

Agreements under negotiation

- Australia
- Azerbaijan
- Caribbean
- Central Africa
- Eastern and Southern Africa
- India
- Indonesia
- Malaysia
- Philippines
- Thailand
- Tunisia
- United States

Agreement type	Country	General overview		Aspects related to GIs
		Launching of negotiations	Key issues	GIs issues
FREE TRADE AGREEMENT	Australia	<ul style="list-style-type: none"> - Commission proposed negotiating directives in September 2017. - On 22 May 2018, the Council of the European Union adopted the decision authorising the opening of negotiations for a trade agreement. - On 18 June 2018, EU and Australia launched negotiations. - The first round of negotiations took place in Brussels in July 2018 - The 15th round of negotiation took place in April 2023. The report is available here. - The conclusion of the negotiations was planned by the end of 2023. This does not happen. 	<p>The negotiating mandate has been published.</p> <p>The EC proposal for the IP chapter was published in July 2018.</p> <p>Initial market access offers for goods, services and investment, and public procurement have been exchanged.</p> <p>Discussions continue on the most sensitive topics such as market access and GIs. On GIs, some discussions are still ongoing for sensitive products.</p> <p>Discussions are very sensitive on the market access of Australian agricultural products.</p>	<p>The EU-Australia FTA should provide:</p> <ul style="list-style-type: none"> - direct protection and effective recognition to a list of GIs (wines, spirits, agricultural products and foodstuffs) at a high level of protection building upon Article 23 TRIPs, including against evocation, enhanced enforcement (including administrative/ex-officio); - co-existence with "bona fide" prior trademarks, protection against subsequent genericness, and provisions on adding new GIs; - Issues concerning individual prior rights; - include arrangements regarding protection of GIs in third country markets <p>The negotiations should address the relationship between the Agreement and the existing EU-Australia Wine Agreement.</p>
COMPREHENSIVE AGREEMENT	Azerbaijan	<ul style="list-style-type: none"> - Directives for the negotiation of a Comprehensive Agreement between the EU and Azerbaijan were adopted by the Council on 7 November 2016, to enhance and replace the current Partnership and Cooperation Agreement (PCA) in force. - Negotiations were launched in February 2017. - In 2018, the EU and Azerbaijan agreed on their new partnership priorities. 	<p>Negotiations on the agricultural side of the agreement has been agreed. The discussions on the trade part are still ongoing. The overall progress is slow.</p>	<p>All EU GIs will be covered by this agreement and 13 GIs from Azerbaijan will be protected in the EU.</p>
ECONOMIC PARTNERSHIP AGREEMENT	Caribbean¹	<ul style="list-style-type: none"> - The Agreement was signed in 2008. The European Parliament approved the text in 2009. 	<ul style="list-style-type: none"> - Liberalisation of trade in services and goods; <p>The EPA joint institutions have met regularly since 2010 :</p>	<ul style="list-style-type: none"> - Article 145 is devoted to GIs; - According to the EPA (article 145 - E), the EU and the Caribbean countries shall start negotiations aimed at an agreement to protect GIs. There have

¹ https://policy.trade.ec.europa.eu/eu-trade-relationships-country-and-region/countries-and-regions/caribbean_en

			<ul style="list-style-type: none"> - The Joint CARIFORUM-EU Council (ministers) held its 4th meeting in Brussels in November 2017. - The Trade and Development Committee (senior officials) held its seventh meeting in Brussels in November 2017 	<ul style="list-style-type: none"> - been contacts between both sides in order to prepare such negotiations. - They are now working on shortlists of GIs. The EU list will cover around 200 names and the Caribbean one around 10. They will add provisions on the protection of GIs in the existing EPA.
ECONOMIC PARTNERSHIP AGREEMENT	Central Africa²	<ul style="list-style-type: none"> - Central African countries updated their negotiation mandate in March 2014; - The only country which has ratified the interim EPA for Central Africa is Cameroon. It entered into provisional application on August 2014. - Contacts are ongoing between the region and the EU on accession to this EPA by other Central African countries. 	<p>The third EPA Committee between Cameroon and the EU took place on 7 and 8 December 2017. It discussed the state of play of implementation and related issues (liberalization state of play, updating of the liberalization timetable, rules of origin, accompanying measures, fiscal impact, rendez-vous clauses, etc.).</p>	<p>The interim EPA does not cover GIs. However, article 58 calls for cooperation on IPRs.</p>

