



# AUSTRALIA AND THE EUROPEAN UNION: TOWARDS DEEPER ENGAGEMENT

Policy Report



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# LIST OF ABBREVIATIONS

<b>AFP</b>	Australian Federal Police
<b>ARF</b>	ASEAN Regional Forum
<b>ASEAN</b>	Association of Southeast Asian Nations
<b>ASEM</b>	Asia Europe Meeting
<b>CSDP</b>	Common Security and Defence Policy
<b>DFAT</b>	Department of Foreign Affairs and Trade
<b>EAS</b>	East Asia Summit
<b>EEAS</b>	European External Action Service
<b>ERIN</b>	European Reintegration Network
<b>EU</b>	European Union
<b>EUROPOL</b>	The European Union Agency for Law Enforcement Cooperation
<b>FTA</b>	Free Trade Agreement
<b>GIs</b>	Geographical Indications
<b>G20</b>	Group of Twenty
<b>IP</b>	Intellectual Property
<b>JATF OSB</b>	Australia's Joint Agency Task Force Operation Sovereign Borders
<b>HR/VP</b>	High Representative of the Union for Foreign Affairs and Security Policy/ Vice-President of the Commission
<b>n.d.</b>	No date provided
<b>SMEs</b>	Small and Medium-sized Enterprises
<b>SPS</b>	Sanitary and Phytosanitary
<b>UN</b>	United Nations
<b>UK</b>	United Kingdom
<b>US</b>	United States
<b>TRIPS</b>	Agreement on Trade-Related Aspects of Intellectual Property Rights
<b>WTO</b>	World Trade Organization

# EXECUTIVE SUMMARY<sup>1</sup>

The relationship of the European Union (EU) with Australia is characterised by recent achievements, with a significant Framework Agreement and negotiations on a Free Trade Agreement (FTA). At the same time, there remain some challenges in engagement, given they have some differences of interests and concerns.

The Framework Agreement, which has been provisionally implemented since October 2018, embodies a treaty-level engagement between the EU and Australia and reflects mutual agreement on a wide range of issues. This Framework Agreement is complemented by bilateral EU-Australia actions and by shared concerns regarding both regional and multilateral issues. Yet common interests and shared concerns, although significant, do not indicate entire agreement, given the differing hierarchies of interests and preferences of each interlocutor. We suggest in this policy report that actor preferences – the way in which actors ‘order possible outcomes of interaction’ (Frieden 1999, p. 42) may diverge according to domestic, regional and international concerns. We make the case that each of the interlocutors has a distinct hierarchy of preferences and interests in their strategies.

This, our second policy report<sup>2</sup>, comes at an important moment for both Australia and the EU. The Framework Agreement is one of two important steps towards deeper engagement. The second is the advanced negotiations for a FTA, (with five rounds of negotiations having been completed thus far). Taken together, the Framework Agreement and FTA negotiations represent substantial pathways toward deeper bilateral ties. These developments are significant within the current geostrategic environment of threats to the effectiveness of the global rules-based order and tensions among major powers. This tension has seen some major powers retreat from multilateral cooperation towards unilateral action and move towards protectionist policies in lieu of further liberalising trade relations. At a time of increasing transnational challenges, cooperation among ‘like-minded’ partners such as the EU and Australia remains crucial.

This policy report examines prospects for deeper engagement between the EU and Australia. Although it does not examine all aspects of the bilateral relationship, it provides a set of recommendations for future engagement and moving the relationship beyond the current level of interaction.

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1 We would like to thank Tamara Tubakovic and Nicholas Parry for their research assistance with this Policy Report.

2 The first policy report is: Murray, P. and Matera, M., 2019, Australia and the European Union: Trends and Current Synergies, University of Melbourne, May. [https://arts.unimelb.edu.au/\\_\\_data/assets/pdf\\_file/0009/3078720/tanpear-policy-report-2019.pdf](https://arts.unimelb.edu.au/__data/assets/pdf_file/0009/3078720/tanpear-policy-report-2019.pdf)

# OBJECTIVES OF THE POLICY REPORT

This policy report draws on research conducted for the research project entitled '[Australia's Relationship with the European Union: From Tensions to New Paradigms](#)', funded by the European Commission under the Erasmus+ Jean Monnet funding scheme and co-funded by the University of Melbourne<sup>3</sup>. This research project assessed how relations between Australia and the EU might continue to develop and flourish. It examined the dialogue and negotiation of key agreements and policy cooperation especially within the Asia-Pacific/Indo-Pacific. It assessed the implications of the Framework Agreement and the negotiations for a FTA between the EU and Australia. The project's aim, through its research and activities, was to present new paradigms for advancing the relationship. For this reason we have provided a set of recommendations and new paradigms for advancing the relationship within this Policy Report. The report will be of use to those interested in the EU's relationship with third countries and Australia's engagement with the EU. It is oriented towards EU officials and Australian government officials working on EU-Australia relations; media; industry and civil society engaged with the EU and Australia; the academic community; students and the interested public. It will also be of interest to specialists on Australian and EU foreign and security policy and trade, as well as a range of other policies.

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3 For further information on the Erasmus+ Jean Monnet funding scheme see:  
[https://eacea.ec.europa.eu/erasmus-plus/actions/jean-monnet\\_en](https://eacea.ec.europa.eu/erasmus-plus/actions/jean-monnet_en)

# INTRODUCTION

In EU-Australia relations, although there has been a history of trade tensions regarding agricultural market access to the EU, and there remains some burden of memory (Murray, 2005), the relationship has become increasingly multifaceted.

A past history of trade battles and skirmishes, particularly regarding agriculture, is no longer the dominant feature of engagement (Murray and Benvenuti 2014). In May 2012, then Australian Foreign Minister Bob Carr commented:

In the past, our relationship was focused mostly on trade and market access issues. But it has matured into a broad-based and forward-looking partnership. . . In many ways, our relationship is like the European project itself. It is growing, bit by bit, deeper and deeper over time. (Carr 2012)

Joint announcements for over a decade from both interlocutors have pointed to shared concerns about multilateral institutions, global governance and escalating great power rivalry. The EU and Australia regard each other as ‘like-minded’ and ‘natural partners, with a shared commitment to the rule of law, global norms and free and open markets’ (DFAT, 2019b). Since the Prime Ministership of Kevin Rudd in 2007, Australia has adopted a more ‘multilaterally-orientated role’, including a renewed commitment in Australia’s relations with the United Nations (UN). Yet concerns with the role of international organisations have been expressed recently by Prime Minister Scott Morrison. In a major foreign policy speech delivered at the Lowy Institute in October 2019, Prime Minister Morrison argued that Australia should ‘avoid any reflex towards a negative globalism that coercively seeks to impose a mandate from an often ill defined borderless global community. And worse still, an unaccountable internationalist bureaucracy’ (Morrison 2019). This was followed by a speech in the Federal Parliament in which Prime Minister Morrison

identified the UN as the multilateral institution responsible for pursuing ‘negative globalism’ by calling on Australia to increase its emission reduction commitments (Murphy and Martin 2019). This view of the current government may have some impact on future EU-Australia collaboration within the UN framework.

