



Council of the
European Union

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LEGISLATIVE ACTS AND OTHER INSTRUMENTS

Subject: COUNCIL DECISION on the position to be taken on behalf of the European Union within the 12th Ministerial Conference of the World Trade Organization

COUNCIL DECISION (EU) 2022/...

of ...

**on the position to be taken on behalf of the European Union
within the 12th Ministerial Conference of the World Trade Organization**

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/EC¹ 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 able to adopt decisions by consensus.
- (3) During its 12th meeting, from 12 to 17 June 2022, the WTO Ministerial Conference could adopt decisions on the draft agreement on fisheries subsidies, the TRIPS Agreement, and on the World Food Programme food-purchases exemptions from export prohibitions or restrictions.
- (4) It is appropriate to establish the position to be taken on the Union's behalf in the WTO Ministerial Conference, to the extent that any decisions adopted could have legal effects.

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).

- (5) Negotiations on fisheries subsidies are part of the Doha Development Agenda (DDA) and were identified as a priority in target 6 of United Nations (UN) Sustainable Development Goal 14, as agreed by Heads of State in 2015, and in the WTO Ministerial Decision of 13 December 2017 (WT/MIN(17)/64). Given the importance of the issue for trade and sustainable development, and the fact that the Union has been one of the proponents, the Union should support the agreed outcome.
- (6) Negotiations on measures related to intellectual property, as provided for in the TRIPS Agreement are part of the ongoing discussions in the WTO on how the trade system can enhance global access to COVID-19 vaccines, therapeutics and other essential medical goods. On 21 May 2021 a number of WTO Members submitted to the WTO Council for TRIPS a communication with a revised proposal for a waiver from certain provisions of the TRIPS Agreement for the prevention, containment and treatment of COVID-19 (IP/C/W/669/Rev.1). On 4 June 2021 the Union submitted a communication on urgent trade policy responses to the COVID-19 crisis (WT/GC/231) to the WTO General Council and a communication on urgent trade policy responses to the COVID-19 crisis with regard to intellectual property (IP/C/W/680) to the WTO Council for TRIPS. On 18 June 2021 the Union submitted to the WTO Council for TRIPS a communication with a draft declaration on the TRIPS Agreement and public health in the circumstances of a pandemic (IP/C/W/681), which aims to clarify or facilitate the use of the compulsory licensing system provided for in the TRIPS Agreement, in order to make it work as efficiently as possible in the circumstances of a pandemic. The ministerial decision based on this work is part of a broader package which includes the ministerial declaration on the WTO response to the COVID-19 pandemic and preparedness for future pandemics. Given the importance of this issue, the Union should support the agreed outcome.

- (7) Negotiations on the UN World Food Programme exemption from export restrictions have shown that many WTO Members support the commitment not to impose such restrictions on purchases for humanitarian purposes. In view of the proposal for a ministerial decision on this matter and given that this is an important element of a food-security package to be adopted at the 12th Ministerial Conference, the Union should support the agreed outcome,

HAS ADOPTED THIS DECISION:

Article 1

The position to be taken on the Union's behalf within the 12th WTO Ministerial Conference shall be to support the adoption of the draft WTO ministerial decisions on:

- (a) the draft agreement on fisheries subsidies (WT/MIN(22)/W/22);
- (b) the TRIPS Agreement (WT/MIN(22)/W/15/Rev.2); and
- (c) the World Food Programme food-purchases exemptions from export prohibitions or restrictions (WT/MIN(22)/W/18).

Article 2

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

Done at ..., ...

For the Council

The President
