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Council for Trade in Goods

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ARTICLE XXVIII:5 NEGOTIATIONS

UNITED KINGDOM'S WITHDRAWAL FROM THE EUROPEAN UNION

Communication from the United Kingdom

The following communication, dated 12 March 2021, is being circulated at the request of the Delegation of the United Kingdom.

As Members will recall, on 24 July 2018 the United Kingdom's (UK) draft schedule of concessions and commitments on goods was circulated for certification in document G/MA/TAR/RS/570 under the Procedures for Modification and Rectification of Schedules of Tariff Concessions. Subsequent addenda to that schedule were circulated in document G/MA/TAR/RS/570/Add.1 and document G/MA/TAR/RS/570/Add.2 (together Schedule XIX). In document G/SECRET/44, the UK notified WTO Members that it would enter into negotiations and consultations with the appropriate WTO Members pursuant to Article XXVIII of the GATT 1994 ("Modification of Schedules") with respect to its obligations concerning tariff rate quotas (TRQs).

In connection with these ongoing negotiations and consultations under Article XXVIII of GATT 1994, the UK refers to WTO document WT/GC/226. That communication highlighted that the UK remained fully committed to successfully conducting negotiations and consultations and recognised the practical mechanism available to WTO Members to extend the timelines envisaged under Article XXVIII:3 of GATT 1994, should that prove necessary.

Accordingly, the UK believes that it is appropriate to provide for an extension by six months of the timelines under Article XXVIII:3 of GATT 1994, i.e. until 1 January 2022, without prejudice to the question of whether there are any rights to withdraw concessions pursuant to Article XXVIII:3(a) and (b). The UK therefore wishes to inform the Membership that the UK 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 UK's modification of its concessions, which occurred on 1 January 2021, provided that the WTO Member in question withdraws concessions no later than 12 months after the UK's modification of concessions. On this basis, the UK and other Members currently engaged in these Article XXVIII procedures can continue to concentrate on bringing these negotiations and consultations to a successful conclusion in the coming months.

The United Kingdom will further update Members following the conclusion of negotiations under Article XXVIII of GATT 1994.
