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2026/0005 (NLE)

Proposal for a

COUNCIL DECISION

**on the position to be taken on behalf of the European Union in the World Trade
Organization's 14th Ministerial Conference**

EXPLANATORY MEMORANDUM

1. SUBJECT MATTER OF THE PROPOSAL

This proposal concerns the decision establishing the position to be taken on the Union's behalf in the 14th Ministerial Conference of the World Trade Organization in connection with the envisaged adoption of several decisions.

2. CONTEXT OF THE PROPOSAL

2.1. The Agreement Establishing the World Trade Organization ("WTO Agreement")

The Agreement Establishing the World Trade Organization ('the WTO Agreement') aims to achieve the objectives mentioned in the preamble to the Agreement. The agreement entered into force on 1 January 1995.

The European Union (EU) is a party to the Agreement.¹ All 27 EU Member States are also parties to the Agreement. The WTO may take decisions in accordance with the procedures set out in the WTO Agreement.

2.2. The Ministerial Conference of the World Trade Organization

The Ministerial Conference is the highest decision-making body of the WTO and meets at least once every two years. As a matter of law and practice, decisions are taken by consensus.

The next meeting of the Ministerial Conference will take place in Yaoundé, Cameroon, on 26-29 March 2026. This will be the WTO's 14th Ministerial Conference ('MC14').

2.3. The envisaged acts of the WTO Ministerial Conference

MC14 may adopt decisions regarding:

1. Dispute settlement reform
2. Fisheries subsidies
3. Food security
4. Domestic support in agriculture
5. Public stockholding for food-security purposes
6. Export restrictions in agriculture
7. Export competition in agriculture
8. Market access in agriculture
9. The special safeguard mechanism ('SSM') in agriculture
10. Cotton
11. Special and differential treatment
12. Least-developed countries graduation proposal - support measures in a number of specified WTO agreements and decisions

¹ Council Decision [94/800/EC](#) of 22 December 1994 concerning the conclusion on behalf of the European Community, as regard matters within its competence, of the agreements reached in the Uruguay Round of multilateral negotiations (1986-1994) OJ L 336 23.12.1994, p. 1.

13. Agreement on Electronic Commerce
14. Agreement on Investment Facilitation for Development
15. Request for granting a WTO waiver
16. Establishment of an additional Committee on emerging technologies

3. POSITION TO BE TAKEN ON THE UNION'S BEHALF

The objective of this proposal is to enable the EU to join a possible consensus in the WTO on the adoption by the Ministerial Conference of the envisaged acts.

While it is not yet clear if, and to what extent, WTO Members will be able to reach consensus on the envisaged acts, the EU position at MC14 has to be established in advance by the Council pursuant to Article 218(9) TFEU.²

It should be noted that the EU position to support the extension of the moratorium on customs duties on electronic transmissions and the extension of the moratorium on complaints of the types provided for under subparagraphs 1(b) and 1(c) of Article XXIII of the General Agreement on Tariffs and Trade 1994 (non-violation and situation complaints) will not be included in this proposal, as Council Decision (EU) 2015/2236 of 27 November 2015 provides that this can be done on an indefinite basis. The current proposal covers the following issues on which decisions may be taken:

- **Dispute settlement reform:** At MC13 in Abu Dhabi, WTO Ministerial decision (WT/MIN(24)/37) recognised the progress made in the informal process on dispute settlement reform and instructed officials to accelerate discussions to achieve the objective of having a fully and well-functioning dispute settlement system accessible to all Members by 2024 as was set forth already at MC12. This did not happen “by 2024” and the prospects for an outcome at MC14 are low. However, a fully-functioning dispute settlement system in the WTO remains a priority for the Union. The Union should therefore support a meaningful reform of the dispute settlement system in order to address the interests of Members, while preserving its core features which support the rules-based multilateral trading system. Should there be such an agreed outcome, the Union should support it.
- **Fisheries subsidies:** The WTO Ministerial Decision of 17 June 2022 (WT/MIN(22)/33) adopted the Agreement on Fisheries Subsidies and at the same time called to achieve a comprehensive agreement on fisheries subsidies. The Agreement on Fisheries Subsidies entered into force on 15 September 2025 and if comprehensive disciplines are not adopted within four years of the entry into force of this Agreement, and unless otherwise decided by the General Council, this Agreement shall stand immediately terminated. The WTO is striving to reach a multilateral agreement on additional provisions that would achieve comprehensive disciplines. Should negotiations on additional provisions be successful, the EU should support an agreed outcome.

