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2026/0051 (NLE)

Proposal for a

COUNCIL DECISION

establishing the position to be taken on behalf of the European Union in the World Trade Organization's 14th Ministerial Conference on the accession of the Republic of Uzbekistan to the WTO

EXPLANATORY MEMORANDUM

1. SUBJECT MATTER OF THE PROPOSAL

This proposal concerns the Council decision establishing the position to be taken on the Union's behalf in the 14th Ministerial Conference of the World Trade Organization ('WTO') in connection with the envisaged adoption of a decision on the accession of the Republic of Uzbekistan to the WTO.

2. CONTEXT OF THE PROPOSAL

2.1. The Agreement Establishing the World Trade Organization ('WTO Agreement')

The Agreement Establishing the World Trade Organization ('the WTO Agreement') aims to achieve the objectives mentioned in the preamble to the Agreement. The Agreement entered into force on 1 January 1995.

The European Union ('EU') is a party to the Agreement.[1] All 27 EU Member States are also parties to the Agreement. The WTO may take decisions in accordance with the procedures set out in the WTO Agreement.

2.2. The Ministerial Conference of the World Trade Organization

The Ministerial Conference is the highest decision-making body of the WTO and meets at least once every two years. As a matter of law and practice, decisions are taken by consensus.

The next meeting of the Ministerial Conference will take place in Yaounde, Cameroon on 26-29 March 2026.

2.3. The envisaged act during the WTO Ministerial Conference and reason for and objective of the proposal

During the WTO's 14th Ministerial Conference ('MC14') a decision may be adopted regarding the WTO Accession of the Republic of Uzbekistan ('Uzbekistan').

Members of the WTO and Uzbekistan may soon reach the concluding stage of an agreement on the terms for the accession of Uzbekistan to the organization. This comes after several years of negotiations, which began when Uzbekistan submitted its application to join the WTO in 1994.

Accession to the WTO is expected to make a positive and lasting contribution to the process of economic reform and sustainable development in Uzbekistan, and underscores the support for a rules-based multilateral trading system with the WTO at its core.

3. POSITION TO BE TAKEN ON THE UNION'S BEHALF

3.1. General Notes

The objective of this proposal is to enable the EU to join a possible consensus in the WTO on the adoption by the Ministerial Conference of the envisaged act, consisting of a decision regarding the accession of Uzbekistan to the WTO.

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[1] Council Decision 94/800/EC of 22 December 1994 concerning the conclusion on behalf of the European Community, as regard matters within its competence, of the agreements reached in the Uruguay Round of multilateral negotiations (1986-1994) OJ L 336 23.12.1994, p. 1.

While it is not yet clear if, and to what extent, WTO Members will be able to reach consensus on the envisaged act, the EU position at MC14 has to be established in advance by the Council pursuant to Article 218(9) TFEU.[2]

In 1994, the Government of Uzbekistan applied for accession to the WTO. A Working Party on the accession of Uzbekistan was established on 21 December 1994. The 11th Working Party meeting took place on 5-6 November 2025. In October 2025, the Commission, on behalf of the EU, finalised bilateral negotiations on a comprehensive series of market opening commitments on the part of Uzbekistan. The EU should support the accession of Uzbekistan to the WTO.

Once released by the WTO Secretariat, the draft Accession Package of the Republic of Uzbekistan (Draft Consolidated Schedule of Concessions and Commitments on Goods, Draft Consolidated Schedule of Specific Commitments on Trade in Services and Draft Working Party Report) will be reviewed by WTO Members at the final Meeting of the Working Party on the Accession of Uzbekistan (not yet scheduled) and may be, with possibly some minor modifications, adopted at MC14 in Cameroon, taking place on 26-29 March 2026.

Since negotiations are currently ongoing, the Commission expects that the Council will take its decision on the EU position on the outcome of the negotiations once the situation regarding the relevant texts becomes clear, either at the beginning or during the Ministerial Conference itself.

The initiative is fully consistent with existing policies. Similar decisions were prepared for previous WTO Ministerial Conferences, including for the 13th WTO Ministerial Conference in 2024.[3]

3.2. Summary of terms of WTO accession

3.2.1. Schedule of commitments: goods and services

The final consolidated schedules of commitments and concessions elaborated by the WTO Secretariat are in the process of being finalized. The EU concluded the bilateral negotiations with Uzbekistan on 24 October 2025.

3.2.2. Goods

Uzbekistan is binding 100% of the tariffs in its Schedule of Concessions and Commitments on Goods. Regarding its committments for the EU, Uzbekistan will implement the final bound rates as from the date of accession, with a minority of bindings being implemented within 3 or 5 years. Uzbekistan has also met EU requests by reducing bound rates, in particular for tariff lines with larger EU exports and of agricultural interest (the total trade-weighted average final bound rate of Uzebkistan’s offer to the EU is approximately 4.5%), and through the granting of Initial Negotiating Rights.

When it comes to export duties, Uzbekistan has agreed on a positive list, as per EU request with rates most of which similar to those set out in the Uzbek Presidential Decree 47 of March 2025. For metals and metal scrap the rates include a percentage ad valorem in the range of 5% to 80% coupled with specific limit values. For agricultural products, the rates are ad valorem

[2] To the extent that, contrary to the current expectations, the consensus was formalised in an international agreement amending the WTO Agreement or in a plurilateral international agreement among some WTO Members, the Commission would make the necessary proposals in accordance with Article 218(6) TFEU following the adoption of the texts and their opening for acceptance by the MC14 or by the WTO Members concerned during MC14.