Australia and the EU share concerns about the international role and changing stance of the United States (US) on key issues: the continued rise of China; intensifying use of tariffs and threats of trade wars which impose obstacles to free trade. They are often in consensus regarding regional and global instability.

Each regards Brexit as a challenge in trade, diplomatic relations and continuity of agreements and dialogues. Although the implications of Brexit are yet to be fully realised, there is no reason to assume that Australia’s relationship with either the EU or the UK will undermine relations with the other. Both relationships are sufficiently robust as to preclude a privileging of one relationship over the other.

Nevertheless, although they share common concerns, there are also differences in how they approach and prioritise these international challenges. When it comes to differing preferences, there is considerable divergence of views and policies in certain areas. As we illustrate in this report, even though both the EU and Australia have signed up to the Paris Agreement, their approaches to tackling climate change differ, reflecting the different prioritisation given to the urgency of the issue. In terms of energy, reliance of the EU and its member states on imports renders the EU more receptive to renewable energy sources than is Australia. The fact that Australia has access to its own natural resources has meant that it remains heavily dependent on coal and gas for both domestic consumption and export revenue.

There is a recognition that the EU and Australia see each other

as indispensable partners in upholding the rules-based order in the Indo-Pacific. The EU and Australia have worked together through interregional forums such as the Asia Europe Meeting (ASEM), where Australia has strongly supported the way the EU has placed multilateralism and the rules-based order at the centre of ASEM's agenda. They have both acknowledged 'a shared interest in stability and prosperity' in Asia and the Pacific (ep|neonline 2019, n.p.; EEAS 2019a, n.p.). They have affirmed the shared commitment to working with Pacific countries to build resilience and welcomed the ongoing regular exchanges and cooperation on development. During the second meeting of the EU-Australia Joint Committee, EU and Australian officials agreed to continue supporting Pacific island countries, 'in line with their development priorities' (ep|neonline 2019, n.p.; EEAS 2019a, n.p.).

For Australia the Indo-Pacific is its most important region and any instability within the region, whether political, economic, environmental or security has direct implications. The ability to work with partners to strengthen the region is thus an Australian priority. The EU's *Global Strategy* explicitly emphasises the centrality and strategic interest of Asia and the Indo-Pacific for the EU and sets out the goal of a 'connected Asia'. It identifies 'a direct connection between European prosperity and Asian security. In light of the economic weight that Asia represents for the EU – and vice versa- peace and stability in Asia are a prerequisite for our prosperity' (EEAS 2016, p. 37). The significance of the region has been restated on many occasions by the EU High Representatives for Foreign Affairs and Security Policy (see for example EEAS 2018a; EEAS 2019b; Mogherini 2019) and through the deployment of military advisors to EU embassies, beginning with the EU mission to the Association of Southeast Asian Nations (ASEAN) in Jakarta; and the joint decision by the EU and ASEAN to upgrade their relations to a Strategic Partnership. Yet there also remain areas of divergence between the EU and Australia. For example, although the EU is keen to become a member of the East Asia Summit (EAS), Australia has not been supportive of this bid.

On migration and refugee protection, we have seen both a convergence and divergence in approaches. This provides both opportunities and challenges for future engagement in this area. Both Australia and the EU have adopted an approach to border protection that has undermined access to refugee protection, and both have been the subject of sustained criticism for offshoring responsibility through agreements with Turkey and Libya in the case of the EU, and Papua New Guinea and Nauru in the case of Australia. There is scope for a fresh commitment by the EU and Australia to humanitarian principles and refugee protection (Murray 2019; Tubakovic, 2019, forthcoming).

The Framework Agreement has elevated the relationship by establishing a 'legally-binding framework for cooperation' on a range of areas from economic and trade matters; research and innovation; counter-terrorism; development and non-proliferation; human rights; democracy promotion; climate change and environment; education; information society; digital

economy; culture; and justice (Commonwealth of Australia and DFAT 2018, p.2). It thus provides a substantial instrument for the EU and Australia to work more closely together. In conjunction with negotiations for an EU-Australia FTA, it 'builds on existing solid cooperation basis and will enable the further promotion and expansion of relations between the EU and Australia' (EEAS 2018a).

Regular ministerial engagement between the EU and Australia is an important indicator of bilateral relations. There has been a marked increase in two way flow of meetings between EU representatives such as Commissioners and Australian government ministers since the decision to conclude a Framework Agreement and commence FTA negotiations. This represents a marked shift from the past when Australian officials often by-passed Brussels when visiting Europe and senior EU officials trips to Australia were relatively rare (Miller 1983; Benvenuti 1999; Papadakis 2002; Kenyon and Kunkel 2005; Murray 2005; Goldsworthy 2007; Schedvin 2008; Kenyon and Lee 2011; Benvenuti and Murray 2013; Murray and Benvenuti 2014; Stats 2015). This had reflected the lack of importance accorded to the relationship by the two interlocutors in the past - and especially before the 1990s. Regular meetings at senior levels have now become routine.

Recently the Framework Agreement formally established the EU-Australia Joint Committee to facilitate the implementation of the agreement, to further its general aims, and to maintain overall coherence in bilateral relations. Since the agreement provisionally came into force in October 2018, the Joint Committee has met twice, in Canberra on 13 November 2018 and in Brussels on 24 June 2019. Media releases from the European External Action Service (EEAS) and the Department of Foreign Affairs and Trade (DFAT) described the meetings as providing for 'a strategic review of the bilateral relationship and assisted in identifying concrete actions to bring forward the ongoing cooperation' (EEAS 2018b, n.p.) and commented that the 'positive and practical outcomes' reflect the 'scale of shared values and common interests of Australia and the EU' (EEAS 2019a, n.p.).

A breadth of issues was discussed at these meetings. Political and security cooperation; cyber threats and counter-terrorism; crisis management; migration and consular cooperation; science, research and innovation; implementation of the Paris Agreement; the FTA negotiations and close engagement in Asia and the Pacific were all included on the agenda. They emphasised that the EU and Australia are 'like-minded partners engaged in defending the rules based international order' (EEAS 2018b, n.p.). They agreed to continue working closely together, especially within the UN framework. They reaffirmed their commitment to continue collaboration to promote progress on WTO reform, including in the G20.

# TOWARDS A FREE TRADE AGREEMENT

This section focuses on a select number of trade concerns in the FTA. Both the EU and Australia seek to advance a WTO-plus, deep trade agenda. There is considerable synergy among the two interlocutors. At the same time, there remain differences between the two, particularly when it comes to agricultural trade and sustainable development.

Both the EU and Australia share common concerns and similar approaches at the multilateral level for the protection of free and open markets. At the Press Conference on the commencement of the EU-Australia FTA, EU Trade Commission Cecilia Malmström stated that ‘We share similar views on how we think world trade should work. We defend open trade, rule-based and fair and this is what we’re going to cement in our great trade agreement’ (Turnbull, Malmström and Ciobo 2018). Moreover, ‘economic interests aside’ Malmström stressed that the FTA is important for ‘linking people together. It’s sending a strong signal today that we are like-minded partners. We are coming together. We are ready to define common values when it comes to workers’ rights, environmental protection and consumers’ rights’ (Turnbull, Malmström and Ciobo 2018). This sets the relationship on a footing that is more than a bilateral discussion of markets, for example, as it is a multilateral perspective that is also symbolic of a deeper commitment to engagement on shared challenges.

