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LEGISLATIVE ACTS AND OTHER INSTRUMENTS

Subject: Draft DECISION OF THE EU-SINGAPORE TRADE COMMITTEE on the interpretation, pursuant to Article 16.1(4)(d), of Articles 10.17 and 10.22 of the Free Trade Agreement between the European Union and the Republic of Singapore as regards changes to the protection of geographical indications for wines, spirits, agricultural products and foodstuffs registered in Singapore

DRAFT

**DECISION No 2/2020
OF THE EU-SINGAPORE TRADE COMMITTEE**

of ...

**on the interpretation, pursuant to Article 16.1(4)(d), of Articles 10.17
and 10.22 of the Free Trade Agreement
between the European Union and the Republic of Singapore
as regards changes to the protection
of geographical indications for wines, spirits, agricultural products
and foodstuffs registered in Singapore**

THE TRADE COMMITTEE,

Having regard to the Free Trade Agreement between the European Union and the Republic of Singapore, and in particular Article 10.17, Article 10.22 and of Article 16.1(4)(d) thereof,

Whereas:

- (1) The Free Trade Agreement between the European Union and the Republic of Singapore ('the Agreement') entered into force on 21 November 2019.
- (2) Article 16.1 of the Agreement establishes a Trade Committee, which, inter alia, supervises and facilitates the implementation and application of the Agreement, and may adopt interpretations of the provisions thereof.
- (3) Article 10.17(3) of the Agreement provides for geographical indications originating in the territory of a Party registered in the other Party under its domestic legislation to be listed in Annex 10-B to the Agreement.
- (4) Article 10.18 of the Agreement provides for the possibility of amending the list of geographical indications for wines, spirits, agricultural products and foodstuffs listed in Annex 10-B to the Agreement to be protected by each Party under Sub-Section C (Geographical Indications).
- (5) Article 10.17(2) of the Agreement lays down, inter alia, an objection procedure and legal means that permit the rectification and cancellation of entries on the domestic register so as to allow for the legitimate interests of third parties to be taken into account.
- (6) Article 10.22 of the Agreement sets out the general rules regarding the protection of geographical indications, including those listed in Annex 10-B to the Agreement.

- (7) It is appropriate to clarify the manner in which the provisions of Articles 10.17 and 10.22 operate together. Specifically, through the adoption of a decision on the present binding interpretation, it is necessary to clarify the relationship between the level of protection established under Article 10.22 of the Agreement and the system for the registration and protection of geographical indications established by each Party under Article 10.17 of the Agreement upon the entry into force of the Agreement.
- (8) In this context, it is the shared understanding of Singapore and the Union that requests, filed through Qualification of Rights applications, for changes to the protection of geographical indications registered in Singapore that are filed on or after 21 November 2019 on the grounds set out in Article 10.22(5) of the Agreement or on grounds other than those referred to in Article 10.22 of the Agreement should not alter the protection afforded to the geographical indications listed in Annex 10-B to the Agreement before the Trade Committee is given the opportunity to discuss the appropriateness of the changes that the acceptance of such requests might entail for the listing of geographical indications in Annex 10-B to the Agreement.
- (9) The Parties understand that the present binding interpretation constitutes an interpretation applicable as of the entry into force of the Agreement.

HAS ADOPTED THIS DECISION:

Article 1

Any changes to the protection of geographical indications for wines, spirits, agricultural products and foodstuffs registered in Singapore and listed in Annex 10-B to the Agreement, that arise from any Qualification of Rights application on the grounds set out in Article 10.22(5) of the Agreement and requested on or after 21 November 2019 may not take place in the absence of a positive decision of the Trade Committee, regarding the corresponding amendment of Annex 10-B to the Agreement.

Article 2

The interpretation provided for in Article 1 shall also apply to changes to the protection of geographical indications for wines, spirits, agricultural products and foodstuffs registered in Singapore and listed in Annex 10-B to the Agreement that arise from any Qualification of Rights application requested on or after 21 November 2019 on grounds other than those referred to in Article 10.22 of the Agreement.

Article 3

This Decision shall enter into force on the date of its adoption.

Done at ...,

For the Trade Committee

The Chair
