



**2026/0191R(NLE)**

13.10.2026

## **DRAFT INTERIM REPORT**

on the proposal for a Council decision on the conclusion of the Agreement on  
Electronic Commerce  
((COM(2026)0356) – C10-0000/2026 – 2026/0191R(NLE))

Committee on International Trade

Rapporteur: Brando Benifei

## CONTENTS

|                                                  | <b>Page</b> |
|--------------------------------------------------|-------------|
| MOTION FOR A EUROPEAN PARLIAMENT RESOLUTION..... | 3           |
| EXPLANATORY STATEMENT .....                      | 9           |

## MOTION FOR A EUROPEAN PARLIAMENT RESOLUTION

### on the proposal for a Council decision on the conclusion of the Agreement on Electronic Commerce

((COM(2026)0356) – C10-0000/2026 – 2026/0191R(NLE))

*The European Parliament,*

- having regard to the Commission proposal of 13 July 2026 for a Council decision on the conclusion of the Agreement on Electronic Commerce (COM(2026)0356),
- having regard to the draft Council decision on the conclusion of the Agreement on Electronic Commerce,
- having regard to the request for consent submitted by the Council in accordance with Article 207(4) first subparagraph, and Article 218(6), second subparagraph, point (a), of the Treaty on [European Union / the Functioning of the European Union] (C[10-0000/2026]),
- having regard to the Marrakesh Agreement of 15 April 1994 establishing the World Trade Organization (WTO Agreement),
- having regard to the Declaration on global electronic commerce, adopted on 20 May 1998 during the second WTO Ministerial Conference held in Geneva,
- having regard to the results of the 11th WTO Ministerial Conference held in Buenos Aires in December 2017 (MC11), which include a series of ministerial decisions and joint statements on electronic commerce, investment facilitation, domestic services regulation, and micro, small and medium-sized enterprises (MSMEs),
- having regard to the WTO joint statement of 13 December 2017 on electronic commerce, issued during MC11,
- having regard to the WTO joint statement of 25 January 2019 on electronic commerce, whereby 76 WTO members confirmed their intention to commence these negotiations, agreeing to ‘seek to achieve a high standard outcome that builds on existing WTO agreements and frameworks with the participation of as many WTO members as possible’,
- having regard to the WTO communication of 5 December 2024 from the member parties to the Agreement on Electronic Commerce, in which they submitted the final text of that Agreement for incorporation into Annex 4 to the WTO Agreement,
- having regard to the WTO joint statement of 7 May 2026 on the moratorium on customs duties on electronic transmissions, in which 19 WTO members states stated that they would continue not to impose customs duties on electronic transmissions among themselves,
- having regard to the Declaration of 28 March 2026 on interim arrangements for the

Agreement on Electronic Commerce, adopted at the 14th WTO Ministerial Conference by 67 WTO member parties representing approximately 70 % of global trade,

- having regard to its resolution of 8 February 2024 on multilateral negotiations in view of the 13th WTO Ministerial Conference in Abu Dhabi 26-29 February 2024<sup>1</sup>,
- having regard to its resolution of 12 March 2026 on multilateral negotiations in view of the WTO's 14th Ministerial Conference in Yaoundé, 26 to 29 March 2026<sup>2</sup>,
- having regard to the Agreement on digital trade between the European Union and the Republic of Singapore<sup>3</sup>,
- having regard to the EU-Korea Digital Trade Agreement, signed on 10 June 2026,
- having regard to its resolution of 13 November 2025 on the proposal for a Council decision on the conclusion of the Agreement on Digital Trade between the European Union and the Republic of Singapore<sup>4</sup>,
- having regard to its resolution of 20 May 2026 on opportunities and challenges presented by a comprehensive artificial intelligence strategy for EU trade<sup>5</sup>,
- having regard to having regard to Opinion 4/2025 of the European Data Protection Supervisor of 21 March 2025 on the Proposals for Council Decisions on the signing and conclusion, on behalf of the Union, of the Digital Trade Agreement between the European Union and the Republic of Singapore,
- having regard to Opinion 21/2026 of the European Data Protection Supervisor of 7 September 2026 on the European Commission's Proposal for a Council Decision on the Conclusion of the Agreement on Electronic Commerce,
- having regard to Regulation (EU) 2016/679 of the European Parliament and of the Council of 27 April 2016 on the protection of natural persons with regard to the processing of personal data and on the free movement of such data, and repealing Directive 95/46/EC (General Data Protection Regulation)<sup>6</sup>, in particular Article 45 thereof on transfers on the basis of an adequacy decision,
- having regard to Regulation (EU) 2024/1689 of the European Parliament and of the Council of 13 June 2024 laying down harmonised rules on artificial intelligence and amending Regulations (EC) No 300/2008, (EU) No 167/2013, (EU) No 168/2013, (EU) 2018/858, (EU) 2018/1139 and (EU) 2019/2144 and Directives 2014/90/EU, (EU) 2016/797 and (EU) 2020/1828 (Artificial Intelligence Act)<sup>7</sup>,

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<sup>1</sup> OJ C, C/2024/6342, 7.11.2024, ELI: <http://data.europa.eu/eli/C/2024/6342/oj>.

