Council of the
European Union

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

COUNCIL DECISION (EU) 2026/…

of …

on the position to be taken on behalf of the European Union within the General Council of the World Trade Organization concerning the request for an extension of the WTO waiver permitting the European Union to grant 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 Article 207(4), first subparagraph, in conjunction with Article 218(9) thereof,

Having regard to the proposal from the European Commission,

Whereas:

(1) The Agreement establishing the World Trade Organization (the 'WTO Agreement') was concluded by the Union by means of Council Decision 94/800/EC[1].

(2) Pursuant to Article II of the WTO Agreement, the agreements and associated legal instruments included in Annexes 1, 2 and 3 to that Agreement ('Multilateral Trade Agreements'), 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).

(3) Pursuant to Article IV of the WTO Agreement, the Ministerial Conference, which is composed of representatives of all the Members and is to meet at least once every two years, is able to adopt decisions on all matters under any of the Multilateral Trade Agreements. In the intervals between meetings of the Ministerial Conference, its functions are to be conducted by the General Council.

(4) Pursuant to Article IX of the WTO Agreement, the WTO usually adopts decisions by consensus. In exceptional circumstances, the Ministerial Conference may decide to waive an obligation imposed on a Member by the WTO Agreement or by any of the Multilateral Trade Agreements.

[1] Council Decision 94/800/EC of 22 December 1994 concerning the conclusion on behalf of the European Community, as regards matters within its competence, of the agreements reached in the Uruguay Round multilateral negotiations (1986-1994) (OJ L 336, 23.12.1994, p. 1, ELI: http://data.europa.eu/eli/dec/1994/800/oj).

(5) The Union was first granted a waiver of its obligations under Article I of GATT 1994 on 8 December 2000 in respect of the Western Balkans, until 31 December 2006. That waiver was last extended on 28 July 2021, until 31 December 2026, to the extent necessary to permit the Union to grant preferential treatment to eligible products originating in the Western Balkans.

(6) On 16 December 2025, the European Parliament and the Council adopted Regulation (EU) 2025/2014[2], which extended further the period of application of autonomous trade preferences to the Western Balkans until 31 December 2030.

(7) In light of the persistently difficult economic situation in the region, and given that the preferential treatment to eligible products the Union affords to Western Balkan countries is intended to promote economic development, in accordance with the objectives of GATT 1994, rather than to create barriers to trade with other WTO Members, the exceptional circumstances justifying a waiver from the obligations under Articles I and XIII of GATT 1994 continue to apply. The Union should therefore request a further extension of the WTO waiver permitting the granting of autonomous trade preferences to the Western Balkans.

[2] Regulation (EU) 2025/2014 of the European Parliament and of the Council of 16 December 2025 amending Regulation (EU) 2024/823 on exceptional trade measures for countries and territories participating in or linked to the Stabilisation and Association Process (OJ L, 2025/2014, 22.12.2025, ELI: http://data.europa.eu/eli/reg/2025/2014/oj).

(8) It is therefore appropriate to establish the position to be taken within the General Council of the WTO concerning the request for an extension of the WTO waiver permitting the Union to grant autonomous trade preferences to the Western Balkans, as the extension of that waiver will be binding on all Members of the WTO,

HAS ADOPTED THIS DECISION:

Article 1

The Union shall agree to the extension of the WTO waiver permitting the Union to grant autonomous trade preferences to the Western Balkans until 31 December 2031.

Article 2

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

Done at …, …

For the Council
The President