



Advanced Master in EU Interdisciplinary Studies

## **Travail de fin d'études**

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# **CHALLENGES FOR THE EUROPEAN UNION IN IMPLEMENTING ITS REFORM IN THE WORLD TRADE ORGANIZATION**

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## INTRODUCTION

In the past, there were various motivations to establish a multilateral trading system. One of them was to maintain the peaceful relations among countries (after experiencing two world wars) aiming to increase their prosperity. In recent period, the world trade system is confronted with number of challenges, including the pandemic COVID-19, instable global security environment, new breakthrough technologies, considerable changes in global climate, and new Trump's government provoking the disruption of existing global trade system. In the light of this development, the need of the World Trade Organization's (WTO) reform, is even more inevitable. It was also my motivation to deal with this highly discussed topic in my work and explore the need and the relevance of this reform for the future.

Additionally, as the authors Guilbaud, Petiteville, and Ramel (2023) stated, multilateralism developed considerably during the 20<sup>th</sup> century, however, it did not evolve consistently. Each progress was often accompanied by a destabilizing or regressive move. There were some situations when we even talked about a “crisis” of multilateralism with its dysfunctions. However, I will focus mainly on the paralysis of the WTO Appellate Body and the need of the WTO reform.

In this work, I will seek to answer **my research question**: Which challenges is the European Union (EU) facing to get its WTO reform proposal accepted?

**The aim of this work** is to identify and analyse the main problems that the EU is facing regarding WTO reform. Additionally, I want to analyse the EU proposal of WTO reform, including a fully functioning WTO dispute settlement system by 2024. Based on the analysis provided, in the final part, I want to identify the challenges which the EU is facing (from its point of view) in modernizing the global trade governance.

This work is structured into three chapters. The first chapter underlines the need of the WTO reform providing the analysis and identification of the main WTO problems. To tackle these problems, the EU proposed a reform which is mentioned in the final part of the first chapter. In the second chapter, I deal with the role of the EU in the WTO. The third chapter explores the challenges which are hindering the implementation of the WTO reform from the EU point of view and next steps expected in the near future.

As for the **research methods**, I used the *literature review* including the critical analysis and synthesis of the previous research of a multilateral trading system, underlying the EU approach towards necessary WTO reform. The main focus was given on the scientific resources throughout of all chapters. Based on this, I was able to formulate my research question.

The contribution of this work lies in linking together the existing WTO main problems, with the EU's reform approach and the relevant challenges hindering its implementation. This type of analysis has not been elaborated yet in scientific articles already published.

## 1 The need of WTO reform

In this introductory chapter, I will examine the reasons why the WTO is in crisis, and consequently, why the reform is needed. Based on this, I'll identify the main problems which the WTO is currently facing. Additionally, I want to highlight the role of the EU in WTO reform together with the identification of main elements of the reform needed.

As the global trade environment has been drastically changed, particular reform of the WTO is urgently needed. For decades, multilateral trade rules, overseen by the WTO and enforced through an impartial dispute resolution system, have helped to solve many trade disputes and prevent considerable trade wars. In recent years, we have witnessed that the WTO failed to adapt to changes in international trade. It is mainly the system of inflexible procedures (which were originally introduced for considerably different trade environment) and conflicting interests among its members, which prevent the WTO modernisation. Many countries criticised also the lack of WTO transparency (Kingdom of Belgium, Federal Public Service, 2024). In the context of economic globalisation, emerging economies extensively increased and started to join in the international trading system. As the traditional international trade system powers, the US and the EU were worried that the higher degree of openness of their domestic markets could be affected. Consequently, the EU begun to demand that emerging economies take on more responsibility and it emphasized mutuality and reciprocity in the trade process (Zhang, Li and Chi, 2024).

However, during the Doha Round negotiations, the EU has gradually given up the *single undertaking* and started to prefer the *focused issue-oriented* negotiation approach. The EU started to pursue its own economic interest (Hartman, 2013).

Having experienced several failures (e.g. the launching of the Millennium Round proposed during the MC in Singapore in 1996 or the failure of a new multilateral negotiation in Doha), in 2006, the European Commission reconsidered its strategy and started to prioritize the negotiation of deep and comprehensive preferential trade agreements with the EU's strategic partners (Wouters and Hegde, 2022). Following this development, the EU had reinforced an extensive bilateral trade agenda, for instance with the partners such as Canada, South Korea or most recently with MERCOSUR. However, some EU bilateral trade efforts failed, as for example the *Transatlantic Trade and Investment Partnership* (TTIP) with the US.

It was mainly during the period in function of EU trade commissioner Pascal Lamy (2005-2013) the approach the *multilateralism first* was reinforced in trade policy and promoted the

EU rules, norms and models in a high-profile manner (Lamy, 2018). Similarly, in the *Trade Policy Review*, the European Commission (2021c) framed itself as a credible supporter of multilateralism and defended at the same time the introduction of *autonomous measures* as core objective of the EU trade policy. Although, two years later, the EU has introduced a series of unilateral trade instruments. Considering the previous EU trade strategies, this relative shift in emphasis in the EU trade policy from multilateral and bilateral to unilateral instruments is quite remarkable, as was stated by De Ville, Happersberger, and Kalimo (2023).

In a 2017, the US proposed a new round of WTO reform, later joining by the EU which played a crucial role in the coordination of the position of developed and developing countries, trying to perform as a WTO reform leader (Qin, 2012). Similarly, the Commission underlined the leading role of the EU in WTO negotiating agenda in order to modernize world trade rules (European Commission, 2017). In 2018, the Commission introduced so called *WTO modernization plan*, where the support on multilateral trading system was highlighted. At the same time, the EU believes that the WTO is indispensable in ensuring free and fair trade. Moreover, the multilateral system has provided the basis for the rapid growth of economies at the global level to improve lives of millions of people. The EU has the ambition to be the guarantor of trade at times of growing tensions and the backbone of the international system of economic governance (European Commission, 2018). A few years later, in 2021 in the document *Trade Policy Review* we can see the shift from multilateralism towards so called *open strategic autonomy*, which underlines the EU's ability to make the independent choices and shape the world around it through leadership and engagement, reflecting european strategic interests and values (European Commission, 2021c). However, during this period, the EU did not abandoned its efforts to proceed with WTO reform. The EU appreciated the outcomes of the MC12 in 2022 where the WTO reform was clearly formulated. Additionally, in the light of the organization of MC13, the EU tried to persist in proposing reform in three WTO functions including dispute settlement, negotiation, and deliberation (which are analysed in following subchapters). Apart from the dispute settlement system and new rules, the EU believes that the WTO must reestablish itself as a forum for more meaningful policy deliberations in areas that impact global trade and policy making (EU, 2023c). The lingering problem with fully functioning dispute settlement system was again discussed during the 13<sup>th</sup> *Ministerial Conference* (MC 13) organized at the beginning of 2024 with the ambition to have this system ready by 2024 (World Trade Organization, 2024a). However, this has been not yet reached. The future steps in the WTO reform will be further analysed in the subchapter 3.2.

## 1.1 WTO in crisis

There are various reasons why the WTO is in crisis. As the authors Guilbaud, Petiteville, and Ramel (2023) claim, the WTO crisis stems from the Doha Development Agenda (DDA) deadlocks. Launched in 2001 and supposed to end in 2005, the DDA is still being negotiated, at least officially. Under the “crisis” in this context we can understand two aspects. The first one concerns the WTO’s **negotiating function**. It refers to the inability of MS to conclude the DDA or to deliver tangible and operational results in trade liberalization. The second aspect is about the **governance of the WTO** and its institutional limitations. We can understand it through the WTO incompatible decision-making triangle that links three elements: the dominance of contracting parties (WTO as a member-driven organization), the consensus principle (as is elaborated in subchapter 1.2) and the logic of the single undertaking (mentioned at the beginning of chapter 1) (Elsig and Cottier, 2011). Another point of view why the WTO is in crisis is mentioned in the Commission’s document *Trade Policy Communication 2021* which includes a detailed annex on WTO reform. In this document, **the reasons for the urgent reform** were highlighted namely three of them: negotiations have failed to modernise the rules, the dispute settlement system has de facto reverted to the days of the GATT, and the monitoring of trade policies is ineffective (European Commission, 2021a). Additionally, Zhang (2024) added the rising protectionist measures such as tariff and non-tariff barriers which hinder considerably the effectiveness of the WTO. Unfortunately, from 2006 to 2011, there was not significant progress in WTO negotiations, however, the *Bali Ministerial Conference in 2013* brought a series of outcomes focused on the promotion of development through trade (e.g. food security, including the adoption of the *Trade Facilitation Agreement*) (Peres, 2024).

From the WTO point of view there are several concerns about the current functioning of the WTO, lying mainly in the work of the WTO’s regular bodies or improving of the WTO’s dispute settlement system (World Trade Organization, s.d. d).