² To the extent that, contrary to the current expectations, the consensus was formalised in an international agreement amending the WTO Agreement or in a plurilateral international agreement among some WTO Members, the Commission would make the necessary proposals in accordance with Article 218(6) TFEU following the adoption of the texts and their opening for acceptance by the MC14 or by the WTO Members concerned during MC14.

- **Food security:** WTO action is needed in response to current food security challenges, aggravated by the consequences of Russia's unprovoked and unjustified war of aggression in Ukraine, in a context of global climate and environmental challenges. Food security is expected to be an element of discussion at MC14. Moreover, Ministers at MC12 endorsed a Declaration on the Emergency Response to Food Insecurity (WT/MIN(22)/28, WT/L/1139) which instructed the Committee on Agriculture to undertake a dedicated work programme to examine ways for the Decision on Measures Concerning the Possible Negative Effects of the Reform Programme on Least-Developed (LDCs) and Net Food-Importing Developing Countries (NFIDCs) (Marrakesh Decision) to be made more effective and operational. At the same time, the Members were instructed to consider the needs of LDCs, and NFIDCs to increase their resilience in responding to acute food instability, including by considering the best possible use of flexibilities to bolster their agricultural production and enhance their domestic food security as needed in an emergency. Members have collectively set a timeline of end-November 2023 to conclude a work programme and arrive at some common recommendations. In April 2024, Members adopted a report on the work programme (G/AG/38) containing a set of recommendations and conclusions. Should there be an outcome as follow-up to this work, the EU should support such agreed outcome.
- **Domestic support in agriculture:** Negotiations on trade-distorting domestic support are embedded in Article 20 of the WTO Agreement on Agriculture and have been part of the Doha Development Agenda (DDA) mandate, as embodied in the Doha Ministerial Declaration of 14 November 2001 (WT/MIN(01)/DEC/1). Should the negotiations be successful, the EU should support an agreed outcome
- **Public stockholding for food security purposes:** Negotiations aim at agreeing on a 'permanent solution' fulfilling the goal set out in the Bali Ministerial Decision of 7 December 2013 on Public Stockholding for Food Security Purposes (WT/MIN(13)/38-WT/L/913), as interpreted by the subsequent General Council Decision of 27 November 2014 (WT/L/939). This goal was repeated in the Nairobi Ministerial Decision of 19 December 2015 (WT/MIN(15)/44-WT/L/979). Should the negotiations be successful, the EU should support an agreed outcome.
- **Export restrictions in agriculture:** At the 12th Ministerial Conference held in Geneva, WTO members endorsed the landmark Ministerial Decision on World Food Programme Food Purchases Exemption from Export Prohibitions or Restrictions (WT/MIN(22)/29, WT/L/1140). Many Members support further enhanced transparency and predictability of the export prohibitions and restrictions, as well as improvements to relevant disciplines. Should the negotiations be successful, the EU should support an agreed outcome.
- **Export competition in agriculture:** The 2015 Nairobi Ministerial Decision of 19 December (WT/MIN(15)/45) abolished export subsidies and set disciplines on other measures with equivalent effect. Negotiations in this area currently focus on improvements to transparency and further disciplines in export competition. The adoption of the report of the triennial review and the decision on export competition notification requirements and formats adopted in December 2024 (G/AG/39) is considered a positive step forward contributing to monitoring potential circumvention of the disciplines. Should the negotiations be successful, the EU should support an agreed outcome.

