Official Journal
of the European Union

EN
L series

2024/998

27.3.2024

COUNCIL DECISION (EU) 2024/998

of 1 March 2024

on the position to be taken on behalf of the European Union within the World Trade Organization's 13th 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 means of Council Decision 94/800/EC [1] 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) is to adopt decisions by consensus.

(3) The 13th WTO Ministerial Conference (MC13), which takes place from 26 February to 1 March 2024, could adopt decisions on electronic commerce, special and differential treatment, and the graduation of countries from least-developed-country status.

(4) It is appropriate to establish the position to be taken on the Union's behalf within MC13 to the extent that any decisions adopted could have legal effects.

(5) Negotiations have evolved on special and differential treatment (SDT) provisions, including in the context of discussions of some proposals by the G90 (African, Caribbean and Pacific Group of States) on sanitary and phytosanitary measures and technical barriers to trade and proposals from the African Group on policy space for industrial development in areas such as subsidies, trade-related investment measures and transfer of technology within trade-related aspects of intellectual property rights, in particular by clarifying existing provisions for LDCs and certain developing countries. Given the importance of the issue, the Union should support the agreed outcomes.

(6) Negotiations are ongoing on proposals by the LDC Group on the following support measures for a smoother transition for WTO Members graduating from the LDC category: (a) extend SDT provisions in a number of specified WTO agreements and decisions for an appropriate time period; (b) exempt those specified agreements and decisions from actions under the WTO dispute-settlement mechanism for an appropriate time period; and (c) ensure continued access to all LDC-specific technical assistance and capacity-building programmes and facilities provided under the WTO system for an appropriate time period. In view of the proposal for a ministerial decision on the matter, the Union should support the agreed outcome,

(7) Negotiations evolved on the Work Programme on Electronic Commerce and the extension of the moratorium on customs duties on electronic transmissions, and might result in maintaining the current practice of not imposing customs duties on electronic transmissions until the 14th Ministerial Conference of the WTO, or until 31 March 2026, whichever is the earliest. The moratorium and the Work Programme will expire on that date. The Union should support the agreed outcome,

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

HAS ADOPTED THIS DECISION:

Article 1

The position to be taken on the Union's behalf within the 13th Ministerial Conference of the World Trade Organization (WTO) shall be to support the adoption of the WTO ministerial decisions on:

— special and differential treatment (WT/MIN(24)/W/23);

— the graduation of countries from least-developed-country status (WT/MIN(24)/W/14/Rev1); and

— electronic commerce (WT/MIN(24)/W/26).

Article 2

This Decision shall enter into force on the date of its adoption.

Done at Brussels, 1 March 2024.

For the Council
The President
H. LAHBIB