

European Union trade negotiations: state of play

I. Agreements under negotiation

- Central Africa
- China
- Eastern and Southern Africa
- Egypt
- India
- Indonesia
- Japan
- Jordan
- Malaysia
- Mercosur
- Morocco
- Pacific
- Russia
- Thailand
- Tunisia
- United States
- Vietnam

Agreement type	Country	General overview		Aspects related to GIs
		Launching of negotiations	Key issues	GI issues
ECONOMIC PARTNERSHIP AGREEMENT	Central Africa¹	<p>Central African countries updated its negotiation mandate in March 2014.</p> <p>The only country which has ratified the interim EPA for Central Africa is Cameroon. It entered into provisional application on August 2014.</p>	<p>Negotiators are currently addressing the following aspects: market access, investments and services, cultural cooperation and fiscal issues.</p>	<p>The interim EPA does not cover GIs. However, article 58 calls for cooperation on IPRs.</p>
STAND-ALONE GI AGREEMENT	China²	<p>Negotiations were launched in 2010.</p>	<p>The agreement covers agricultural products, wine and spirits (flexibility for the protection of Chinese non-agricultural GIs in the EU).</p>	<ul style="list-style-type: none"> - European and Chinese negotiators are currently addressing technical aspects, including the coexistence between GIs and pre-existing trademarks, the level of protection of GIs (including the protection against the evocation of GIs) and the possibility for Chinese GIs protected under the Agreement to use the EU logos on the Chinese market as well); - Both sides have exchange textual proposals on GIs (including lists).

¹ Cameroon, Central African Republic, Chad, Congo (Brazzaville), Congo - Democratic Republic of (Kinshasa), Equatorial Guinea, Gabon, São Tomé & Príncipe
(<http://ec.europa.eu/trade/policy/countries-and-regions/regions/central-africa/>)

² (<http://ec.europa.eu/trade/policy/countries-and-regions/countries/china/>)

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ECONOMIC PARTNERSHIP AGREEMENT	Eastern and Southern Africa (ESA)³	<i>Mauritius, Seychelles, Zimbabwe and Madagascar signed the interim EPA in 2009. The European Parliament gave its consent in January 2013.</i>	<ul style="list-style-type: none"> - The EU is waiting for a market access offer (goods and services) from the ESA side; - Open issues: export taxes, special agricultural safeguards, rules of origin, export subsidies, institutional provisions and dispute settlement. 	The interim EPA calls for cooperation (article 35) and further negotiations on IPRs (article 53).
DEEP AND COMPREHENSIVE FREE TRADE AGREEMENT	Egypt⁴	<p>Official negotiations have not yet started.</p> <p>In 2013, preparatory talks took place between the EU and Egypt.</p>	<ul style="list-style-type: none"> - The objective of the DCFTA negotiations is to extend the scope of the existing Association Agreement in order to cover services, public procurement, IPRs and investment protection. - Additionally, talks will seek to improve market access and investment opportunities. 	Negotiations have not yet started.

³ Comoros, Djibouti, Eritrea, Ethiopia, Madagascar, Malawi, Mauritius, Seychelles, Sudan, Zambia, Zimbabwe (<http://ec.europa.eu/trade/policy/countries-and-regions/regions/esa/>)

⁴ <http://ec.europa.eu/trade/policy/countries-and-regions/countries/egypt/>

Agreement type	Country	General overview		Aspects related to GIs
		Launching of negotiations	Key issues	GIs issues
FREE TRADE AGREEMENT	India ⁵	Launched in June 2007. Indian political factors determined the suspension of negotiations in 2013.	The main focus of negotiations included: market access for goods, services, public procurement and sustainable development.	<ul style="list-style-type: none"> - The EU seeks protection of a list of EU GIs; - India seeks protection for its long list of non-agricultural GIs.
FREE TRADE AGREEMENT	Indonesia ⁶	Official negotiations have not yet started. However, discussions are taking place between the EU and Indonesia to find other ways to protect GIs (stand-alone GI Agreement).	<ul style="list-style-type: none"> - In 2009, the EU and Indonesia established a group to explore ways to increase commercial ties between both partners; - In 2011, the group issued a report recommending that “the Indonesia-EU economic Partnership has to be invigorated”; - The report makes concrete recommendations and sets the component parts of the future FTA. 	<ul style="list-style-type: none"> - A part of the report is devoted to GIs; - The report “recommends that the level of ambition of GI protection should be high. (...) GI protection should go beyond TRIPS obligations and provide for the extension of the protection of TRIPS article 23 level (referred to as TRIPS+) to all GIs”
FREE TRADE AGREEMENT	Japan ⁷	Negotiations were launched in March 2013.	<p><u>Issues addressed:</u></p> <ul style="list-style-type: none"> - Negotiators have addressed the following aspects: public procurement, tariffs, technical barriers to trade, services, rules on investment, competition, SPS measures, regulatory cooperation, transparency and IPRs; - Negotiators have already discussed the protection of GIs. <p><u>Controversial issues:</u></p> <ul style="list-style-type: none"> - Access of European companies to Japanese public procurement markets in the railway sector; - GIs. 	<ul style="list-style-type: none"> - European negotiators have submitted to the Japanese counterpart a list of 205 EU GIs to be protected in Japan; - Japan has recently approved a law, which includes provisions that might clash with the European approach to GIs (e.g.: no possibility of coexistence between GIs and pre-existing trademarks); - There are a few cases where the coexistence between specific EU GIs and pre-existing trademarks is an issue (e.g.: Pruneaux d’Agen)