The EU-Australia FTA negotiations are taking place in the broader context of global and regional competition and rivalry (Beeson and Murray 2020, forthcoming). Given the retreat from free trade by the US, which had previously supported a liberal trade agenda, the EU and Australia have increasingly emphasised their like-mindedness in this respect, to the benefit of their mutual trade relations. Commissioner Malmström made the point that the FTA has significant strategic importance by creating a ‘circle’ of allies to remove barriers. ‘The most important thing right now, with the growing protectionism in the world and uncertainties coming from traditional allies, is to expand this circle of friends’ (Crowe 2018). Similarly, in a keynote speech at Konrad Adenauer Stiftung on 24 April 2018, then Prime Minister of Australia, Malcolm Turnbull, regarded the FTA negotiations with the EU as

providing ‘a special opportunity to show what we stand for as well as what we stand against’ (Turnbull 2018). In outlining the negotiating aims and approach of the Australia government, DFAT has emphasised that a comprehensive FTA with the EU ‘signals our shared commitment to open markets, free trade and the rules based global trading system’ (DFAT n.d.b).

The FTA forms part of a narrative of important political, and symbolic messages. As a European Parliament (2019, p. 51) report states, ‘in a global context where many governments are questioning the benefits of trade’, the EU-Australia FTA provides ‘the opportunity to demonstrate the benefits of trade liberalisation which is framed by clear rules and commitments to fairness.’ The EU and Australia ‘have the potential to be important allies in creating a more effective and inclusive system of global trade governance’ (European Parliament 2019, p. 51). In an interview with the ABC, Australia’s Minister for Trade, Senator Simon Birmingham, stated that ‘symbolism is important in the face of US-China trade conflicts. It is actually critical to send the message that countries stand for trade’ (Brinsden 2019).

The increasing power vacuum in the global trading system represents a major threat to international institutions while also providing a window of opportunity for the EU and Australia to become rule-setters and leaders (McKenzie and Postnikov 2019, forthcoming). It offers an opportunity to exercise first mover advantage and to send a strong signal to emerging countries who are at a crossroads. McKenzie and Postnikov (2019, forthcoming) maintain that a convergence between the EU and Australian approaches and deeper bilateral trade relations are essential in order to collectively manage complex interdependence in the absence of traditional leadership. Yet although the EU and Australia both have an interest in defending the multilateral trading system, there are differences in approaches and in their priority of interests which will have an impact on the ongoing FTA negotiations. These have been reflected in core objectives that both the EU and Australia have stated in elaborating their negotiating mandates (see Council of European Union 2018; DFAT 2018b) and throughout the

completed rounds of FTA negotiations<sup>4</sup>. A key challenge for the interlocutors will be adjusting their approaches to EU-Australia bilateralism for the sake of setting a global example of what can be achieved between ‘like-minded partners’ (DFAT 2018b).

## Convergence and Divergence in Approaches

Australia seeks an ambitious and comprehensive FTA that drives ‘Australian exports, economic growth and job creation’ (DFAT, n.d.a) and would provide Australian exporters with a competitive edge, give access to a larger export market and greater access to goods and services at lower prices. It ‘has the potential to open up a market for Australian goods and services of half a billion people and a GDP of US\$17.3 trillion’ (DFAT, n.d.a). Key desired outcomes include: enhanced market access; better access for Australian food and agricultural products; locking in services market access for exporters in key sectors such as education, financial and professional services; the establishment of a framework for the mutual recognition of professional licensing and qualifications; the reduction of barriers to trade and costs through modern customs, rules of origin and trade facilitation procedures; and to maximise the benefits of the FTA for small and medium-sized enterprises (see DFAT 2018a; 2018b).

The EU’s approach to a FTA with Australia is in line with the European Commission’s 2015 *Trade for All* strategy. The *Trade for All* strategy identified the values and views that the EU and Australia shared on many issues, calling for stronger economic ties with Australia to ‘be a priority’ (European Commission 2015, p. 32). Such ties would ‘provide a solid platform for deeper integration with wider Asia-Pacific value chains’ (European Commission 2015, p.32). The European Commission’s general objectives for this FTA include: promoting smart, sustainable, and inclusive growth through the expansion of trade; creating job and labour opportunities and welfare gains; increasing benefits to consumers; improving Europe’s competitiveness in global markets; and strengthening cooperation on trade-related issues with a like-minded partner (European Commission 2017). These objectives align with *Trade for All* which illustrated the need to move forward on bilateral relationships in order to ‘deliver jobs and growth by tackling trade and investment barriers in a comprehensive way’ (European Commission 2015, p. 30). They also reflect the desire to negotiate a FTA with Australia that is ‘ambitious, comprehensive and fully consistent with World Trade Organisation rules and obligations’ (Council of the EU 2018, p. 2).

### Intellectual Property (IP) rights

Both the EU and Australia have a vested interest in Intellectual Property (IP) rights, although their approaches differ regarding

how to protect their interests. Australia’s approach is to include a chapter in the FTA on IP that ‘promotes the adequate, effective and balanced protection and enforcement of intellectual property rights and encourages innovation and creativity’ (DFAT 2019, n.p.). It seeks to support innovation and creativity through the facilitation of trade and investment in IP and to maintain a balance between the interests of right holders and users and the public (DFAT 2019, n.p.). The EU seek an IP rights chapter that complements, builds upon and goes beyond the current rules of the Agreement on Trade-Related Aspects of Intellectual Property Rights (TRIPS), aiming at ensuring a higher as well as adequate and effective level of protection and enforcement of all forms of intellectual property rights (Council of the EU 2018, p. 14). Copyright and related rights, trademarks, designs, patents, plant variety rights, undisclosed information including trade secrets, geographical indications and enhanced enforcement would be included in the chapter (Council of the EU 2018, p. 14). There has been some progress made to date on narrowing differences on general provisions, copyright and trademarks (DFAT 2019, n.p.).

### Liberalisation of trade in agricultural goods

The overall EU-Australia bilateral trade in goods was reported at 47.6 billion euros in 2018, with trade in agrifoods accounting for 5.45 billion euros of the total (MLA, n.d.). Meat and Livestock Australia has reported that the current trade balance in agrifoods between the EU and Australia is unbalanced, with the EU exporting 1.3 billion euros more than it imports from Australia. It is notable, however, that changes in two-way trade flows in agricultural products and agri-food over time have resulted in Australia exporting more agricultural products to the EU than in the past (Murray and Zolin, 2012). The EU currently imposes high tariffs on Australian agricultural products (beef, sheep, meat, sugar, cheese, rice). Tariffs are currently as high as 50% on lamb and beef (Martin 2019). Australia’s red meat exports to the EU are restricted by the EU’s low volume import quotas and high out-of-quota import tariffs (MLA, n.d.).