Despite the reasons for the WTO crises listed above, the 12<sup>th</sup> Ministerial Conference (MC12) which took place in 2022 delivered significant outcomes to show that the WTO has been able to remain relevant and responsive to current challenges with outcomes in health, food security, and sustainability and additionally be able to equip itself for the future with the commitment to WTO reform (EU, 2023a). Additionally, there are also other actors, except for the EU, proposing WTO reform. For instance, the US submitted its *transparency reform* in 2017, and also China later in 2018 proposed basic principles of WTO reform in the document *China’s Position Paper on World Trade Organization Reform*’ (Lang and Li, 2021). Additionally, in

2023, the WTO members – so called *African group* presented the “reform by doing” approach, where among others, the balance between the rights and obligations of WTO members was highlighted (World Trade Organization, 2023). Having analysed the reasons for the current WTO crisis, I will explore the main problems hindering the full functioning of the WTO in the next subchapter.

## 1.2 Main problems hindering the full functioning of the WTO

In this subchapter, the main focus will be given to the problems which have appeared in the last years influencing the flexible functioning of the WTO. Some scholars, e.g. Hoekman and Wolfe (2021) argue that the current WTO problems has occurred due to structural changes in the world economy.

Based on academic literature and relevant internet sources, I identified following problems which are needed to be solved quite urgently (Table 1), from the EU point of view, to maintain the full functioning of multilateral trading system.

| WTO main problems                                                                                                                       | Source                                                                               |
|-----------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------|
| <b>1. Dysfunction of the dispute settlement system</b>                                                                                  | Wolff (2023); European Commission, (2021c); European Commission, (2021b)             |
| <b>2. Inefficient WTO working practices : notably negotiation, deliberation, consensus and special and differential treatment (SDT)</b> | Hoekman and Wolfe (2021); Council of the EU, (2018); (Hoekman and Mavroidis, 2021b). |
| <b>3. Lack of transparency of trade policy</b>                                                                                          | Hoekman and Wolfe (2021); (Hoekman and Mavroidis, 2021b).                            |
| <b>4. Lack of new rules (e.g. on digital trade, services, investment and rules to avoid competitive distortions)</b>                    | European Commission (2021b); Zhang (2024)                                            |

Table 1 WTO main problems

Source: Own processing

Referring to the Table 1, I will analyse further the main problems identified. This list of WTO problems is of course not exhaustive. I highlighted the most crucial for the WTO functioning and those which are the most important from the EU point of view.

### **1<sup>st</sup> Problem: Dysfunction of the dispute settlement system**

Having a functional dispute settlement system is crucial for the WTO, because this is one of the basic functions of a global trade organisation as is it stated par example by Wolff (2023). In this part, I'll focus exclusively on the dispute settlement system function.

Why the dysfunction of the dispute settlement system is so problematic ? After years, the WTO dispute settlement system remains the only worldwide, multilevel compulsory jurisdiction for impartial, independent third-party adjudication of international disputes accepted and regularly used by more than 100 states (Petersmann, 2018). Binding WTO dispute settlement was sought mainly by countries like Japan, the EU, and many others to curb unilateralism (during the Uruguay Round) to be assured that members would comply with the rules (Wolff, 2023). As Wolff explains, the meaning of binding dispute settlement as “*the ability to obtain a final judgment of whether a member has acted inconsistently with its WTO obligations*” (Wolff, 2023, p. 459).

In the time when the number of WTO Members increased, the US became increasingly involved in WTO dispute settlement cases and faced plenty of defeats in several cases (Guo, Kong, 2024). It let consequently to the increased criticism and dissatisfaction from the US side. This development provoked a crisis in the dispute settlement system. **Since 2017, the US has blocked the process of filling the Appellate Body (AB)** vacancies (as the unanimity of WTO members is required) continues disrupting the WTO legal and dispute settlement system. This behaviour was provoked by **two problematic points** from the US side. Firstly, the US criticizes the AB for the way how the term *public body* is interpreted. Consequently, this limits how WTO Members can interact with trade-distorting subsidies (USTR, 2020). Secondly, the US criticized the WTO's prohibition of zeroing which is not rooted in any agreement (Dikler, 2021).

In 2019, the reduction of the AB to one single member rendered the exercise of AB jurisdiction impossible and undermine the adoption of WTO panel reports following their appeal (Petersmann, 2018). Consequently, there are currently no tools how to force a member state to abide by international trade law. To overcome this period, a group of members, including China and the EU, have launched the *Multi-party interim appeal arbitration arrangement* (World Trade Organization, 2020a), where participant countries do not appeal panel decisions but use

the arbitration instead (Guilbaud, Petiteville, and Ramel, 2023). Here it is necessary to underline that a non-functioning Appellate Body can create many risks, especially for developing countries and least-developed countries (LDCs). Some developing countries and LDCs do not have enough tools to pressure powerful governments to conform their trade policies with their WTO obligations (Peres, 2024).

To understand how this problem is serious, it is necessary to mention the importance of the **Dispute Settlement Body** (DSB). This body is ranked below the General Council within the WTO. The role of the panels and the Appellate Body was, under the terms of the *Dispute Settlement Understanding* (DSU), to act as an advisor to the DSB (Wolff, 2023). Following the *article III of the WTO Agreement*, the WTO shall administer the DSU (World Trade Organization, s.d. c). This is led by means of the DSB, which logically consists of representatives of WTO members. As the Palafrimeter, Mavroidis, and Meagher (2022) mentioned, the DSB is more than the panels established and reports adopted, but at the same time, it serves as the platform where matters of dispute are discussed. Similarly, Wolff (2023, p. 382) underlines the importance of DSB “*dispute settlement that gave the WTO’s members the ability to enforce the obligations of their trading partners. Enforceability of trade rules had been the distinguishing feature of the WTO.*”

The relevance of dispute settlement systems (for the EU and other WTO member states as well) is underlined by the WTO statistics confirming that the EU has been involved in disputes, in 113 cases as complainant, in 97 cases as respondents and in 218 cases as third party (till the end of 2024). During the period 1995-2023, 53 WTO members initiated at least one dispute, and 61 members were a respondent in at least one dispute. In addition, a total of 90 members have participated as third parties in proceedings between two or more other WTO members. Overall, a total of 111 members have been active in dispute settlement, as a party or a third party (World Trade Organization, s.d. a). The number of disputes where the EU was involved underlines the importance of the dispute settlement system for the EU itself and at the same time explains the enormous effort of the EU in restoring this system again.

During the period 2014–2016, it was observed that the volume of disputes led to considerable delays in the panel process, especially in disputes concerning trade remedy matters. It was due to the complexity of disputes on the one side and due to lack of lawyers to solve all the pending disputes on the other side. There were disputes where the delays were six months or more in panels beginning their work after they have been composed (Palmeter, Mavroidis, and Meagher, 2022). As was already mentioned above, since 2017 the WTO Members have not

been able to reach consensus on initiating the process replacing outgoing AB members as they retired. This caused quite huge difficulties in concluding pending cases (Palmer, Mavroidis, and Meagher, 2022). Unfortunately, the dysfunction of dispute settlement systems still persists, even though the full functioning was predicted for the year 2024.

**2<sup>nd</sup> Problem: Inefficient WTO working practices : a) deliberation, b) negotiation, c) consensus and d) special and differential treatment (SDT)**

a) As for **the deliberation** in committees and other WTO bodies, I can refer to the document *EU's proposal on WTO modernisation*, where is stated, that the work in the WTO's committees has huge potential in the future once making this work in more effective way to the real interest of member states. For example, to make notification reviews more effective requiring to explain reasons for delays from member states. At the same time, it would keep the WTO still relevant (European Council, 2018).

b) When we look in the past, some countries decided to **move away from negotiations to consensus** decision-making by launching plurilateral talks among groups of WTO members. As is indicated by Hoekman and Wolfe (2021) it was caused by the increasing tensions resulting from the rapid growth in exports of emerging economies. I have introduced the problems of the negotiating function also at the beginning of the subchapter 1.1.

c) Considering huge differences between large members, the **consensus working practice** has often led to deadlock, often because of unwillingness of many developing countries to discuss new issues. This working practice was often misused by some of the member states (e.g. the US and South Korea blocking consensus on a choice of the new Director-General taking place in 2020) (Hoekman and Mavroidis, 2021b). Consequently, it led to the creation of problem N.1 (mentioned above) the disfunction of the AB when the US has blocked the process of its filling. In general, the consensus is a good working practice for the routine daily activities, but as we have seen in case of the WTO, it has been often misused by member countries to follow their individual interests.

d) For instance, **special and differential treatment (SDT)** provisions are part of the WTO agreements that confirm developing countries special rights. It enables to the other members to treat them more favourably. They allow them to have longer time to implement agreements and commitments and at the same time to increase their trading opportunities (Cima and Esty,

2024). What seems quite problematic is the *lack of definition how we can understand the “developing country”* for the WTO purposes.

