



Council of the  
European Union

Brussels, 4 March 2016  
(OR. en)

13210/10  
EXT 1

WTO 288  
COASI 151

### **PARTIAL DECLASSIFICATION**

---

of document: 13210/10 RESTREINT UE

dated: 6 September 2010

new status: Public

---

Subject: ASEAN: launch of bilateral FTA-negotiations with Malaysia

---

Delegations will find attached the partially declassified version of the above-mentioned document.



**COUNCIL OF  
THE EUROPEAN UNION**

**Brussels, 6 September 2010**

**13210/10**

**RESTREINT UE**

**WTO 288  
COASI 151**

**"I/A" ITEM NOTE**

---

from : Presidency  
to : Permanent Representatives Committee (Part 2)/Council  
Subject : ASEAN: launch of bilateral FTA-negotiations with Malaysia

---

1. On 23 April 2007, the Council authorised the Commission to enter into negotiations for a Free Trade Agreement with countries of ASEAN (document 8600/07), it being understood that the objective was to negotiate a region-to-region Free Trade Agreement.
2. At the same time, the authorisation provided for the possibility of bilateral negotiations in the event that it was not possible to reach agreement to negotiate jointly with a grouping of countries, and where such bilateral negotiations were politically acceptable and economically meaningful.
3. The Commission reported to the Article 133 Committee of 8 May 2009 on the difficulties encountered in the region-to-region negotiations, and that both sides had agreed to pause negotiations. In that meeting the Article 133 Committee asked the Commission to explore the prospects for individual bilateral negotiations with a number of ASEAN countries. On the basis of scoping discussions, the Commission suggested pursuing bilateral FTAs with relevant ASEAN countries in the future and that bilateral negotiations should be launched with Singapore as a first step. The launching of bilateral FTA negotiations would take place, on a case-by-case basis, following an assessment by the Commission, a substantive discussion in the Article 133 Committee and a subsequent approval by the Council.

Finally, as part of its suggested approach, the Commission confirmed the strategic objective of a region-to-region agreement and, to this end, the need to ensure consistency in and between any future bilateral FTA negotiations with ASEAN countries.

4. In its meeting of 30 November 2009, the Article 133 Committee endorsed this approach and suggested to adapt the above mentioned negotiating authorisation and directives in this sense. In addition, the Committee:
- highlighted its expectation that the launch of negotiations with Singapore should pave the way for additional bilateral FTAs with relevant countries of ASEAN in the near future;
  - stressed the importance that the bilateral FTA negotiations are used to secure market access interests of Member States and EU businesses – in line with the “Global Europe” Strategy – on a broad variety of issues, including tariffs and non-tariff barriers, services and establishment, SPS, intellectual property rights and procurement.
5. On 23 July and 3 September 2010, the Commission reported to the Trade Policy Committee on the discussions for an FTA held with Malaysia, held in June to August 2010. On the basis of these reports, the Commission recommended to launch negotiations with Malaysia. The Committee reconfirmed its overall approach to the negotiations with individual ASEAN countries as endorsed by the council on 22 December 2009 and as set out in document 17494/09 and endorsed the recommendation of the Commission. **NOT DECLASSIFIED**
6. In accordance with the possibility to authorise bilateral negotiations as provided for in document 8600/07, the Permanent-Representatives Committee is therefore invited to recommend that the Council, as an A-item on 10 September:
- agrees that the Commission should start bilateral FTA negotiations with Malaysia as the next step on the path towards FTA negotiations with other relevant ASEAN countries;
  - agrees that the Commission should continue its efforts to allow the launch of further negotiations with other relevant ASEAN countries, also taking into account that only a set of bilateral FTAs with relevant countries in the region would meet the Council's original perspective for the negotiations;
  - confirms that such negotiations will be conducted in accordance with the existing negotiation directives as attached to document 8600/07 and that with respect to Malaysia, based on the Commission's assessment and its confirmation of the position to be taken **NOT DECLASSIFIED**.