COUNCIL DECISION (EU) 2022/1976

of 17 October 2022

on the position to be adopted, on behalf of the Union, within the Trade Committee established by the Free Trade Agreement between the European Union and the Republic of Singapore, as regards the adoption of the rules of procedure of the Trade Committee

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on the Functioning of the European Union, and in particular Articles 91(1) and 100(2) and Article 207(4), first subparagraph, in conjunction with Article 218(9) thereof,

Having regard to the proposal from the European Commission,

Whereas:

(1) The Free Trade Agreement between the European Union and the Republic of Singapore (the 'Agreement') was concluded by the Union by means of Council Decision (EU) 2019/1875 ([1]), and entered into force on 21 November 2019.

(2) The Trade Committee was established by the Agreement.

(3) Pursuant to Article 16.1, paragraph 4(f), of the Agreement, the Trade Committee may adopt its own rules of procedure.

(4) It is therefore appropriate to establish the position to be adopted on the Union's behalf within the Trade Committee with regard to the adoption of its rules of procedure in order to ensure the effective implementation of the Agreement.

(5) The position of the Union within the Trade Committee as regards the adoption of its rules of procedure should be based on the draft Decision of that committee attached to this Decision,

HAS ADOPTED THIS DECISION:

Article 1

The position to be adopted, on the Union's behalf, within the Trade Committee established by the Free Trade Agreement between the European Union and the Republic of Singapore, as regards the adoption of its rules of procedure, shall be based on the draft Decision of that committee attached to this Decision.

Article 2

This Decision shall enter into force on the date of its adoption.

Done at Luxembourg, 17 October 2022.

For the Council
The President
Z. NEKULA

([1]) Council Decision (EU) 2019/1875 of 8 November 2019 on the conclusion of the Free Trade Agreement between the European Union and the Republic of Singapore (OJ L 294, 14.11.2019, p. 1).

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DECISION No …/2022 OF THE TRADE COMMITTEE

of …

regarding its Rules of Procedure

THE TRADE COMMITTEE,

Having regard to the Free Trade Agreement between the European Union and the Republic of Singapore (the 'Agreement'), and in particular Article 16.1, paragraph 4 (f), thereof,

Whereas pursuant to Article 16.1, paragraph 4(f) of the Free Trade Agreement between the European Union and the Republic of Singapore, the Trade Committee may adopt its own Rules of Procedure,

HAS ADOPTED THIS DECISION:

1. The Rules of Procedure of the Trade Committee are established as set out in the Annex to this Decision.

2. This Decision shall enter into force on ...

Done at …,

For the Trade Committee
The Co-Chairs

ANNEX

RULES OF PROCEDURE OF THE TRADE COMMITTEE ESTABLISHED BY ARTICLE 16.1 OF THE FREE TRADE AGREEMENT BETWEEN THE EUROPEAN UNION, OF THE ONE PART, AND THE REPUBLIC OF SINGAPORE, OF THE OTHER PART

Rule 1

Role and Name of the Trade Committee

1. The Trade Committee established pursuant to Article 16.1 of the Free Trade Agreement between the European Union and the Republic of Singapore, (the "Agreement") is responsible for all matters referred to in Article 16.1 of the Agreement.

2. The Committee referred to in paragraph 1 shall be referred to in documents of the Committee, including decisions and recommendations, as the Trade Committee.

Rule 2

Composition and Co-chairs

1. Pursuant to Article 16.1 of the Agreement, the Trade Committee shall comprise representatives of the European Union and of the Republic of Singapore and shall be co-chaired by the Member of the European Commission responsible for Trade and the Minister for Trade and Industry of Singapore, or their respective delegates.

2. Each Party shall notify the other Party of the name, position and contact details of the delegated official who is in charge of co-chairing the Trade Committee for that Party. That delegated official is deemed to have the authorisation to represent the Party until the date the Party has notified the other Party that it has appointed a new Co-chair.

Rule 3

Secretariat

1. Officials from the department responsible for Trade for each Party shall act as the Secretariat of the Trade Committee.

2. Each Party shall notify the other Party of the name, position and contact details of the official who is to be the member of the Secretariat of the Trade Committee for that Party. That official is deemed to continue acting as member of the Secretariat for the Party until the date the Party has notified the other Party that it has appointed a new member.

Rule 4

Meetings

1. In accordance with Article 16.1 of the Agreement, the Trade Committee shall meet every two years or without undue delay at the request of either Party.

2. The meetings shall be held at an agreed date and time alternately in Brussels and in Singapore, unless agreed otherwise by the Co-chairs.

3. The meetings shall be convened by the Co-chair of the Party hosting the meeting.

4. A meeting may be held in person, by videoconference, or by any other means.

Rule 5

Delegations

Before each meeting, each member of the Secretariat of the Trade Committee for each Party shall inform the other member of the intended composition of the delegations of their respective party. The lists shall specify the name and function of each member of the delegation.

Rule 6

Agenda for the meetings

1. At least 15 days in advance of a meeting, a provisional agenda for each meeting shall be drawn up by the Secretariat of the Trade Committee on the basis of a proposal made by the Party hosting the meeting. The other Party shall have the opportunity to provide comments.

2. The agenda shall be adopted by the Trade Committee at the beginning of each meeting. Items not appearing on the provisional agenda may be placed on the agenda by mutual agreement.

Rule 7

Invitation of experts

The Co-chairs of the Trade Committee may, by mutual agreement, invite independent experts to attend the meetings of the Trade Committee in order to provide information on specific subjects and only for the parts of the meeting where such specific subjects are discussed.

