th Ministerial Conference of the World Trade Organization (“MC14”), scheduled to take place in Yaoundé on 26-29 March 2026.

3. On 13 March 2026, the Permanent Representatives Committee examined the draft Council Decision, as contained in document 5539/26, and confirmed its agreement on the text, on the understanding that it would have to be adapted in the light of the outcomes at MC14. The Foreign Affairs Council (Trade) discussed progress made in MC14 negotiations and possible outcomes at its meeting in Yaoundé on 26-29 March 2026. Considering that there were no MC14 outcomes with legal effects, the draft Decision was not put to a vote in the Council.
4. As things stand, it appears possible that two elements covered by the draft Decision could be adopted at the next WTO General Council meeting to take place on 14-15 July 2026. Whereas the adoption of the US request for a WTO waiver to extend the AGOA programme appears quite likely, this is less certain as regards the incorporation of the Agreement on investment facilitation for development into Annex 4 to the WTO Agreement.
5. Against this backdrop, the Presidency proposed to adapt the text of the above-mentioned draft Decision so as to enable the Commission to join consensus at the next meeting of the WTO General Council or at any meeting of the General Council before the next Ministerial Conference of the WTO.
6. On 4 June 2026, the Trade Policy Committee (Deputies) examined and endorsed the Presidency's proposal. The Commission also supported the Presidency's proposal.

7. In the light of the above, and subject to confirmation by the Permanent Representatives Committee, the Council is invited to:

- adopt the Council Decision as finalised by the legal-linguistic experts and set out in document 10076/26; and
- note that the European Parliament will be informed in accordance with Article 218(10) TFEU, and that the Council Decision will be transmitted to the Parliament.
