



27 November 2013

(13-6508)

Page: 1/4

General Council

**EUROPEAN UNION - APPLICATION OF AUTONOMOUS PREFERENTIAL TREATMENT TO
MOLDOVA - EXTENSION OF THE WAIVER**

DECISION OF 26 NOVEMBER 2013¹

The General Council,

Conducting the function of the Ministerial Conference in the interval between meetings pursuant to paragraph 2 of Article IV of the Marrakesh Agreement Establishing the World Trade Organization (the "WTO Agreement");

Having regard to paragraphs 1 and 3 of Article IX of the WTO Agreement, the Guiding Principles to Be Followed in Considering Applications for Waivers adopted on 1 November 1956², and the Understanding in Respect of Waivers of Obligations under the General Agreement on Tariffs and Trade 1994 (the "GATT 1994");

Taking into account that by a Decision of 7 May 2008 the General Council granted the European Union a waiver of its obligations under paragraph 1 of Article I and Article XIII of the GATT 1994 for a six-year period running from 1 March 2008 until 31 December 2013³ (the "Existing Waiver");

Noting that the Existing Waiver is due to expire on 31 December 2013;

Taking note of the request of the European Union, pursuant to paragraph 3 of Article IX of the WTO Agreement, for an extension of the waiver of its obligations under paragraph 1 of Article I and under Article XIII of the GATT 1994 to the extent necessary to permit the European Union to afford duty-free or preferential treatment to products originating in the Republic of Moldova, including certain agricultural products for which limited concessions are given as defined in the Annex to this Decision until 31 December 2015, without being required to extend the same duty-free or preferential treatment to like products of any other Member;

Considering the persistent difficult economic situation in the Republic of Moldova, the efforts made by the Members to foster economic transition and development in the Republic of Moldova, as well as the initiative of the European Union to include the Republic of Moldova in the European Neighbourhood Policy and foster deeper trade integration;

Considering that the duty-free and preferential treatment the European Union affords to Moldova is intended to promote economic development in a manner consistent with the objectives of the GATT 1994 and not to raise new barriers to the trade of other Members;

Noting that, in light of the foregoing, the exceptional circumstances justifying the extension of the waiver from paragraph 1 of Article I and from Article XIII of the GATT 1994 exist;

Decides as follows:

¹ Adopted in accordance with the Decision-Making Procedures under Articles IX and XII of the WTO Agreement agreed by the General Council on 15 November 1995 (WT/L/93).

² BISD 5S/25

³ WT/L/722

1. Subject to the conditions set out in this Decision, the provisions of paragraph 1 of Article I and the provisions of Article XIII of the GATT 1994 shall be waived from 1 January 2014 until 31 December 2015 to the extent necessary to permit the European Union to afford duty-free or preferential treatment to products originating in the Republic of Moldova, including certain agricultural products for which limited concessions are given as defined in the Annex to this Decision, without being required to extend the same duty-free or preferential treatment to like products of any other Member.
 2. Such duty-free or preferential treatment shall not raise new barriers to the trade of other Members.
 3. The European Union shall consult promptly with any Member on the operation of its preferential or duty-free concessions in respect of the Republic of Moldova, or on any other matter arising in respect of this Decision. Where a Member considers that its benefits under the GATT 1994 are or may be impaired unduly as a result of measures put in place by the European Union and covered by this Decision, the European Union shall examine the possibility of a satisfactory adjustment of the matter.
 4. This Decision does not affect Members' rights as set out in the Understanding in Respect of Waivers of Obligations under the GATT 1994.
 5. The European Union shall report annually to the General Council on the preferences and duty-free treatment afforded to products from the Republic of Moldova, including certain agricultural products for which limited concessions are given as defined in the Annex to this Decision, including the extent to which such preferences and duty-free treatment is different from the European Union' MFN and GSP concessions, with a view to facilitating the annual review provided for in paragraph 4 of Article IX of the WTO Agreement.
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ANNEX

PRODUCTS SUBMITTED TO QUANTITATIVE LIMITS OR PRICE THRESHOLDS

1. Products subject to annual duty free tariff quotas

Order No.	CN Code	Description	2013 ⁽¹⁾	2014 ⁽¹⁾	2015 ⁽¹⁾
09.0504	0201 to 0204	Fresh, chilled and frozen meat of bovine animals, swine and sheep and goats	4 000 ⁽²⁾	4 000 ⁽²⁾	4 000 ⁽²⁾
09.0505	ex 0207	Meat and edible offal of the poultry of heading 0105, fresh, chilled or frozen, other than fatty livers of subheading 0207 34	500 ⁽²⁾	500 ⁽²⁾	500 ⁽²⁾
09.0506	ex 0210	Meat and edible meat offal of swine and bovine animals, salted, in brine, dried or smoked; edible flours and meals of meat or meat offals of domestic swine and bovine animals	500 ⁽²⁾	500 ⁽²⁾	500 ⁽²⁾
09.4210	0401 to 0406	Dairy products	1 500 ⁽²⁾	1 500 ⁽²⁾	1 500 ⁽²⁾
09.0507	0407.00	Birds' eggs, in shell	120 ⁽³⁾	120 ⁽³⁾	120 ⁽³⁾
09.0508	ex 0408	Bird's eggs, not in shell and egg yolks, other than unfit for human consumption	300 ⁽²⁾	300 ⁽²⁾	300 ⁽²⁾
09.0509	1001 90 91 1001 90 99	Other Spelt (other than spelt for sowing), common wheat and meslin	55 000 ⁽²⁾	60 000 ⁽²⁾	65 000 ⁽²⁾
09.0510	1003 00 90	Barley	50 000 ⁽²⁾	55 000 ⁽²⁾	60 000 ⁽²⁾
09.0511	1005 90	Maize	45 000 ⁽²⁾	50 000 ⁽²⁾	55 000 ⁽²⁾
09.0512	1601 00 91 and 1601 00 99 ex 1602	Sausages and similar products, of meat, meat offal or blood; food preparations based on these products Other prepared or preserved meat, meat offal or blood: - of fowls of the species <i>Gallus domesticus</i> , uncooked; - of domestic swine; and - of bovine animals, uncooked.	600 ⁽²⁾	600 ⁽²⁾	600 ⁽²⁾
09.0513	1701.99.10	White Sugar	34 000 ⁽²⁾	34 000 ⁽²⁾	34 000 ⁽²⁾

(1) from 1 January until 31 December

(2) tonnes (net weight)

(3) million units

2. Products for which the *ad valorem* component of the import duty is exempted

CN Code	Description
0702	Tomatoes, fresh or chilled
0703 20	Garlic, fresh or chilled
0707	Cucumbers and gherkins, fresh or chilled
0709 90 70	Courgettes, fresh or chilled
0709 90 80	Globe artichokes
0806	Grapes, fresh or dried
0808 10	Apples, fresh
0808 20	Pears and quinces
0809 10	Apricots
0809 20	Cherries
0809 30	Peaches, including nectarines
0809 40	Plums and sloes
