



International  
Academy  
Europe Faculty

## *Working with Europe and the EU* – *A New Context*

Practitioner Level Training Course  
organised by the European Institute of Public Administration  
(EIPA), Maastricht on behalf of  
the Foreign, Commonwealth and Development Office (FCDO)

London, 6-8 February 2024



# 3.3

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EU external competences (interactive exercise)

From peace project to geo-political player

EU relations with third countries and their side effects on the UK

**Beyond trade**



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# Beyond trade



## TITLE II COMMON COMMERCIAL POLICY

### Article 206 (ex Article 131 TEC)

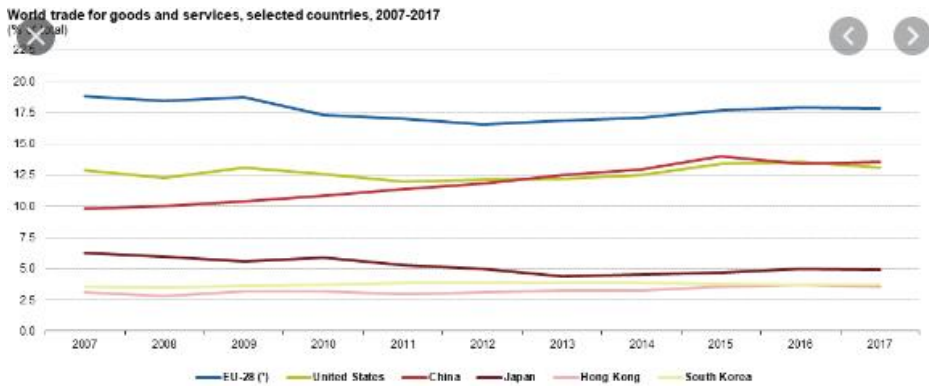
By establishing a customs union in accordance with Articles 28 to 32, the Union shall contribute, in the common interest, to the harmonious development of world trade, the progressive abolition of restrictions on international trade and on foreign direct investment, and the lowering of customs and other barriers.

### Article 207 (ex Article 133 TEC)

1. The common commercial policy shall be based on uniform principles, particularly with regard to changes in tariff rates, the conclusion of tariff and trade agreements relating to trade in goods and services, and the commercial aspects of intellectual property, foreign direct investment, the achievement of uniformity in measures of liberalisation, export policy and measures to protect trade such as those to be taken in the event of dumping or subsidies. The common commercial policy shall be conducted in the context of the principles and objectives of the Union's external action.

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# The EU's share in world trade (pre-2020)

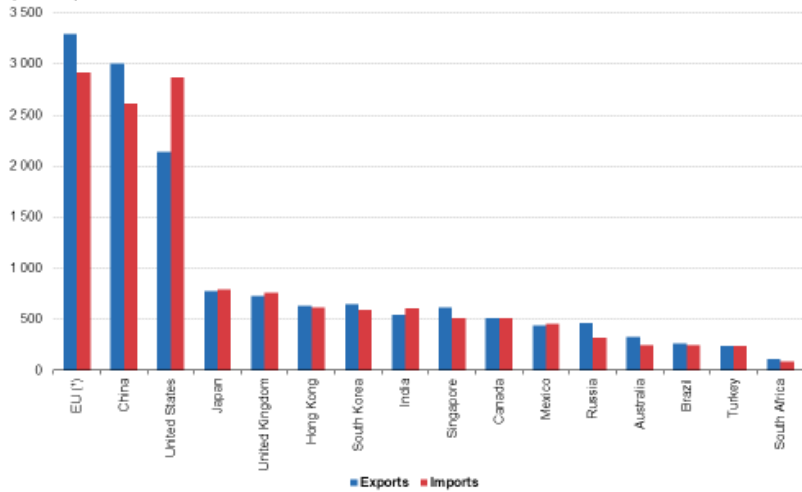


Note: the figure shows developments for the top six countries/geographic aggregates with the highest combined values of exports and imports in 2017. The total value of exports and imports for the world excludes intra-EU trade. United Arab Emirates: not available.  
 (\*) Excl. intra-EU trade.  
 Source: Eurostat (online data code: bop\_eu6\_q) and International Monetary Fund (Balance of Payments and International Investment Position Statistics)

eurostat

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**Value of international trade in goods and services, selected countries, 2021**  
(€ billion)



Note: ranked on the total value of exports and imports.

