

WTO: BusinessEurope priorities for the 14th Ministerial Conference

KEY MESSAGES

The rules-based trading system remains important, providing the basis on which most of global trade takes place, offering predictability for business. At the same time, the challenges at the level of the WTO decision-making and dispute settlement functions are significant. Ahead of the 14th WTO Ministerial Conference:

- 1** BusinessEurope calls on WTO Members to treat MC14 as a pivotal moment for reform. Discussions must turn into action. At minimum, MC14 must deliver a formal Work Programme on WTO Reform, including decision making, level playing field and development (S&DT).
- 2** WTO members should agree on the extension of the moratorium on customs duties on electronic transmissions, having a permanent solution in mind.
- 3** At the same time, WTO members should find a pathway to anchor the Agreement on Electronic Commerce as well as the Investment Facilitation for Development Agreement in the WTO legal framework.
- 4** Finally, we call on the WTO members to consider the adoption of a Work Programme on Trade and Industrial Policy to explore linkages between policies and navigate the discussion around industrial policy and level playing field.

CONTEXT

The 14th WTO Ministerial Conference (MC14) takes place from 26 to 29 March 2026 in Yaoundé, Cameroon. For years, the WTO has failed to deliver new rules in areas critical to business including on digital trade, while core functions like dispute settlement remain paralysed for over six years. Without credible reform commitments at MC14, the organisation risks sliding into irrelevance. MC14 must deliver a credible Work Programme on WTO Reform with concrete timelines, accountability mechanisms, and political commitment for deep changes between MC14 and MC15. BusinessEurope urges all WTO members to champion this outcome. We also call for the WTO to pursue a closer engagement with businesses that use WTO rules in their daily operations. We hope that our recommendations below will contribute to a successful MC14 and a meaningful reform process.

16 March 2026

WTO: BUSINESSEUROPE PRIORITIES FOR THE 14TH MINISTERIAL CONFERENCE

RECOMMENDED POLICY ACTIONS FOR MC14

1. Institutional Reform: Adopt a Work Programme on WTO Reform

A) Decision making and institutional Issues

- **The consensus rule:** With 166 members, finding consensus is challenging, especially if consensus is defined as unanimity. Consensus gives a strong multilateral signal and is essential to allow the WTO to move forward even in those areas where not all members are ready to follow. There are means to ensure that all members catch up, and the Trade Facilitation Agreement reached in Bali during MC9 offers such an example. The sense of the European business community is that the current flexibilities in the system are not adequately used and that some WTO members, like India, systematically abuse the consensus rule. More broadly speaking, a reform of the decision-making process in the WTO requires the exploration of tools such as constructive abstention, opt-outs, and differentiated procedures, as well as consideration of qualified majority voting. A binding interpretation of the consensus rule could be also considered.
- **A way forward:** In the meantime, where consensus is unachievable, WTO members that participate in joint initiatives or coalitions of the willing should be able to advance. Looking at the example of the Agreement on Services Domestic Regulation, parties to the Agreement found a way forward to de facto implement the deal by updating their schedules. Leadership is critical and we call on the EU and like-minded partners, including CPTPP countries, to consider solutions that will allow the implementation of plurilateral agreements on new and emerging trade issues.
- **Dispute Settlement** was often referred to as the crowning jewel of the WTO, ensuring that rules apply across the board and that all members are treated equally. However, the U.S. blockage of Appellate Body appointment of judges has paralysed the system for over six years. Without a fully functioning dispute settlement mechanism, WTO rules become unenforceable, contributing to an extremely unpredictable environment for businesses. The EU and other WTO members have reached a Multi-Party Interim Arbitration Agreement (MPIA), which has allowed parties to conclude disputes. Although not all WTO members have joined the MPIA, it consists of a concrete, reliable solution while the broader WTO Dispute Settlement reform is being discussed. BusinessEurope urges all WTO members to resolve this impasse by MC15.
- **Preserving the fundamentals of the system:** WTO agreements on customs valuation, Technical Barriers to Trade (TBT), Sanitary and Phyto-sanitary measures (SPS), trade facilitation, and IP protection remain the daily architecture enabling global commerce and must be protected from erosion through unilateral measures.