² Cameroon, Central African Republic, Chad, Congo (Brazzaville), Congo Democratic Republic of (Kinshasa), Equatorial Guinea, Gabon, São Tomé & Príncipe : https://policy.trade.ec.europa.eu/eu-trade-relationships-country-and-region/countries-and-regions/central-africa_en

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POSSIBLE DEEPENING OF THE CURRENT ECONOMIC PARTNERSHIP AGREEMENT	Eastern and Southern Africa (ESA)³	Mauritius, Seychelles, Zimbabwe and Madagascar signed the interim EPA in 2009. The European Parliament gave its consent in January 2013.	Dedicated meeting of the Parties to discuss the proposal of each Party on the scope and objectives of a possible deepening of the current agreement.	<ul style="list-style-type: none"> - The interim EPA calls for cooperation and further negotiations on IPRs (article 53). -

³ Comoros, Djibouti, Eritrea, Ethiopia, Madagascar, Malawi, Mauritius, Seychelles, Sudan, Zambia, Zimbabwe : https://policy.trade.ec.europa.eu/eu-trade-relationships-country-and-region/countries-and-regions/eastern-and-southern-africa-esa_en

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FREE TRADE AGREEMENT + AGREEMENT ON GIs	India ⁴	<ul style="list-style-type: none"> - Negotiations for an ambitious and broad-based FTA were launched in June 2007 but stopped in 2013. - At the EU-India Summit of 30 March 2016, President Juncker took a clear stance in favour of tangible progress in the negotiations provided there is movement on the outstanding issues. - Chief Negotiators met in October 2017. They are now assessing which chapters are problematic to see if the negotiations can proceed. - In June 2022, the EU relaunched negotiations with India for an FTA and an Agreement on GIs. - The report of the 5th round of negotiations which took place in June 2023 for the FTA is available here. - The report of the 2nd round of negotiation for the GI agreement is available here. 	<p>The main focus of negotiations included: market access for goods, services, public procurement and sustainable development.</p>	<ul style="list-style-type: none"> - The EU seeks protection of a list of EU GIs through the specific agreement on GIs. - India seeks protection for its long list of non-agricultural GIs.

⁴ https://policy.trade.ec.europa.eu/eu-trade-relationships-country-and-region/countries-and-regions/india/eu-india-agreement_en

<p>FREE TRADE AGREEMENT</p>	<p>Indonesia⁵</p>	<ul style="list-style-type: none"> - The Council gave the Commission the green light to start negotiations for an FTA with Indonesia on 18 July 2016. - The 15th round of negotiations took place in July 2023. The report is available here. 		<ul style="list-style-type: none"> - 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”. - During the last round, on geographical indications, both Parties agreed ad referendum on the only remaining open issue on co-existence between good faith prior trademarks and subsequent GIs. - The EU proposal on IP is available here. - The list of EU GIs to be protected is not yet public. - Indonesian GIs to be protected in the EU were published for opposition in December 2019 and March 2020. You will find them here and there.
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<p>FREE TRADE AGREEMENT</p>	<p>Malaysia⁶</p>	<ul style="list-style-type: none"> - Negotiations were launched in October 2010. - After seven rounds, negotiations were put on hold in April 2012 at Malaysia's request. The EU has reached the half-way point of the FTA negotiations with Malaysia. However, the most difficult issues remain to be resolved. - In 2022 the new Malaysian government had to take a position on the possible resumption of the negotiations. - Negotiations are still on hold. 	<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. 	<ul style="list-style-type: none"> - Negotiators have already discussed in a preliminary way the protection of GIs.

