



Report of the 9th round of negotiations for a trade agreement between the European Union and Australia

30 November – 11 December 2020 (per video-conference)

Officials from the European Commission and Australia held the 9th round of negotiations for a trade agreement between the European Union and Australia from 30 November to 11 December 2020 through a series of video-conferences. The EU negotiating team was led by Ms Helena König, Chief Negotiator and Deputy Director General for Trade of the European Commission, while the Australian team was led by Ms Alison Burrows, Chief Negotiator and First Assistant Secretary at the Department of Foreign Affairs and Trade.

Discussions were held in a good and constructive atmosphere and showed a shared commitment to negotiate an ambitious and comprehensive agreement. In a slightly reduced format, due to the virtual organisation of this round, 20 working groups and sub-groups met covering most of the areas of the future trade agreement. Negotiators continued discussing the textual proposals that had been submitted for the different chapters, and the respective comments received. They clarified the underlying concepts and practices, the linkage with international agreements where relevant, and the involvement of different levels of government.

Where possible, negotiators agreed in principle on text parts that were acceptable to both sides. The chapter on Good Regulatory Practices was provisionally concluded during the round. A number of follow-up actions were decided ahead of the 10th negotiation round which is provisionally scheduled for March 2021.

Details per negotiating area

Trade in Goods: The two sides further discussed the market access offers for goods based on the exchange that had taken place in a previous round. They also discussed open provisions of the consolidated text as regards export licensing procedures, origin marking, and non-tariff measures.

Rules of Origin: Negotiators discussed general provisions on rules of origin, origin procedures and product specific rules for some sectors. On general provisions and origin procedures, some further articles were agreed and differences in approaches were further narrowed down. On product specific rules, negotiators discussed in details the respective proposals on some agricultural products and

manufactured products, including mechanical and electrical machinery. Some further product specific rules for agricultural products have been provisionally agreed.

Customs and Trade Facilitation: Negotiators discussed all outstanding articles in the chapter in a constructive manner. Good progress continued to be made, and the article on customs cooperation was agreed in principle.

Customs Anti-Fraud and Mutual Administrative Assistance: Negotiators reviewed various aspects of the anti-fraud clause. They further clarified each other's positions and expectations. They also continued their discussion on the remaining articles of the Protocol on mutual administrative assistance in customs matters.

Trade Remedies: Negotiators discussed in particular procedural aspects concerning the bilateral safeguard clause, and agreed on additional aspects. Some issues remain open and will be discussed subsequently, given their interrelationship with progress on market access offers. The sections related to the use of the existing WTO instruments (anti-dumping, anti-subsidy and global safeguard) were not discussed as they were almost completed in previous rounds, with only very few pending issues.

Technical Barriers to Trade: Negotiators discussed articles on technical regulations, standards, international standards, conformity assessment (including the update of the existing Mutual Recognition Agreement), transparency, marking and labelling, cooperation, market surveillance and consumer product safety. The EU and Australia also discussed the annex on motor vehicles.

Sanitary and Phytosanitary Measures and Animal Welfare: Constructive work continued on remaining articles, which assisted in further finalising a joint text. Discussions took place on certification, animal welfare, transparency and robustness in risk assessment for approvals, and the dispute settlement procedure.

Public Procurement: Minor modifications were added to the text of the Chapter. On Market Access, further progress will be achieved through the exchange of revised offers in the coming months.

Intellectual Property Rights: Discussions covered all sections of the Chapter, mainly general provisions and cooperation, copyright and related rights, trademarks, patents, trade secrets and IPR enforcement, including border measures. Both sides engaged constructively in discussions based on a consolidated text, which allowed for some further progress as well as identifying issues that will require additional work in order to take them forward at next rounds.

Geographical indications: The focus of discussions continued to be on existing conflicts to the protection of a number of EU geographical indication names, including prior uses and trademarks. On the text, the EU continued to insist on a high-level of ambition on the level of protection and its enforcement.

Competition and Subsidies: Negotiators discussed the two sections of the Competition chapter and further progress was made. On Anticompetitive Conduct and Mergers Control, the two sides continued to clarify and exchange views on the provisions and the most recent text attributions, and made advances in resolving outstanding issues. On Subsidies, the discussion focused on the most recent text attributions, building upon previous exchanges.

Trade and Sustainable Development: Negotiators continued discussions based on the EU text proposal for the Chapter and Australia's comments on it, focusing on trade and labour, trade and biodiversity and wildlife conservation, Multilateral Environmental Agreements, trade and sustainable fisheries, and transparency. Both sides also updated each other on climate policies. A number of follow up actions in relation to various provisions were agreed.

Energy and Raw Materials: Negotiators discussed textual proposals made by Australia ahead of the round, and provided updates as regard policy developments with regard to EU's climate ambitions for 2030 and Australia's developments in the gas sector.

Good Regulatory Practices: After the last outstanding issues in the article on public consultations were agreed, the chapter on Good Regulatory Practices was provisionally concluded during the round.

Transparency: Negotiators agreed most of the text. The last outstanding issues relate to the application of dispute settlement and relations to other chapters of the agreement.

Dispute Settlement and Mediation: Negotiators continued detailed and constructive discussions on the Dispute Settlement Chapter, and its two annexes (Rules of Procedure and Code of Conduct). They reached agreement on the objectives for the Chapter, which include transparent, efficient and effective dispute settlement procedures. They also agreed in principle on many areas relating to the concrete operation of the dispute settlement mechanism.

Legal and Institutional Provisions: Negotiators had detailed and constructive discussions on the Institutional, Final provisions and Exceptions chapters, on the basis of textual proposals made by the EU side, and agreed on next steps to prepare for Round 10.