⁵ <http://ec.europa.eu/trade/policy/countries-and-regions/countries/india/>

⁶ <http://ec.europa.eu/trade/policy/countries-and-regions/countries/indonesia/>

⁷ <http://ec.europa.eu/trade/policy/countries-and-regions/countries/japan/>

Agreement type	Country	General overview		Aspects related to GIs
		Round of negotiations	Key issues	Clauses and EU GIs to be protected
DEEP AND COMPREHENSIVE FREE TRADE AGREEMENT	Jordan⁸	<p>Official negotiations have not yet started.</p> <p>Three meetings have taken place to prepare the launching of negotiations (last one in November 2013).</p>	<ul style="list-style-type: none"> - The objective of the DCFTA negotiations is to extend the scope of the existing Association Agreement. - The future agreement will include provisions to improve regulatory convergence, trade facilitation, the business environment (including IPRs) and a higher degree of liberalization of agriculture trade. - Negotiations for a DCFTA will start after the completion of the preparatory process. They might start in 2015. 	<ul style="list-style-type: none"> - Negotiations have not yet started. Jordan is reluctant to include GIs within the scope of the Agreement. - GIs are included in the Commission's negotiating mandate.
FREE TRADE AGREEMENT	Malaysia⁹	<p>Negotiations were launched in Brussels in October 2010.</p>	<ul style="list-style-type: none"> - Negotiations cover the following fields: IPRs (including GIs), market access for goods, services and investment, customs and trade facilitation, rules of origin, SPS and TBT measures, trade remedies, public procurement, sustainable development, dispute settlement and institutional issues; - A Partnership and Cooperation Agreement is being negotiated in parallel. 	<p>Negotiators have already discussed in a very preliminary way the protection of GIs.</p>
FREE TRADE AGREEMENT	Mercosur¹⁰	<p>After the suspension of negotiations in 2004, they were restarted in May 2010.</p>	<ul style="list-style-type: none"> - Negotiators have mainly addressed issues related to rules; - The goal is to cover trade in industrial and agricultural products, services, government procurement, IPRs (including GIs), customs, trade facilitation and the removal of TBT; - At this stage, the priority is to finalise market access offers. 	<p>Before last round of negotiations in 2012, the EU submitted a list of around 200 GIs to be protected. Mercosur indicated that there are not the conditions to discuss the protection of a list of European GIs.</p>

⁸ <http://ec.europa.eu/trade/policy/countries-and-regions/countries/jordan/>

⁹ <http://ec.europa.eu/trade/policy/countries-and-regions/countries/malaysia/>

¹⁰ Argentina, Brasil, Paraguay, Uruguay et Venezuela (<http://ec.europa.eu/trade/policy/countries-and-regions/regions/mercosur/>)

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		Launching of negotiations	Key issues	GIs issues
DEEP AND COMPREHENSIVE FREE TRADE AGREEMENT	Morocco¹¹	Negotiations were launched in March 2013.	<ul style="list-style-type: none"> - Both sides have exchanged textual proposals; - Ongoing bilateral negotiations on services (since 2008) have been integrated in the DCFTA negotiations; - The objective is to extend the scope of the existing Association Agreement to cover competition, enforcement of IPR, services, investment protection, public procurement and industrial standards; - Morocco is carrying out an Impact assessment to redefine its negotiation strategy. 	<ul style="list-style-type: none"> - The EU and Morocco are negotiating a Stand-alone GI agreement that will be incorporated to the future DCFTA; - 5 rounds of negotiations have taken place until now. Negotiations will likely be concluded during the first semester of 2015 ; - No opposition has been raised against the GIs included in the lists submitted by both sides. The EU will protect 28 Moroccan GIs. Morocco will protect all the existing EU GIs; - Coexistence between GIs and pre-existing TMs will be provided.
ECONOMIC PARTNERSHIP AGREEMENT	Pacific¹²	<i>There is an Interim EPA agreement between the EU and Papua New Guinea and Fiji.</i>	<ul style="list-style-type: none"> - Negotiators mainly dealt with fisheries, trade in goods, cooperation, sustainable development and rules of origin. - The EC is considering the possibility to focus its efforts on extending membership of the interim EPA. 	The text of the interim EPA agreement does not cover GIs.