⁵ https://policy.trade.ec.europa.eu/eu-trade-relationships-country-and-region/countries-and-regions/indonesia/eu-indonesia-agreement_en

⁶ https://policy.trade.ec.europa.eu/eu-trade-relationships-country-and-region/countries-and-regions/malaysia_en

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FREE TRADE AGREEMENT	Philippines ⁷	<ul style="list-style-type: none"> - Negotiations were launched in December 2015. - Two rounds of negotiations took place in 2016 and 2017. - In July 2023, the EU and the Philippines announced their intention to begin technical discussion to potentially resume negotiations. 	<ul style="list-style-type: none"> - This agreement covers a broad range of issues, including elimination of customs duties and other barriers to trade, services and investment, access to public procurement markets, as well as additional disciplines in the area of competition and protection of intellectual property rights. - The prospective agreement will also include a comprehensive chapter that will ensure that closer economic relations between the EU and the Philippines go hand in hand with environmental protection and social development. 	The EC proposal for the IP chapter is available. The Sub Section 4 is dedicated to the protection of GIs.

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FREE TRADE AGREEMENT	Thailand ⁸	<ul style="list-style-type: none"> - Negotiations were launched in March 2013 and put on hold in 2014. - In March 2023, the EU and Thailand announced the relaunch of the negotiations. 	<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; 	<ul style="list-style-type: none"> - Negotiators have already addressed aspects related to the protection of GI; - 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);

⁷ [https://policy.trade.ec.europa.eu/eu-trade-relationships-country-and-region/countries-and-regions/philippines/eu-philippines-agreement_en#:~:text=The%20second%20round%20of%20negotiations.free%20trade%20agreement%20\(FTA\).](https://policy.trade.ec.europa.eu/eu-trade-relationships-country-and-region/countries-and-regions/philippines/eu-philippines-agreement_en#:~:text=The%20second%20round%20of%20negotiations.free%20trade%20agreement%20(FTA).)

⁸ https://policy.trade.ec.europa.eu/eu-trade-relationships-country-and-region/countries-and-regions/thailand_en

				<ul style="list-style-type: none"> - For the time-being, the level of protection sought by EU is more ambitious than the one sought by Thailand.
<p>DEEP AND COMPREHENSIVE FREE TRADE AGREEMENT</p>	<p>Tunisia⁹</p>	<ul style="list-style-type: none"> - The first negotiating round for a DCFTA between the EU and Tunisia took place in April 2016. - The fourth round took place in 28-30 April/1-2 May 2019 in Tunis. 	<ul style="list-style-type: none"> - The objective of the DCFTA negotiations is to extend the scope of the existing Association Agreement and bring about the better integration of Tunisia's economy into the EU single market. - An important objective of the DCFTA is to support ongoing economic reforms in Tunisia and bring Tunisian legislation closer to that of the EU in trade-related areas. - After the fourth round good progress was made in several areas. Some texts have been practically closed at technical level (GIs and most of the IP text. However negotiations have been effectively brought to a standstill due to a change of government in Tunisia as well as to strong civil society protest. Their critics focused essentially on the potential risks regarding the removal of tariff barriers for agricultural goods and the supposedly opacity of the negotiations. The potential relaunching of the negotiations is occurring during a delicate political period as the country is just managing to install a new government. The new executive power in Tunis has not yet spoken on the issue of the DCFTA, but the EU is ready and willing to relaunch the negotiations in a real intention to reach a mutually benefiting agreement, provided the new government demonstrate a real ownership on the process. If these conditions are met, negotiations could be resumed during the first semester and a political 	<ul style="list-style-type: none"> - This Agreement shall apply to the recognition and protection of the GIs) originating in the territory of the parties.

⁹ https://policy.trade.ec.europa.eu/eu-trade-relationships-country-and-region/countries-and-regions/tunisia/eu-tunisia-dcfta-documents_en

			stocktaking exercise could also be envisaged.	
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FREE TRADE AGREEMENT	United States¹⁰	<ul style="list-style-type: none"> - Negotiations were launched in February 2013. - Negotiations were stopped until further notice at the end of 2016. Both sides need to clarify if there is a sufficient level of shared ambition and common ground before deciding whether and how to proceed with new negotiations. In summer 2018, the EU and the USA decided to start negotiating a new trade agreement, however agricultural products are out of the scope. 	<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"> - Agriculture: MEPs and the civil society fear that the TTIP will change EU's legislation on GMOs; - European standards: There is concern about a potential reduction of the level of protection of EU environmental and public health; - Transparency: The EU negotiation mandate was made public on the 9 October 2014; - Investments protection: 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 mentions 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.

¹⁰ https://policy.trade.ec.europa.eu/eu-trade-relationships-country-and-region/countries-and-regions/united-states_en