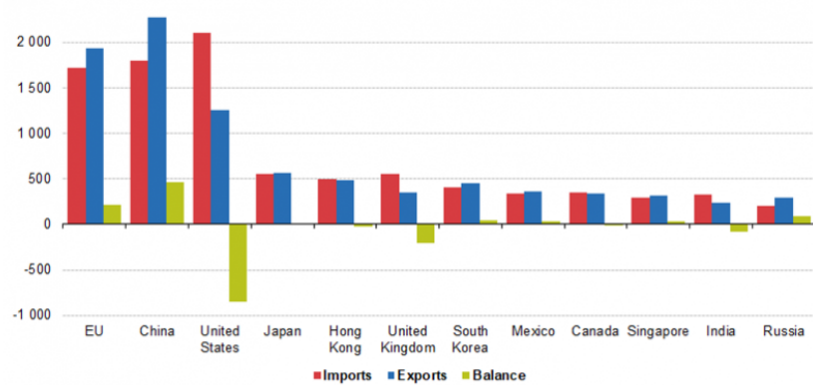
(\*) Extra-EU trade.

Source: Eurostat (online data code: bop\_eu6\_q) and International Monetary Fund (Balance of Payments and International Investment Position Statistics)

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## The EU's share in world trade

**Imports, exports and trade balance by country, 2020**  
(EUR billion)



Source: Eurostat (online data code: ext\_lt\_introeu27\_2020) and UNCTAD

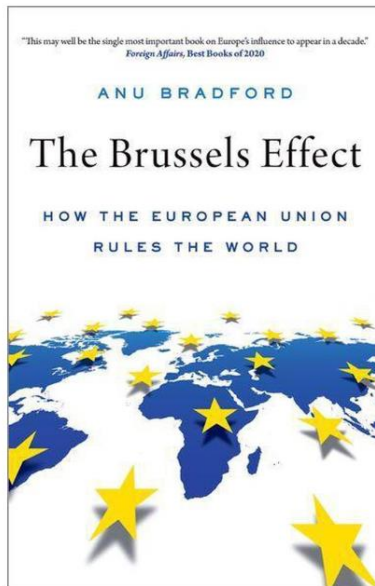
6

## Size matters!



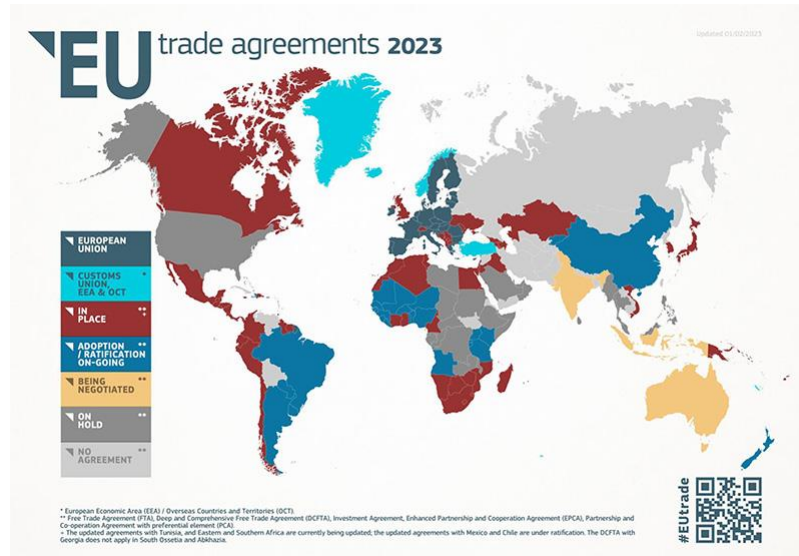
7

## The “Brussels effect”



8

## Exporting norms (and values?) through Free Trade Agreements?



9

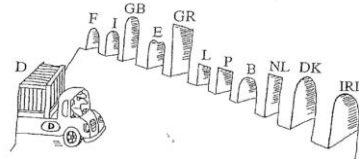
## EU Free Trade Agreements: what's in them?

