

# WTO reform: EU proposes way forward on the functioning of the Appellate Body

The proposal will be presented at the meeting of the WTO General Council on 12 December.

Commissioner **Malmström** said: “The appellate body function of the WTO dispute settlement system is moving towards a cliff’s edge. Without this core function of the WTO, the world would lose a system that has ensured stability in global trade for decades. Now, together with a broad coalition of WTO members, we are presenting our most concrete proposals yet for WTO reform. I hope that this will contribute to breaking the current deadlock, and that all WTO members will take responsibility equally, engaging in good faith in the reform process.”

The WTO dispute settlement system with its Appellate Body has been key to the security and predictability of the multilateral trading system. Without a proper system of enforcement, the multilateral rules can no longer work effectively. If no solution is found to address the current deadlock on the appointments to the Appellate Body, the whole system is at risk.

The proposed amendments to the WTO Agreement submitted now to the organisation membership follow up on the [EU’s ideas to modernise the WTO](#), published on 18 September, and are part of a broader effort that includes the recently submitted [proposal on notification and transparency rules](#) within the WTO that was co-sponsored among others by US and Japan.

They are the result of intense discussions over the past weeks with other WTO countries. The proposals address in a systematic and constructive manner all of the concerns expressed in recent months with respect to the Appellate Body. They show the EU’s willingness to engage in the process of reform of the WTO in all its functions.

The textual proposals submitted today seek to address all the concerns raised with regard to the WTO Appellate Body, by:

- Putting in place **new rules for outgoing Appellate Body members** which make clear in which cases they can stay on to complete the appeal proceedings they are working on;
- Ensuring that **appeal proceedings are finished on time** in line with the 90-day timeframe set out in the WTO rules, unless the parties in the dispute agree otherwise;
- Clarifying that the legal issues that are subject to appeal by the Appellate Body do not include **the meaning of domestic legislation**;
- Indicating that the Appellate Body should **only address issues necessary to resolve the dispute**;

– Introducing **annual meetings between WTO members and the Appellate Body** to discuss in an open way systemic issues or trends in jurisprudence.

At the same time, the EU is also making proposals to reinforce the Appellate Body's independence and impartiality and to improve its efficiency. These include having a single, longer term for Appellate Body members of 6 to 8 years, as well as increasing the number of members from 7 to 9 working full-time, to support the Appellate Body's capacity to deliver.

The proposals also include rules to ensure that the selection process of Appellate Body members starts automatically when a post is vacant and that there is an orderly transition with outgoing members.

These proposals will be presented by the EU and co-sponsoring WTO countries to the entire membership at the meeting of the WTO General Council on 12 December. The EU hopes that all WTO members can engage swiftly on this basis and that we avert the looming crisis.

#### **For More Information**

[Link to the proposals to the WTO](#)

[Initial EU ideas on WTO reform, as published on 18 September](#)

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## **Une enquête de la Commission européenne révèle des citoyens inquiets face au risque d'ingérence à quelques mois des élections européennes**

EU27 leaders met for a special meeting of the European Council (Art.50) on Sunday 25 November 2018. They endorsed the Brexit withdrawal agreement, as presented by the negotiators of the EU and the UK. Leaders also approved the political declaration on future EU-UK relations, which accompanies and is referred to in the withdrawal agreement.

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# EU supports the 2018 Nobel Peace Prize laureates, Nadia Murad and Dr Denis Mukwege

This new support was announced today in Brussels as High Representative/Vice-President Federica **Mogherini** and Commissioner for International Cooperation and Development, Neven **Mimica**, met with Nadia Murad and Dr Denis Mukwege. The two winners were invited to discuss the eradication of violence against women and its impact on development, together with EU development Ministers at the Foreign Affairs Council.

