



2025/915

15.5.2025

COUNCIL DECISION (EU) 2025/915

of 12 May 2025

establishing the position to be adopted on behalf of the European Union in the World Trade Organization as regards the incorporation of the Agreement on Electronic Commerce 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⁽¹⁾ and entered into force on 1 January 1995.
- (2) Pursuant to Article X(9) of the WTO Agreement in conjunction with Article IV(2) thereof, the General Council of the World Trade Organization (WTO) may adopt a decision by consensus to add an agreement to Annex 4 to the WTO Agreement.
- (3) Negotiations for an Agreement on Electronic Commerce were formally launched in January 2019. The Commission conducted such negotiations on behalf of the Union and the participating WTO Members agreed on the text of the Agreement on Electronic Commerce on 26 July 2024.
- (4) The WTO Members participating in the negotiations on the Agreement on Electronic Commerce intend to submit a formal request to the General Council of the WTO seeking to incorporate the Agreement on Electronic Commerce into Annex 4 to the WTO Agreement in accordance with Article X(9) of that Agreement. The Union should participate in that request as a preparatory step towards a possible decision of the General Council at one of its subsequent meetings.
- (5) The European Data Protection Supervisor was consulted in accordance with Article 42(1) of Regulation (EU) 2018/1725 of the European Parliament and of the Council⁽²⁾ and delivered an opinion on 2 of April 2025.
- (6) It is appropriate to establish the position to be adopted on the Union's behalf at the relevant future meeting of the General Council of the WTO with regard to the incorporation of the Agreement on Electronic Commerce into Annex 4 to the WTO Agreement, as the decision will be binding on the Union.
- (7) The incorporation of the Agreement on Electronic Commerce into Annex 4 to the WTO Agreement is justified in view of the need to bring WTO rules into line with the economic and trade realities of the 21st century and it is consistent with the Union's policies.
- (8) Therefore, the position of the Union should be to join the consensus reached among WTO Members to incorporate the Agreement on Electronic Commerce into Annex 4 to the WTO Agreement,

⁽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, ELI: <http://data.europa.eu/eli/dec/1994/800/oj>).

⁽²⁾ Regulation (EU) 2018/1725 of the European Parliament and of the Council of 23 October 2018 on the protection of natural persons with regard to the processing of personal data by the Union institutions, bodies, offices and agencies and on the free movement of such data, and repealing Regulation (EC) No 45/2001 and Decision No 1247/2002/EC (OJ L 295, 21.11.2018, p. 39, ELI: <http://data.europa.eu/eli/reg/2018/1725/oj>).

HAS ADOPTED THIS DECISION:

Article 1

The position to be adopted on the Union's behalf within the General Council of the World Trade Organization (WTO) shall be to join the consensus, in the event it is reached among WTO Members, to incorporate the Agreement on Electronic Commerce into Annex 4 to the WTO Agreement.

This position shall be expressed by the Commission.

Article 2

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

Done at Brussels, 12 May 2025.

For the Council

The President

B. NOWACKA