¹¹ <http://ec.europa.eu/trade/policy/countries-and-regions/countries/morocco/>

¹² Cook Islands, Fiji, Kiribati, Marshall Islands, Micronesia, Federated States of, Nauru, Niue, Palau, Papua New Guinea, Samoa American, Samoa Western, Solomon Islands, Tonga, Tuvalu, Vanuatu (<http://ec.europa.eu/trade/policy/countries-and-regions/regions/pacific/>)

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OTHER TRADE NEGOTIATION	Russia¹³	Negotiations for a new Partnership and Cooperation agreement were launched in 2008 and are currently stalled.	Russia joined the WTO in 2012 and is not willing to commit further than WTO rules;	<ul style="list-style-type: none"> - Negotiations on GIs are also stalled; - It seems that there is very little probability to start negotiations for a stand-alone GI Agreement with Russia.
FREE TRADE AGREEMENT	Thailand¹⁴	Negotiations were launched in March 2013.	<p><u>Issues addressed :</u></p> <ul style="list-style-type: none"> - Draft text proposals have been submitted; - Negotiators have addressed issues related to goods, rules of origin, services, investment, public procurement, intellectual property (including GIs), trade remedies and trade and sustainable development; <p><u>Controversial issues</u></p> <ul style="list-style-type: none"> - Negotiations are suspended because of political instability in the country. 	<ul style="list-style-type: none"> - Negotiators have already addressed aspects related to the protection of GIs; - European negotiators have submitted a list of 171 EU GIs to be protected in the context of the FTA (same list submitted in the context of the FTA with Vietnam); - Some Thai GIs are already protected in the EU (direct registration); - The level of protection sought by EU is more ambitious than the one sought by Thailand.
DEEP AND COMPREHENSIVE FREE TRADE AGREEMENT	Tunisia¹⁵	3 meetings have taken place to prepare the launching of the negotiations (last one in June 2014).	The objective of the DCFTA negotiations is to extend the scope of the existing Association Agreement.	Negotiations for a stand-alone GI agreement will probably be launched. Such an agreement will be incorporated to the DCFTA.

¹³ <http://ec.europa.eu/trade/policy/countries-and-regions/countries/russia/>

¹⁴ <http://ec.europa.eu/trade/policy/countries-and-regions/countries/thailand/>

¹⁵ <http://ec.europa.eu/trade/policy/countries-and-regions/countries/tunisia/>

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FREE TRADE AGREEMENT	United States ¹⁶	Negotiations were launched in February 2013.	<p><u>Issues addressed :</u></p> <ul style="list-style-type: none"> - In 2014, discussions moved into textual proposals; - Negotiators mainly deal with regulatory aspects (TBT, SPS and specific sectors), rules pillars (IPRs, energy, SMEs) and services; - Preliminary discussions on GIs. <p><u>Controversial issues :</u></p> <ul style="list-style-type: none"> - <i>Agriculture:</i> MEPs and the civil society fear that the TTIP will change EU's legislation on GMOs ; - <i>European standards:</i> There is concern about a potential reduction of the level of protection of EU environmental and public health; - <i>Transparency:</i> The EU negotiation mandate was made public on the 9th of October 2014; - <i>Investments protection:</i> Strong division concerning the need to include the ISDS mechanism within the TTIP. - GIs. 	<ul style="list-style-type: none"> - European Commission's mandate on GIs mentioned the need to seek a high level of protection for European GIs; - The US opposes the phasing out of semi-generic names as defined in the EC/USA 2006 Agreement on trade in wine (which affects 16 EU GIs wines) ; - The US, which protects GIs through trademarks, offers GI protection compatible to the US TM system and refuses to recognise a list of EU GIs without national scrutiny. Moreover, the US refuses the principle of coexistence between a GI and an existing TM and considers that a number of EU GIs are generic in the US.

¹⁶ <http://ec.europa.eu/trade/policy/countries-and-regions/countries/united-states/>

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FREE TRADE AGREEMENT	Vietnam ¹⁷	Negotiations were launched in June 2012.	<p><u>Issues addressed :</u></p> <ul style="list-style-type: none"> - Significant progress in technical aspects of trade in goods, services, investment, and state owned enterprises; - The chapter on cooperation is closed and work is almost completed on trade and sustainable development; - Trade related aspects: public procurement, regulatory issues, competition, trade and sustainable development, and Geographical Indications. <p><u>Controversial issues</u></p> <ul style="list-style-type: none"> - Import restrictions, work permits and low standards in Vietnamese IPR legislation creates important barriers for EU businesses. 	<ul style="list-style-type: none"> - Negotiators have already addressed GIs protection. However talks are not fully completed. The EU has submitted a list of 171 EU GIs to be protected (available at page 9 of the newsletter 9/2014 of the Vietnamese Intellectual Property Office). - Coexistence between GIs and pre-existing trademarks.

¹⁷ <http://ec.europa.eu/trade/policy/countries-and-regions/countries/vietnam/>