High Representative/Vice-President Federica **Mogherini** said: *“As the European Union, we admire the immense courage and tireless work of Nadia Murad and Dr Denis Mukwege, who often put their own lives at risk. We have a duty to support their work and all the people they represent, as we are doing, and this is also the best way to celebrate the International Day for the Elimination of Violence against Women.”*

Commissioner Neven **Mimica** added: *“Violence against women and girls is one of the most horrendous crimes, one of the greatest injustices of our time, and an obstacle to the development of any society. I am very pleased to be able to strengthen our support for the 2018 Nobel Peace Prize laureates. This is how the European Union can help put an end to sexual violence, once and for all, everywhere in the world.”*

The EU plans to strengthen its ongoing stabilisation and reconstruction efforts in the Sinjar region in Iraq through a €1 million contribution to Nadia Murad’s “Sinjar Action Fund” initiative. European development cooperation in the liberated areas of Da’esh in the country supports in particular the needs of displaced populations, vulnerable groups and local communities.

A further €4 million will support Dr Mukwege’s work to ensure the continuity of support programmes for victims of sexual violence and women suffering from gynecological conditions at the Panzi Hospital in the Democratic Republic of Congo (DRC).

## **Background**

### **Support to the “Sinjar Action Fund” Initiative in Iraq**

This initiative for the reconstruction of Sinjar will create infrastructure, schools, hospitals, and encourage the return of displaced populations to their homeland.

Since 2014, the European Union’s development cooperation in Iraq amounts to approximately €310 million. Part of this funding is specifically dedicated to the stabilisation and the socio-economic reconstruction of the areas

liberated from Da'esh. EU support helps create the conditions for sustainable return of displaced people, including by clearing contaminated sites, restoring basic services and providing livelihoods. Since the beginning of the crisis, more than 1.7 million displaced people have returned to their homes.

### **Support to Panzi Hospital in the Democratic Republic of Congo**

Panzi hospital is internationally recognised as a reference model for care provided to victims of sexual violence. This additional funding brings EU support in development cooperation and humanitarian aid for Dr Mukwege's Panzi Foundation to some €19 million.

Dr Mukwege has set up a socio-economic reintegration programme for children and women used as sex slaves in the mining areas of the South Kivu province in DRC. These programmes have achieved very important results in the medical treatment of gynecological conditions caused by sexual violence. 50,000 women have already been treated, and another 500 have benefited from support for social and economic integration and legal assistance. Girl victims of sexual abuse and forced labour have given access to education.

### **Spotlight Initiative of the European Union and the United Nations**

The European support for the two 2018 Nobel Peace Prize laureates is part of its broader commitment to gender equality and women's empowerment globally. The EU has established an ambitious partnership with the United Nations by launching the "Spotlight Initiative" in September 2017. This programme is supported by €500 million to fight all forms of violence against women and girls.

Following the South-East Asia programme of the Spotlight initiative launched in November 2017 and the Latin America programme launched in September 2018, the Africa programme will be officially launched in early 2019. With €250 million in funding, the Africa programme will focus on combating harmful practices, such as female genital mutilation and forced child marriage.

### **For More Information**

[EU support to demining in Iraq](#)

[EU-Iraq relations](#)

[Dr Mukwege's Panzi Foundation](#)

[The "Sinjar Action Fund"](#)

[European Union – United Nations Spotlight Initiative](#)

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## Education in emergencies: Council adopts conclusions

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## Remarks by President Donald Tusk after the special meeting of the European Council (Art. 50) on 25 November 2018

“Today, the European Council endorsed the Agreement on the withdrawal of the United Kingdom of Great Britain and Northern Ireland from the European Union and the European Atomic Energy Community. On this basis, the European Council invited the Commission, the European Parliament and the Council to take the necessary steps to ensure that the agreement can enter into force on 30th March 2019, so as to provide for an orderly withdrawal.

The European Council approved the Political Declaration setting out the framework for the future relationship between the European Union and the United Kingdom of Great Britain and Northern Ireland. The European Council restated the Union’s determination to have as close as possible a partnership with the United Kingdom in the future.”

I quote this passage of today’s conclusions, as it contains the essence of our meeting. Ahead of us is the difficult process of ratification as well as further negotiations. But regardless of how it will all end, one thing is certain: we will remain friends until the end of days, and one day longer.

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