- Tariffs / Quotas / Rules of Origin
- Non-Tariff Barriers / Technical Barriers to Trade / "Behind the Border" Issues / Regulatory issues
  - **Sanitary and phytosanitary issues**
  - **Intellectual property** (geographical denominations)
  - Public procurement
  - Investment & Investment protection
  - Competition
  - Commercial instruments
  - Energy and raw materials
  - Environment & Labor rights

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## TBTs, NTMs, 'behind-the border issues'

- Governments rely on **Non-Tariff Measures** to achieve public policy goals, including the protection of human health and the environment
- Regulators and law-makers translate collective preferences into binding rules
- Trade is affected as a normal and legitimate consequence of such regulation.
- But NTMs can be used to shield domestic producers from foreign competitors



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## Regulatory cooperation in EU FTAs

- Impact on citizens / consumers
- undermining democratic processes?
- The “Right to regulate”
- Actual undermining of legitimate social and environmental objectives?
- Race to the bottom?



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## Norm makers and norm takers



**Quiz: In which EU agreement can we find these provisions?**

- A) TCA
- B) EU-Ukraine DCFTA
- C) EU-China Comprehensive Agreement on Investment (CAI)

7. If the requesting Party, after the consultations have been held, considers that the subsidy concerned has or could have a significant negative effect on the requesting Party's investment interests under this Agreement, the requested Party shall use its best endeavours to find a solution with the requesting Party. Any solution must be considered feasible and acceptable by both Parties.

## Norm makers and norm takers



**Quiz: In which EU agreement can we find these provisions?**

- A) TCA
- B) EU-Ukraine DCFTA
- C) EU-China Comprehensive Agreement on Investment (CAI)

1. The Parties may engage in regulatory cooperation activities on a voluntary basis, without prejudice to the autonomy of their own decision-making and their respective legal orders. A Party may refuse to engage in or it may withdraw from regulatory cooperation activities. A Party that refuses to engage in or that withdraws from regulatory cooperation activities should explain the reasons for its decision to the other Party.

# Norm makers and norm takers



Quiz: In which EU agreement can we find these provisions?

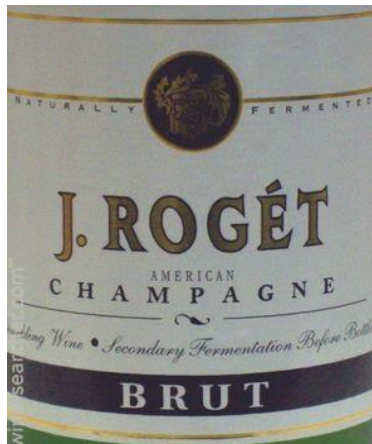
- A) TCA
- B) EU-Ukraine DCFTA
- C) EU-China Comprehensive Agreement on Investment (CAI)

Article 114

### Regulatory approximation

1. The Parties recognise the importance of the approximation of [redacted]'s existing legislation to that of the European Union. [redacted] shall ensure that its existing laws and future legislation will be gradually made compatible with the EU *acquis*.
2. Such approximation will start on the date of signing of this Agreement, and will gradually extend to all the elements of the EU *acquis* referred to in Annex XVII to this Agreement.

# Norm makers and norm takers Case study : Geographical indications





## Norm makers and norm takers

### Case study : Geographical indications

Home > Food, Farming, Fisheries > Food safety and quality > Certification > Quality labels > Geographical Indications register

#### eAmbrosia

the EU geographical indications register



eAmbrosia is a legal register of the names of agricultural products and foodstuffs, wine, aromatised wine products and spirit drinks that are registered and protected across the EU.

