# Council Decision (EU) 2019/1709 of 7 October 2019 establishing the position to be taken on behalf of the European Union within the General Council of the World Trade Organization on the adoption of a decision to extend a WTO waiver permitting developing country Members to provide preferential tariff treatment to products of least developed countries

## COUNCIL DECISION (EU) 2019/1709

## of 7 October 2019

## establishing the position to be taken on behalf of the European Union within the General Council of the World Trade Organization on the adoption of a decision to extend a WTO waiver permitting developing country Members to provide preferential tariff treatment to products of least developed countries

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) The Marrakesh Agreement establishing the World Trade Organization ('WTO Agreement') entered into force on 1 January 1995.

(2) Paragraph 2 of Article II of the WTO Agreement provides that the agreements and associated legal instruments included in Annexes 1, 2 and 3 to the WTO Agreement ('Multilateral Trade Agreements') are integral parts of the WTO Agreement and are binding on all Members.

(3) Pursuant to paragraph 3 of Article IX of the WTO Agreement, in exceptional circumstances, the Ministerial Conference may decide to waive an obligation imposed on a Member by the WTO Agreement or any of the Multilateral Trade Agreements.

(4) 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 or 1C to the WTO Agreement and their annexes.

(5) Pursuant to paragraph 1 of Article IV of the WTO Agreement, the Ministerial Conference has the authority to take decisions on all matters under any of the Multilateral Trade Agreements.

(6) Pursuant to paragraph 2 of Article IV of the WTO Agreement, in the intervals between meetings of the Ministerial Conference of the World Trade Organization ('WTO'), the General Council of the WTO conducts its functions. Pursuant to paragraph 1 of Article IX of the WTO Agreement, the WTO usually takes the decisions by consensus.

(7) On 15 June 1999, WTO Members granted a waiver of obligations under paragraph 1 of Article I of the General Agreement on Tariffs and Trade 1994 ('GATT 1994') to the