



Brussels, 18.2.2014
COM(2014) 80 final

Limited

Recommendation for a

COUNCIL DECISION

**authorising the opening of negotiations with Gabon according to Article XXVIII of the
General Agreement on Tariffs and Trade (GATT) 1994**

EXPLANATORY MEMORANDUM

1. CONTEXT OF THE RECOMMENDATION

By document G/SECRET/36 dated 3 October 2013, Gabon notified the World Trade Organisation (WTO) Members of its intention to modify certain concessions in its WTO Schedule XLVII related to around 2159 products in accordance with the procedures of Article XXVIII of the General Agreement on Tariffs and Trade (GATT) 1994 and to enter into negotiations and/or consultations with the concerned WTO Members pursuant to Article XXVIII of the GATT and other applicable legal provisions. In attachment to its notification, Gabon has submitted import statistics by country of origin covering the last three years for which data are available. Although Gabon's notification is made solely under Article XXVIII of the GATT 1994, the Commission's view is that Article XXIV:6 of the GATT 1994 also applies because Gabon's justification for the renegotiation of its bound tariffs is its alignment to the Common External Tariff of the Economic and Monetary Community of Central Africa.

On the basis of the import statistics submitted by Gabon, the EU qualifies as principal or substantial supplier for most of the products under about 1611 tariff lines out of the 2159 tariff lines concerned.

According to the Procedures for Negotiations established in Article XXVIII, adopted under the GATT on 10 November 1980 and to the decision of the Committee on Trade in Goods (CTG) of 18 October 2013, the EU should react to Gabon's communication and make a claim of interest, i.e. request negotiations, within 180 days following the circulation of the import statistics for the products involved.

It is therefore necessary to open negotiations with Gabon based on Article XXVIII of the GATT 1994.

2. RESULTS OF CONSULTATIONS WITH THE INTERESTED PARTIES AND IMPACT ASSESSMENTS

The EU is not at the origin of the proposal. Member States were consulted in the Trade Policy Committee.

3. LEGAL ELEMENTS OF THE PROPOSAL

Pursuant to Article 218(3) of the TFEU, the Council shall adopt a Decision authorising the opening of negotiations.

4. OPTIONAL ELEMENTS

The EU can only negotiate with Gabon to obtain compensation if the Council grants to the Commission the authorisation to negotiate . This is the purpose of the present Recommendation

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THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty of the Functioning of the European Union (TFEU), and in particular Article 218(3) thereof,

Having regard to the recommendation from the European Commission,

Whereas:

- (1) On 3 October 2013, Gabon notified the World Trade Organisation Members of its intention to modify certain concessions in its WTO Schedule XL VII related to around 2159 products in accordance with the procedures of Article XXVIII of the General Agreement on Tariffs and Trade (GATT) 1994 and to enter into negotiations and/or consultations with the appropriate WTO Members pursuant to Article XXVIII of that Agreement.
- (2) Since Gabon justifies its request by referring to its obligation to align to the Common External Tariff of the Economic and Monetary Community of Central Africa, the EU considers that Gabon's proposal for its schedule modification falls also under Article XXIV:6 of the GATT 1994, and that Article XXVIII of the GATT 1994 applies in conjunction with Article XXIV:6 of the GATT 1994.
- (3) Negotiations should be opened and conducted with Gabon under Article XXVIII/Article XXIV:6 of the GATT with a view to reaching agreement on any appropriate compensatory adjustments resulting from the modification of the concessions,

HAS ADOPTED THIS DECISION:

Article 1

The Commission is hereby authorised to negotiate with Gabon in accordance with the principles laid down in Article XXVIII of the GATT 1994.

Article 2

The Commission shall report to [name of the special committee to be inserted by the Council] on the outcome of the negotiations and, where appropriate, on any problem that may arise during the negotiations.

Article 3

This Decision is addressed to the Commission.

Done at Brussels,

*For the Council
The President*