



Brussels, 30.10.2014
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COMMISSION DECISION

of 30.10.2014

requesting an opinion of the Court of Justice pursuant to article 218(11)TFEU on the competence of the Union to sign and conclude a Free Trade Agreement with Singapore

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THE EUROPEAN COMMISSION,

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

Whereas:

- (1) The Commission has recently completed the negotiations of a Free Trade Agreement with the Republic of Singapore ("Singapore").
- (2) It is uncertain whether the Union has the necessary competence (whether exclusive or shared) to conclude alone the Free Trade Agreement with Singapore or whether the participation of the Member States is necessary, or at least possible, in respect of certain matters.
- (3) In particular, doubts have been raised with regard to the extent and the nature of the Union's competence in respect of some elements of the chapters of the agreement on the protection of foreign investment, transport services, intellectual property, transparency and sustainable development. It is therefore advisable to seek from the Court of Justice an opinion clarifying the extent and the nature of the Union's competence.

HAS DECIDED AS FOLLOWS:

Article 1

The Commission shall request an opinion from the Court of Justice under Article 218(11) of the Treaty on the following question:

Does the Union have the requisite competence to sign and conclude alone the Free Trade Agreement with Singapore? More specifically,

which provisions of the agreement fall within the Union's exclusive competence?;

which provisions of the agreement fall within the Union's shared competence?; and

is there any provision of the agreement that falls within the exclusive competence of the Member States?

Article 2

The Legal Service is instructed to give effect to this decision.

Done at Brussels, 30.10.2014

For the Commission
José Manuel BARROSO
The President