### **3<sup>rd</sup> Problem: Lack of transparency of trade policy**

In this context, the lack of **transparency of trade policy** means to improve transparency by complementing notification obligations with compilation by the WTO Secretariat of publicly available information on national policies (World Trade Organization, 2020b) also for the purposes of periodic Trade Policy Reviews (TPRs).

### **4<sup>th</sup> problem: Lack of new rules** (e.g. on digital trade, services, investment and rules to avoid competitive distortions)

As was mentioned above, the changes in the international trade environment accelerated to the extent that the WTO is not able to keep up. Reflecting new types of digital trade and services, it is necessary to regulate them within the WTO. For instance, since 2019, more than 90 WTO members have joined the negotiations on e-commerce. The aim is to establish ambitious new rules reflecting the contemporary situation of growing digital trade. This includes, for instance, talks on e-contracts and e-signatures, cross-border data flows, source code disclosure requirements, and cybersecurity (European Parliament, 2025).

## **2 EU in the WTO**

In the first part of this chapter, I will focus on the EU role and objectives in the WTO. Later, in the second part, I will explore further the EU WTO reform proposal.

Firstly, the importance of the EU membership in the WTO underlines the fact, that for many years, Europe has been one of the biggest traders in the world, responsible for roughly a fifth of the global trade in goods and services, marking the relationship between the EU and the WTO as one of the cornerstones of contemporary global governance (Mortensen, 2009). Secondly, the multilateral rules guarded by the WTO regulate more than half of the EU trade with the rest of the world, as is stated in the report of Business Europe (2024).

As it is mentioned on the WTO web, the European Union (until 30 November 2009 officially as the European Communities (EC) has been a World Trade Organization (WTO) member since 1 January 1995. The member states (MS) of the European Union (EU), each of them, are WTO members with their own right (WTO, s.d. a). The EU Commissioner Marián Šefčovič

(responsible for Trade and Economic Security; Interinstitutional Relations and Transparency for the period 2024-2029) represents the EU in the *Ministerial Conference* which is the WTO's highest decision-making body.

Additionally, the European Commission (or “Commission”) represents the EU in the General Council of the WTO, which acts on behalf of the Ministerial Conference (MC). At the same time, the EU is present in the WTO bodies, which set up rules for specific areas of world trade, e.g. respecting the environment and monitor how they are re applied (European Commission, s.d. a). The reason why the Commission represents the EU, is based on the exclusive competence for common commercial policy (Wouters, 2024).

The system of voting, which is quite rare, is explained in the *Marrakesh Agreement establishing the WTO* (1994) where each WTO member has one vote, while the EC has several votes equal to the number of its Member States that are WTO members. But it does not mean the EU has an additional advantage. Either the EU votes as a whole or individually each of the EU member.

**The EU's objectives at the WTO** focus on keeping the world’s trading system fair, modernised, following the common WTO rules, supporting the inclusion of developing countries in WTO decision making (European Commission, s.d. c) using the multilateral and plurilateral negotiations (I will analyse them further in the subchapter 1.2).

The importance of the EU membership in the WTO is not only acknowledge by the EU officials, but also by ordinary EU citizens. As the *Trade Eurobarometer in 2024* stated, 82% of people in the EU believe we need international trade rules (European Commission, 2024). This result enhance the relevance of the EU reform effort towards the WTO.

## **2.1 The role of the EU in WTO reform**

In this subchapter, I will analyse further the EU WTO reform proposal. Additionally, I will summarize in Table 2, the EU reform approach that has been proposed to solve the WTO main problems identified in subchapter 1.2, Table 1

In 2018, the EU published a concept paper *WTO modernization* which is a crucial document discussing the main elements of proposed reform, including i.e. following reform elements:

- reform of dispute settlement system
- concept of so-called *flexible multilateralism*
- promotion of the fair competition
- establishment of digital trade rules
- adjustment of the definition of developed and developing countries (European Commission,

2018).

To give more concrete examples (developed further in the second part of this chapter), the EU has acted as a leader on important reform initiatives, such as the construction of the MPIA (Pelc, 2024; Hopewell, 2021). Additionally, it is seen as one of the key participants and supporters of reform, such as in the plurilateral agreements in which the EU has taken an active role, including joint statement initiatives (JSIs) on e-commerce, services, and micro, small-, and medium-size enterprises. It was also among the initiators of the informal deliberations on subsidies (Parizek, Weinhardt, 2025).

In the following subchapters, I will analyse further in detail these WTO reform elements. This reform was strongly supported by the European Parliament (EP) in its *Resolution* (N. 2019/2918(RSP)) published in 2019 on WTO AB crisis. Similarly in quite recent *EP Resolution* (N. 2023/2868(RSP)) on multilateral negotiations in view of MC13 which was published in 2024. In this document, the EP challenged the WTO members to take actions considering the outcome of MC13. At the same time, the EP believes that MC13 should be the starting point for further advancing and modernising the WTO and consequently addressing the challenges of the 21st century, including climate change, food security, biodiversity loss, health, sustainability, and poverty reduction (European Parliament, 2024b). Similarly, in one of the recent strategic documents, *A Competitiveness Compass for the EU*, the EU confirms work closely with partners to conclude new trade agreements. At the same time, the EU supports the opening of market access for the EU companies, securing greater reciprocity, together with further promoting open rules-based global trade under the governance of a modernized WTO (European Commission, 2025). To conclude, the WTO reform is necessary for both, the global trade and the WTO members as well.

In Table 2 the main WTO problems are linked to the EU reform approaches.

| WTO main problems                                      | EU reform approach                                                                                                                                                                                                                                                                                                                                                                          |
|--------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>1. Dysfunction of the dispute settlement system</b> | <ul style="list-style-type: none"><li>- maintain the negative consensus rule (European Commission, 2021a)</li><li>- independence of the AB (European Commission, 2018)</li><li>- increase the number of the AB members (European Council, 2018).</li><li>- provisional establishment of a <i>multi-party interim appeal arrangement</i> (MPIA) (World Trade Organization, s.d. d)</li></ul> |

|                                                                                                                                         |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |
|-----------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>2. Inefficient WTO working practices : notably deliberation, negotiation, consensus and special and differential treatment (SDT)</b> | <p>a) Deliberation: (European Commission, 2018)</p> <ul style="list-style-type: none"> <li>- more effective committee-level monitoring</li> <li>- focus on workshops and informal discussions at committee level</li> <li>- sanctions for repeated non-compliance</li> <li>- strengthening the <i>Trade Policy Review Mechanism</i> (TPRM)</li> </ul> <p>b) Negotiation: (European Commission, 2018)</p> <ul style="list-style-type: none"> <li>- strengthening the negotiating function, build political engagement and support for multilateral negotiations</li> <li>- flexibility of negotiating approaches (flexible multilateralism)</li> </ul> <p>c) Consensus :</p> <ul style="list-style-type: none"> <li>- different alternatives to reach an agreement among WTO members (e.g. negotiations on a plurilateral level) (European Commission, 2021b)</li> </ul> <p>d) SDT:</p> <ul style="list-style-type: none"> <li>- reconsider the definition of the <i>developing country</i> (European Commission, 2018)</li> </ul> |
| <b>3. Lack of transparency of trade policy</b>                                                                                          | <ul style="list-style-type: none"> <li>- strengthening of the monitoring and transparency of WTO members' trade policies (World Trade Organization, 2018);</li> </ul>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |
| <b>4. Lack of new rules (e.g. on digital trade, services, investment and rules to avoid competitive distortions)</b>                    | <ul style="list-style-type: none"> <li>- in 2021 Commission proposed to establish new rules on digital trade, services, investment and rules to avoid competitive distortions (European Commission, 2021b)</li> </ul>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |

Table 2 The EU Reform approach towards WTO main problems

Source: Own processing partially based on European Commission (2018); European Commission (2021b); World Trade Organization (2018); European Council (2018); World Trade Organization (s.d. d).

## **The EU reform approach for the 1<sup>st</sup> problem: Dysfunction of the dispute settlement system**

To restore a fully functioning WTO dispute settlement system with a reformed AB is one of the headline actions of Commission (European Commission, 2021c). This reform should particularly **maintain the negative consensus rule, the independence of the AB** (which was previously criticized by some of the member states, e.g. by the US) and the **central role of dispute settlement** in providing security and predictability to the multilateral trading system (European Commission, 2021a). Similarly, during the EU and the US summit in 2021, both partners proclaimed to work together to achieve necessary WTO reform, including advancing the proper functioning of the WTO's dispute settlement system (European Council, 2021). One of the aspects of the dispute settlement system reform was, for instance, that the adjudicators can seek to meet a 90-day time limit, authorizing them to impose page, time and deadline limits on the length and number of hearings (Hirsch, 2020). Additionally, the EU proposes the **increase of the members of the AB** from 7 to 9 to increase the efficiency of this organ, the **increase of its independence** (longer term for the AB members) and the creating of conditions for better interactions between the AB and member states (European Council, 2018).