- **Market access in agriculture:** Negotiations on market access for substantial progressive reductions in protection are embedded in Article 20 of the WTO Agreement on Agriculture and have been part of the Doha Development Agenda (DDA) mandate, as embodied in the Doha Ministerial Declaration of 14 November 2001 (WT/MIN(01)/DEC/1). Should the negotiations be successful, the EU should support an agreed outcome.
- **Special safeguard mechanism (SSM) in agriculture:** Negotiations on the Special Safeguard Mechanism (SSM) in agriculture have continued pursuant to the proposals on the table and the Nairobi Ministerial Decision (WT/MIN(15)/43 - WT/L/978). Should the negotiations be successful, the EU should support an agreed outcome.
- **Cotton:** Negotiations on cotton have continued in the framework set up in paragraphs 5, 6 and 7 of the Bali Ministerial Decision on Cotton (WT/MIN(13)/41 - WT/L/916) and in paragraph 14 of the Nairobi Ministerial Decision on Cotton (WT/MIN(15)/46 - WT/L/981). Should the negotiations be successful, the EU should support an agreed outcome.
- **Special and differential treatment (SDT):** Negotiations on SDT provisions including in the context of discussions of some proposals by the G-90 (African Group, African, Caribbean and Pacific Group of States, LDC Group) in areas such as subsidies, trade-related investment measures (TRIMS) and transfer of technology within trade-related aspects of intellectual property rights (TRIPS) may result in a ministerial outcome at MC14 for example by clarifying existing provisions or granting additional SDT for Least-Developed Countries (LDCs) and certain developing countries, and the EU should support such outcome. However, given the divergence of positions in the negotiations, the EU sees also as a possible outcome that these topics become part of a post-MC14 work programme or other outcomes that would not imply changing the WTO agreements.
- **Least-developed countries graduation proposal - support measures in a number of specified WTO agreements and decisions:** Negotiations are ongoing on proposals by the LDC Group on support measures for a smoother transition for WTO members graduating from the LDC category: extend for an appropriate time-period SDT provisions in a number of specified WTO agreements and decisions, notably on the Agreements on Subsidies and Countervailing Measures (ASCM), Trade-Related Aspects of Intellectual Property Rights (TRIPS) and Agriculture. Should a ministerial outcome be necessary, the EU should support an agreed outcome. Such an outcome could extend certain LDC provisions to recently graduated countries for a strictly limited period of time.
- **Agreement on Electronic Commerce:** Negotiations on the Agreement on Electronic Commerce began in January 2019 with the launch of the WTO Joint Initiative on Electronic Commerce ('e-commerce JSI'). The negotiations aimed to establish a set of basic international trade rules for digital trade to promote and facilitate digital transactions. On 26 July 2024, after five years of negotiation, participants in the e-commerce JSI reached a stabilised text of the Agreement. The Agreement comprises trade disciplines to: (1) facilitate digital trade across borders (e.g., paperless trading, electronic contracts, electronic authentication and electronic signatures); (2) improve trust in the digital trade environment (e.g., unsolicited commercial electronic messages, online consumer protection, cybersecurity, or open internet access); and (3) promote a reliable international digital trade environment (e.g., electronic payments or telecommunications services). The Agreement also

includes a permanent prohibition of customs duties on electronic transmissions, a key commercial priority for the EU industry. The Agreement on Electronic Commerce is set to become part of the WTO legal framework as a plurilateral agreement, incorporated into Annex 4 of the WTO Agreement and the Union should support such incorporation. Council Decision (EU) 2025/915 of 12 May 2025 established the position to be adopted on behalf of the Union on this issue within the General Council³. However, the proposal submitted to the General Council in February 2025, was rejected by a small number of Members. It will be reconsidered at the General Council meeting in December 2025. If needed, the Union should also be able to join the consensus on this issue at MC14.