<sup>2</sup> OJ C, C/2026/4018, 26.8.2026, ELI: <http://data.europa.eu/eli/C/2026/4018/oj>.

<sup>3</sup> OJ L, 2026/126, 20.1.2026, ELI: [http://data.europa.eu/eli/agree\\_internation/2026/126/oj](http://data.europa.eu/eli/agree_internation/2026/126/oj).

<sup>4</sup> OJ C, C/2026/1675, 22.4.2026, ELI: <http://data.europa.eu/eli/C/2026/1675/oj>.

<sup>5</sup> Texts adopted, P10\_TA(2026)0183.

<sup>6</sup> OJ L 119, 4.5.2016, p. 1, ELI: <http://data.europa.eu/eli/reg/2016/679/oj>.

<sup>7</sup> OJ L, 2024/1689, 12.7.2024, ELI: <http://data.europa.eu/eli/reg/2024/1689/oj>.

- having regard to Rule 107(5) of its Rules of Procedure,
  - having regard to the opinion of the Committee on Internal Market and Consumer Protection,
  - having regard to the interim report of the Committee on International Trade (A[10-0000/2026]),
- A. whereas 67 WTO members representing approximately 70 % of global trade successfully agreed to bring the Agreement on Electronic Commerce (ECA) into force through interim arrangements; whereas despite repeated attempts to incorporate the Agreement into the WTO framework, the ECA signatories continue to pursue its incorporation into Annex 4 to the WTO Agreement;
  - B. whereas the multilateral trading system faces serious political and institutional challenges, compounded by growing unilateralism, protectionism and geopolitical fragmentation; whereas this increases uncertainty and economic costs, demonstrating the need for predictable, stable and fair rules capable of responding to emerging economic realities, in particular digital trade and artificial intelligence (AI);
  - C. whereas digital trade accounts for around 25 % of all international trade and over half of international trade in services, and is growing faster than traditional trade; whereas the rapid spread of AI, including systems that conclude transactions on behalf of consumers and businesses, increases the need for common, trustworthy rules that provide legal certainty, in particular for MSMEs;
  - D. whereas the ECA establishes global baseline rules for digital trade, including areas such as electronic transactions, consumer protection, cybersecurity, personal data protection and development; whereas by facilitating cross-border transactions, reducing barriers and promoting innovation and trust, the ECA can deliver tangible benefits for citizens and businesses;
  - E. whereas privacy and personal data protection are fundamental rights in the EU and cannot be subject to negotiations in the context of EU trade agreements; whereas digital trade rules must support the EU's ability to protect fundamental rights, consumers and the public interest; whereas regulatory authorities must retain sufficient policy space to enforce EU law, including legislation on consumer protection, competition, cybersecurity and AI;
1. Welcomes the interim implementation of the ECA as a strong signal that global rule-making on digital trade can advance despite wider WTO deadlock; stresses that the interim arrangements should remain open and transitional, demonstrating the value of common rules pending the ECA's incorporation into the WTO framework; reaffirms that the incorporation of the ECA into Annex 4 remains the ultimate objective, since prolonged exclusion risks fragmentation and weakens the WTO's relevance, and calls on the Commission to redouble efforts to make the ECA a WTO multilateral agreement;
  2. Regrets the repeated failures to reach a consensus, which prevented the ECA from being incorporated into Annex 4, as well as the fact that MC14 also allowed the Work Programme on Electronic Commerce and the multilateral moratorium on customs duties

on electronic transmissions to lapse; considers open plurilateral agreements to be valuable and workable instruments for advancing rules on emerging issues, particularly digital trade, while preserving the central role of multilateralism in the global trading system; underlines that equating consensus with unanimity has hindered the WTO's ability to reach agreement and enabled the blocking of broadly supported outcomes; reiterates Parliament's call for institutional reform to create a clearer pathway for integrating open plurilateral agreements into the WTO architecture;

