

 <p>Council of the European Union General Secretariat</p>	
Trade Policy Committee	
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Note for the attention of the Trade Policy Committee

Subject: Presidency non paper
- MC10 Lessons to be Learnt

Delegations will find attached a Presidency non paper on the above-mentioned subject.

MC10 Lessons to be Learnt

Introduction

The 10th Ministerial Conference of the WTO that was held in Nairobi, Kenya in December 2016 proved to be a very challenging environment for the EU to appropriately handle its needs to ensure internal coordination. Given the exceptional traffic situation and logistical challenges, Nairobi should not be seen as a default, but the experiences of MC10 can still be used as guidance for improvement. The Netherlands presidency of the EU has therefore set up a 'Lessons to be Learnt' exercise, aimed at identifying possibilities for improvement at future Ministerial Conferences or similar events.

This non-paper presents the main outcomes of the exercise. It is in no way intended as an evaluation or judgment of the EU process during MC10, but merely aimed to serve as input for the preparation of future events. The paper is divided in three parts: Logistics, Information Sharing and Ministerial Involvement.

Logistics

Two logistical factors have been identified as the most detrimental to the functioning of the EU during the conference: (1) Commission, Council and delegations were based in different hotels across the city and (2) EU meetings (FAC/TPC) were held at a location too far away from the conference venue.

To avoid these issues in the future, it is regarded necessary that **Council and Commission are based in the same location – or at least in close proximity – during a conference**. This close proximity enables faster and easier exchange of information and offers more possibilities for calling meetings at (relatively) short notice. Moreover, **the EU should be based as close as possible to the conference main venue**. It is therefore advisable that the Council Secretariat and Commission organise a joint pre-visit and jointly coordinate all logistical aspects of the conference. Given the necessity to have a large meeting room (min. 50 people + interpreters booths) at our disposal close to the conference venue, it is advisable to organise the pre-visit as soon as possible after the host city for the MC has been decided. Member states have indicated that a location where a listening room could be made available would be preferable. This preference will need to be weighed against the additional costs and logistical requirements. As soon as a suitable location has been identified, it should be communicated to member states with a strong advise to reserve rooms at the same hotel or in very close proximity.

Given the logistical requirements it would be preferable to know the venue of the MC well in advance. In the event a location outside Geneva is chosen by the WTO GC, there should be ample time for the hosting country to prepare, to make logistical arrangements, and to feel political ownership in the run up to the conference. The possible venues for the conference and EU meetings could play a role in EU's evaluation of a proposed host country.

Information sharing

The flow of information between Commission and Member States during the conference has been acknowledged by all parties involved as the major problematic issue during MC10. Only two meetings of TPC FM and two FAC Trade sessions have taken place over the course of six days. Planned meetings were rescheduled and eventually cancelled several times. The lack of coordination meetings resulted in Member States being ill-informed about the state of the negotiations and the possible outcomes of the process.



Although several factors outside the influence of the EU played a major role – the MC dealt with relatively ‘unripe’ issues, the process was very chaotic, the final negotiation took extremely long and was conducted in a very small group – some lessons can be learnt to improve the process.

First and foremost, the presidency should organize **daily EU coordination meetings**. These meetings should take place irrespective of the state of the negotiations: *‘informing Member States that nothing is happening, is better than not informing Member States at all’*. These meetings should serve as a platform for the exchange of information between Commission and Member States on substance and strategy. They would also form a valuable source of information for the Commission in the negotiations, as Member States could share the information they acquire in bilateral meetings and other events at or around the conference. The format and location for the daily EU coordination meetings should not be fixed and could be adjusted to the state of play of the MC process. The same goes for the level of participation on the side of the Commission and Member States. In any case it would be strongly desirable that **the Commission team includes a dedicated member in charge of informing Member States during the Conference**. This person should be available to perform debriefings to Member States in case senior members of the Commission team are caught up in negotiations or other relevant activities.

Ministerial involvement

The presence of ministers at the FAC Trade sessions during the conference is essential for providing the necessary quorum to be able to take decisions. As the decision on joining the WTO consensus that confirms the outcome of the conference is taken during the final session of the FAC Trade, **Member States should ensure the presence of their ministers especially at that session**. In this regard a fixed date and time for the closing session of the conference would be very helpful, but it needs to be noted that the dynamics of the negotiations at ministerial conferences are unpredictable. At the same time, ministers need to be present at a relatively early stage of the conference to deliver their plenary statements. It therefore seems unavoidable that ministers are present during most (if not all) of the Ministerial Conference. Written procedures or ad referendum adoption of a decision should only be considered in exceptional circumstances.

The EU position in the negotiations could be strengthened by **making better use of the presence of a large group of EU ministers at the conference**. Ministers could be actively invited by the Commission to conduct specific bilateral conversations in support of the EU position. More generally, it would be very useful if the Commission would provide member states (either in written form or orally) with an up-to-date ‘line to take’ for bilateral meetings. Active involvement of EU ministers in the Ministerial Conference should be considered favourably. The EU should strive to provide one minister as vice-chair for the conference, but should also aim to support ministers to actively engage in the process.

A different approach to the FAC Trade that takes place during the conference could be considered. The Council Conclusions that provide guidance to the Commission could be agreed ahead of the conference, providing room for a more strategic FAC discussion at the start of the conference on the EU approach and strategy. Given the public nature of Council Conclusions, this approach would also serve the purpose of communicating key EU interests to other WTO members well ahead of the conference.