B) Level Playing Field

- Fundamental rebalancing of rights and obligations:** The Most-Favoured Nation Principle (MFN) is a fundamental non-discrimination principle, a source of stability and predictability in the global trading environment that, in a rules-based trading system, the business community would like to preserve. It has significantly reduced costs for businesses but has also allowed free riding behaviour. In today's trading environment where companies face the impact of overcapacities and the weaponisation of dependencies, the EU and other WTO members are calling for a broader debate on the 1995 balance. This is essential and it must include a reflection on the MFN principle in today's context, its link to reciprocity and WTO members' respective levels of openness. For BusinessEurope, this discussion is not – and should not – put the MFN principle per se at risk but rather focus on compliance with the principle and on how countries can further open their markets, with the view of restoring the level playing field, which is the main objective of the MFN principle. In this discussion, it should also be recognised that WTO members whose economies have grown substantially over the past years must undertake corresponding market-opening measures. The EU's proposal for exploring new links between commitments and tariff levels to allow agile adjustments in response to changing realities and threats to sectors or value chains may be a way forward.
- Transparency** is fundamental to promoting a level playing field, in particular when it comes to subsidies. Only 30% of members submitted subsidy notifications in 2025 compared to 50% in 2023 and 51.2% in 2021¹. BusinessEurope would support a discussion on whether notified measures should enjoy better treatment than non-notified ones, with meaningful incentives and consequences to improve compliance, as proposed by the EU.
- A Work Programme on Trade and Industrial Policy:** BusinessEurope strongly supports the adoption of a Work Programme on Trade and Industrial Policy at MC14, building on informal discussions co-sponsored by a number of WTO members, including the EU, Canada, Singapore and others. This Work Programme should seek to update the 30-year-old Agreement on Subsidies and Countervailing Measures (ASCM) to address modern state interventions, State-Owned Enterprises (SOE) behaviour, and overcapacity; address both industrial and agricultural subsidies; and explore tensions between trade and industrial/environmental policies, including measures on decarbonisation that many WTO members are adopting or currently exploring.
- Issues of our time:** A reformed WTO must address today's pressing trade policy challenges, including how WTO rules can better accommodate legitimate policy objectives for supply chain resilience and economic security in a way that avoids resorting to gross abuses of the system and the GATT Art. XXI security exceptions.

¹ https://www.wto.org/english/news_e/news25_e/scm_28oct25_186_e.htm



C) Development

- **Targeted S&DT:** WTO members should support differentiated Special and Differential Treatment (S&DT) modelled on the Trade Facilitation Agreement, linking implementation to capacity-building with clear paths toward universal compliance.
- **Designation:** A discussion on the self-designation rule of WTO members should also take place, including the consideration of the adoption of objective criteria.

2. Extension of the Moratorium on customs duties on electronic transmissions

- Extending – and ultimately making permanent – the moratorium on customs duties on electronic transmissions is a priority for BusinessEurope. For over two decades, this moratorium has enabled digital commerce to flourish globally, for instance looking at the significant increase of trade in digitally delivered services² benefiting firms of all sizes.
- Any short-term customs revenue gains would be vastly outweighed by higher consumer prices, reduced consumption, and market fragmentation. Imposing tariffs on electronic transmissions would, for the first time, allow the WTO system to be used to erect new barriers to trade, setting a dangerous precedent. Digital customs checkpoints would also worsen global inequities.
- The EU must actively support both the multilateral extension of the moratorium and its eventual permanent anchoring as a binding WTO rule.

3. Anchoring Plurilateral Agreements to the WTO framework

A) The case of the Agreement on Electronic Commerce

The Joint Statement Initiative on E-Commerce produced the stabilised text of the Agreement on Electronic Commerce in December 2024. This represents a landmark plurilateral achievement, which currently includes 72 WTO members. It binds its signatories with commitments on e-signatures, e-authentication, e-contracts, paperless trading and introduces a permanent moratorium of customs duties on electronic transmissions.

BusinessEurope calls for the following steps:

- The provisions of the Agreement on Electronic Commerce should be implemented immediately by all signatories, even ahead of formal entry into force as a WTO Annex IV Agreement.
- Parties to the Agreement should actively invite other WTO countries to join and continue discussions to ensure that at a later stage more provisions will be included in the Agreement, such as on free flow of data across borders with minimal

² https://www.wto.org/english/res_e/statis_e/gstdh_digital_services_e.htm

exceptional measures, prohibition of data localisation requirements (particularly the use or location of computing facilities as a condition for doing business), prohibition of requirements for disclosure of source codes and algorithms, non-discriminatory treatment of digital products, and protection of the fairness of digital contents. The EU and other signatories should actively encourage the U.S. and countries that have withdrawn or withheld support to re-engage as the commercial benefits of common digital trade rules are substantial and broadly shared.

B) The case of the Investment Facilitation for Development Agreement

Launched as a Joint Initiative Statement, negotiations for an Investment Facilitation for Development Agreement (IFD) concluded in 2023 with provisions to improve the business and investment climate. Currently, 128 WTO members participate in the Agreement, representing 3/4 of the membership and 90% of global trade.

BusinessEurope supports the following steps:

- WTO Members must swiftly incorporate the IFD Agreement into the WTO's binding rulebook as an Annex IV Agreement at MC14. This agreement enjoys overwhelming support within the membership and deserves formal recognition in the multilateral trading system. A continued blocking of this development-friendly, broadly supported agreement would further undermine the WTO's credibility and relevance.
- The EU and other supporters of the IDF must intensify diplomatic engagement to resolve the decision-making deadlock.
- At the same time, IFD parties should begin domestic implementation preparations immediately, even ahead of formal WTO incorporation. WTO members are encouraged to align their investment frameworks with the agreement's transparency and procedural efficiency standards without delay.
- Non-participating WTO members, particularly major economies, should be encouraged to join the agreement. Universal participation would maximise benefits for all parties and strengthen the multilateral investment framework.