3. Recognises concerns among developing members regarding policy space, development benefits and the prohibition of customs duties on electronic transmissions; considers, however, that the ECA provides a balanced and development-orientated global baseline that preserves regulatory autonomy and provides implementation flexibility, needs assessments, technical assistance and capacity-building support; stresses that inclusive implementation benefiting MSMEs and narrowing the digital divide will be key to building support for the incorporation of the ECA into Annex 4;
4. Emphasises that continued support from the WTO Director-General and the Secretariat is politically and practically important, as it anchors the interim arrangements of the ECA within the organisation whose rulebook they are intended to join, reinforces the ECA's status as a WTO agreement in waiting rather than a competing regime, and helps limit fragmentation; calls on the Commission to defend this institutional anchoring, ensure transparent Secretariat support and preserve WTO-based mechanisms for the administration and settlement of disputes pending the ECA's incorporation into Annex 4;

### *The Agreement on Electronic Commerce*

5. Welcomes the ECA's disciplines on electronic contracts, authentication and signatures, e-invoicing, electronic payments and paperless trade, which reduce administrative barriers and provide legal certainty for an increasingly digital and AI-based economy; considers that these rules can lower trade costs and facilitate participation by businesses, particularly MSMEs, in cross-border digital trade;
6. Welcomes the ECA's focus on consumer and business trust as a key enabler of digital trade; favourably notes the inclusion of protections against fraudulent and deceptive online practices, access to redress, cooperation between consumer authorities, cybersecurity and personal-data protection in the ECA; recognises the EU's role in securing a fair, predictable and transparent digital trade framework that does not place commercial openness above privacy, consumer protection and regulatory autonomy;
7. Highlights that the ECA is designed to benefit developing and least-developed countries as much as advanced economies; welcomes its development provisions, including implementation periods, needs assessments, technical assistance and capacity building, which can help broaden participation in digital trade and narrow the digital divide; stresses that these provisions are increasingly important as AI transforms trade, and as deepening technological dependencies risk excluding developing and least-developed countries from AI-driven growth;
8. Regrets that MC14 allowed the multilateral moratorium on customs duties on electronic transmissions to lapse, exposing businesses to renewed uncertainty and potentially

higher costs for digital transmissions; welcomes the ECA participants' commitment not to impose such duties among themselves as an essential stopgap, and calls on the Commission to pursue, as a priority, a durable multilateral moratorium that guarantees universal predictability without precluding internal taxation;

### *Implementation priorities*

9. Stresses that effective implementation will determine whether the ECA delivers tangible benefits for citizens, consumers, workers and businesses; calls on the Commission to bring its provisions into operation in a transparent way and to keep Parliament fully informed throughout the process;
10. Notes the Commission's stated intention to pursue, in a second phase under Article 35 of the ECA, disciplines on cross-border data flows, source code and related issues; acknowledges that balanced rules can facilitate digital trade and protect enterprises against forced technology transfers; stresses, however, that such rules could undermine EU privacy law and impede enforcement of the AI Act<sup>8</sup>; insists that any future provisions reflect the EU's 2018 horizontal provisions, guarantee regulators' access to source code, and be negotiated transparently, with Parliament involved throughout the process;
11. Supports the Commission's stated intention to pursue additional rules in a second phase to facilitate digital trade and protect enterprises against forced technology transfers; stresses that future disciplines in the ECA need to allow for sufficient policy space for digital regulation and its enforcement, in particular when it comes to issues such as data flows, data localisation, data protection, AI and source code; insists that any future provisions preserve EU privacy law and regulator access, and be negotiated transparently, with Parliament involved throughout the process;
12. Considers the ECA's broad cooperation provisions a strategic opportunity for the EU to promote high standards internationally rather than convergence towards the lowest common denominator; calls on the Commission to prioritise personal-data protection, competition in digital markets and online consumer protection, including for minors, and reiterates its call for a dedicated WTO working group on AI to promote robust, safe, inclusive and trustworthy AI governance for trade;
13. Calls on the Commission to ensure a modern EU digital trade framework by developing a future-proof digital trade policy that safeguards regulatory autonomy, ensures democratic oversight and adapts to technological change;

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<sup>8</sup> Regulation (EU) 2024/1689 of the European Parliament and of the Council of 13 June 2024 laying down harmonised rules on artificial intelligence and amending Regulations (EC) No 300/2008, (EU) No 167/2013, (EU) No 168/2013, (EU) 2018/858, (EU) 2018/1139 and (EU) 2019/2144 and Directives 2014/90/EU, (EU) 2016/797 and (EU) 2020/1828 (Artificial Intelligence Act) (OJ L, 2024/1689, 12.7.2024, ELI: <http://data.europa.eu/eli/reg/2024/1689/oj>).

