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COUNCIL DECISION (EU) 2026/1774

of 13 July 2026

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 fora 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

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 means of Council Decision 94/800/EC ([1]) and entered into force on 1 January 1995.

(2) Paragraphs 3 and 4 of Article IX of the WTO Agreement set out the procedures for the granting of waivers concerning the Multilateral Trade Agreements in Annex 1A, 1B and 1C to the WTO Agreement and their annexes.

(3) On 30 November 2015, the WTO granted a waiver to the United States under Decision WT/L/970, which allowed that country to provide duty-free treatment to eligible products originating in beneficiary sub-Saharan African countries designated pursuant to the African Growth and Opportunity Act (AGOA). That waiver expired on 30 September 2025. By means of Council Decision (EU) 2015/1942 ([2]), the Union supported the previous request of the United States for a WTO waiver to extend the AGOA programme.

(4) Pursuant to Article IX, paragraph 3, of the WTO Agreement, the United States submitted a request (G/C/W/893) to waive its obligations under Article I, paragraph 1, and Article XIII, paragraphs 1 and 2, of the General Agreement on Tariffs and Trade 1994 until 31 December 2026, to the extent necessary to permit the United States to continue to provide duty-free treatment to eligible products originating in beneficiary sub-Saharan African countries designated pursuant to the AGOA programme.

(5) Supporting the request of the United States for a WTO waiver would neither negatively affect the economy of the Union nor its trade relations with the beneficiaries of the waiver. Moreover, the Union generally supports actions to alleviate poverty and promote stability and sustainable economic development in the beneficiaries' countries.

(6) It is therefore appropriate to establish the position to be taken on behalf of the Union within the WTO General Council on the request of the United States for a WTO waiver to extend the AGOA programme until 31 December 2026 and on any possible subsequent similar waiver requests by the United States for such extension which should not go beyond 30 September 2030, in view of the continuous duty free treatment granted to eligible products originating in beneficiary sub-Saharan African countries designated pursuant to the AGOA programme for more than 10 years and the short timeframe attached to the request for waiver submitted by the United States (G/C/W/893) and in line with the principle of good administration.

([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).

([2]) Council Decision (EU) 2015/1942 of 26 October 2015 establishing the position to be taken on behalf of the European Union within the General Council of the World Trade Organisation on the United States' request for a WTO waiver to extend the AGOA programme (OJ L 283, 29.10.2015, p. 9, ELI: http://data.europa.eu/eli/dec/2015/1942/oj).

(7) Negotiations for the Agreement on Investment Facilitation for Development (the 'IFD Agreement') were formally launched in September 2020 and were finalised in July 2023. The initiative gathers an overwhelming majority of WTO Members, most of which are developing countries and least-developed countries (LDCs). The IFD Agreement sets out rules on transparency, streamlining of administrative procedures and domestic regulatory coherence which are to apply to all sectors of the economy for all measures related to investment activities. The IFD Agreement was tabled as a plurilateral agreement to be incorporated into Annex 4 to the WTO Agreement. Such incorporation was supported by the Union at the 13th Ministerial Conference of the World Trade Organization (MC13) and subsequent General Council meetings.

(8) Pursuant to Article IV:2 of the WTO Agreement, in the intervals between meetings of the Ministerial Conference its functions shall be conducted by the General Council. If a decision to incorporate the IFD Agreement into Annex 4 to the WTO Agreement is to be taken at any meeting of the General Council before the next WTO Ministerial Conference, the position to be taken on the Union's behalf should be to support such incorporation.

(9) The Union also supported the incorporation of the IFD Agreement into Annex 4 to the WTO Agreement during MC14 (WT/MIN(26)/W/5/Rev.1). However, no ministerial decision was taken to this effect.

(10) It is therefore appropriate to establish the position to be taken on behalf of the Union within the WTO General Council on the incorporation of the IFD into Annex 4 to the WTO Agreement,

HAS ADOPTED THIS DECISION:

Article 1

The Union shall agree to the granting of a WTO waiver permitting the United States to continue to provide duty-free treatment to eligible products originating in beneficiary sub-Saharan African countries designated pursuant to the AGOA programme from 1 October 2025 to 31 December 2026 and for further time periods up to 30 September 2030 within the General Council of the World Trade Organization (WTO).

Article 2

The Union shall agree to a WTO draft decision to incorporate the Agreement on Investment Facilitation for Development (the 'IFD Agreement') into Annex 4 to the WTO Agreement at any meeting of the General Council held before the next WTO Ministerial Conference, provided that the wording to be incorporated is identical to the wording set out in WTO document WT/MIN(26)/W/5/Rev.1.

Article 3

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

Done at Brussels, 13 July 2026.

For the Council

The President

K. KALLAS