- **Agreement on Investment Facilitation for Development:** Negotiations for the Agreement on Investment Facilitation for Development were formally launched in September 2020 and were finalised in July 2023. The initiative gathers 128 member parties, most of which are developing and least-developed countries. It covers disciplines on transparency, streamlining of administrative procedures and domestic regulatory coherence which will apply to all sectors of the economy for all measures related to investment activities. At MC13, the Union was prepared to join the consensus as regards the incorporation of the Agreement on Investment Facilitation for Development into Annex 4 to the WTO Agreement⁴ However, the decision for incorporation was opposed at MC13 by India, South Africa and Türkiye. The decision for incorporation was also opposed at the meetings of the General Council subsequent to MC13. The EU should support a renewed request for incorporation into Annex 4 to the WTO Agreement and should be able to join consensus on such decision at MC14 or, if needed, at subsequent meetings of the General Council before the next WTO Ministerial Conference dealing with the same matter.
- **Requests for granting a WTO waiver:** The waiver adopted under Decision WT/L/970, granted by the WTO on 30 November 2015, allowed the United States to provide duty-free treatment to eligible products originating in beneficiary sub-Saharan African countries designated pursuant to the African Growth and Opportunity Act. That waiver expired on 30 September 2025 and no formal request for its extension has been notified to the WTO. Should a new waiver request be submitted, the Union should support it, in line with its previous support for such requests, as reflected in Council Decision (EU) 2015/1942.
- **Establishment of an additional Committee on emerging technologies:** The accelerating pace of digital transformation and the rapid emergence of new technologies such as artificial intelligence, blockchain, the Internet of Things, and quantum computing have introduced new policy questions affecting international trade that merit focused analysis. Should there be consensus at MC14 on the establishment of an additional Committee tasked with examining the impact of emerging technologies on global trade, the Union should join such consensus.

³ Council Decision (EU) 2025/915 of 12 May 2025 establishing the position to be adopted on behalf of the European Union in the World Trade Organization as regards the incorporation of the Agreement on Electronic Commerce into the Agreement establishing the World Trade Organization (OJ L, 15.5.2025).

⁴ Council Decision (EU) 2024/444 of 29 January 2024 establishing the position to be taken on behalf of the European Union in the World Trade Organization's 13th Ministerial Conference as regards the incorporation of the Agreement on Investment Facilitation for Development into the Agreement Establishing the World Trade Organization (OJ L, 1.2.2024).

Since negotiations are currently ongoing on all elements above, the Commission expects that the Council will take its decision on the EU position on the outcome of the negotiations once the situation regarding the relevant texts becomes clear during the Ministerial Conference itself.

The initiative is fully consistent with existing policy provisions. Similar decisions were prepared for previous WTO Ministerial Conferences, including most recently for the 13th WTO Ministerial Conference in 2024.

4. LEGAL BASIS

4.1. Procedural legal basis

4.1.1. Principles

Article 218(9) of the Treaty on the Functioning of the European Union (TFEU) provides for decisions establishing *‘the positions to be adopted on the Union’s behalf in a body set up by an agreement, when that body is called upon to adopt acts having legal effects, with the exception of acts supplementing or amending the institutional framework of the agreement.’*

The concept of *‘acts having legal effects’* includes acts that have legal effects by virtue of the rules of international law governing the body in question. It also includes instruments that do not have a binding effect under international law, but that are *‘capable of decisively influencing the content of the legislation adopted by the EU legislature’*⁵.

4.1.2. Application to the present case

The WTO Ministerial Conference is a body set up by an agreement, namely the WTO Agreement, which according to Article IV:1 of the WTO Agreement has the authority to take decisions on all matters covered under any of the multilateral trade agreements, including decisions having legal effects.

According to Article IV:2 of the WTO Agreement, in the intervals between meetings of the Ministerial Conference, its functions shall be conducted by the General Council.

The envisaged acts mentioned above constitute acts having legal effects, as they may affect the rights and obligations of the Union by virtue of international law.

The envisaged acts do not supplement or amend the institutional framework of the Agreement.

Therefore, the procedural legal basis for the proposed decision is Article 218(9) TFEU.

4.2. Substantive legal basis

4.2.1. Principles

The substantive legal basis for a decision under Article 218(9) TFEU depends primarily on the objective and content of the envisaged act in respect of which a position is taken on the Union’s behalf. If the envisaged act pursues two aims or has two components and if one of those aims or components is identifiable as the main one, whereas the other is merely incidental, the decision under Article 218(9) TFEU must be founded on a single substantive legal basis, namely that required by the main or predominant aim or component.

