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PROPOSAL

From:	Secretary-General of the European Commission, signed by Ms Martine DEPREZ, Director
date of receipt:	25 June 2026
To:	Ms Thérèse BLANCHET, Secretary-General of the Council of the European Union
No. Cion doc.:	COM(2026) 297 final
Subject:	Proposal for a COUNCIL DECISION on the position to be taken on behalf of the European Union in the Committee on Customs established under the Free Trade Agreement between the European Union and the Republic of Singapore as regards the adoption of the decision concerning the mutual recognition of the Secure Trade Partnership Plus Programme of Singapore and the Authorised Economic Operator Programme of the European Union

Delegations will find attached document COM(2026) 297 final.

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EUROPEAN
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Brussels, 25.6.2026
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Proposal for a

COUNCIL DECISION

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EXPLANATORY MEMORANDUM

1. SUBJECT MATTER OF THE PROPOSAL

This proposal concerns the decision establishing the position to be taken on the European Union's behalf in the Committee on Customs established under the Free Trade Agreement between the European Union and the Republic of Singapore as regards the envisaged adoption of the decision concerning the mutual recognition of the Secure Trade Partnership Plus Programme of Singapore and the Authorised Economic Operator Programme of the European Union.

2. CONTEXT OF THE PROPOSAL

2.1. The Free Trade Agreement between the European Union and the Republic of Singapore

The Free Trade Agreement between the European Union and the Republic of Singapore[1] (hereinafter referred to as 'the Agreement') was concluded by the Union by means of Council Decision (EU) 2019/1875 and entered into force on 21 November 2019.

Concerning customs cooperation, the Agreement aims to enhance cooperation between the Parties in many areas including the establishment, where appropriate, of the mutual recognition of their respective trade partnership programmes, including aspects such as data transmission and mutually agreed benefits. Understanding 4 of the Agreement calls on the Parties to work towards and agree on the mutual recognition of their respective Authorised Economic Operator programmes.

2.2. The Committee on Customs

The Committee on Customs is a specialised committee established pursuant to Article 16.2 of the Agreement. Pursuant to Article 6.17 of the Agreement it shall ensure proper functioning of Chapter 6 on Customs and Trade Facilitation and other customs related provisions of the Agreement. Paragraph 2 of Article 6.17 of the Agreement specifically provides that the Parties may take decisions in the Committee on Customs on the mutual recognition of trade partnership programmes and Understanding 4 of the Agreement also specifically provides that the Parties shall agree on the mutual recognition of their respective programmes by a decision of the Committee on Customs. Letter (d) of Paragraph 2 of Article 6.3 of the Agreement calls on the Parties to establish, where appropriate, mutual recognition of trade partnership programmes, including aspects such as data transmission and mutually agreed benefits.

2.3. The envisaged act of the Committee on Customs

During the second meeting in 2026, the Committee on Customs is to adopt the decision concerning the mutual recognition of the Secure Trade Partnership Plus Programme of Singapore and the Authorised Economic Operator Programme of the European Union.

The purpose of the decision of the Committee on Customs (the envisaged act) is to provide for the mutual recognition between the European Union and the Republic of Singapore of their respective trade partnership programmes.

Both the European Union and the Republic of Singapore have in place trade partnership programmes providing facilitations to economic operators who have invested in their supply chain security and have been certified by the customs authorities of the respective Member

[1] Council Decision (EU) 2019/1875 of 8 November 2019 on the conclusion of the Free Trade Agreement between the European Union and the Republic of Singapore (OJ L 294, 14.11.2019, p.1).

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State in the European Union and of the Republic of Singapore. The security, safety, and the facilitation of international trade supply chains can be significantly enhanced through mutual recognition of the respective trade partnership programmes, namely the security part of the Authorised Economic Operator Programme of the European Union and the Secure Trade Partnership Plus Programme of the Republic of Singapore. It will allow customs authorities both in the European Union and in the Republic of Singapore to implement more effective border controls while facilitating legitimate trade.

The envisaged act will become binding on the Parties in accordance with paragraph 1 of Article 16.4 of the Agreement, which provides that the Parties may take decisions in the Trade Committee or in a specialised committee, where provided for in the Agreement. It is provided for in paragraph 2 of Article 6.17 of the Agreement that the Committee on Customs, a specialised committee, may take decisions on the mutual recognition of trade partnership programmes. The decisions taken in such a specialised committee shall be binding on the Parties, which shall take the measures necessary to implement those decisions. The Committee on Customs will apply the Rules of Procedure of the Trade Committee[2], namely Rule 9 and Rule 13, when adopting the envisaged act.

3. POSITION TO BE TAKEN ON THE UNION'S BEHALF

Mutual recognition of trade partnership programmes enhances end-to-end supply chain security and facilitates legitimate trade. It consolidates the approach agreed in the World Customs Organization Framework of Standards to Secure and Facilitate Trade ('SAFE Framework'). It addresses the demand of the business community in the European Union and around the world that standards be implemented in a similar way to avoid proliferation of country-specific requirements and practices.

The in-depth comparison of the Authorised Economic Operator Programme of the European Union and the Secure Trade Partnership Plus Programme of the Republic of Singapore involved both legal comparison and reciprocal on-site validation visits in two member states of the European Union and in the Republic of Singapore to assess the compatibility of the practical implementation of the safety and security criteria in their respective trade partnership programmes. The assessment of the equivalence of the Authorised Economic Operator Programme of the European Union and the Secure Trade Partnership Plus Programme of the Republic of Singapore was completed in 2023 and it revealed that the qualification standards for security and safety purposes of the two respective trade partnership programmes are compatible and lead to equivalent results and benefits for economic operators.