Australia is seeking to expand trade in goods for agricultural products and the full tariff liberalisation of agriculture, ‘while noting that negotiations on some agricultural products will be particularly difficult’ (DFAT 2018b). The EU, on the other hand, has made it clear that it ‘does not envisage full liberalisation of trade in sensitive agricultural products but will seek specific treatment for such products such as long tariff dismantling periods, tariff rate quotas, or other arrangements which the sides agree to be appropriate’ (European Commission, 2018, p. 3).

Although the FTA consists of more than simply agriculture, agreement on this sector will be challenging for both the EU and Australia. There are strong indications in the aftermath of the recently negotiated FTA agreement between the EU and

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<sup>4</sup> Since the first round of FTA negotiations took place in Brussels 2-6 July 2018, there have been four further rounds of negotiations (19-23 November 2018; 25-29 March 2019 in Canberra; 1-5 July 2019 in Brussels and 14-18 October 2019 in Canberra).

Mercosur that EU member states could delay the ratification of any FTA agreement that is perceived as a threat to domestic farmers and food standards. Senior politicians and agricultural lobbies from France, Ireland and Poland have criticised the Mercosur deal for undermining the EU's 'sacrosanct farming sector and food safety standards' (von der Burchard, Hanke and Wanat 2019). The French Agricultural Minister, Didier Guillaume, claimed that he 'will not be the minister who sacrifices French agriculture on the altar of an international agreement' (von der Burchard, Hanke and Wanat 2019). In a letter to Commission President Jean-Claude Juncker, Emmanuel Macron, Leo Varadkar, Charles Michel and Mateusz Morawiecki (2019) expressed their 'deep concern on a number of issues concerning the current negotiations with Mercosur including on some sensitive agricultural products.' Farming lobbies in these member states have commenced a strategy of mobilising against that agreement. The Mercosur agreement brings to the fore the challenges that Australia may face in negotiating the FTA with the EU. The Mercosur agreement 'underlined just how tough' negotiations on agriculture and Australian farm exports, especially beef might be (van Leeuwen 2019).

### Geographical Indications (GI)

The issue of GIs continues to be an area of significant divergence. Whereas the European Commission (2019, p. 3) noted, following the fourth round of negotiations, that 'constructive discussions' were held on GIs, DFAT (2019, n.p.) reported that the EU 'continues to demonstrate strong offensive interests on geographical indications.' Both EU and Australian officials have indicated that, although this will be an issue that will take time to resolve, they are both committed to adopting a pragmatic approach to identify where compromises can be made. Senator Birmingham has stated that 'Australia doesn't like the idea of geographical indications but this is a not-negotiable element from the European Union' adding that 'we will put up a strong fight in terms of areas of Australian interests and ultimately what we're trying to do is get the possible deal that ensures Australian businesses and farmers can get better access to a market engaging 500 million potential customers' (Worthington 2019).

From the commencement of the EU-Australia FTA negotiations, the EU made it clear that GIs will be important. Commissioner Malmström stated that 'obviously agriculture and what we can call geographical indications are very important to us. I think this is probably the chapter that would be the most difficult one' (Turnbull, Malmström and Ciobo 2018). The Australian government has indicated that it is open to considering the protection of GIs in a mutually acceptable way that will include consultation with agricultural and other stakeholders (DFAT n.d.b). Until the issue of GIs is resolved to the satisfaction of both partners, the conclusion of an ambitious and comprehensive FTA will be problematic.

### Sanitary and Phytosanitary (SPS) Measures

On SPS, the EU is seeking a commitment from Australia to go beyond the WTO Agreement on the Application of SPS measures (SPS Agreement), with the objective of facilitating access to each other's market, while protecting human, animal or plant life and health. (Council of the European Union 2018, p. 10). Australia, on the other hand, supports a chapter that affirms each party's existing rights and obligations under the WTO's SPS Agreement (DFAT. n.d.b). Australia will seek to ensure that chapter provisions in the FTA will allow parties to maintain the right to establish scientifically-justified SPS measures and determine appropriate levels of protection in establishing its measures. The FTA negotiations have focused on developing a better understanding of each other's respective approaches by exchanging information on each party's systems for biosecurity protection, animal, plant and human health, food safety and animal welfare. During the fourth round, both sides continued to provide clarification on their respective text proposals, with the aim of finding further areas of agreement in future rounds (European Commission 2019, p. 3).

### Trade and sustainable development

There is a divergence of approaches on the issue of the inclusion of sustainable development chapters within trade agreements. The EU's approach aims at the regulatory externalisation of its own rules to third countries, whereas Australia has adopted a pragmatic approach and does not advocate sustainable development chapters (McKenzie and Postnikov 2019, forthcoming). For the EU, there is an explicit link between trade and sustainable development, and this is outlined in the *Trade for All* strategy which 'explicitly acknowledged that EU trade policy is not just about interests but also about values' (European Parliament 2019, p. 39). In its implementation report on *Trade for All* the Commission emphasised that '[c]omprehensive, binding, sustainable development provisions are now part of all FTA negotiations' (European Commission 2017, p. 8). The EU advocates the adoption of Trade and Sustainable Development chapters in all trade agreements that it negotiates. These chapters include provisions on human rights, social justice, high labour standards and high environmental standards. The provisions are aimed at promoting adherence to, and effective implementation of, relevant internationally agreed principles and rules, including the core labour standards and fundamental conventions of the International Labour Organization and multilateral environmental agreements including those related to climate change, in particular the Paris Agreement, and climate change mitigation-related multilateral initiatives such as the International Maritime Organization (Council of the EU 2018, 17). The EU has also adopted a 15-point plan to ensure that all trade agreements are consistent in enforcing sustainable development principles.

This EU approach differs from that of Australia, which focuses on promoting its commercial interests in FTA negotiations. The

promotion of values is not a focus in this regard. Australia's Foreign Policy White Paper (Australian Government, 2017, p. 61) states that 'these prospective FTAs will advance our commercial interests, especially in investment, services and agriculture', with standards important within the context of harmonisation for the sake of facilitating trade. The European Parliament has acknowledged that Australia has a 'very developed regulatory system in terms of labour and environment' (European Parliament 2019, p. 42), while also pointing out there is no indication within its Foreign Policy White Paper, 'that Australia sees FTAs in terms of values, as indicated in the EU's TFA strategy' (European Parliament 2019, p. 44).

In addition, Senator Birmingham has made it clear that although Australia 'will consider everything that is put on the table' during the negotiations, 'it is not Australian practice to simply adopt European standards - we urge and encourage common adoption of international standards where possible' (Martin 2019). One area of potential contention in the FTA negotiations is likely to centre around petrol standards, with a report that the EU will place pressure on Australia to 'clean up its petrol standards' (Martin 2019). The use of lower quality fuel in Australia has prevented the sale of some European vehicles with 'higher standard engines', constituting a technical barrier to trade. Any agreement on this will have significant costs and infrastructure implications for Australia as oil refineries will need to be updated to meet these higher standards.

