

REPORT ON EU TRADE AGREEMENTS

EU-CETA

The agreement, **provisionally entered into force** on 21 September 2017 and still waiting to be ratified by some Member States, **protects 172 GIs**, mainly agri-food.

The list of GIs covered by the Agreement **may be amended to include new GIs, registered after the conclusion of the Agreement**. On the contrary, **GIs already registered before the agreement and not included in the list, cannot be included in the list**. In general, the recognition and protection of GIs in Canada is improved following CETA, because Canada has established a new system of protection that allows GIs not listed in the agreement to apply for protection in Canada.

A permanent negotiating tool, the **EU/Canada Committee on GIs**, has also been established to report on GI issues.

More information: [EC focus on EU-CETA](#)

[GUIDE TO GEOGRAPHICAL INDICATIONS IN CANADA](#)

EU-JAPAN

Entered into force on 1 February 2019, **it covers 211 GIs** mainly in the agri-food sector. The list of geographical indications covered by the Agreement **may be amended to include new GIs**. There is an improvement compared to CETA, **as any GI can be added later**. It is also possible to apply for protection through the Japanese protection system.

The EU/Japan Committee on GIs has been established thanks to this trade deal.

More information: [EC focus on EU-Japan Economic Partnership Agreement](#)

EU – MERCOSUR

The EU and the Mercosur states (Argentina, Brazil, Paraguay and Uruguay) reached a **political agreement** for a trade deal on 28 June 2019. With the entry into force of the agreement, **357 GIs will be protected**.

According to the text of the agreement, the use of a GI will be prohibited for products that do not have that geographical origin, and expressions such as "class", "type", "style", "imitation" and "like" will not be permitted. In addition, the Agreement protects GIs from the misleading use of symbols, flags or images suggesting a "false" geographical origin.

For some GIs, there are exceptions that limit their protection, like the *Grandfathering or Prior user*: if a product name was used before it was included in the agreement, the users can continue to do so (it applies to a shortlist). Nevertheless, for the first time, EU manufacturers will have access to the list of operators from Mercosur countries authorised to use these names. This list of *prior users* will be made public before the adoption of the agreement, which will not be signed until the list has been ratified.

As regards the annex on GIs, **it may be amended by adding new GIs**. However, a point of concern is the provision of a list of names that should be considered generic. These are common names such as cheese, ham.

More information: [EC focus on EU- Mercosur Trade agreement](#)

EU – VIETNAM

The agreement, signed on 30th June 2019, following the approval by the European Parliament and the Council as well as after the ratification by the Vietnamese National Assembly, entered into force at the beginning of August 2020. **169 GIs will be protected** and the list of GIs covered by the Agreement can be amended and **any GIs can be added later**. Protection of certain EU GIs will be subject to certain limitations (Champagne, Parmigiano Reggiano, Feta).

Click here to read the [analysis](#) realised by AREPO services.

More information: [EC focus on EU-Vietnam Trade Agreement](#)

EU – CHINA

The Chinese market has its own well-established system of geographical indications.

EU-China bilateral agreement, aiming to **protect 100 EU GIs in China** against imitation and counterfeiting, entered into force on March 1st, 2021. The agreement also provides for the protection of 100 Chinese GIs in the EU.

Four years after its entry into force, **the scope of the agreement will be extended to a further 175 GIs on both sides**, which will have to follow the same registration procedure as the 100 names already covered. The agreement also includes a mechanism to add more geographical indications thereafter. It worth notice that **US-China Economic Trade Agreement**¹ could somehow affect EU-China GIs agreement, since it requires China to ensure that all decisions taken in connection with any other trading partner's application for GI recognition under an international agreement do not compromise market access for US exports to China.

Click here to read the [analysis](#) realised by AREPO services.

More information: [EU-China agreement on GIs](#)

EU – AUSTRALIA

Negotiations between EU and the Australian Government for a comprehensive and ambitious Free Trade Agreement started in June 2018. The EU has identified the protection of EU GIs as one of its key objectives in the negotiations and **has requested that Australia protect about 400 GIs** (234 names of spirits and 166 names of food products), in addition to the wine GIs that are already protected in Australia. In many cases the EU is not seeking to protect names such as Camembert and Pecorino, but rather **compound names** such as Camembert de Normandie and Pecorino Romano.

The eleventh round of negotiations for an EU-Australia trade agreement was held from 1 to 11 June 2021, by videoconference. Negotiators bridged a number of gaps in their positions. Progress also took place on prior use conflicts with several EU Geographical Indications names. Discussions are overall evolving positively.

More information: [Towards an EU-Australia Trade Agreement](#)

EU – NEW-ZEALAND

New Zealand and the European Union (EU) launched negotiations for a free trade agreement in June 2018. In the framework of this negotiation, one of the EU's objectives is the protection of geographical

¹[https://ustr.gov/sites/default/files/files/agreements/phase%20one%20agreement/Economic And Trade Agreement Between The United States And China Text.pdf](https://ustr.gov/sites/default/files/files/agreements/phase%20one%20agreement/Economic%20And%20Trade%20Agreement%20Between%20The%20United%20States%20And%20China%20Text.pdf)



indications (GIs). This is of significant cultural and economic importance for the EU. Particularly, **the EU wants New Zealand to protect 2,200 of its existing GIs for wines, spirits and food products in much the same way as they are protected in the EU**, thing that would require significant changes to New Zealand existing laws that give protection to GIs.

The eleventh round of negotiations for an EU-New Zealand trade agreement was held from 28 June to 8 July 2021, by videoconference. The round allowed for thorough discussions covering all areas of the future agreement, including notably Geographical Indications.

New Zealand agreed in principle to grant GI protection at the level of Art. 23 TRIPs to foodstuff GIs. Both sides discussed the New Zealand concerns about the potential impact of maintaining GI protection for EU products that are not currently exported to New Zealand, nor likely to be exported in the future, and the EU side concerns towards any provision limiting “in principle” amendments of the lists to GIs not protected at entry into force of the Agreement. Both sides worked through the list of New Zealand objections to EU GIs and discussed possible solutions for each name exploring the concepts of *phasing out*, *grandfathering*, homonymous GIs, use in translation, plant varieties and compound terms.

More information: [EC focus on EU-New Zealand Trade agreement](#)

USEFUL LINKS

European Commission: [Negotiations and Agreements](#)

European Parliament: [Trade agreements: what the EU is working on](#)