⁵ Judgment of the Court of Justice of 7 October 2014, Germany v Council, C-399/12, ECLI:EU:C:2014:2258, paragraphs 61 to 64.

4.2.2. Application to the present case

The main objective and content of the envisaged acts relate to the common commercial policy.

The substantive legal basis of the proposed decision, therefore, is Article 207 TFEU.

4.3. Conclusion

The legal basis of the proposed decision should be Article 207 TFEU in conjunction with Article 218(9) TFEU.

Proposal for a

COUNCIL DECISION

on the position to be taken on behalf of the European Union in the World Trade Organization's 14th Ministerial Conference

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on the Functioning of the European Union, and in particular Article 207(4), first subparagraph, 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 ('the WTO Agreement') was concluded by the Union by Council Decision 94/800/EC of 22 December 1994⁶ and entered into force on 1 January 1995.
- (2) Pursuant to Articles IV:1 and IX:1 of the WTO Agreement, the Ministerial Conference of the World Trade Organization ('WTO') may adopt decisions by consensus.
- (3) The WTO Ministerial Conference, during its 14th meeting scheduled on 26-29 March 2026, may adopt decisions on dispute settlement reform, fisheries subsidies, food security, domestic support in agriculture, public stockholding for food security purposes, export restrictions in agriculture, export competition in agriculture, market access in agriculture, special safeguard mechanism (SSM) in agriculture, cotton, special and differential treatment, least-developed countries graduation proposal - Annex 2, Agreement on Electronic Commerce, Investment Facilitation for Development Agreement, request for granting a waiver, and establishment of an additional Committee.
- (4) It is appropriate to establish the position to be taken on the Union's behalf in the WTO Ministerial Conference, as the decisions are binding on the Union.
- (5) At MC13 in Abu Dhabi, WTO Ministerial decision (WT/MIN(24)/37) recognised the progress made in the informal process on dispute settlement reform and instructed officials to accelerate discussions to achieve the objective of having a fully and well-functioning dispute settlement system accessible to all Members by 2024 as was set forth already at MC12. This did not happen "by 2024" and the prospects for an outcome at MC14 are low. However, a fully-functioning dispute settlement system in the WTO remains a priority for the Union. The Union should therefore support a meaningful reform of the dispute settlement system in order to address the interests of Members, while preserving its core features which support the rules-based multilateral trading system. Should there be such an agreed outcome, the Union should support it.
- (6) The WTO Ministerial Decision of 17 June 2022 (WT/MIN(22)/33) adopted the Agreement on Fisheries Subsidies and at the same time called to achieve a

⁶ OJ L 336, 23.12.1994, p. 1.

comprehensive agreement on fisheries subsidies. The Agreement on Fisheries Subsidies entered into force on 15 September 2025⁷ and if comprehensive disciplines are not adopted within four years of the entry into force of this Agreement, and unless otherwise decided by the General Council, this Agreement shall stand immediately terminated. The WTO is striving to reach a multilateral agreement on additional provisions that would achieve comprehensive disciplines. Should negotiations on additional provisions be successful, the EU should support an agreed outcome.