[3] Proposal for a Council Decision on the accession of Timor-Leste to the WTO.

in the range of 20% and 30% for live animals, meat products and cereals, whereas for rice, cotton and cotton products the export duty rates are ad valorem with specific limit values and with an implementation period of 10 years.

3.2.3. Services

Uzbekistan will undertake market access commitments in a broad range of services, including in professional services (legal, accounting and auditing, bookkeeping, taxation, architectural, engineering, integrated engineering, veterinary), business services (computer services, real estate services, other business services), communication services (courier, telecommunication, including telecommunications Reference Paper), construction and relating engineering, distribution services (both wholesale and retail), educational services (higher education), environmental services, financial services (insurance and banking), tourism and travel-related services, recreational, cultural and sporting services and transport services (air, rail, road and auxiliary). Such commitments are in line with the EU-Uzbekistan Enhanced Partnership and Cooperation Agreement (EPCA). Uzbekistan has removed all audiovisual commitments and has taken over the proposed list of Most Favoured Nation exceptions for audiovisual services in full.

4. LEGAL BASIS

4.1. Procedural legal basis

4.1.1. Principles

Article 218(9) of the Treaty on the Functioning of the European Union (TFEU) provides for decisions establishing '*the positions to be adopted on the Union's behalf in a body set up by an agreement, when that body is called upon to adopt acts having legal effects, with the exception of acts supplementing or amending the institutional framework of the agreement*.'

The concept of '*acts having legal effects*' includes acts that have legal effects by virtue of the rules of international law governing the body in question. It also includes instruments that do not have a binding effect under international law, but that are '*capable of decisively influencing the content of the legislation adopted by the EU legislature*'[4].

4.1.2. Application to the present case

The WTO Ministerial Conference is a body set up by an agreement, namely the WTO Agreement, which according to Article IV:1 of the WTO Agreement has the authority to take decisions on all matters covered under any of the multilateral trade agreements, including decisions having legal effects.

The envisaged act mentioned above constitutes an act having legal effects, as it may affect the rights and obligations of the Union by virtue of international law.

The envisaged act does not supplement or amend the institutional framework of the Agreement.

Therefore, the procedural legal basis for the proposed decision is Article 218(9) TFEU.

[4] Judgment of the Court of Justice of 7 October 2014, Germany v Council, C-399/12, ECLI:EU:C:2014:2258, paragraphs 61 to 64.

4.2. Substantive legal basis

4.2.1. Principles

The substantive legal basis for a decision under Article 218(9) TFEU depends primarily on the objective and content of the envisaged act in respect of which a position is taken on the Union's behalf. If the envisaged act pursues two aims or has two components and if one of those aims or components is identifiable as the main one, whereas the other is merely incidental, the decision under Article 218(9) TFEU must be founded on a single substantive legal basis, namely that required by the main or predominant aim or component.

4.2.2. Application to the present case

The main objective and content of the envisaged act relate to the common commercial policy.

The substantive legal basis of the proposed decision, therefore, is Article 207 TFEU.

4.3. Conclusion

The legal basis of the proposed decision should be Article 207 TFEU in conjunction with Article 218(9) TFEU.

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THE COUNCIL OF THE EUROPEAN UNION,

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

Having regard to the proposal from the European Commission,

Whereas:

(1) The Marrakesh Agreement Establishing the World Trade Organization ('the WTO Agreement') was concluded by the Union by Council Decision 94/800/EC of 22 December 1994[5] and entered into force on 1 January 1995.

(2) Pursuant to Articles IV:1 and IX:1 of the WTO Agreement, the Ministerial Conference of the World Trade Organization ('WTO') may adopt decisions by consensus.

(3) The WTO Ministerial Conference, during its 14th meeting on 26-29 March 2026, may adopt a decision on the accession of Uzbekistan to the WTO.

(4) It is appropriate to establish the position to be taken on the Union's behalf in the WTO Ministerial Conference, as the decisions are binding on the Union.

(5) Negotiations for the WTO accession of Uzbekistan started in 1995. The Working Party on the accession of Uzbekistan was established on 21 December 1994. The 11th Working Party meeting took place on 5-6 November 2025. In October 2025, the Commission, on behalf of the EU, finalised bilateral negotiations on a comprehensive series of market opening commitments on the part of Uzbekistan. Accession to the WTO is expected to make a positive and lasting contribution to the process of economic reform and sustainable development in Uzbekistan. A possible accession also underscores the support for a rules-based multilateral trading system with the WTO at its core. The EU should support the accession of Uzbekistan,

HAS ADOPTED THIS DECISION:

Article 1

The position to be taken on the Union's behalf in the 14th WTO Ministerial Conference or in any posterior meeting of the General Council shall be:

To join the consensus reached among WTO Members with a view to adopting a decision regarding the accession of Uzbekistan to the WTO.

[5] OJ L 336, 23.12.1994, p. 1.

Article 2

This Decision is addressed to the Commission.

Done at Brussels,

For the Council
The President