



Council of the  
European Union

Brussels, 23 January 2024  
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POLCOM 15  
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## LEGISLATIVE ACTS AND OTHER INSTRUMENTS

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Subject:	COUNCIL DECISION 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
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**COUNCIL DECISION (EU) 2024/...**

**of ...**

**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**

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<sup>1</sup> and entered into force on 1 January 1995.
- (2) Pursuant to Article X:9 of the WTO Agreement, the Ministerial Conference of the World Trade Organization (WTO) is able to decide by consensus to incorporate an agreement into Annex 4 to the WTO Agreement.
- (3) The 13th WTO Ministerial Conference, which will take place from 26 to 29 February 2024, could adopt a decision on the incorporation of the Agreement on Investment Facilitation for Development into Annex 4 to the WTO Agreement.
- (4) It is appropriate to establish the position to be taken on the Union's behalf in the 13th WTO Ministerial Conference, as the decision is binding on the Union.
- (5) Negotiations for the Agreement on Investment Facilitation for Development were formally launched in September 2020. The Commission conducted the negotiations on behalf of the Union. The negotiations were concluded on 6 July 2023.

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<sup>1</sup> 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).

- (6) As not all WTO Members participated in the negotiations, the intention of the WTO Members participating in the negotiations is to submit a request to incorporate the Agreement on Investment Facilitation for Development as a plurilateral agreement into Annex 4 to the WTO Agreement. The Union should participate in that request as a preparatory step towards a possible decision of the Ministerial Conference,

HAS ADOPTED THIS DECISION:

*Article 1*

The position to be taken on the Union's behalf in the 13th WTO Ministerial Conference shall be to join the consensus reached among WTO Members as regards the incorporation of the Agreement on Investment Facilitation for Development into Annex 4 to the WTO Agreement.

*Article 2*

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

Done at ..., ...

*For the Council*

*The President*

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