Trade and sustainable development chapters have been an ongoing area of divergence that has been discussed throughout the FTA negotiations. The EU and Australia have presented their views on the chapter based on existing FTA precedents and current developments, including the EU's recent 15-point action plan. The EU and Australian negotiators exchanged information on their respective systems including their existing practices regarding references to international commitments in their bilateral agreements. In the fourth round of negotiations, Australia and the EU provided further explanation of their respective approaches to the Trade and Sustainable Development chapter (DFAT 2019, n.p.). Agreement was reached on provisions pertaining to corporate social responsibility and sustainable fisheries management (DFAT 2019, n.p.). On the matter of energy and raw materials, EU

negotiators restated their view that FTA provisions in this area would further promote sustainable trade and investment (European Commission 2019, p. 4), while Australia maintained a strong position regarding the EU's proposals on energy and raw materials, stressing that 'many of the EU's proposed provisions would affect state and territory governments' (DFAT 2019, n.p.). Australia's negotiating preference is not to include a separate chapter on energy, but 'to include relevant disciplines, for example on competition, in core chapters' (DFAT 2019, n.p.).

### **Small and medium-sized enterprises (SMEs)**

There is common ground between the EU and Australia on maximising the benefits of FTAs for small and medium-sized enterprises (SMEs). The EU and Australia are both eager to enhance the access of SMEs to information on rules; regulations; and procedures, and to reduce costs and red tape for SMEs. The EU and Australia 'will continue to discuss how best to implement these measures to ensure that SMEs can take advantage of the agreement' (DFAT 2019, n.p.).

### **Public procurement**

On public procurement, the EU seeks a 'comprehensive and improved' mutual access to public procurement markets that go beyond Australia's offers in its accession to the WTO Government Procurement Agreement (Council of the European Union 2018, 15). This should include all levels of government including the utilities sectors, stated owned enterprises and undertakings with special or exclusive rights, and procurement of goods, services and public works (Council of the European Union 2018, p. 15). Australia seeks to ensure comprehensive and improved access to government procurement markets for Australian suppliers on the basis of clear and transparent rules for tendering.

On government procurement, in the negotiations to date, the EU and Australia continue to 'deepen [their] understanding of each other's procurement frameworks and focused on how to achieve transparent and competitive access to government procurement opportunities for each other's suppliers' (DFAT 2018b, 2). The latest rounds suggest that this is progressing satisfactorily.

# SECURITY ENGAGEMENT

The EU and Australia have been expanding their security engagement to reflect similar concerns and interests. The transnational nature of threats provide opportunities for the EU and Australia to share the challenge of responding to threats by exchanging assessment and analysis. The 'centre of gravity' differs for the EU and Australia and they do not always have identical views regarding responses to transnational and regional threats. Yet there remain some significant areas where security engagement can be strengthened. The Framework Agreement has provided an overarching structure to further facilitate this.

In order to capitalise on these opportunities, both the EU and Australia must be realistic as to where their interests align and how they can work together in a tangible way. They need to both acknowledge that they have different hierarchies of interests in terms of threat perceptions and core geographical areas of priority. It is within areas of convergence that EU-Australia security cooperation can develop. One example is the Middle East where Australia recently contributed to the EU's Advisory Mission in Iraq (see Matera 2019, forthcoming). Another is their shared interest of protecting maritime security, and a third is through their increased engagement in the Asia Pacific/Indo-Pacific. There are increasing efforts to engage jointly in tackling cybercrime, countering violent extremism, online disruption and countering foreign interference. At the June 2019, EU-Australia Joint Committee meeting in Brussels, officials 'welcomed the implementation of the EU-Australia Framework Agreement for participation in crisis management operations' and emphasised the decision of Australia to deploy an humanitarian expert to the EU Advisory Mission in Iraq (EEAS 2019a).

## Law enforcement

When it comes to law enforcement, the EU and Australia have agreed on cooperation among their respective 'law enforcement authorities, agencies and services and to contribute to disrupting and dismantling transnational crime threats common' to them (Australian Government and the European Union 2018, Article 33). The Framework Agreement identified cooperation ranging from 'mutual assistance in investigations, sharing of investigation techniques, joint education and training of law enforcement personnel' (Article 33). This builds on existing

forms of engagement between the EU and Australia such as the 2007 agreement between EUROPOL (the EU's agency for law enforcement) and the Australian Federal Police (AFP). The European Parliament has commended Australia's 'operational agreement with EUROPOL and highlighted the potential for further expansion of intelligence sharing and operational cooperation with the Australian government' (European Parliament 2018, p. 7)

## Cybersecurity

Within the area of cybersecurity, the EU and Australia share a common concern over the increased ability for state and non-state actors to pursue malicious cyber-attacks. Australia, the EU, and EU member states have developed their own cybersecurity strategies, reflecting the significance accorded to the issue in their law enforcement, security and defence communities. Title V of the Framework Agreement deepens 'strategic-level engagement and enhances operation collaboration with international partners to combat transnational cybercrime' (Commonwealth of Australia and DFAT 2018, p. 7).

As the 'vast majority of cybercrime targeting Australia originates overseas' (Commonwealth of Australia and DFAT 2017, p. 34), Australia has a vested interest in deepening 'bilateral, regional and global partnerships to increase cooperation and build our collective capacity to combat this threat' (Commonwealth of Australia and DFAT 2017, p. 34). The *Cyber Security Strategy* committed the Government to enhancing Australia's ability to respond to cybersecurity threats. Australia's strategy for tackling cybercrime includes a commitment to improve 'cybercrime awareness levels' within the Asia-Pacific region (Commonwealth of Australia and DFAT 2017). This includes cyber safety and cybercrime education programs such as Cyber Safety Pasifika and working with regional partners (such as the Pacific Islands Forum, the ASEAN Regional Forum and East Asia Summit) to assist in strengthening their legal frameworks to address cybercrime (Commonwealth of Australia and DFAT 2017).

At bilateral and multilateral levels, Australia has deployed personnel to partner countries to deepen information sharing links. The Australian Criminal Intelligence Commission has established a working-level cyber partnership with the National Cybercrime Unit at the UK's National Crime Authority

(Commonwealth of Australia and DFAT 2017). Australia is involved with INTERPOL at a number of levels such as the National Central Bureau in Canberra and the appointment of an AFP Cybercrime Investigator in a leadership role within the Interpol Global Complex for Innovation in Singapore. It has seconded an AFP investigator to the European Cyber Crime Centre in the Hague, and a Cybercrime Liaison Officer within EUROPOL's Joint Cybercrime Action Task Force. 'These secondees provide expert support to international efforts, as well as sourcing cybercrime threat information for Australian agencies on a regular basis' (DFAT 2019, n.p.). Australia also participates in practical cybercrime cooperation through mechanisms such as the International Cyber Crime Operations Summit (ICCOS) with EU member states (the UK, Germany, Netherlands, France), EUROPOL, and the United States, Canada, and New Zealand (Commonwealth of Australia and DFAT 2017). This 'group was responsible for the takedown of the Avalanche cybercriminal infrastructure in December 2016, judged to be the largest and most successful international operation of its kind to date' (Commonwealth of Australia and DFAT 2017, p. 43).