During the *WTO Dispute Settlement Body meeting* at the beginning of 2023, the EU confirmed the need to continue on DSB reforms expressing that “...*the most urgent area of WTO reform involves finding an agreed basis to restore system and proceeding to the appointment of the members of the Appellate Body. This task should be addressed as a priority*”(EU, 2023b, Point 13). The aim of the EU reform of the WTO's dispute settlement mechanism is mainly to facilitate the negotiation of new agreements, find the appropriate solutions together with other WTO members and improve the trade practices (European Commission, s.d. b).

To tackle the AB disfunction, a group of 24 members plus the EU have established a *multi-party interim appeal arrangement* (MPIA). However, any panel ruling in a dispute where both parties are MPIA participants can be reviewed by independent arbitrators operating in line with dispute arbitration provisions under Article 25 of the WTO's DSU. For now, no decisions have been issued by MPIA arbitrators (World Trade Organization, s.d. d). The application of the MPIA is voluntary, more precisely, any WTO member can choose to participate by notifying the DSB (Peres, 2024). As was mentioned in the *Briefing* of the European Parliament, some practical questions have not been solved, as for instance, MPIA's budget, effectiveness, degree of authority and the frequency of use of appeal arbitration as well. However, businesses and chambers of commerce have welcomed the creation of the MPIA, while waiting for the full functioning of the AB. To some extent, the establishment of the MPIA could provisionally help,

however the full functioning of the dispute settlement system is still necessary (European Parliament, 2024a). As it was mentioned above, the application of the MPIA is not without the problems, as a consequence, some scholars (e.g. Gao, 2021) remain sceptical about its effectiveness. Currently, the MPIA has 53 members if each EU member state is counted individually, or 27 if the EU is counted as one member. This initiative is supported by China, Brazil, Canada, and Mexico as founding members, among others, and Japan has been a member since 2023 (Parizek, Weinhardt, 2025).

Alongside of all this effort, seeing the lingering problem of AB disfunction, the EU introduced a new *Regulation 2021/167* of 10 February 2021 which enables to introduce economic countermeasures such as customs duties, quantitative restrictions and measures in the area of public procurement in case that some of the EU trade partners use illegal trade measures and at the same time block the WTO dispute settlement mechanism. Similarly, in the context of a bilateral or regional trade agreement (European Parliament, 2024a).

### **The EU reform approach for the 2nd problem: Inefficient WTO working practices :**

#### **a) deliberation, b) negotiation, c) consensus and d) special and differential treatment (SDT)**

a) Regarding the **deliberation** in committees and other WTO bodies, for this part of reform, the EU proposes more effective committee-level monitoring. It might include a requirement for WTO members to explain reasons for delays and react to comments. For the Secretariat the EU proposes to make more qualitative assessments (both notifications and comments) and manage a single public database (Council of the EU, 2018).

As for the **sanctions for repeated non-compliance**, the EU proposes to distinguish between the objective lack of capacity to prepare notifications and missing deadlines, and on the contrary, the systematic avoiding of country commitments (in both cases, today, there are no consequences for WTO member states). As the EU acknowledges that some WTO Members, particularly small developing countries, have limited resources for meeting notification obligations and deadlines. In order to improve the notification compliance, the EU encourages making **more use of workshops and dedicated informal discussions** at committee level to share information and best practices (European Commission, 2018).

Another reform proposed by the EU, is the **strengthening the Trade Policy Review Mechanism** (TPRM). As for the original functioning of TPRM, every country is reviewed regularly; the frequency of each country's review varies according to its share of world trade.

Larger member (incl. the EU, the US, and China), are examined every two years, however, developing countries at least every six years. The Country reports (TPR) produce only descriptions of trade policies and trade actions taken by each country, but they do not make assessments as to the conformity of those measures with WTO obligations (Schmucker et al., 2022).

b) To strengthen the procedural aspects of WTO rules is a part of *EU's proposal on WTO modernisation* where the EU proposes the concept of so-called **flexible multilateralism**. In this context, the **flexibility in terms of negotiating approaches**. It means, the member states need to reach an agreement in advance if the benefits are made available to all other members (Council of the EU, 2018). Additionally, the EU support the strengthening of the negotiating function and helping build political engagement and support for multilateral negotiations European Commission (2018).

c) As was mentioned above, the international trade environment has changed drastically. In recent years, there is the growing diversity in WTO members interest, consequently, it is quite **challenging to reach the consensus**. As a reaction to this development, the Commission searched for **different solutions** how to reach an agreement among WTO members. One of the proposed solutions is the **negotiation on a plurilateral level**. Additionally, it is necessary to analyse how to better integrate plurilateral agreements within the WTO framework (European Commission, 2021b).

This approach towards the negotiation is not completely new. The first plurilateral WTO agreement was concluded in 1997, eliminating tariffs on information technology (European Parliament, 2024c).

d) As it was mentioned in subchapter 1.2 in the context of **SDT provisions** the developing countries have special rights. What is quite problematic is currently **lacking definition of the developing country** for the WTO purposes. Here both, the US and EU agree that there is a need of the reform in the situation when also China is considered as a developing country (which is the main issue for the US). This status quo brings the advantage for considerable trade power at the expense of smaller developing countries. As the US report states, “7 out of the 10 wealthiest economies in the world as measured by Gross Domestic Product per capita on a purchasing-power parity basis...currently claim developing-country status” (USTR, 2019, Section 1). Similarly, the European Commission (2018) expressed in the *Concept paper* the

lack of nuance between developed and developing countries. (World Trade Organization, 2024c).

### **The EU reform approach for the 3rd problem: Lack of transparency of trade policy**

This aspect of WTO functioning was included to the WTO reform later, during the Ministerial Conference in 2017, where the Ambassador Robert Lighthizer in his opening statement declared that “*it is impossible to negotiate new rules when many of the current ones are not being followed*” (USTR, 2017, p.1). During the Ottawa’s trade ministers meeting in 2018, certain WTO members, including the EU representatives proposed to **strengthen the monitoring and transparency of WTO members’ trade policies** which play a central role in ensuring WTO members understand the policy actions taken by their partners in a timely manner (World Trade Organization, 2018). As a reaction of the feedback from the WTO member states, the WTO Secretariat has developed a digital platform for on-line verification where members can voluntarily participate and verify their trade measures. This platform is still under development and is part of the *Trade Monitoring Database* (World Trade Organization, 2022). It was one of the measures to improve the transparency of the WTO members trade policy.

### **The EU reform approach for the 4<sup>th</sup> problem: Lack of new rules**

(e.g. on digital trade, services, investment and rules to avoid competitive distortions)

As for the WTO rules, the Commission in 2021 proposed to **establish new rules** on digital trade, services, investment and rules to avoid competitive distortions. Additionally, the EU supports further plurilateral WTO negotiations to liberalise trade in services in sectors going beyond e-commerce (European Commission, 2021b).

## **3 Future of proposed WTO reform**

In the final chapter, I will provide a comprehensive review of the main challenges in WTO reform which is the EU facing as they are perceived by the EU itself. At the same time, in the last subchapter, I will highlight the next steps in promoting WTO reform.

### **3.1 Challenges for the EU providing WTO reform**

Tackling new challenges mentioned above, the WTO has not been able to negotiate new rules. Reaching consensus among all current members is quite challenging as each of them follows their own interests which are quite diverse.