The European Commission and the competent authorities of the Republic of Singapore share the view that the mutual recognition of their respective trade partnership programmes will allow to provide benefits to economic operators that have invested in their supply-chain security and have been certified under the respective trade partnership programmes.

The envisaged act constitutes the legal basis for the mutual recognition between the European Union and the Republic of Singapore of their respective trade partnership programmes.

The position to be taken by the European Union in the Committee on Customs concerning the adoption of the envisaged act should be established by the Council.

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[2] Council Decision (EU) 2022/1976 of 17 October 2022 on the position to be adopted, on behalf of the Union, within the Trade Committee established by the Free Trade Agreement between the European Union and the republic of Singapore, as regards the adoption of the rules of procedure of the Trade Committee (OJ L 271, 19.10.2022, p.17).

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4. LEGAL BASIS

4.1. Procedural legal basis

4.1.1. Principles

Article 218(9) of the Treaty on the Functioning of the European Union (TFEU) provides for decisions establishing *'the positions to be adopted on the Union's behalf in a body set up by an agreement, when that body is called upon to adopt acts having legal effects, with the exception of acts supplementing or amending the institutional framework of the agreement.'*

The concept of '*acts having legal effects*' includes acts that have legal effects by virtue of the rules of international law governing the body in question. It also includes instruments that do not have a binding effect under international law, but that are '*capable of decisively influencing the content of the legislation adopted by the EU legislature*'[3].

4.1.2. Application to the present case

The Committee on Customs is a body set up by an agreement, namely the Free Trade Agreement between the European Union and the Republic of Singapore.

The act which the Committee on Customs is called upon to adopt constitutes an act having legal effects. The envisaged act will be binding under international law in accordance with paragraph 1 of Article 16.4 read in combination with paragraph 2 of Article 6.17 of the Agreement.

The envisaged act does not supplement or amend the institutional framework of the Agreement.

Therefore, the procedural legal basis for the proposed decision is Article 218(9) TFEU.

4.2. Substantive legal basis

4.2.1. Principles

The substantive legal basis for a decision under Article 218(9) TFEU depends primarily on the objective and content of the envisaged act in respect of which a position is taken on the Union's behalf. If the envisaged act pursues two aims or has two components and if one of those aims or components is identifiable as the main one, whereas the other is merely incidental, the decision under Article 218(9) TFEU must be founded on a single substantive legal basis, namely that required by the main or predominant aim or component.

4.2.2. Application to the present case

The main objective and content of the envisaged act relate to the common commercial policy.

Therefore, the substantive legal basis of the proposed decision is Article 207(4) TFEU.

4.3. Conclusion

The legal basis of the proposed decision should be Article 207(4), in conjunction with Article 218(9) TFEU.

5. PUBLICATION OF THE ENVISAGED ACT

As the act of the Committee on Customs will be applicable by both Parties, including the European Union and its Member States, it is appropriate to publish it in the *Official Journal of the European Union* after its adoption.

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[3] Judgment of the Court of Justice of 7 October 2014, Germany v Council, C-399/12, ECLI:EU:C:2014:2258, paragraphs 61 to 64.

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THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on the Functioning of the European Union, and in particular Article 207(4), first subparagraph, in conjunction with Article 218(9) thereof,

Having regard to the proposal from the European Commission,

Whereas:

(1) The Free Trade Agreement between the European Union and the Republic of Singapore ('the Agreement') was concluded by the Union by means of Council Decision (EU) 2019/1875[4].

(2) Article 6.3 of the Agreement calls on the Parties to establish, where appropriate, mutual recognition of trade partnership programmes, including aspects such as data transmission and mutually agreed benefits.

(3) Pursuant to paragraph 2 of Article 6.17 and paragraph 1 of Article 16.4 of the Agreement, the Committee on Customs may adopt decisions on the mutual recognition of trade partnership programmes.

(4) The Committee on Customs during its second meeting in 2026, or by written procedure if the Parties so agree, is to adopt the decision concerning the mutual recognition of the Secure Trade Partnership Plus Programme of Singapore and the Authorised Economic Operator Programme of the European Union.

(5) It is appropriate to establish the position to be taken on the Union's behalf in the Committee on Customs, as the decision on mutual recognition of the Secure Trade Partnership Plus Programme of Singapore and the Authorised Economic Operator Programme of the European Union will be binding on the Union.

(6) Security and safety, and the facilitation of the international trade supply chain can be significantly enhanced through mutual recognition of the respective trade partnership programmes, namely of the Authorised Economic Operator Programme of the European Union and the Secure Trade Partnership Plus Programme of the Republic of Singapore.

(7) The two respective trade partnership programmes are based on internationally recognised security standards advocated by the SAFE Framework of Standards to

[4] Council Decision (EU) 2019/1875 of 8 November 2019 on the conclusion of the Free Trade Agreement between the European Union and the Republic of Singapore (OJ L 294, 14.11.2019, p.1).

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Secure and Facilitate Global Trade adopted by the World Customs Organization in June 2005 ('SAFE Framework').

(8) Site visits and a joint evaluation of the Authorised Economic Operator Programme in the European Union and the Secure Trade Partnership Plus Programme in the Republic of Singapore have revealed that their qualification standards for security and safety purposes are compatible and lead to equivalent results,

HAS ADOPTED THIS DECISION:

Article 1

The position to be taken on the Union's behalf in the meeting of the Committee on Customs under the Free Trade Agreement between the European Union and the Republic of Singapore with regard to the mutual recognition of the Secure Trade Partnership Plus Programme of Singapore and the Authorised Economic Operator Programme of the European Union shall be based on the attached draft decision of the Committee on Customs.

Article 2

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

Done at Brussels,

For the Council
The President

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