Council Decision (EU) 2020/583 of 25 March 2020 on the position to be taken on behalf of the European Union within the Trade Committee of the Free Trade Agreement between the European Union and the Republic of Singapore on the interpretation, pursuant to Article 16.1(4)(d), of Articles 10.17 and 10.22 of that Agreement as regards changes to the protection of geographical indications for wines, spirits, agricultural products and foodstuffs registered in Singapore

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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 the first subparagraph of Article 207(4) in conjunction with Article 218(9) thereof,

Having regard to the proposal from the European Commission,

Whereas:

(1) By Council Decision (EU) 2019/1875[(1)] the Union concluded a Free Trade Agreement between the European Union and the Republic of Singapore[(2)] ('the Agreement'), which 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.

(3) Pursuant to Article 16.1(4)(d) of the Agreement, the Trade Committee may adopt interpretations of the provisions of the Agreement. Those interpretations are binding on the Parties and on all bodies set up under the Agreement, including arbitration panels referred to under Chapter Fourteen (Dispute Settlement) of the Agreement.

(4) Article 10.17(3) of the Agreement provides that the Trade Committee adopts a decision as soon as practicable after the procedures for protection of geographical indications in each Party have been concluded for all the names listed in Annex 10-A (List of names to be applied for protection as Geographical Indications in the territory of the Parties) to the Agreement, regarding the listing in Annex 10-B (Protected Geographical Indications) to the Agreement of the names from Annex 10-A to the Agreement.

(5) 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).

(6) Points (c) and (d) of Article 10.17(2) foresee respectively an objection procedure and legal means that permit the rectification and cancellation of entries on the domestic registry so as to allow for the legitimate interests of third parties to be taken into account.

(7) Article 10.22 of the Agreement sets out the general rules regarding the protection of geographical indications listed in Annex 10-B to the Agreement.

(8) It is appropriate to clarify the manner in which the provisions of Articles 10.17(2) and 10.22 operate together. Specifically, 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. This should be done through the adoption of a binding interpretation.

(9) To ensure clarity and legal coherence, that binding interpretation should state that any changes to the protection of geographical indications for wines, spirits, agricultural products and foodstuffs registered in Singapore and listed or to be listed in Annex 10-B to the Agreement, made on grounds that either fall within the scope of Article 10.22(5) of the Agreement or fall outside the general rules enshrined in the other paragraphs of Article 10.22 and that are requested through the system for the registration and protection of geographical indications referred to in Article 10.17 of the Agreement may not take place unless there is a positive decision of the Trade Committee regarding the corresponding amendment of Annex 10-B to the Agreement.

(10) It is foreseen that the Trade Committee will adopt a decision regarding the interpretation, pursuant to Article 16.1(4)(d), of Articles 10.17 and 10.22(5) of the Agreement during its first meeting or by written procedure.

(11) It is appropriate to establish the position to be taken on the Union's behalf in the Trade Committee, as the decision of the Trade Committee will be binding on the Union,

HAS ADOPTED THIS DECISION:

Article 1

The position to be taken on the Union's behalf either in the first meeting of the Trade Committee established under the Free Trade Agreement between the European Union and the Republic of Singapore ('the Agreement') or in writing upon entry into force of the Agreement, regarding the interpretation, pursuant to Article 16.1(4)(d), of Articles 10.17 and 10.22 of the Agreement as regards changes to the protection of geographical indications for wines, spirits, agricultural products and foodstuffs registered in Singapore shall be based on the draft Decision of that Trade Committee[3].

Article 2

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