Referring to the chapter 1.1, (Table 2), I will highlight existing challenges that is the EU tackling once providing the WTO reform. The list of challenges is not exhaustive, I focused on the most crucial of them, covering the WTO main problems.

| WTO main problems                                                                                                              | EU reform approach                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             | Challenges for the EU to complete the WTO reform                                                                                                                                                                                                                                                                                                                                                                                         |
|--------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>1. Dysfunction of the dispute settlement system</b>                                                                         | <ul style="list-style-type: none"> <li>- maintain the negative consensus rule</li> <li>- independence of the AB</li> <li>- increase the number of the AB members</li> <li>- provisional establishment of a <i>multi-party interim appeal arrangement (MPIA)</i></li> </ul>                                                                                                                                                                                                                                                                                                                                                                                                                                                     | <ul style="list-style-type: none"> <li>a) US criticism and unwillingness to unblock the process of filling the Appellate Body</li> <li>b) China's unique economic model</li> </ul>                                                                                                                                                                                                                                                       |
| <b>2. Inefficient WTO working practices: deliberation, negotiation, consensus and special and differential treatment (SDT)</b> | <p>a) Deliberation:</p> <ul style="list-style-type: none"> <li>- more effective committee-level monitoring</li> <li>- focus on workshops and informal discussions at committee level</li> <li>- sanctions for repeated non-compliance</li> <li>- strengthening the Trade Policy Review Mechanism (TPRM)</li> </ul> <p>b) Negotiation:</p> <ul style="list-style-type: none"> <li>- strengthening the negotiating function, build political engagement and support for multilateral negotiations</li> <li>- flexibility of negotiating approaches (flexible multilateralism)</li> </ul> <p>c) Consensus:</p> <ul style="list-style-type: none"> <li>- different alternatives to reach an agreement among WTO members</li> </ul> | <p>a) Deliberation:</p> <ul style="list-style-type: none"> <li>- ineffective procedures, gaps in compliance with transparency obligations and lack of trust,</li> </ul> <p>b) Negotiation:</p> <ul style="list-style-type: none"> <li>- difficulty to add the plurilateral agreements to Annex 4</li> </ul> <p>c) Consensus:</p> <ul style="list-style-type: none"> <li>- integration of plurilateral agreements into the WTO</li> </ul> |

|                                                                                                                      |                                                                                                                                        |                                                                                                                                                                                    |
|----------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
|                                                                                                                      | (e.g. negotiations on a plurilateral level)<br><br>d) SDT:<br>- reconsider the definition of the <i>developing country</i>             | legal architecture<br>- trade negotiations have become more politicized<br><br>d) SDT:<br>WTO members' missing agreement on distinction between developed and developing countries |
| <b>3. Lack of transparency of trade policy</b>                                                                       | - strengthening of the monitoring and transparency of WTO members' trade policies                                                      | - lack of support from the WTO member states to promote trade policy transparency                                                                                                  |
| <b>4. Lack of new rules (e.g. on digital trade, services, investment and rules to avoid competitive distortions)</b> | - in 2021 Commission proposed to establish new rules on digital trade, services, investment and rules to avoid competitive distortions | a) digital trade rules prioritised at the expense of rules for services, investment and rules to avoid competitive distortions<br><br>b) law effectiveness of new rules            |

Table 3 Challenges for the EU linked with the WTO main problems and reform approaches

Source: Own processing partially based on European Commission, (2018); European Commission, (2021a); European Commission, (2021b); World Trade Organization (2018)

**1<sup>st</sup> challenge: a) US criticism and unwillingness to unblock the process of filling the Appellate Body, b) China's unique economic model**

a) Why has the US blocked the process of filling the AB ? In 2020, the Office of the United States Trade Representative (USTR) published the *Report on the Appellate body of the WTO*, where they expressed **concerns about the WTO dispute settlement system**. Among others, it was highlighted that the AB has not functioned according to the rules agreed by the United States and other WTO Members (USTR, 2020).

The EU, as an important global trade player, takes a leading role in the WTO's ongoing reform process, which was launched at the *12<sup>th</sup> WTO Ministerial Conference (MC12)* in June 2022. As I mentioned above, after the **US blocked the process of filling the AB** in 2017, the dispute

settlement system has deteriorated further. WTO members including the EU, the US, Russia, China, India, Brazil, and Korea have filed appeals although there is no AB to deal with the case (Wolff, 2023). As a reaction on this development, the EU proposed the following changes:

1. comprehensive amendment of the provisions of the DSU relating to the functioning of the AB, including a series of elements, e.g. changing the 90 days rule, modification of the part where AB “*shall address each of the issue raised*” (World Trade Organization, s.d. b) or providing longer term for AB members
2. addressing substantive issues, including modification of current WTO substantive rules (European Commission, 2018).

However, as US does not prefer a complete restoration of the Appellate Body, the alternative solutions need to be sought. According to Hoekman and Mavroidis (2021a) one of such option could involve broadening the scope of signatories to the MPIA to include the US. Another proposal by Guo and Kong (2024) is to establish the bilateral approaches, such as those between the US and China for addressing disputes through so called panel reports.

b) Moreover, the core of WTO reform (as was presented above) lies in developing rules that specifically target non-market-oriented policies and practices. **China’s unique economic model** brings another challenge to the WTO, and the focus of reform is to develop rules that address China’s economic model and empower the WTO. However, it would be not feasible to fundamentally change it (Guo and Kong, 2024). As is indicated by Pepermans (2020) when China joined the WTO in 2001, there was hope in the EU that the accession would accelerate its transformation towards a liberal market economy. These expectations were not fulfilled, on the contrary, the EU policymakers and observers agree that the liberalization of China has stagnated, if not reversed, since Xi Jinping became president in 2013.

**2<sup>nd</sup> challenge : a) ineffective procedures, gaps in compliance with transparency obligations and lack of trust, b) difficulty to add the plurilateral agreements to Annex 4, c) integration of plurilateral agreements into the WTO legal architecture; trade negotiations have become more politicized**

a) The effective monitoring and policy deliberations are ever more important to maintain the WTO as a credible institution for trade relationships. Unfortunately, a number of **ineffective procedures, gaps in compliance with transparency obligations and in particular, lack of trust** make effective participation difficult (European Commission, 2021a).

b) There is a difficulty, even today, to find the way how to include WTO plurilateral Agreements into the legal architecture of the WTO in Article X:9. Here the Ministerial Conference may decide by consensus to add these agreements to the list of the WTO plurilateral agreements in Annex 4. However, this specific article has not been used since the WTO's establishment. Reaching consensus on this particular question seems to be extremely difficult. Even the members who are directly not affected by the agreement, have the difficulty to agree (European Commission, 2021b).

c) As was mentioned above (subchapter 2.1), even though the **plurilateral agreements** were used in the past, their **integration into the WTO legal architecture** has been quite challenging (European Parliament, 2024c). Firstly, the traditional consensus-based negotiations of multilateral agreements have proven to be more challenging in recent years. In the light of an increasingly contested geo-economic environment, a fragmenting international order, and high uncertainty in trade, **trade negotiations** have become **more politicized**. Economic and political interests of WTO Members are diverse and the willingness to agree on compromises is declining. Secondly, the plurilaterals might enable the WTO to better address the global challenges, for instance, such as the pandemic, financial crises, climate change, as well as the rise in protectionism, subsidies, nationalism, or cyber threats (Schmucker, Mildner, 2023).

d) The **WTO members' missing agreement on distinction between developed and developing countries**. This question was one of the sources of tensions among the WTO members. As a result of MC13, the WTO members agreed on rules to support a smooth transition for LCDs countries graduating to the category of a developing country. However, they still have a period of three years to do so. Progress in this field should be monitored during the MC14 (World Trade Organization, 2024c).

### **3<sup>rd</sup> challenge: Lack of support from the WTO member states to promote trade policy transparency**

Even though, the WTO Director-General Ngozi Okonjo-Iweala proclaimed, in the context of the trade monitoring (World Trade Organization, 2022, p.1), „*I think the most favourite word in use at the WTO is transparency, so if we're really going to do this and be transparent, we need everyone to participate in this exercise*”, the trade policy transparency remains still challenging due to lack of support from some of the WTO members (e.g. China).

**4<sup>th</sup> challenge : a) Digital trade rules prioritised at the expense of rules for services, investment and rules to avoid competitive distortions; b) low effectiveness of new rules**

a) Reflecting ongoing changes in international trade environment, new rules (e.g. on digital trade, services, investment and rules to avoid competitive distortions) have been introduced. For now, the **priority is given to new rules on digital trade**. Once those negotiations are concluded, consideration could be given to launching negotiations on services. Such negotiations should be open to other interested WTO members, while building upon the progress made in the Trade in Services Agreement negotiations (European Commission, 2021a).

b) However, these rules of the WTO are not effective in tackling the negative spillovers of state intervention in the economy (European Commission, 2021a). To conclude, from a more pragmatic point of view, to tackle these challenges the standalone position of the EU will not deliver the desirable results. The next steps, how to proceed in the WTO reform are described in the subchapter 3.2.

### **3.2 What's next?**

Apparently, it is quite challenging to accelerate the WTO reform by the EU without the active participation of the US. In the light of the recent actions of the US new government it will be even harder. As the current EU Commissioner for Trade and Economic Security, Maroš Šefčovič stated “...if the US would be fully involved, fully back, it would have completely different dimension. But we feel, from discussion with our partner, that first and foremost, the WTO is very important organization. But of course, it needs reforms as well.... It has to adapt to the 21st century” (American Enterprise Institute, 2025, p. 10). Following the latest development, there are some indications that the US administration is considering whether to stop making budgetary contributions to the organisation as such (Farge, 2025).

The next opportunity to discuss the WTO reform in a large scale will be the 14<sup>th</sup> *Ministerial Conference* which will be organized in March 2026 in Cameroon. For now, the structure of the preliminary program has not been yet known (World Trade Organization, 2024b). The new WTO Chair Ambassador Saqer Abdullah Almoqbel declared that next MC14 “*must be a transformative event that delivers tangible results, reinforces our shared values, and strengthens the WTO's relevance in an increasingly complex and interconnected world*” (World Trade Organization, 2025).