It provides a direct access to information on all registered geographical indications, including the legal instruments of protection and product specifications. It also displays key dates and links for applications and publications before the geographical indications are registered.

You can also find information about the traditional terms for wine and the traditional specialties guaranteed in the section [Related links](#) below.

Wine register

Food register

Spirit drinks register

Aromatised wine register

## Norm makers and norm takers

### Case study : Geographical indications

11.5.2011

EN

Official Journal of the European Union

L 122/67

#### COMMISSION IMPLEMENTING REGULATION (EU) No 449/2011

of 6 May 2011

entering certain names in the register of protected designations of origin and protected geographical indications (陕西苹果 (Shaanxi ping guo) (PDO), 龙井茶 (Longjing Cha) (PDO), 琚溪蜜柚 (Guanxi Mi You) (PDO), 蠡县麻山药 (Lixian Ma Shan Yao) (PGI))

THE EUROPEAN COMMISSION,

Having regard to the Treaty on the Functioning of the European Union,

Having regard to Council Regulation (EC) No 510/2006 of 20 March 2006 on the protection of geographical indications and designations of origin for agricultural products and

(2) As no statement of objection under Article 7 of Regulation (EC) No 510/2006 has been received by the Commission, these names should therefore be entered in the register,

HAS ADOPTED THIS REGULATION:

# Norm makers and norm takers

## Case study : Geographical indications

Geographical Indications Identifying a Product Originating in the European Union

Indication	Transliteration (for information purposes only)	Product Class	Place of Origin (Territory, Region or Locality)
Ceské pivo		beer	Czech Republic
Žatecký Chmel		hops	Czech Republic
Hopfen aus der Hallertau		hops	Germany
Nürnberger Bratwürste**		fresh, frozen meats	Germany
Nürnberger Rostbratwürste		fresh, frozen meats	Germany
Schwarzwälder Schinken		fresh, frozen	Germany
		Spreewälder Gurken	Germany
		Danablu	Denmark
		Ελιά Καλαμάτας	Elia Kalamatas
		Μαστίχα Χίου	Masticha Chiou
		Φέτα*	Feta
		fresh and processed vegetable products	Greece
		cheeses	Greece
		table and processed olives	Greece
		natural gums and resins — chewing gum	Greece
		cheeses	Greece



FROM POLITICO.PRO

### Halloumi cheese puts EU's Canada trade deal to the test

Cypriot vote against Canada accord will test whether EU countries' parliaments can torpedo big deals.