14. Instructs its President to forward this resolution to the Council and the Commission.

## EXPLANATORY STATEMENT

The Agreement on Electronic Commerce (ECA) establishes the first global baseline of rules for digital trade, combining commitments to facilitate electronic transactions, strengthen trust online and support economies at different levels of development. For the European Union, common rules are increasingly important as digital transactions permeate everyday economic activity, offering a means to expand opportunities for businesses and citizens while ensuring that international digitalisation develops within predictable, fair and transparent frameworks.

Digital trade accounts for around one quarter of international trade, while digitally delivered services represent more than half of global services exports. As artificial intelligence increasingly facilitates cross-border services and automated commercial transactions, coherent rules become indispensable, particularly for micro, small and medium-sized enterprises that face disproportionate costs in navigating fragmented regulatory frameworks. Such rules also give consumers greater confidence when dealing with providers across borders.

Amid rising unilateralism, protectionism and geopolitical fragmentation, the multilateral trading system is struggling to respond to technological change. Open plurilateral agreements offer a pragmatic means of advancing common standards when WTO-wide consensus is elusive, while preventing rulemaking from being determined primarily by the largest markets. For the EU, supporting such cooperation is not a departure from multilateralism, but an investment in its continued relevance.

On 28 March 2026, 67 WTO Members representing approximately 70% of global trade agreed on interim arrangements to bring the ECA into force, following unsuccessful attempts to incorporate it into Annex 4 of the WTO Agreement. The ECA will enter into force 30 days after the 45th instrument of acceptance is deposited. Coming as MC14 failed to renew the Work Programme on E-commerce and the multilateral moratorium on customs duties on electronic transmissions, this decision demonstrates that collective rulemaking can still advance despite institutional deadlock. Interim implementation must nevertheless remain an open, transitional step towards WTO incorporation and broader participation.

The Agreement merits support because it couples trade facilitation with safeguards that can make the digital economy more accessible and trustworthy. By recognising electronic contracts, authentication and signatures, facilitating electronic invoicing and payments, and promoting paperless trade, it can lower administrative costs, reduce uncertainty and enable European businesses, especially smaller exporters, to reach customers abroad without confronting unnecessary procedural barriers. In this way, global rules can reinforce the Union's competitiveness while widening participation in international markets.

Equally, cross-border digital markets cannot flourish without consumer confidence. Provisions addressing fraudulent and deceptive online practices, consumer redress, unsolicited commercial communications, cybersecurity cooperation and personal data protection recognise that protection and openness must advance together. Consumers should enjoy no lower level of protection online than offline, and greater trust should encourage participation, support fair competition and create more sustainable conditions for innovation.

The final text also responds to the different capacities of developing and least-developed countries through implementation flexibility, needs assessments, technical assistance and

capacity building. Its prohibition of customs duties on electronic transmissions will provide predictability among its parties without preventing domestic taxation, although concerns regarding revenue and unequal digital readiness remain legitimate. Addressing those concerns is essential to ensure that global digital rules narrow rather than entrench existing inequalities.

Beyond enabling the European Parliament to scrutinise the ECA and assess its implications, this resolution sets out Parliament's political priorities for its implementation. Democratic oversight of EU trade policy must extend beyond consent, with Parliament kept fully informed and involved throughout implementation and any future negotiations on additional disciplines. Such negotiations must preserve the Union's ability to protect fundamental rights, consumers and the public interest, while safeguarding the regulatory autonomy necessary to enforce Union law.

The ECA offers the Union an opportunity to promote high standards on data protection, fair competition, online consumer protection, including for minors, and trustworthy AI. Regulatory cooperation should foster interoperability without weakening safeguards, while the WTO deepens its engagement on AI and trade. In an increasingly competitive technological landscape, the EU must help shape global digital rules that promote innovation while protecting fundamental rights.

Implementation must also translate commitments into tangible development benefits so that participation in digital trade, including opportunities created by artificial intelligence, extends beyond economies already equipped to benefit from it.

The Agreement should be judged not only by how it facilitates trade, but by how it helps secure an open, predictable and trusted digital economy, in which the EU can remain engaged in shaping international rules without compromising its standards.

For all these reasons, the rapporteur recommends that the INTA committee gives its consent to the conclusion of the Agreement on Electronic Commerce.