Rule 8

Minutes

1. Draft minutes of each meeting shall be drawn up by the member of the Secretariat of the Party hosting the meeting within 21 days from the end of the meeting, unless otherwise decided by the Co-chairs. The draft minutes shall be transmitted for comments to the member of the Secretariat of the other Party.

2. Where these rules of procedure apply to the meetings of specialised committees, the minutes of the specialised committee meetings shall be made available for any subsequent meetings of the Trade Committee.

3. The minutes shall, as a general rule, summarise each item on the agenda, specifying where applicable:

(a) all documents submitted to the Trade Committee;

(b) any statement that one of the Co-chairs of the Trade Committee requested to be entered in the minutes; and

(c) the decisions taken, recommendations made, statements agreed upon and conclusions adopted on specific items.

4. The minutes shall include a list of all decisions of the Trade Committee, taken by written procedure pursuant to Rule 9.2, since the last meeting of the Committee.

5. An annex to the minutes shall also include a list of the names, titles and capacity of all individuals who attended the meeting of the Trade Committee.

6. The Secretariat shall adjust the draft minutes on the basis of comments received and the draft minutes, as revised, shall be approved by the Parties within 30 days of the date of the meeting, or by any other date agreed by the Co-chairs. Once approved, two original versions of the minutes shall be prepared by the Secretariat and the Parties shall each receive one original version of the minutes.

Rule 9

Decisions and recommendations

1. The Trade Committee may adopt decisions and recommendations in respect of all matters, where the Agreement so provides. The Trade Committee shall adopt decisions and recommendations by mutual agreement, as provided for in Article 16.4 of the Agreement.

2. In the period between meetings, the Trade Committee may adopt decisions or recommendations by written procedure.

3. For that purpose, the text of a draft decision or recommendation shall be presented in writing by a Co-chair to the other Co-chair in the working language of the Trade Committee. The other Party shall have one month, or any longer period of time specified by the proposing Party, to express its acceptance of the draft decision or recommendation. The draft decisions or recommendations shall be deemed to be adopted once the other Party expresses its acceptance within the period of time specified by the proposing Party and shall be recorded in the minutes of the Trade Committee meeting pursuant to Rule 8(4). If the other Party does not express its acceptance, the proposed decision or recommendation shall be discussed, and may be adopted, at the next meeting of the Trade Committee.

4. Where the Trade Committee is empowered under the Agreement to adopt decisions or recommendations, such acts shall be titled 'Decision' or 'Recommendation' respectively. The Secretariat of the Trade Committee shall give any decision or recommendation a progressive serial number, the date of adoption and a description of its subject-matter. Each decision and recommendation shall provide for the date of its entry into force or operation, as appropriate.

5. The decisions and recommendations adopted by the Trade Committee shall be done in duplicate, authenticated by the Co-chairs and shall be transmitted to each Party.

Rule 10

Transparency

1. Unless otherwise specified by the Agreement or decided by the Parties, the meetings of the Trade Committee shall not be open to the public.

2. Each Party may decide on the publication of the decisions and recommendations of the Trade Committee in its respective official publication or online.

3. Where a Party submits information to the Trade Committee which is considered as confidential under that Party's laws and regulations, the other Party shall treat that information as confidential, unless the submitting Party agrees otherwise.

4. Each Party may make public in any appropriate medium the agenda finalised between the Parties before the meeting of the Trade Committee, and the approved joint minutes drawn up in accordance with Rule 8.

5. Publication of documents mentioned under paragraphs 2 to 4 shall be made in compliance with each Party's applicable data protection rules.

Rule 11

Languages

1. The working language of the Trade Committee shall be English.

2. The Trade Committee shall adopt decisions concerning the amendment or interpretation of the Agreement. Article 16.21 of the Agreement applies mutatis mutandis to decisions of the Trade Committee amending or interpreting the Agreement. All other decisions of the Trade Committee, including the one through which these rules of procedure are adopted, shall be adopted in the working language referred to in paragraph 1.

3. Each Party shall be responsible for the translation of decisions and other documents into its own official language(s), if required pursuant to this Rule, and it shall bear the expenses associated with such translations.

Rule 12

Expenses

1. Each Party shall bear any expenses it incurs as a result of participating in the meetings of the Trade Committee, in particular with regard to staff, travel and subsistence expenditure, and with regard to video or teleconferences, postal and telecommunications expenditure.

2. Expenditure in connection with the organisation of meetings and reproduction of documents shall be borne by the Party hosting the meeting.

Rule 13

Specialised Committees and other bodies

1. Specialised Committees may be established in accordance with Article 16.1 of the Agreement for the purpose of dealing with all matters delegated to them by the Trade Committee.

2. Pursuant to Articles 16.1 and 16.2 of the Agreement, the Trade Committee shall supervise the work of all specialised committees and other bodies established under the Agreement.

3. The Trade Committee shall be informed in writing of the contact points designated by Specialised Committees or other bodies established under the Agreement. All relevant correspondence, documents and communication between the contact points of each Specialised Committee regarding the implementation of the Agreement shall be forwarded to the Secretariat of the Trade Committee simultaneously.

4. Pursuant to Article 16.2 of the Agreement, the Specialised Committees shall report to the Trade Committee the results and conclusions of each of their meetings.

5. Unless otherwise decided by each Specialised Committee, these Rules of Procedure shall apply mutatis mutandis to the specialised committees and other bodies established under the Agreement.

Rule 14

Amendments of the Rules of Procedure

These Rules of Procedure may be amended in writing by a decision of the Trade Committee in accordance with Rule 9.