The Framework Agreement also calls for the EU and Australia to promote the Council of Europe's Budapest Convention on Cybercrime (formally known as the Convention on Cybercrime) 'as the global standard against cybercrime' (Australian Government and European Union, 2018, Article.36.3). Australia, along with EU member states are part of the drafting group for the development of an Additional Protocol to the Budapest Convention on trans-border access to information. Through the Budapest Convention there is potential for the EU and Australia to support countries in the Indo-Pacific to strengthen their capacities against cyber threats.

## Security of Classified Information

While the EU and Australia have established avenues through which to share security information through, for example, the 2010 *Agreement on the Security of Classified Information*, the Framework Agreement provides avenues for the further expansion of cooperation in this area. An Australian government National Interest Analysis argues that the Framework Agreement provides opportunities for establishing broad and robust real-time information sharing mechanisms with EUROPOL, the European Anti-Fraud Office (OLAF) and the European Border and Coast Guard Agency, which will 'better position Australia to share intelligence, improve targeting and undertake operational activity to deter, detect, and mitigate emerging threats from the European region' (Commonwealth of Australia and DFAT 2018, p. 7).

## Maritime security

Both the EU and Australia have strategic interests in protecting maritime security. They have been working together within this area for some years. This has included working closely in the ASEAN Regional Forum (ARF) where Australia, the EU

and Vietnam co-chair the Inter-sessional Meeting on Maritime Security. The three parties have jointly run a series of related maritime security workshops, facilitating the sharing of practices and solutions to reduce regional tensions, 'enhancing Maritime Domain Awareness, land-sea and civil-military nexuses and opposing IUU fishing' (Pejsova 2019, pp. 102-103).

The EU's *Global Strategy* (EEAS 2016, p. 38) states that the EU will 'uphold freedom of navigation, stand firm on the respect for international law, including the Law of the Sea and its arbitration procedures and encourage the peaceful settlement of maritime disputes.' It also emphasises the need to 'build maritime capacities and support an ASEAN-led regional security architecture' (EEAS 2016, p. 38). This builds on the EU's *Maritime Security Strategy* (Council of the European Union, 2014, p. 10) which encourages member states 'to play a strategic role in providing global reach, flexibility and access' for the EU and to use their forces to 'support the freedom of navigation and contribute to global governance by deterring, preventing and countering illicit activities.' High Representative Mogherini has stated that as maritime security is under threat from 'growing geostrategic rivalries' as well as piracy and organised crime, there has been a 'growing demand for the European Union role as maritime security provider not only in our region but also further away, Asia Pacific, the Indian Ocean' (Barigazzi, 2019).

The EU and Australia share significant interests in the South China Sea, in terms both of the freedom of trade and navigation, and upholding regional security and rules-based order. Australia has conducted airborne surveillance operations, naval patrols and exercises throughout the region. It also, through diplomatic channels, continues to call for freedom of navigation in the region. The EU's efforts have focused on supporting a rules-based order in the region. It has expressed its full support for regional ASEAN-led processes to promote a rules-based order and urged a swift conclusion of negotiations for a legally binding Code of Conduct between China and ASEAN (EEAS, 2019c).

Freedom of navigation and safe passage through the Gulf is a concern for both the EU and Australia. The Australian government announced in August 2019 that it would join the US-led international maritime security mission. It will see the Australian Defence Force work alongside its international partners to assure the security of merchant vessels in the Strait of Hormuz. This will be 'an enhancement of our existing and longstanding contribution to counter-piracy and counter-terrorism in the waters of the Middle East' (Morrison and Payne 2019). Australia's contribution 'will be modest, meaningful and time limited - and it will be part of an international mission.' The EU has also been considering the possibility of deploying a naval operation to the Strait of Hormuz to protect freedom of navigation and to de-escalate tensions between Iran and the United States (Mogherini 2019).

# ENVIRONMENT, ENERGY AND CLIMATE CHANGE: CONVERGENCE AND DIVERGENCE OF INTERESTS

Australia and the EU hold high-level environment consultations to strengthen cooperation in advancing environmental protection, both through policy dialogue and by facilitating joint work and projects to address specific environment-related issues. In 2007, they had agreed to hold a regular officials-level forum on energy security and climate change. Although there are mechanisms in place to facilitate dialogue and find ways to strengthen cooperation, Australia and the EU differ on the priority given to environmental policy, particularly in relation to climate change, energy and emissions. The EU has long been regarded as a leader in international climate politics (Kilian and Elgström 2010; Oberthür and Kelly 2008; Parker and Karlsson 2017), whereas Australia has been perceived as a laggard (Christoff 2005; Christoff and Eckersley 2011; Tobin 2017).

Despite the divergent energy interests, and the different levels of ambition in relation to 2030 emissions reduction commitments, the ratification of the Paris Agreement nevertheless constitutes a strong foundation for EU-Australia engagement. During the EU-Australia Joint Committee meeting in June 2019, officials agreed to work together on the effective implementation of the Paris Agreement, confirming their 'commitment to the full implementation of the Paris Agreement as part of global efforts to take action on climate change' (ep|neonline 2019, n.p.; EEAS 2019a, n.p.). In addition, they stated their support for a successful meeting of the UN Climate Action Summit in September 2019, though the decision of Prime Minister Morrison not to attend the meeting was widely criticised given that he was on an official visit to the United States at the time.

A mutual commitment to the Paris Agreement on Climate Change has become a standard article in EU trade agreements.

The European Parliament adopted a resolution in July 2018 to never conclude a trade agreement 'without a reference to the Paris climate agreement and the implementation [of emission reductions]' (Hasham 2018). It was included in both the EU-Japan Economic Partnership Agreement, and the agreement between the EU and Mercosur. The European Commission has indicated that a similar provision will be included in an EU-Australia FTA. In addition, the EU's chief FTA negotiator, Helena König has said that a failure on the part of Australia to meet its international climate obligations would have serious economic consequences for the FTA (Hasham 2018).

Both the EU and Australia are signatories to the Paris Agreement on Climate Change, which is committed to hold 'the increase in the global average temperature to well below 2°C above preindustrial levels' and the pursue 'efforts to limit the temperature increase to 1.5°C above preindustrial levels' (UNFCCC 2015). The EU has committed to a minimum 40% reduction by 2030 on 1990 levels whereas Australia has committed to a 26% to 28% reduction by 2030 on 2005 levels (equivalent to 25.3% to 27.3% on 1990 levels). The EU has questioned Australia's use of carry over credits at the Bonn Climate Change Conference in June 2019, although Australia reaffirmed its intention to utilise the credits (UNFCCC 2019, pp15-17).

There are very different drivers shaping energy policy in the EU and Australia. This is reflected in Australia's continued reliance on coal mining, which the EU questioned at the 2019 Bonn Conference. Energy security has been a key driver behind the development of low-carbon energy sources (nuclear and renewables) in the EU, as it is a net energy importer. Australia,

on the other hand, has access to abundant fossil fuel resources and is the world's largest coal exporter and one of the largest gas exporters (BP 2019, pp. 40-7). In the absence of energy security and economic drivers, Australia has been slower to deploy low-carbon energy sources with renewable energy accounting for just 7% of Australia's energy consumption (BP 2019, p.9).

