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COVER NOTE

from:	General Secretariat
to:	Council
Subject:	EU - Singapore FTA Agreement

Delegations will find in Annex the information document submitted by the Commission to be presented under "Any other business" at the Council ("Agriculture and Fisheries") at its session on 28 January 2013.

EU - Singapore FTA Agreement

Introduction

Negotiations of the EU-Singapore FTA were concluded at political level in mid-December 2012. This note briefly explains the results in the agriculture sector. It is to be noted that Singapore is the EU's first trading partner with ASEAN and that these negotiations will pave the way for other negotiations in the region. The precedence effect is particularly important as regards the outcome on geographical indications, notably with other TPP (Trans Pacific Partnership) members.

I- Market Access

Market access negotiations with Singapore were very particular given that Singapore has no agricultural sector, and most of its tariffs were already at zero (except beers as regards foodstuffs). Nevertheless, Singapore has confirmed binding of all tariffs at zero level at entry into force. The EU agreed on full liberalisation of all its tariff lines for agriculture (with a phasing out period from 0 to 5 years) given that there was no defensive interest. The risk of circumvention from other partners is secured through a robust agreement on rules of origin which basically follows the standard rules. Only very limited flexibility was granted, in order to secure a better outcome on GIs.
Due to Singapore's specificity as regards the agricultural sector, the market access outcome is not to be considered as a benchmark for other ASEAN negotiations.

II: Geographical indications

Overall, the agreement with Singapore on GIs can be considered as satisfactory given the specific context of negotiations. The outcome is a good precedent for other ASEAN negotiations.
The Agreement in particular provides that:
- Singapore will introduce a special **GI register** in its legislation. This new register will be open to the EU short list of 196 relevant GI (established with Member States), as well as **additional applications** by right holders.

- Registered GIs will benefit from a **high level of protection**, going beyond TRIPs protection by extending the protection for wines and spirits also to agricultural foodstuffs.
- GI's will **co-exist with prior trade marks** registered in Singapore with the consent of the prior existing trade mark right holder.
- GI's will benefit from **administrative protection** at the border, for action both **ex officio**, and upon application.
- Co-existence of our GI's with names already on the Singapore market (**"prior uses")** will be limited to products which were continuously on the Singaporean market in **good faith since at least 2004**, **or since 1994 otherwise**. Products benefitting from prior use will be subject to clear mandatory labelling as to the true origin of the product.

III- Legal certainty and next steps:

Singapore was not able to grant direct protection for a short list of GI's via the Agreement itself due to its dualist legal system (no recognition of international law without transposition in the national law). However, the EU managed to secure a sufficient level of legal certainty, conditioning the provisional entry into force of the agreement to the effective protection of a quantitatively and qualitatively acceptable list of EU GIs. In that respect, the EU will assess possible conflicts between GI's on our list and existing trade marks, etc., before initialling and signature of the Agreement.

This will imply still a considerable amount of work before EU GI's are effectively protected in Singapore. EU Commission will need support and close cooperation with Member States in order to provide necessary documentation accompanying applications and quite probably the payment of a fee for application/registration. The fees issues will be discussed later on once the Singaporean legislation modification will be more advanced but it should already be emphasized that the credibility of EU would be at stake if fees are not paid.