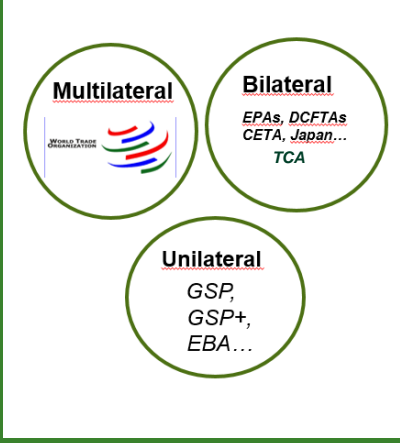


BY BARBARA MOENS, GIORGIO LEALI AND ELEANOR MEARS  
August 4, 2020 | 4:45 pm



# The Instruments of the Common Commercial Policy

**Trade Liberalisation**  
Free Trade Agreements

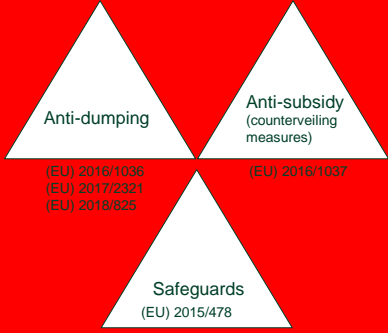


**Multilateral**  
World Trade Organization

**Bilateral**  
EPAs, DCFTAs  
CETA, Japan...  
TCA

**Unilateral**  
GSP,  
GSP+,  
EBA...

**Trade Defence**  
Trade Defence Instruments



Anti-dumping  
(EU) 2016/1036  
(EU) 2017/2321  
(EU) 2018/825

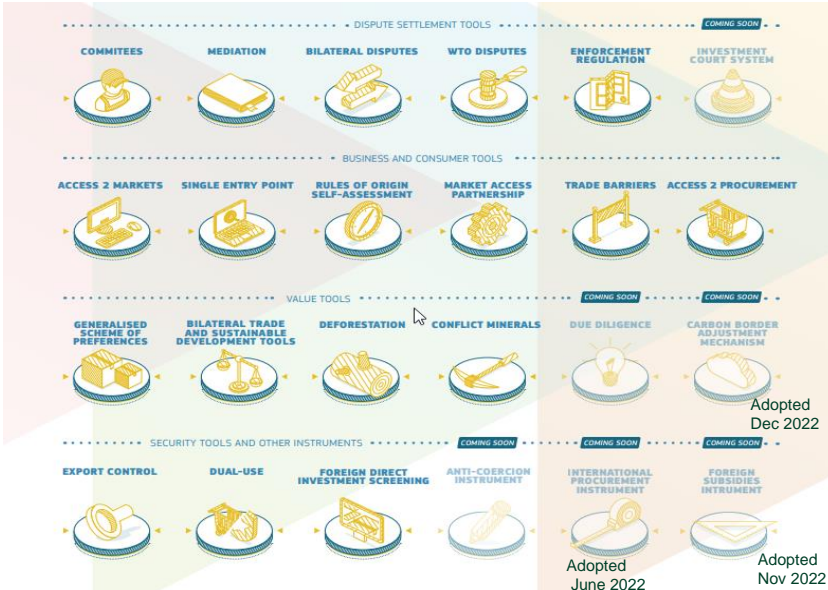
Anti-subsidy  
(countervailing measures)  
(EU) 2016/1037

Safeguards  
(EU) 2015/478

Enforcement regulation (EU) 2021/167

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## From liberalisation towards enforcement and protection



**DISPUTE SETTLEMENT TOOLS**

- COMMITTEES
- MEDIATION
- BILATERAL DISPUTES
- WTO DISPUTES
- ENFORCEMENT REGULATION
- INVESTMENT COURT SYSTEM

**BUSINESS AND CONSUMER TOOLS**

- ACCESS 2 MARKETS
- SINGLE ENTRY POINT
- RULES OF ORIGIN SELF-ASSESSMENT
- MARKET ACCESS PARTNERSHIP
- TRADE BARRIERS
- ACCESS 2 PROCUREMENT

**VALUE TOOLS**

- GENERALISED SCHEME OF PREFERENCES
- BILATERAL TRADE AND SUSTAINABLE DEVELOPMENT TOOLS
- DEFORESTATION
- CONFLICT MINERALS
- DUE DILIGENCE
- CARBON BORDER ADJUSTMENT MECHANISM

**SECURITY TOOLS AND OTHER INSTRUMENTS**

- EXPORT CONTROL
- DUAL-USE
- FOREIGN DIRECT INVESTMENT SCREENING
- ANTI-COERCION INSTRUMENT
- INTERNATIONAL PROCUREMENT INSTRUMENT
- FOREIGN SUBSIDIES INSTRUMENT

Adopted Dec 2022

Adopted June 2022

Adopted Nov 2022

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# The 'BCT factor



slido



Compared to the EU, the conclusion of bilateral Free Trade Agreements is for the UK...

① Start presenting to display the poll results on this slide.

slido



**What is the biggest advantage the UK has over the EU, when it comes to concluding bilateral Free Trade Agreements with third countries?**

① Start presenting to display the poll results on this slide.

25

slido



**and the biggest disadvantage?**

① Start presenting to display the poll results on this slide.

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## Outline - afternoon session

**Interactive exercise: Identifying your interlocutors - who is in charge of what in the EU's system of external action**

(Open) strategic autonomy

Case study