Three specific areas for potential EU-Australia cooperation have been identified, namely the phasing out of coal production and exports; expanding renewable energy sources and climate change adaptation (Oberthür 2019). The EU and Australia could assist each other with phasing out of coal production and exports. Limiting global warming to below 2°C will require a near complete phase out of coal by 2050 (IEA 2017, p. 29). In developing a plan for this, Australia could draw on the experiences of EU member states which are already transitioning away from coal.

Although the proportion of renewable energy in Australia's energy system is half that of the EU, Australia's climate and geography are very favourable for solar and wind power (Lu

et al. 2009; World Bank 2016). Australian states have already implemented ambitious renewable energy targets that will drive increased deployment over the next three decades. This will provide opportunities for European renewable energy companies to increase their cooperation with the Australian energy sector.

Climate change will have significant impacts on the natural environment, with warmer temperatures, changed rainfall patterns, and sea level rise requiring changes to the design of infrastructure, agricultural production, and water use for example (IPCC 2014). The EU and Australia could benefit from sharing knowledge on which adaptive measures might be most effective given time and resource constraints.

Although the divergent interests of Australia and the EU have shaped their respective climate policy frameworks, there remain areas of cooperation within this area (see Parry 2019, forthcoming). Climate change is a long-term challenge that requires identifying long-term opportunities for cooperation.

# MIGRATION AND REFUGEE PROTECTION

Australia and the EU 'share interests in irregular migration, refugee and asylum seeker issues' (Commonwealth of Australia and DFAT 2018, p. 7). With the signing of the Framework Agreement, the EU and Australia have agreed to 'intensify dialogue and cooperation on migration, asylum, participation and diversity issues' (Australian Government and European Union 2018, Article 38(1)). The Framework Agreement provides for structured cooperation and the exchange 'of information on approaches to irregular migration, people smuggling, trafficking in human beings, asylum, social and economic participation of migrants, border management, visas, biometrics and document security' (Australian Government and European Union 2018, Article 38(2)). The EU and Australia have also agreed to cooperate on preventing and controlling irregular migration and have committed to readmitting any of its nationals irregularly present on each other's territory (Australian Government and European Union 2018, Article 38(3)). In addition, they have agreed, upon request of 'either Party,' to explore the possibility of adopting a readmission agreement, which would include 'appropriate arrangements for the readmission of third country nationals and stateless persons' (Australian Government and European Union 2018, Article 38(4)).

The Framework Agreement provides opportunities for Australia and the EU to further develop already intensive cooperation in the area. Australia's Joint Agency Task Force Operation Sovereign Borders (JATF OSB) supports operational cooperation with the EU on combatting maritime people smuggling. The JATF OSB also 'hosts visits by EU counterparts and contributes to relevant EU forums' (Commonwealth of Australia and DFAT 2018, p. 7).

Australia also works with the EU and European partners within this area. The European Reintegration Network (ERIN) and the Budapest Process provide forums for enhanced transnational and transregional engagement. The ERIN Specific Action Program aims to implement sustainable return and reintegration of third country nationals in their country of origin through 'assistance in the form of counselling, referral and/or reintegration assistance to foreign nationals who return voluntarily or non-voluntarily to their country of origin or a third country' (Foreign Affairs, Foreign Trade and Development Cooperation, n.d.). Australia is one of the 19

partner countries<sup>5</sup>. The Budapest Process provides 'an informal and flexible framework for states and other stakeholders to address issues of common concern and maintain open channels of communication between each other' (Budapest Process Secretariat, n.d.). The aim of the dialogue is to develop comprehensive and sustainable systems for orderly migration through the exchange of information and best practices relating to regular and irregular migration, asylum, visa, border management, trafficking in human beings and smuggling of migrants, readmission and return (McAuliffe and Mence 2014, 32). This is an interregional forum with over 50 governments and 10 international organisations participating. All EU states are members of the dialogue, with Australia holding observer status. Both of these forums provide avenues for information sharing on approaches to regional collaboration and the sharing of lessons learned from respective approaches to managing refugee protection, migration and border protection.

A key challenge to enhanced cooperation on refugee protection has been the domestic political context in some EU member states and Australia, which have rejected humanitarian approaches to asylum seekers. Australia, along with the United States, Israel and EU countries Hungary, the Czech Republic, Poland and Austria, has refused to ratify the UN Global Compact on Migration. The Australian government has also declined to sign up to the UN's Migration Compact, arguing that it would undermine Australia's policy of deterrence (Karp 2018). The Australian government has questioned the authority of the UN to introduce binding principles and laws on migration and has raised concerns over the lack of distinction between legal and 'illegal' migrants (van Leeuwen 2018). Similarly, during the proceedings on 19 December 2018, the Czech Republic, Poland, Hungary and Austria all expressed their reservations on the text and argued that the Migration Compact constituted a pull factor for irregular migration (UN 2018).

To overcome the hostile and restrictive approaches to people movement adopted by the EU and Australia, there is scope for the EU and Australia to promote an accord based on core values of democracy and human rights to develop transnational and transregional solutions for issues such as refugee protection (see Murray 2019; Tubakovic 2019, forthcoming).

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5 The other partner countries are Austria, Belgium, Denmark, Finland, France, Germany, Greece, Italy, Luxembourg, Malta, Netherlands, Norway, Romania, Serbia, Spain, Sweden, Switzerland and United Kingdom.

# RECOMMENDATIONS

This section sets out some recommendations for the EU and Australia to consider. These recommendations are intended to support and consolidate the positive implementation of the Framework Agreement. They also propose means for cooperation beyond that Agreement. This section seeks to make some observations and recommendations regarding the negotiations on the FTA. It places cooperation on multilateralism and trade liberalisation in context and draws on the implications of Brexit to make some proposals.

## Commitment to multilateralism

Enshrined in the Framework Agreement is a commitment to multilateralism. In order to strengthen this commitment, it is recommended that the Australian government and the EU establish specific dialogue and exchange of views on future EU-Australia collaboration within the UN framework and in multilateral governance. This would require a discussion of the potential implications of the recent statements by Prime Minister Morrison that appear to no longer embrace core principles of multilateralism within the UN framework, and a clearer understanding of where their interests align in promoting multilateralism.

## Trade

The FTA is an important bilateral agreement for Australia and for the EU. It forms part of the trade diplomacy of each interlocutor. Although concerned with trade, it represents more than trade in three ways. First, it is being negotiated at a time of tectonic shifts in geostrategic and geo-economic trends, with the concomitant need to acknowledge cooperation that is required for a robust trade governance system that remains multilateral and fair. Secondly, they are about more than trade diplomacy as they are about diplomacy more broadly. It is imperative that each party retain a sense of equilibrium and a willingness to compromise on important issues while at the same time retaining a commitment to the current positive state of diplomatic relations bilaterally. Thirdly, the FTA forms part of a network of such agreements that ‘create institutions which foster dialogue and approaches to bilateral relations which, over time, also impact on other relationships’ (European Parliament 2019, 50). Relations with third countries will be influenced by, and could well influence, this agreement. These considerations will need to be kept in mind during the remaining rounds of the FTA negotiations.

