



Bridges Trade BioRes

News, events and resources at the intersection of trade and biodiversity

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Fisheries

FISH @ THE WTO: SUBSIDIES, MARKET ACCESS AND ANTI-DUMPING

As talks heat up in the weeks before the WTO Hong Kong Ministerial Conference in December, fisheries-related issues have cropped up in draft texts submitted by the chairs of two WTO negotiating groups for inclusion in the draft Hong Kong Ministerial Declaration. The text put forwarded by the Chair of the Negotiating Group on Rules refers to the need to strengthen disciplines on subsidies that contribute to overcapacity and overfishing, while the status report by the Negotiating Group on Non-Agricultural Market

Access (NAMA) points to progress on sectoral agreements, including fish. Meanwhile, Ecuador initiated WTO dispute proceedings against the US for the anti-dumping duties it imposed on shrimp imports from Ecuador.

General consensus on draft text on fisheries subsidies disciplines

At an informal meeting of the Negotiating Group on Rules on 22 November, WTO Members discussed the revised text on fisheries subsidies presented by Rules Group Chair Ambassador Guillermo Valles Galmes of Uruguay. The text, which the Chair submitted to WTO Director-General Pascal Lamy, states that there is "broad agreement" that the group aims to "strengthen disciplines on subsidies in the fisheries sector, including through the identification and prohibition of subsidies that may contribute to overcapacity and over-fishing". It also calls on "participants to promptly undertake further detailed work to, inter alia, establish the nature and extent of those disciplines, including transparency and enforceability". Moreover, at India's request, the text also includes a reference to "appropriate and effective" special and differential treatment (S&D) as an "integral part" of the negotiations, taking into account the sector's importance to "development priorities, poverty reduction, and livelihood and food security concerns".

The text expands on previous draft versions, which many Members felt were too short to reflect the progress that has been made, by simply calling on Members to "strengthen disciplines on subsidies in the fisheries sector, including through the identification and prohibition of subsidies that may contribute to overcapacity and over-fishing, taking into account the special needs of developing and least-developed Members". However, the text does not include a proposal by Japan, Korea and Chinese Taipei to state that the disciplines must "preserve

the basic concepts and principles of the Agreement on Subsidies and Countervailing Measures (SCM)". This proposal was rejected by other Members who argued that the mandate for fisheries subsidies negotiations was to amend those very principles. Members also failed to agree on the timeline for moving to text-based negotiations.

While sources suggested that the vast majority of Members were happy with the new draft, the Friends of Fish -- a loosely defined group of countries such as New Zealand, Chile, Peru and the US which support a broad ban on fisheries subsidies with exemptions -- would have preferred an even stronger call for disciplining fisheries subsidies. Nonetheless, they felt that the draft text submitted to the TNC was balanced and acceptable. The very fact that Japan and Korea agreed to a text that expresses broad agreement for strengthening disciplines on fisheries subsidies was regarded by some as a major step forward, given the countries' initial reluctance to negotiate fisheries-specific subsidies at all.

Environmental groups pointed to the recognition in the text that subsidies which contribute to overcapacity and over-fishing need disciplining as a significant step in the right direction, in particular given that some Members had earlier tried to limit the Rules negotiations only to subsidies that were directly trade-distorting. However, WWF called on governments to be even clearer by noting "the strong convergence of views in favour of a new SCM red light that effectively bans fishing subsidies contributing to excess fishing capacity and overfishing" and urged them to continue with a "deeper parallel discussion of S&D provisions".

Prospects for a sectoral agreement on market access for fish are weak

The progress report submitted to Pascal Lamy by the NAMA Group Chair Ambassador Stefan Johannesson of Iceland notes the good progress made on the sectoral tariff component of the negotiations based on a "critical mass" approach, and identifies fish as one of the sectors concerned (along with forest products among others). According to this approach, a "critical mass" of major fish producing, importing and exporting countries could agree to a sector-specific agreement that would liberalise fish trade separately from the general agreement on market access for non-agricultural goods (see Bridges Trade BioRes, 28 October, [http://www.ictsd.org/biores/05-10-](http://www.ictsd.org/biores/05-10-28/inbrief.htm#3)

[28/inbrief.htm#3](http://www.ictsd.org/biores/05-10-28/inbrief.htm#3)). Several countries, including the US, Canada, Iceland, New Zealand, Norway, Singapore and Thailand, have in the past proposed to eliminate or substantially reduce tariffs and address unjustified non-tariff barriers within the fish sector (TN/MA/W/63; TN/MA/W/18; TN/MA/W/9). Other countries including South Korea and Chinese Taipei are firmly opposed to liberalising trade in fish products on a sectoral basis (TN/MA/W/6/Add.; TN/MA/W/19/Add.2).

According to one trade source, the prospects for a sectoral fish agreement are low given the EU's current resistance to join an agreement because of its current focus on reaching a general formula for tariff cuts on all non-agricultural goods. As the EU represents over 30 percent of global fish trade, an agreement cannot reach the critical mass necessary without the EU's participation. Although the EU is reluctant to move faster on the liberalisation on fish than on other non-agricultural products, it does not support Japan's call for a so-called "negative" sectoral agreement which would cut tariffs on fish products less than other goods that are subjected to the general formula for tariff cuts that the NAMA Group will eventually agree upon.