Considering the results from the previous MCs, the reform proposed will be discussed again, together with the WTO high priority of the restoration of dispute settlement system which was due to be introduced by the end of 2024. Unfortunately, despite the EU effort, it is not the case. Additionally, there is the discussion if the WTO is still relevant, also in the context of all challenges presented above. This question was raised also in the light of the current Trump's administration which is relying on unilateral trade measures based on a huge increase in tariffs not being sanctioned by the WTO. As the former EU commissioner for Trade Pascal Lamy stated, *"if the US triggers a trade war, it will primarily hurt the US economy by raising prices, driving inflation, and likely pushing up interest rates"* (Tong, 2025, p. 1). Despite the challenging global trade environment, the former director in DG Trade of European Commission Ignacio Garcia Bercero (2025, p. 16), underlined the importance of the WTO expressing that *"There is no credible alternative to the WTO as a global trade institution. Following the demise of the Trans-Pacific Partnership and Transatlantic Trade and Investment Partnership, there is limited political appetite for mega-regional Free Trade Agreements."*

## CONCLUSION

As the EU has already experienced, the more actors are present, the more challenging it is to reach a consensus. The long-lasting WTO crisis can bring also some lessons learned, how to collaborate in a much more effective way in the future as everyone acknowledges we do not have something better than WTO for managing multilateral trade relations.

The aim of this work was to identify and analyse the main problems that the EU is facing regarding WTO reform. After analysing relevant scientific literature, I identified four problems (in some cases a group of problems) as crucial from the EU point of view, as for instance, dysfunction of the dispute settlement system, inefficient WTO working practices (negotiation, deliberation, consensus and special and differential treatment), lack of transparency of trade policy, lack of new rules (e.g. on digital trade, services, investment and rules to avoid competitive distortions). Additionally, I analysed the EU proposal of WTO reform including a fully functioning WTO dispute settlement system by 2024. Each element of WTO reform was linked with a relevant problem identified in this work. I underlined different positions of WTO members, focusing on the main trading powers. As for the Appellate Body, China and the EU together support its restoring, on the contrary, the US still maintain the position of blocking the appointment of the new AB members to achieve more significant changes. Referring to my previous analysis, I can conclude, that the current problems of the WTO seem to be quite complex, and their resolution will require greater international cooperation and many compromises. However, a fully functioning WTO dispute settlement system was and still remains the EU top priority.

In the broader sense, the EU proposals of WTO reform are focusing mainly on enhancing the WTO's contribution to sustainable development and launch negotiations on reinforced rules to avoid distortions of competition due to state intervention.

Based on the critical analysis and synthesis of the previous research of a multilateral trading system, referring to the EU approach towards necessary WTO reform, I sought the answer to **my research question**: Which challenges is the European Union (EU) facing to get its WTO reform proposal accepted? Regarding the first problem (Dysfunction of the dispute settlement system) I identified the challenges, as for instance the US criticism and unwillingness to unblock the process of filling the AB and China's unique economic model as the main challenges to proceed in this part of WTO reform. As for the second problem (inefficient WTO working practices) I underlined the challenges as ineffective procedures, gaps in compliance with transparency obligations and lack of trust (for deliberation), difficulty to add the

plurilateral agreements to Annex 4 (for negotiation), integration of plurilateral agreements into the WTO legal architecture (for consensus) and WTO members' missing agreement on distinction between developed and developing countries (for SDT). Additionally, for the third problem (Lack of transparency of trade policy), I explored the challenges, as for instance, lack of support from WTO member states to promote trade policy transparency. Finally, for the fourth problem (Lack of WTO new rules), I highlighted mainly the challenges related to digital trade rules priority at the expense of rules for services, investment and rules to avoid competitive distortions (including low effectiveness of new rules).

In general, the challenges identified above which the EU is facing, lying mainly on different points of view of other WTO members. Even though, the enormous effort to the previous negotiations was given, considerable differences remained among China, the US, and the EU regarding WTO reform. In this context, the existing challenges for the global trade system are likely to continue to become even more complex in the future. As I mentioned above, in recent years, we have experienced quite considerable shift of the EU multilateral negotiations towards bilateral negotiations with its strategic partners and unilateral trade instruments, partly as a result of the ongoing problems with the WTO reform. However, the EU ambition is to restore again the trust towards WTO multilateral system in the near future. As the EU members are export-oriented, the EU is quite depended on trade. Consequently, the maintaining of the WTO functioning remains one of the vital interests of the EU. This explains the leading role of the EU in WTO reform.

To conclude, despite the lingering process of the WTO reform, which is not considered so far as successful, Alan Wolff (2023, p. 523), former Deputy Director-General of the WTO, stated *“the WTO is and will remain a place of hope: for the least developed, for the vulnerable, for the conflict-affected, for the industrialized, for any country seeking economic advancement for its people and that is a category that – must include all.”*

## REFERENCES

- American Enterprise Institute. (2025). *Maroš Šefčovič's Speech*. Retrieved from <https://www.aei.org/wp-content/uploads/2025/02/250219-EU-US-Cooperation-on-Trade-and-Economic-Security-A-Conversation-with-Maros-Sefcovic.pdf?x85095> (Last accessed 26.3.2025).
- Bercero, I.G. (2025). *Reflections on WTO Reform*. Retrieved from <https://www.lse.ac.uk/ideas/Assets/Documents/2024-ExpertAnalysis-Bercero-WTO-SA-edit02.pdf> (Last accessed 26.3.2025).
- Business Europe. (2024). *A Proactive Trade Agenda for EU Competitiveness*. Retrieved from <https://www.buinesseurope.eu/publications/a-proactive-trade-agenda-for-eu-competitiveness-priorities-for-the-next-political-cycle/> (Last accessed 23.3.2025).
- Cima, E. and Esty, D.C. (2024). Making International Trade Work for Sustainable Development: Toward a new WTO Framework for Subsidies. *Journal of International Economic Law*, Oxford University Press, 27(1), 1-17.
- Council of the EU. (2018). *WTO – EU's Proposals on WTO Modernization*. Retrieved from <https://borderlex.net/wp-content/uploads/2018/07/2018-07-17-EU-REFORM-PROPOSALS-WTO.pdf> (Last accessed 15.4.2025).
- De Ville, F., Happersberger, S., and Kalimo, H. (2023). The Unilateral Turn in EU Trade Policy? The Origins and Characteristics of the EU's New Trade Instruments. *European Foreign Affairs Review*, 28(1), 15-34.
- Dikler, J. (2021). Future of WTO Reform: Paths Forward for the Appellate Body. *World Economy Brief*. 11(10), 1-18.
- Elsig, M., and Cottier, T. (2011). *Reforming the WTO: Decision-making Triangle Revisited*. In T. Cottier and M. Elsig (Eds.), *Governing the World Trade Organization. Past, Present and Beyond Doha* (pp. 289–312), Cambridge University Press.
- EU. (2023a). *Trade Policy Review*. Retrieved from [https://www.wto.org/english/tratop\\_e/tpr\\_e/g442\\_e.pdf](https://www.wto.org/english/tratop_e/tpr_e/g442_e.pdf) (Last accessed 25.3.2025).
- EU. (2023b). *EU Statements at the Regular Dispute Settlement Body Meeting*. Point 13. Retrieved from [https://www.eeas.europa.eu/delegations/world-trade-organization-wto/eu-statements-regular-dispute-settlement-body-meeting-27\\_en?s=69](https://www.eeas.europa.eu/delegations/world-trade-organization-wto/eu-statements-regular-dispute-settlement-body-meeting-27_en?s=69) (Last accessed 11.4.2025).
- EU. (2023c). *Reinforcing the Deliberative Function of the WTO to Respond to Global Trade Policy Challenges*. Retrieved from [https://docs.wto.org/dol2fe/Pages/FE\\_Search/FE\\_S\\_S009-DP.aspx?language=E&CatalogueIdList=292124,291828,291568,291484,290470,290419,290](https://docs.wto.org/dol2fe/Pages/FE_Search/FE_S_S009-DP.aspx?language=E&CatalogueIdList=292124,291828,291568,291484,290470,290419,290)

374,290307,290275,290304&CurrentCatalogueIdIndex=0&FullTextHash=&HasEnglishRecord=True&HasFrenchRecord=False&HasSpanishRecord=False (Last accessed 25.3.2025).

European Commission. (s.d. a). *The EU in WTO Institutions*. Retrieved from [https://policy.trade.ec.europa.eu/eu-trade-relationships-country-and-region/eu-and-wto\\_en](https://policy.trade.ec.europa.eu/eu-trade-relationships-country-and-region/eu-and-wto_en) (Last accessed 19.3.2025).

