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Answer given by Mr Šefčovič
on behalf of the European Commission
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Negotiations on the EU-Singapore Digital Trade Agreement (DTA) were concluded in July 2024[1]. When ratified, the DTA will complement the existing EU-Singapore Free Trade Agreement (FTA)[2] that was concluded at a time when the EU had not yet developed a modern digital trade chapter for its FTAs. The DTA contains state-of-the-art digital trade rules and builds on the EU-Singapore Digital Partnership[3], which focuses on regulatory cooperation on digital policies, including artificial intelligence (AI).

The DTA's rules on the protection of software source code follow the EU's approach that carefully balances, on the one hand, the need to uphold EU's competitiveness by ensuring protection against forced technology transfers by means of mandating source code disclosure as a condition for market access, and, on the other hand, the need to ensure space for legitimate and effective regulatory oversight, in line with EU's competition and digital acquis. These rules focus on eradicating market distortive practices that threaten to erode the EU's industrial base and that cannot be effectively addressed solely by the rules on the protection of intellectual property.

The Commission considers this approach consistent with EU law, including the AI Act[4]. In this regard, the text agreed with Singapore specifically references the need to ensure safe and trustworthy AI as a legitimate public policy objective, ensuring the possibility for competent authorities to require access to source code where justified and subject to safeguards against unauthorised disclosure. This includes *inter alia* requirements to access source code for conformity assessment procedures for AI systems.

[1] https://ec.europa.eu/commission/presscorner/detail/en/statement_24_3983
[2] OJ L 294, 14.11.2019; https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=OJ%3AL%3A2019%3A294%3ATOC
[3] https://digital-strategy.ec.europa.eu/en/library/eu-singapore-digital-partnership
[4] Regulation (EU) 2024/1689; https://eur-lex.europa.eu/eli/reg/2024/1689/oj/eng