In the FTA negotiations, we have identified a series of recommendations for the EU and Australia to consider when addressing agriculture, GIs and SPS measures.

## Agriculture

The EU and Australia each need to recognise that there are strong and trenchant views regarding agricultural produce and market access in both jurisdictions. Notwithstanding consultations with agricultural interest groups in both Europe and Australia, there is little possibility of full accord in this area. Options seeking a consensus that protects both Australian and European markets that are not regarded as completely optimal to either, may be the best case scenario. It is not likely that all outstanding differences will be resolved to the satisfaction of both partners and their domestic constituencies. It is thus recommended that the EU and Australia pursue this sustained approach with vigour, in order to ensure the conclusion of a feasible and realistic FTA. It is also recommended that there be full disclosure of the advantages of the accord that can be achieved on primary produce and the ways in which they constitute an improvement on the current situation for each interlocutor and their producers. The theme of better market access is a positive one, even if it does not constitute full or unrestricted access.

For this reason, a clear narrative will be important. First, there has been an increase in two-way trade flows over time. An important feature of this has been the Australian trade surplus with the EU in the area of agricultural and agri-food products, although Australia continues to have a trade deficit overall in trade with the EU. Second, the diversification of Australia’s trade towards Asia ensures that Australia has a choice of markets across Europe and Asia and other parts of the world. Thirdly, the EU does not constitute a uniform market for Australia: some countries are more important trade partners than others and Australia may well wish to focus on strengthening some of these and seeking to diversify to other EU member states (for a discussion of some of these issues see Murray and Zolin 2012).

In this context, taken together with the more positive trade indicators in recent years, we suggest that the days of angry exchanges may be behind Australian and EU interlocutors, although challenges could remain regarding ‘sensitive products’.

## GIs

It is recommended that the EU and Australia establish a small working group and increase consultations with interest groups in both Europe and Australia in order to seek a working consensus on the issue of GIs. This will be important to ensure that the issue is resolved to the satisfaction of both partners and that an ambitious and comprehensive FTA is ultimately concluded.

## Sanitary and Phytosanitary (SPS) Measures

SPS issues and related concerns have been a challenges in the bilateral relationship for at least two decades (Murray 2005). It is recommended that each party to the FTA agreement ensure that there is recognition of each other's systems for biosecurity protection, animal, plant and human health, food safety and animal welfare in a way that does not undermine ongoing goodwill while at the same time ensuring that this FTA commits to the highest feasible standards of SPS measures without compromising on service to the consumer. This FTA could form a prototype for SPS protection in international FTAs.

## Security

The EU and Australia must be realistic regarding the future alignment of their interests and how they can work together in a substantial way. It is recommended that both parties acknowledge that they have different hierarchies of interests in terms of threat perceptions and core geographical areas of priority. A set of agreed concerns should be worked on.

It is recommended that they agree on forms of minilateralism that are feasible for the promotion of niche diplomacy initiatives in the ASEAN Regional Forum and in ASEM. Given their shared concerns about regional instability in the Asia/Indo Pacific, it is recommend that Australia support the EU in its engagement with ASEAN in non-traditional security and that the EU support Australia in initiatives within the Australian New Zealand Dialogue on non-traditional security. It is further recommended that it is in Australia's interests to support the EU bid to join the East Asia Summit given their shared concerns about great power rivalry in the region, maritime security, trade tensions and territorial disputes.

There is scope to develop dialogue on cyber security along the lines of the EUROPOL agreement on the exchange of information on persons and it is recommended that this be explored by the interlocutors.

## Refugees

There is scope for a fresh commitment by the EU and Australia to humanitarian principles and refugee protection (Murray 2019; Tubakovic 2019, forthcoming). It is recommended that the EU and Australia come together to work on means to combat

populism and exclusionism as much as to discuss border protection. It is recommended that a medium to long-term perspective on the causes of refugee movement be analysed and a set of principled initiatives be developed so that they can be presented by the EU and Australia in both multilateral and regional forums in order to seek to achieve stability and to support humanitarian responses to these challenges.

## Climate Change and Energy

The EU should ensure that the cancellation of Kyoto carry over credits is a condition of the FTA. Australia's Nationally Determined Contribution is already inconsistent with the overall objective of the Paris Agreement (Climate Action Tracker 2019), and the use of carry over credits undermines the Agreement.

The FTA has the potential to open up opportunities for greater collaboration within the area of renewable energy. With growing international demand for renewable energy sources, it is recommended that Australia and the EU use the FTA to develop market conditions that will facilitate collaborative ventures amongst renewable energy companies, energy providers and researchers within both the EU and Australia. Not only will this increase economic benefits from the FTA but will help reduce reliance on harmful energy sources such as coal and therefore mitigate the impact of climate change.

Australia and the EU should increase cooperation in the Pacific. It is the front line in the fight against climate change, and cooperation between the largest aid donor to the region (Australia) and the world's largest aid donor (the EU and its member states), would improve climate resilience.

## The Implications of Brexit

The forthcoming departure of the UK from the EU, including its Single Market, its regulatory framework, its trade policies and international agreements, presents a challenge to the EU and Australia, as well as to the UK itself (Murray and Brianson 2019). Brexit presents a new form of challenge in trade, diplomatic relations and continuity of agreements and dialogues for the EU with its soon-to-be erstwhile member state and for interlocutors such as Australia.

It is recommended that the EU and Australia work together to urge and support the UK to ensure that its trade negotiations reflect a continued commitment to trade liberalisation and the WTO. It is further recommended that Australia and the EU invite the UK to join regional and interregional bodies as an individual nation state, to ensure that the UK is welcomed into these forums and that there is continuity of shared positions on issues relating to security, trade and democracy. The UK's membership of the ARF and the ASEM should be accorded priority in this regard.

# FINAL CONSIDERATIONS

The recommendations presented above are for consideration in order to achieve a number of objectives. The first is to strengthen bilateral EU-Australia relations across a range of policy areas. The second is to provide a context for the shared commitment to trade liberalisation. The third is to note that there is cause for concern regarding the shared commitment to multilateralism, in the context of recent speeches by Prime Minister Morrison, which is in marked contrast with the EU's championing of, and support for, multilateral institutions and governance. This apparent departure from shared concerns in the current geostrategic, geopolitical and geo-economic environment will no doubt give rise to debate among the two interlocutors. The fourth is to illustrate that the two interlocutors have many shared interests but also divergent concerns. Common interests and shared concerns, although significant, do not indicate entire agreement, given the differing hierarchies of interests and preferences of each interlocutor. Each interlocutor has a distinct hierarchy of preferences and interests in their strategies. Fifth, shared interests do not denote shared values, for example on climate change and sustainable development. Actor preferences and desired outcomes may diverge according to domestic, regional and international concerns. Sixth, it is important to point out that the EU and Australia will need to continue to consolidate the trust that has been carefully established over several years, across the policy communities in the EU and Australia. Finally, there is scope for the EU and Australia to engage in principled leadership in multilateral and regional forums on humanitarian concerns.

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