European Commission. (s.d. b). *WTO Dispute Settlement*. Retrieved from [https://policy.trade.ec.europa.eu/enforcement-and-protection/dispute-settlement/wto-dispute-settlement\\_en](https://policy.trade.ec.europa.eu/enforcement-and-protection/dispute-settlement/wto-dispute-settlement_en) (Last accessed 26.3.2025).

European Commission. (s.d. c). *The EU Objectives*. Retrieved from [https://policy.trade.ec.europa.eu/eu-trade-relationships-country-and-region/eu-and-wto\\_en](https://policy.trade.ec.europa.eu/eu-trade-relationships-country-and-region/eu-and-wto_en) (Last accessed 19.3.2025).

European Commission. (2017). *A Balanced and Progressive Trade Policy to Harness Globalisation*, COM/2017/0492 final

European Commission. (2018). *Concept Paper*. Retrieved from [https://policy.trade.ec.europa.eu/eu-trade-relationships-country-and-region/eu-and-wto\\_en](https://policy.trade.ec.europa.eu/eu-trade-relationships-country-and-region/eu-and-wto_en) (Last accessed 26.3.2025).

European Commission. (2021a). *Reforming the WTO. Towards a sustainable and effective multilateral trading system*. Retrieved from [https://knowledge4policy.ec.europa.eu/sites/default/files/NG0221300ENN.en\\_.pdf](https://knowledge4policy.ec.europa.eu/sites/default/files/NG0221300ENN.en_.pdf) (Last accessed 22.3.2025).

European Commission. (2021b). *Annex of Trade Policy Review - An Open, Sustainable and Assertive Trade Policy*. COM/2021/66 final. Retrieved from <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=celex:52021DC0066> (Last accessed 25.3.2025).

European Commission. (2021c). *Trade Policy Review - An Open, Sustainable and Assertive Trade Policy*. COM/2021/66 final. Retrieved from <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=celex:52021DC0066> (Last accessed 25.3.2025).

European Commission. (2024). *Europeans' attitudes on trade and EU trade policy*. Retrieved from <https://europa.eu/eurobarometer/surveys/detail/2993> (Last accessed 22.3.2025).

European Commission. (2025). *A Competitiveness Compass for the EU*. Retrieved from [https://commission.europa.eu/document/download/10017eb1-4722-4333-add2-e0ed18105a34\\_en](https://commission.europa.eu/document/download/10017eb1-4722-4333-add2-e0ed18105a34_en) (Last accessed 26.3.2025).

European Council. (2021). *U.S.-EU Summit Statement – Towards a Renewed Transatlantic Partnership*. p. 22, Retrieved from <https://www.consilium.europa.eu/en/press/press-releases/2021/06/15/eu-us-summit-statement-towards-a-renewed-transatlantic-partnership/>

(Last accessed 22.3.2025).

European Parliament. (2019). *Resolution of 28 November 2019 on the Crisis of the WTO Appellate Body*, N. 2019/2918(RSP). Retrieved from

[https://www.europarl.europa.eu/doceo/document/TA-9-2019-0083\\_EN.html](https://www.europarl.europa.eu/doceo/document/TA-9-2019-0083_EN.html) (Last accessed 23.4.2025).

European Parliament. (2024a). *International Trade Dispute Settlement*. Briefing. Retrieved from

[https://www.europarl.europa.eu/RegData/etudes/BRIE/2024/762342/EPRS\\_BRI\(2024\)762342\\_EN.pdf](https://www.europarl.europa.eu/RegData/etudes/BRIE/2024/762342/EPRS_BRI(2024)762342_EN.pdf) (Last accessed 22.4.2025).

European Parliament. (2024b). Resolution of 8 February 2024 on Multilateral Negotiations in view of the 13th WTO Ministerial Conference in Abu Dhabi 26-29 February 2024, N. 2023/2868(RSP). Retrieved from [https://www.europarl.europa.eu/doceo/document/TA-9-2024-0078\\_EN.html](https://www.europarl.europa.eu/doceo/document/TA-9-2024-0078_EN.html) (Last accessed 23.4.2025).

European Parliament. (2024c). *The WTO's Negotiating Function*. Briefing. Retrieved from [https://www.europarl.europa.eu/RegData/etudes/BRIE/2024/760443/EPRS\\_BRI\(2024\)760443\\_EN.pdf](https://www.europarl.europa.eu/RegData/etudes/BRIE/2024/760443/EPRS_BRI(2024)760443_EN.pdf) (Last accessed 25.4.2025).

European Parliament. (2025). *Legislative Train 03/2025. A Stronger Europe in the World*. Retrieved from <https://www.europarl.europa.eu/legislative-train/carriage/wto-reform/report?sid=9001> (Last accessed 26.4.2025).

Farge, E. (2025). *US Pauses Financial Contributions to WTO, Trade Sources Say*. Retrieved from <https://www.reuters.com/world/us-suspends-financial-contributions-wto-trade-sources-say-2025-03-27/> (Last accessed 23.4.2025).

Gao, H. (2021). A Rule-based Solution to the Appellate Body Crisis and Why the MPIA Would not Work. *Legal Issues of Economic Integration*, pp. 1-19. Retrieved from [https://ink.library.smu.edu.sg/cgi/viewcontent.cgi?article=5236&context=sol\\_research](https://ink.library.smu.edu.sg/cgi/viewcontent.cgi?article=5236&context=sol_research) (Last accessed 23.4.2025).

García-Herrero, A. et al. (2017). *EU–China Economic Relations to 2025. Building a Common Future*, Chatham House, Bruegel, the China Center for International Economic Exchanges (CCIEE) and the Chinese University of Hong Kong, The Royal Institute of International Affairs Guilbaud, A., Petiteville, F., Ramel, F. (Dir.). (2023). *Crisis of Multilateralism? Challenges and Resilience*. Palgrave Macmillan, The Sciences Po Series in International Relations and Political Economy.

Guo, S. and Kong, Q. (2024). A Holistic Approach for WTO Dispute Settlement Mechanism Reforms: US Demands and the Restoration of the Appellate Body. *Asian Journal of WTO &*

*International Health Law and Policy*, 19(2), 315-348.

Hartman, S.W. (2013). The WTO, the Doha Round Impasse, PTAs, and FTAs/RTAs. *The International Trade Journal*, 27(5), 411–430.

Hirsch, B. (2020). *Resolving the WTO Appellate Body Crisis: Volume 2*. Retrieved from [https://www.nftc.org/archive/Trade%20Policy//WTO\\_Issues/Resolving%20the%20WTO%20AB%20Crisis%20vol2%2006042020.pdf](https://www.nftc.org/archive/Trade%20Policy//WTO_Issues/Resolving%20the%20WTO%20AB%20Crisis%20vol2%2006042020.pdf) (Last accessed 22.4.2025).

Hoekman, B., and Wolfe, R. (2021). Reforming the World Trade Organization: Practitioner Perspectives from China, the EU, and the US. *China & World Economy*, 29(4), 1–34.

Hoekman, B. and Mavroidis, P.C. (2021a). Preventing the Bad from Getting Worse: The End of the World (Trade Organization) As We Know It? *European Journal of International Law*, 32(3), 743–770.

Hoekman, B. and Mavroidis, P.C. (2021b). WTO Reform: Back to the Past to Build for the Future. *Global Policy*, 12(3), 5-12.

Hopewell, K. (2021). When the Hegemon Goes Rogue: Leadership amid the US Assault on the Liberal Trading Order. *International Affairs*. 97(4): 1025–43.

Kingdom of Belgium, Federal Public Service. (2024). *The Policy of Belgium within the EU*. Retrieved from <https://diplomatie.belgium.be/en/policy/coordination-european-affairs/policy-belgium-within-eu/trade-policy> (Last accessed 24.3.2025).

Lamy, P. (2018). Former WTO Chief: How This Trade War Ends. *New Persp. Q.* 35, 27.

Lang, Y., and Li, C. (2021). The Impact of WTO Reform on China's Economy: Some Numerical Simulation Results. *Transnational Corporations Review*, 13(4), 422–436.

Li, K. (2022). The Sino-Lithuanian Crisis and the EU's Request for Consultations with China at the WTO. *Chinese Journal of International Law*, 21(3): 631-635.

*Marrakesh Agreement establishing the WTO*. (1994). Art IX. Retrieved from <https://treaties.un.org/doc/Publication/UNTS/Volume%201867/volume-1867-A-31874-English.pdf> (Last accessed 23.3.2025).

Mortensen, J.L. (2009). The World Trade Organization and the European Union in Jorgensen, K.E. (ed). *The European Union and International Organisations*. Routledge.

