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WTO 263

**NOTE**

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From: Presidency  
To: Permanent Representatives Committee

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Subject: First draft Council conclusions at the start of the 12th World Trade  
Organization Ministerial Conference  
- Approval

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1. The Trade Policy Committee (Full Members), at its informal video conference on 19 November 2021, considered the above-mentioned draft Council conclusions, as proposed by the Presidency. While the text was broadly acceptable to most delegations, some delegations still had comments and drafting suggestions. On this basis and on the basis of informal consultations, the Presidency prepared a revised version of the draft Council conclusions, which is set out in the Annex to this note (modifications compared to the version discussed on 19 November 2021 are marked in the text), with a view to their adoption by the Foreign Affairs Council (Trade) at its special meeting in Geneva on 29 November 2021, before the opening of the 12th WTO Ministerial Conference.
2. In light of the above, the Permanent Representatives Committee is invited to consider to endorse the draft Council conclusions set out in the Annex, on the understanding that, depending on developments in the run-up to the Ministerial Conference, amendments may need to be considered by the Council at its meeting in Geneva.

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**First draft Council conclusions**  
**on the 12th World Trade Organization Ministerial Conference**

1. The European Union is committed to an open and rules-based multilateral trading system, with a modernised WTO at its core. The EU supports an ambitious and realistic package for the 12th World Trade Organization Ministerial Conference (MC12), and expects all WTO Members to make a constructive contribution, according to their needs and capacities.
2. In view of MC12, the Council stresses the need to conclude the fisheries subsidies negotiations with a substantive outcome, in line with the United Nation's sustainable development goal 14.6, which calls on WTO Members to prohibit certain forms of fisheries subsidies which contribute to overcapacity and overfishing, and eliminate subsidies that contribute to Illegal, Unreported and Unregulated (IUU) fishing, and refrain from introducing new such subsidies. The Council underlines the importance of reaching an ambitious and coherent agreement that contributes to the global sustainability of fisheries resources, in line with relevant EU policies ensuring environmentally sustainable fisheries and consistent with the objective of achieving economic and social benefits.
3. The WTO response to the pandemic is one of the most important issues for the forthcoming Ministerial Conference. This response should contribute to a satisfactory solution to increase the availability of COVID-19 vaccines in developing countries. The Council supports an outcome on Trade and Health that enhances the trading system's responsiveness to the challenges raised by the pandemic, covering inter alia the reduction of export restrictions, trade facilitating measures, enhanced transparency, cooperation with international organisations and other relevant elements. This response should also include enhancing and simplifying the use of flexibilities available under the TRIPS agreement.

4. The Council recalls the priority it places on WTO reform and the intention of the EU to play a leading role in this regard. It underlines the importance of reforming the WTO in its core functions so that it can continue to deliver effectively on its objectives and tackle the challenges of the 21st Century, ~~such as competitive neutrality and climate~~. The Council underlines in this regard the importance of anchoring climate on the WTO agenda as well as more firmly establishing competitive neutrality within the WTO. The Council highlights, as a priority, the need for a meaningful reform in order to restore a fully functioning WTO dispute settlement system with its core features kept intact, the need to reform the WTO's monitoring and deliberating function, as well as the WTO's role as a negotiating forum to develop new and updated rules. The Council supports the establishment of a working group on institutional improvements to the functioning of the WTO, with a view to deliver meaningful results by MC13.
5. The Council recalls the proposals co-sponsored by the EU concerning notifications and trade concerns and calls for progress on these issues at MC12.
6. The Council supports balanced outcomes in the area of agriculture, notably improvements to transparency across the board, a decision on the review of the Bali Tariff Rate Quota (TRQ) Decision and a multilateral decision on the World Food Programme. Finally, the Council supports the launch of work programmes, with key elements that would guide the future negotiations, in areas such as trade-distorting domestic support and ~~on~~ a permanent solution for public stockholding for food security, among others.
7. The Council also looks forward to the renewal of the multilateral e-commerce and TRIPS moratoria.
8. The Council welcomes the conclusion of the text-based discussions on services domestic regulation on 27 September 2021, and looks forward to the conclusion of the negotiations at MC12 and to the subsequent finalisation of Members' schedules of commitments.

9. The Council supports the ongoing efforts of WTO Members towards plurilateral cooperation through Joint Statement Initiatives, which allow Members to work together more closely on pressing issues. The Council ~~emphasises the significance of the Joint Statement Initiatives,~~ and approves the draft Declarations and Statements on:

- *[Launch of a working Group on institutional improvements to the functioning of the WTO (...)]*
- *[Services domestic regulation (...),*
- *Investment Facilitation for Development (...),*
- *E-commerce (...),*
- *Trade and climate/environmental sustainability (...),*
- *Fossil fuel subsidies reform (...),*
- *Plastics Pollution and Environmentally Sustainable Plastics Trade (...),*
- *Micro, Small and Medium-Sized Enterprises (MSMEs) (...),*
- *Trade and gender (...);*
- *Trade facilitation (...),*
- *Sustainable food systems (...) and*
- *Small economies integration into the trading system (...).]*

10. The Council supports the Commission in its efforts to make MC12 a success and looks forward to good coordination between Member States and the Commission in this regard. The Council will assess the progress made with a view to reaching a balanced outcome in line with the conditions set out above. To this end, the Council looks forward to the Commission's proposals in relation to the texts of the draft Declarations and Statements discussed within the WTO.