- (7) WTO action is needed in response to the current food security challenges, aggravated by the consequences of Russia's unprovoked and unjustified war of aggression in Ukraine, in a context of global environmental challenges, climate change and related natural disasters, loss of biodiversity and pollution. Food security is expected to be an element of discussions at MC14. Moreover, the Ministers at MC12 endorsed a Declaration on the Emergency Response to Food Insecurity (WT/MIN(22)/28, WT/L/1139) which instructed the Committee on Agriculture to undertake a dedicated work programme to examine ways for the Decision on Measures Concerning the Possible Negative Effects of the Reform Programme on Least-Developed (LDCs) and Net Food-Importing Developing Countries (NFIDCs) (Marrakesh Decision) to be made more effective and operational. At the same time, the Members were instructed to consider the needs of LDCs and NFIDCs to increase their resilience in responding to acute food instability, including by considering the best possible use of flexibilities to bolster their agricultural production and enhance their domestic food security as needed in an emergency. In April 2024, Members adopted a report on the work programme (G/AG/38) containing a set of recommendations and conclusions. Should there be an outcome as follow-up to this work, the EU should support such agreed outcome.
- (8) Negotiations on trade-distorting domestic support are embedded in Article 20 of the WTO Agreement on Agriculture and have been part of the Doha Development Agenda (DDA) mandate, as embodied in the Doha Ministerial Declaration of 14 November 2001 (WT/MIN(01)/DEC/1). Should the negotiations be successful, the Union should support an agreed outcome.
- (9) Negotiations on public stockholding for food security purposes aim at agreeing on a 'permanent solution' fulfilling the goal set out in the Bali Ministerial Decision of 7 December 2013 on Public Stockholding for Food Security Purposes (WT/MIN(13)/38-WT/L/913), as interpreted by the subsequent General Council Decision of 27 November 2014 (WT/L/939). This goal was repeated in the Nairobi Ministerial Decision of 19 December 2015 (WT/MIN(15)/44-WT/L/979). Should the negotiations be successful, the Union should support an agreed outcome.
- (10) At the 12th Ministerial Conference held in Geneva, WTO members endorsed the landmark Ministerial Decision on World Food Programme Food Purchases Exemption from Export Prohibitions or Restrictions (WT/MIN(22)/29, WT/L/1140). Negotiations on export restrictions in agriculture have shown that a large part of the WTO Membership supports further enhanced transparency and predictability of export prohibitions and restrictions, as well as improving relevant disciplines. Should the negotiations be successful, the Union should support an agreed outcome.

⁷ OJ L, 2025/1962, 25.9.2025, <http://data.europa.eu/eli/notice/2025/1962/oj>

- (11) The 2015 Nairobi Ministerial Decision of 19 December (WT/MIN(15)/45) abolished export subsidies and set disciplines on measures with equivalent effect. Negotiations in this area focus on improvements to transparency and further disciplines in export competition. The adoption of the report of the triennial review and the decision on export competition notification requirements and formats in December 2024 (G/AG/39) is considered a positive step contributing to monitoring potential circumvention of the disciplines. Should the negotiations be successful, the Union should support an agreed outcome.
- (12) Negotiations on market access for substantial progressive reductions in protection are embedded in Article 20 of the WTO Agreement on Agriculture and have been part of the Doha Development Agenda (DDA) mandate, as embodied in the Doha Ministerial Declaration of 14 November 2001 (WT/MIN(01)/DEC/1). Should the negotiations be successful, the Union should support an agreed outcome.
- (13) Negotiations on the Special Safeguard Mechanism (SSM) in agriculture have continued pursuant to the Nairobi Ministerial Decision (WT/MIN(15)/43 - WT/L/978). Should the negotiations be successful, the Union should support an agreed outcome.
- (14) Negotiations on cotton have continued in the framework set up in paragraphs 5, 6 and 7 of the Bali Ministerial Decision on Cotton (WT/MIN(13)/41 - WT/L/916) and in paragraph 14 of the Nairobi Ministerial Decision on Cotton (WT/MIN(15)/46 - WT/L/981). Should the negotiations be successful, the Union should support an agreed outcome in this area.
- (15) Negotiations on SDT provisions including in the context of discussions of some proposals by the G-90 (African Group, African, Caribbean and Pacific Group of States, LDC Group) in areas such as subsidies, trade-related investment measures (TRIMS) and transfer of technology within trade-related aspects of intellectual property rights (TRIPS) may result in a ministerial outcome at MC14 for example by clarifying existing provisions or granting additional SDT for Least-Developed Countries (LDCs) and certain developing countries, and the EU should support such outcome.
- (16) Negotiations are ongoing on proposals by the LDC Group on support measures for a smoother transition for WTO members graduating from the LDC category: extend for an appropriate time-period SDT provisions in a number of specified WTO agreements and decisions, notably on the Agreements on Subsidies and Countervailing Measures (ASCM), Trade-Related Aspects of Intellectual Property Rights (TRIPS) and Agriculture. Should a ministerial outcome be necessary, the EU should support an agreed outcome. Such an outcome could extend certain LDC provisions to recently graduated countries for a strictly limited period of time.
- (17) Negotiations towards an Agreement on Electronic Commerce were formally launched in January 2019. The Commission conducted the negotiations on behalf of the EU. The participating WTO Members reached a stabilised text of the Agreement on Electronic Commerce on 26 July 2024. The Union supported the incorporation of the Agreement into Annex 4 to the WTO Agreement at relevant meetings of the General Council. The position to be taken on the Union's behalf in the 14th WTO Ministerial Conference should also be to support the incorporation of the Agreement into Annex 4 to the WTO Agreement.
- (18) Negotiations for the Agreement on Investment Facilitation for Development were formally launched in September 2020 and were finalised in July 2023. The initiative

