



Council of the
European Union

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**WTO 136
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AGRI 223**

LEGISLATIVE ACTS AND OTHER INSTRUMENTS

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 European Union request for an extension of the WTO waiver permitting autonomous trade preferences to the Western Balkans

COUNCIL DECISION (EU) 2021/...

of ...

**on the position to be taken on behalf of the European Union within the General Council
of the World Trade Organization on the European Union request for an extension
of the WTO waiver permitting autonomous trade preferences to the Western Balkans**

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on the Functioning of the European Union, and in particular the
first subparagraph of Article 207(4), in conjunction with Article 218(9) thereof,

Having regard to the proposal from the European Commission,

Whereas:

- (1) Pursuant to paragraph 2 of Article II of the Agreement establishing the World Trade Organization ('WTO Agreement'), the agreements and associated legal instruments included in Annexes 1, 2 and 3 ('Multilateral Trade Agreements') thereto, including the General Agreement on Tariffs and Trade 1994 (GATT 1994), are integral parts of the WTO Agreement, binding on all Members of the World Trade Organization (WTO), including the Union.
- (2) Pursuant to paragraph 1 of Article IV of the WTO Agreement, the WTO may adopt decisions on all matters under any of the Multilateral Trade Agreements.
- (3) In accordance with paragraph 3 of Article IX of the WTO Agreement, in exceptional circumstances, the WTO may decide to waive an obligation imposed on a Member by the WTO Agreement or by any of the Multilateral Trade Agreements.
- (4) The Union was first granted a waiver of its obligations under paragraph 1 of Article I of GATT 1994 on 8 December 2000 until 31 December 2006, which was last extended on 7 December 2016 until 31 December 2021, to the extent necessary to permit the Union to afford preferential treatment to eligible products originating in the Western Balkans (Albania, Bosnia and Herzegovina, Kosovo*, Montenegro, North Macedonia, and Serbia).

* This designation is without prejudice to positions on status, and is in line with UNSCR 1244/1999 and the ICJ Opinion on the Kosovo declaration of independence.

- (5) On 16 December 2020, Regulation (EU) 2020/2172 of the European Parliament and of the Council¹ extended further the period of application of autonomous trade preferences to the Western Balkans until 31 December 2025.
- (6) In the absence of a waiver of WTO obligations, the Union's application of autonomous trade preferences to the Western Balkans until 31 December 2025 would need to be extended to all other Members of the WTO.
- (7) The request to extend the waiver of WTO obligations under paragraph 1 of Article I and Article XIII of GATT 1994 permitting autonomous trade preferences to the Western Balkans is justified considering the persistent difficult economic situation in the region and that the preferential treatment with regard to eligible products the Union affords those countries is intended to promote economic development in a manner consistent with the objectives of GATT 1994 and not to create barriers for the trade of other WTO Members.
- (8) It is appropriate to establish the position to be taken on behalf of the Union in the General Council of the WTO, as the extension of the WTO waiver on autonomous trade preferences granted by the Union to the Western Balkans will be binding on Members of the WTO,

HAS ADOPTED THIS DECISION:

¹ Regulation (EU) 2020/2172 of the European Parliament and of the Council of 16 December 2020 amending Council Regulation (EC) No 1215/2009 introducing exceptional trade measures for countries and territories participating in or linked to the European Union's Stabilisation and Association process (OJ L 432, 21.12.2020, p. 7).

Article 1

The position to be taken on behalf of the European Union within the General Council of the World Trade Organization shall be to request an extension of the existing WTO waiver on the autonomous trade preferences granted by the Union to the Western Balkans until 31 December 2026 and to support the adoption of that request.

That position shall be expressed by the Commission.

Article 2

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

Done at ...,

For the Council

The President
