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Page: 1/2

Council for Trade in Goods

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## ARTICLE XXVIII:5 NEGOTIATIONS

### WITHDRAWAL OF THE UNITED KINGDOM FROM THE EUROPEAN UNION

#### *Communication from the European Union*

#### *Addendum*

The following communication, dated 27 November 2023, is being circulated at the request of the Delegation of the European Union.

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In connection with the ongoing negotiations under Article XXVIII of GATT 1994 on the apportionment of the European Union's tariff-rate quota concessions following the withdrawal of the United Kingdom from the European Union<sup>1</sup>, the European Union refers to WTO document [G/L/1385/Add.4](#).<sup>2</sup>

In that communication, the European Union extended the timelines of Article XXVIII:3 of GATT 1994 by another six months or by thirty months in total, i.e. until 1 January 2024, without prejudice to the question of whether there are any rights to withdraw concessions pursuant to Article XXVIII:3(a) and (b). The European Union's Communication on the first extension by six months had outlined the established practice in relation to such extensions.<sup>3</sup>

Considering that the conclusion of the ongoing negotiations and consultations should not be impeded by the six-month timelines of Article XXVIII:3(a) and (b), in the event that, for substantive or procedural reasons including domestic procedural requirements for the formal conclusion of agreements under Article XXVIII of GATT 1994, it were to take more time than will be available until 1 January 2024, the European Union believes that it is desirable to further extend the timelines of Article XXVIII:3 of GATT 1994 by six months, i.e. until 30 June 2024, without prejudice to the question of whether there are any rights to withdraw concessions pursuant to Article XXVIII:3(a) and (b).

Accordingly, the European Union wishes to inform the Membership that the European Union will not assert that the WTO Members who submitted a valid claim in this process are precluded from withdrawing substantially equivalent concessions under Article XXVIII:3 of GATT 1994 because this withdrawal occurs later than six months after the EU's modification of its concessions, which occurred on 1 January 2021, provided that the WTO Member in question withdraws concessions no later than 42 months after the EU's modification of concessions. This extended time-period will allow the European Union and other Members involved in these Article XXVIII procedures to try to conclude

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<sup>1</sup> Cf. WTO document [G/SECRET/42](#), dated 19 July 2018, in which the European Union notified its intention to modify its current concessions on all tariff-rate quotas as they are reflected in Schedule CLXXV of the European Union, in its Part I Section I-B (agricultural products) and in its Part II Section II-B (other products), and document [G/SECRET/42/Add.2](#) of 19 October 2018.

<sup>2</sup> Cf. WTO document [G/L/1385/Add.4](#), dated 30 May 2023, titled Article XXVIII:5 Negotiations: Withdrawal of the United Kingdom from the European Union – Communication from the European Union – Addendum ([G/L/1385/Add.4](#)).

<sup>3</sup> Cf. WTO document [G/L/1385](#), dated 19 March 2021, titled Withdrawal of the United Kingdom from the European Union: Procedures under Article XXVIII:3 of the GATT 1994 – Communication from the European Union ([G/L/1385](#)).

any open negotiations or consultations over the coming months and to complete the domestic procedures required for the conclusion of agreements under Article XXVIII of GATT 1994.

The European Union proposes that the Council for Trade in Goods at an upcoming meeting takes note of this communication and of the extension of the deadline as indicated in this communication, until 30 June 2024.

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