



Report of the 8th round of negotiations for a trade agreement between the European Union and Australia

14 – 25 September 2020 (per video-conference)

Officials from the European Commission and Australia held the 8th round of negotiations for a trade agreement between the European Union and Australia from 14 to 25 September 2020 by 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, 27 working groups and sub-groups met covering most of the areas of the future trade agreement. Negotiators discussed 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. A number of follow-up actions were decided ahead of the 9th negotiation round which is provisionally scheduled for the beginning of December 2020.

Details per negotiating area

Trade in Goods: The two sides further discussed details of the market access offers for goods that had been exchanged in a previous round, as well as open provisions of the consolidated text as regards export licensing procedures, fees and formalities, national treatment, export and import monopolies, origin marking, and non-tariff measures.

Rules of Origin: Both sides discussed general provisions on rules of origin, origin procedures and product specific rules for some sectors. On general provisions and origin procedures, some progress was made and differences in approaches were further narrowed down. On product specific rules, both sides discussed in detail the respective proposals on sectors such as agricultural and processed agricultural products, chemicals, paper and textiles, and provisionally agreed on the product specific rules for a number of products.

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

Customs Anti-Fraud and Mutual Administrative Assistance: Both sides discussed aspects of the customs anti-fraud clause. The parties have further clarified each other's positions and expectations. Both sides discussed the remaining articles of the protocol on mutual administrative assistance in customs matters.

Trade Remedies: Both sides discussed the remaining outstanding issues. Good progress was made regarding procedural aspects and the application of provisional measures under the bilateral safeguard clause. Other elements, such as the conditions required to take safeguard measures remain linked to the developments in the market access discussions.

Technical Barriers to Trade (TBT): Both sides focussed in particular on conformity assessment, including the update of the existing Mutual Recognition Agreement, and on international standards. Articles on cooperation on market surveillance and safety of non-food products, technical regulations, standards, transparency and marking and labelling were also covered. Finally, they discussed the annex on motor vehicles.

Sanitary and Phytosanitary Measures and Animal Welfare: Constructive work continued on all remaining articles, which assisted in advancing further on a joint text. Discussions took place on plant health regionalisation and special conditions, certification, animal welfare, transparency and robustness in risk assessment, and the dispute settlement procedure.

Services and Investment: The main focus of this round was on market access, where both sides continued to respond to queries regarding each other's offers that were exchanged in an earlier round and to indicate additional market access priorities. There was steady progress in agreeing the services and investment liberalisation texts, as well as movement of natural persons, maritime transport, and delivery services. There were productive discussions on professional services and mutual recognition, which are embedded in different systems on both sides.

Digital Trade: The two sides advanced their understanding and moved closer to agreement on the provisions on the right to regulate, exceptions, source code and open government data. They reached agreement on the definition of consumer and partial agreement on the definition of personal data.

Public Procurement: Good progress was achieved on the text of the procurement chapter, which is now nearly complete. Parties also discussed approaches to the future exchange of revised offers.

Intellectual Property Rights (IPR): Discussions covered all sections of the IPR Chapter, mainly general provisions, copyright and related rights, trademarks, patents, designs and IPR enforcement, including border measures. Both sides

engaged constructively in discussions based on a consolidated text, which allowed for some further progress in a number of areas.

Geographical indications (GIs): Discussions focussed on the opposition grounds to the protection of a number of EU GI names. On the GI text, the EU reinstated its high ambition on the level of protection and its enforcement.

Competition and Subsidies: Both sides discussed the two sections of the Competition Chapter and good progress was made. On the section covering Anticompetitive Conduct and Mergers Control, the two sides further clarified and exchanged views on the provisions and the most recent text attributions and made important advances in resolving outstanding issues. On the section of the Chapter covering subsidies, the discussion focused on the most recent text attributions and a constructive discussion ensured a good understanding of each other's position.

Trade and Sustainable Development (TSD): Both sides continued discussions based on the text proposal for the TSD Chapter and Australia's attributions to it, covering all aspects of the Chapter. A number of follow up actions in relation to various TSD provisions were agreed. Both sides updated each other on labour and climate policies.

Energy and Raw Materials: Australia and the EU provided updates on internal policy developments, notably in relation to hydrogen and critical raw materials. Further discussions took place on the follow up actions agreed at the previous round.

Good Regulatory Practices: Both sides discussed the outstanding articles of the Chapter, in particular general principles, definitions, scope, early information on planned regulatory measures, public consultations and regulatory register and provisionally agreed on most of the text.

Transparency: Both sides discussed outstanding articles of the Chapter, in particular objective, definitions, publication, enquiries, administrative proceedings and review and appeal, and provisionally agreed on most of the text. Application of dispute settlement to the Chapter was also discussed.

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

Legal and Institutional Provisions: Both sides had detailed and constructive discussions on the Institutional, Final provisions and Exceptions chapters, on the basis of textual proposals made by the EU side. Both sides agreed on next steps to prepare for Round 9.