gathers 128 member parties, most of which are developing and least-developed countries. It covers disciplines on transparency, streamlining of administrative procedures and domestic regulatory coherence which will apply to all sectors of the economy for all measures related to investment activities. The Agreement was tabled as a plurilateral agreement to be incorporated into Annex 4 to the WTO Agreement. Such incorporation was supported by the Union at MC13 and subsequent General Council meetings but it was opposed at MC13 by India, South Africa and Türkiye. The position to be taken on the Union's behalf in the 14th WTO Ministerial Conference should be to support the incorporation of the Agreement into Annex 4 to the WTO Agreement.

- (19) Pursuant to article IV:2 of the WTO Agreement, in the intervals between meetings of the Ministerial Conference, its functions shall be conducted by the General Council. If MC14 does not take the decision to incorporate the Agreement on Electronic Commerce or the Agreement on Investment Facilitation for Development into Annex 4 to the WTO Agreement, the Union should support such incorporation at relevant meetings of the General Council. With respect to the Agreement on Electronic Commerce, the Union position with respect to meetings of the General Council was established by Council Decision (EU) 2025/915 of 12 May 2025⁸. It is therefore appropriate for this decision to also address, with respect to Agreement on Investment Facilitation for Development, also the meetings of the General Council subsequent to MC14 and before the next WTO Ministerial Conference dealing with the same matter.
- (20) The waiver adopted under Decision WT/L/970, granted by the WTO on 30 November 2015, allowed the United States to provide duty-free treatment to eligible products originating in beneficiary sub-Saharan African countries designated pursuant to the African Growth and Opportunity Act. That waiver expired on 30 September 2025 and no formal request for its extension has been notified to the WTO. Should a new waiver request be submitted, the Union should support it, in line with its previous support for such requests, as reflected in Council Decision (EU) 2015/1942.
- (21) The accelerating pace of digital transformation and the rapid emergence of new technologies such as artificial intelligence, blockchain, the Internet of Things, and quantum computing have introduced new policy questions affecting international trade that merit focused analysis. Should there be consensus at MC14 on the establishment of an additional Committee tasked with examining the impact of emerging technologies on global trade, the Union should join such consensus,

HAS ADOPTED THIS DECISION:

Article 1

The position to be taken on the Union's behalf in the 14th session of the WTO Ministerial Conference shall be:

To join the consensus reached among WTO Members with a view to adopting decisions regarding dispute settlement reform, fisheries subsidies, food security, domestic support in agriculture, public stockholding for food security purposes, export restrictions in agriculture, export competition in agriculture, market access in agriculture, special safeguard mechanism

⁸ Council Decision (EU) 2025/915 of 12 May 2025 establishing the position to be adopted on behalf of the European Union in the World Trade Organization as regards the incorporation of the Agreement on Electronic Commerce into the Agreement establishing the World Trade Organization (OJ L, 15.5.2025).

(SSM) in agriculture, cotton, special and differential treatment, least-developed countries graduation proposal – “support measures” in a number of specified WTO agreements and decisions (“Annex 2”), Agreement on Investment Facilitation for Development, Agreement on Electronic Commerce, request for granting a WTO waiver and establishment of an additional Committee.

With respect to Agreement on Investment Facilitation for Development, this decision also concerns, if necessary, the position to be taken on Union’s behalf at any subsequent meetings of the General Council before the next WTO Ministerial Conference dealing with the same matter.

Article 2

This Decision is addressed to the Commission.

Done at Brussels,

*For the Council
The President*