Parizek, M. and Weinhardt, C. (2025). Revitalising and Reforming the World Trade Organization in an Age of Geopolitics. Retrieved from [https://cdn.prod.website-files.com/65f94def12935f07cab6eb39/68187404cbc95af69d573765\\_ENSURED\\_Report\\_D3.1\\_Public\\_Final.pdf](https://cdn.prod.website-files.com/65f94def12935f07cab6eb39/68187404cbc95af69d573765_ENSURED_Report_D3.1_Public_Final.pdf) (Last accessed 6.5.2025).

Peres, A. (2024). *World Trade Organization: Challenges and Opportunities*. Retrieved from <https://researchbriefings.files.parliament.uk/documents/CBP-9942/CBP-9942.pdf> (Last

accessed 26.3.2025).

Palmeter, D., Mavroidis, P.C. and Meagher, N. (2022). *Dispute Settlement in the World Trade Organization*. Cambridge Books, Cambridge University Press.

Pelc, K. (2024). Institutional Innovation in Response to Backlash: How Members Are Circumventing the WTO Impasse. *The Review of International Organizations*. 1–33.

Pepermans, A. (2020). *Chinese Mercantilism: The case of EU-China Relations*. PhD dissertation submitted at Free University Brussels, Faculty of Economic and Social Sciences and Solvay Business School.

Petersmann, E.U. (2018). *How Should the EU and Other WTO Members React to their WTO Governance and WTO Appellate Body Crises?* Robert Schuman Centre for Advanced Studies.

Qin, J.Y. (2012). The Predicament of China's "WTO-Plus" Obligation to Eliminate Export Duties: A Commentary on the China-Raw Materials Case. *Chinese Journal of International Law*, 11(2): 237-246.

Schmucker, C. et al. (2022). *WTO 2.0. Making the Multilateral Trading System Fit for the 21st Century and How the G7 Can Help*. Retrieved from <https://dgap.org/en/research/publications/wto-20> (Last accessed 26.4.2025).

Schmucker, C., and Mildner, S. A. (2023). *Reforming the WTO Through Inclusive and Development-friendly Approaches*. Retrieved from <https://dgap.org/en/research/publications/reforming-wto-through-inclusive-and-development-friendly-approaches> (Last accessed 4.5.2025).

Tong, M. (2025). US Tariffs Based on Flawed Logic will Backfire with the US Suffering Most: former WTO chief Pascal Lamy. *Global Times*. Retrieved from <https://www.globaltimes.cn/page/202504/1331415.shtml> (Last accessed 19.4.2025).

USTR (The Office of the U.S. Trade Representative). (2017). *Opening Plenary Statement of USTR Robert Lighthizer at the WTO Ministerial Conference*. Retrieved from <https://ustr.gov/about-us/policy-offices/press-office/press-releases/2017/december/opening-plenary-statement-ustr> (Last accessed 15.4.2025).

USTR (The Office of the U.S. Trade Representative) (2019). *Memorandum on Reforming Developing-Country Status in the World Trade Organization*. Available at: <https://trumpwhitehouse.archives.gov/presidential-actions/memorandum-reforming-developing-country-status-world-trade-organization/> (Last accessed 26.3.2025).

USTR (The Office of the U.S. Trade Representative). (2020). *Report on the Appellate Body of the World Trade Organization*. Retrieved from [https://ustr.gov/sites/default/files/Report\\_on\\_the\\_Appellate\\_Body\\_of\\_the\\_World\\_Trade\\_Org](https://ustr.gov/sites/default/files/Report_on_the_Appellate_Body_of_the_World_Trade_Org)

anization.pdf (Last accessed 24.3.2025).

Wolff, A.W. (2023). *Revitalizing the World Trading System*. Cambridge University Press.

World Trade Organization. (s.d. a) *The European Union and the WTO*. Retrieved from [https://www.wto.org/english/thewto\\_e/countries\\_e/european\\_communities\\_e.htm](https://www.wto.org/english/thewto_e/countries_e/european_communities_e.htm)

(Last accessed 15.1.2025).

World Trade Organization. (s.d. b). *Article 17.12 of the DSU*. Retrieved from

[https://www.wto.org/english/res\\_e/publications\\_e/ai17\\_e/dsu\\_art17\\_oth.pdf](https://www.wto.org/english/res_e/publications_e/ai17_e/dsu_art17_oth.pdf) (Last accessed 26.3.2025).

World Trade Organization. (s.d. c). *WTO Agreement – Article III*. Retrieved from [https://www.wto.org/english/res\\_e/publications\\_e/ai17\\_e/wto\\_agree\\_art3\\_jur.pdf](https://www.wto.org/english/res_e/publications_e/ai17_e/wto_agree_art3_jur.pdf)

(Last accessed 22.3.2025).

World Trade Organization. (s.d. d). *WTO reform — an overview*. Retrieved from [https://www.wto.org/english/thewto\\_e/minist\\_e/mc12\\_e/briefing\\_notes\\_e/bfwtoreform\\_e.htm](https://www.wto.org/english/thewto_e/minist_e/mc12_e/briefing_notes_e/bfwtoreform_e.htm)

(Last accessed 23.3.2025).

World Trade Organization. (2018). *Joint Communiqué of the Ottawa Ministerial on WTO Reform*. Retrieved from [https://www.wto.org/english/news\\_e/news18\\_e/dgra\\_26oct18\\_e.pdf](https://www.wto.org/english/news_e/news18_e/dgra_26oct18_e.pdf)

(Last accessed 19.4.2025).

World Trade Organization. (2020a). *Statement on a Mechanism for Developing, Documenting and Sharing Practices in the Conduct of WTO Disputes*, 30/ 04/2020, JOB/DSB/1/Add.12.

Retrieved from [https://trade.ec.europa.eu/doclib/docs/2020/april/tradoc\\_158731.pdf](https://trade.ec.europa.eu/doclib/docs/2020/april/tradoc_158731.pdf) (Last accessed 22.3.2025).

World Trade Organization. (2020b). *Overview of Developments in the International Trading Environment*. WT/TPR/OV/23. Geneva: WTO.

World Trade Organization. (2022). *Overview of developments in the International Trading Environment*. Retrieved from [https://www.wto.org/english/news\\_e/spno\\_e/spno35\\_e.htm](https://www.wto.org/english/news_e/spno_e/spno35_e.htm) (Last accessed 2.4.2025).

World Trade Organization. (2023). *A Development Perspective on Institutional Reforms of the World Trade Organization*. Retrieved from

<https://docs.wto.org/dol2fe/Pages/SS/directdoc.aspx?filename=q:/WT/GC/W895.pdf&Open=True#:~:text=2.1.,institutional%20reforms%20of%20WTO%20bodies%3A&text=Reforms%20must%20be%20premised%20on,decision%2Dmaking%20in%20the%20WTO> (Last accessed 26.3.2025).

World Trade Organization. (2024a). *Ministerial Decision: Dispute Reform*. Retrieved from <https://docs.wto.org/dol2fe/Pages/SS/directdoc.aspx?filename=q:/WT/MIN24/37.pdf&Open=>

True (Last accessed 25.3.2025).

World Trade Organization. (2024b). *Dates fixed for 2026 Ministerial Conference in Cameroon*. Retrieved from [https://www.wto.org/english/news\\_e/news24\\_e/minis\\_16dec24\\_e.htm](https://www.wto.org/english/news_e/news24_e/minis_16dec24_e.htm) (Last accessed 25.3.2025).

World Trade Organization. (2024c). *WTO Smooth Transition Support Measures in Favour of Countries Graduated from the LDC Category*. 2024, Retrieved from <https://docs.wto.org/dol2fe/Pages/SS/directdoc.aspx?filename=q:/WT/MIN24/34.pdf&Open=True> (Last accessed 26.3.2025).

World Trade Organization. (2025). *Need to Deepen Discussions on WTO Reform Highlighted at General Council meeting*. Retrieved from [https://www.wto.org/english/news\\_e/news25\\_e/gc\\_19feb25\\_e.htm](https://www.wto.org/english/news_e/news25_e/gc_19feb25_e.htm) (Last accessed 26.3.2025).

Wouters, J., and Hegde, V. (2022). Reform of Global Trade Governance: The Role of the European Union. *Journal of European Integration*, 44(5), 715–730.

Wouters, J. (2024). The European Union and Global Economic Governance Institutions: Keeping the Flame Alive in Turbulent Times. In Kaddous, C. and Hoffmeister, F. (eds.) (2025). *EU Diplomacy in Multilateral Fora*. Oxford: Hart Publishing, pp. 123-147. Retrieved from [https://ghum.kuleuven.be/ggs/publications/working\\_papers/wp243-jan-wouters-eu-and-global-governance.pdf](https://ghum.kuleuven.be/ggs/publications/working_papers/wp243-jan-wouters-eu-and-global-governance.pdf) (Last accessed 18.4.2025).

Zhang, C., Li, S., and Chi, J. (2024). The Evolving Role of the EU in the WTO Multilateral Trading System. *TSSEHR*, vol. 13, 39–49.