The countries advocating a sectoral agreement on fish trade, two of which (US and New Zealand) belong to the "Friends of Fish" in the context of fisheries subsidies negotiations, argue for the liberalisation of fish trade due to its potential contribution to the economic development of poor countries (see Bridges Trade BioRes, 28 October 2005, <http://www.ictsd.org/biores/05-10-28/inbrief.htm#3>). They note that developing countries account for more than half of the world's exports in fish products and developed countries represent more than 80 percent of imports. Their joint submission quotes FAO statistics that show that in 2003, value of exports of fish products from developing countries exceeded the combined total net value of exports of coffee, cocoa, bananas, rubber, sugar, tea and rice. In contrast, Japan has argued in the past that Members should retain the flexibility to set tariffs based on their fisheries managements schemes. For its part, Korea has warned that tariff elimination would provide an incentive for increased fishing efforts, which would likely lead to over-fishing in exporting countries without proper management schemes.

US faces WTO challenge of shrimp duties

Ecuador on 15 November initiated WTO dispute proceedings against the US for its anti-dumping duties on Ecuadorian shrimp imports, alleging that the method used by the US to calculate the duties contravenes WTO rules (G/ADP/D63/1; G/L/762; WT/DS335/1). Under the WTO Anti-dumping Agreement, a WTO Member can impose anti-dumping duties on an imported product if they find that the company exporting the product charges less for it in the market of the importing country than in the exporting country. To determine the anti-dumping margin, i.e. the difference between those two prices to determine the level of the duty to be imposed, the US Department of Commerce used a methodology known as "zeroing", a process that has been challenged in previous disputes between the US and countries, such as Canada, the EU, Japan, Mexico and Thailand, and that has been consistently ruled against by the WTO's Dispute Settlement Body. Under this process, investigators treat transactions with negative dumping margins as having margins equal to zero in determining weighted average antidumping margins. For example, if a good was sold for US\$100 in the home market and US\$70 in the foreign market, a 30 percent value would be applied, but if the good was sold for US\$130 in the foreign market, a zero value would be applied. Thus, when aggregating these translations, a dumping margin of US\$30 would be found. Ecuador has argued that this process led to artificial and inflated anti-dumping margins.

The anti-dumping duties under discussion were imposed on imports of certain non-canned warmwater shrimp and prawn from Brazil, China, Ecuador, India, Thailand and Vietnam for materially injuring the domestic industry in the USA. The US has recently been criticised for upholding anti-dumping duties on imports from Thailand and India in spite of impacts of the tsunami on those countries' shrimp industries (see Bridges Trade BioRes, 11 November 2005, <http://www.ictsd.org/biores/05-11-11/story1.htm>).

In the Negotiating Group on Rules, developing and developed countries, including Brazil, Chile, Columbia, Costa Rica, Hong Kong, Israel, Japan, Korea, Switzerland and Thailand, have jointly submitted concrete proposals that would impose stricter disciplines on anti-dumping methodologies such as zeroing. Some sources suggest that non-tariff barriers such as anti-dumping measures, standards and rules of origin can play an even more

significant role as possible market access barriers than tariffs.

ICTSD Reporting; "Ecuador Initiates WTO Dispute Proceedings Against U.S. for AD Duties on Shrimp Imports", WTO Reporter, 17 November 2005; "Liberalising Fisheries Markets: Scope and Effects" OECD 2003. OECD 2003; FISHSTAT Plus, FAO Fisheries Department, Fishery information, Data and Statistics Unit; "Fishing Subsidies: Global Challenges and World Trade", WWF Position Statement, 19 October 2005.

Forestry

FOREST UPDATE: ITTO, UNFF AND FLEG

Pressure building for new timber agreement at ITTO

Concerns were raised by some members of the International Tropical Timber Organization (ITTO) about the decision at the 39th International Tropical Timber Council's (ITTC-39) meeting in Yokohama, Japan on 7-12 November to include so-called "environmental" elements in the 2006-2007 work programme of the ITTO. These countries feared that including such elements could lead to the broadening of the scope of the International Tropical Timber Agreement, which is currently being renegotiated (see Bridges Trade BioRes, 4 March 2005, <http://www.ictsd.org/biores/05-03-04/inbrief.htm#4>). Environmental elements included in the work programme are increased monitoring and assessment of the social, economic and environmental costs and benefits of sustainable management of natural forests; field-testing draft Guidelines on the Conservation of Biological Diversity in Tropical Production Forests; as well as assistance to Members to implement the rules of the Convention on International Trade in Endangered Species of Wild Flora and Fauna (CITES) on listed forest species.

Several delegates, including a number of consumer countries, had supported the inclusion of these elements in the work programme, noting that they represent a holistic approach to sustainable forest management (SFM) that is currently in use. They also felt that these elements should be reflected in the new ITTA that will replace the current agreement at the end of 2005. However, most producers of tropical timber -- primarily located in the developing world -- expressed fears that including these environmental elements in the ITTO work programme could lead to the

broadening of the scope of the ITTA, arguing that the ITTA is first and foremost a commodities agreement to promote trade in tropical timber.

The disagreement about the current and future scope of the organisation also arose during talks on proposed ITTO work to promote trade in sustainably produced timber by supporting government procurement. Such support could include assisting major exporters by providing independent audits that could counter allegations of trade in illegal logs by non-governmental organisations (see related resource, this issue, and Bridges Trade BioRes, 28 October 2005, <http://www.ictsd.org/biores/05-10-28/inbrief.htm#6>). Colombia, the EU, the US and others said that it was the responsibility of national authorities to determine their policies, not the ITTO.

The next set of negotiations on the successor agreement to ITTA-1994 will be held in Geneva, Switzerland on 16-20 January 2006. It is expected to address the possible renaming of the ITTO as well as the role of issues such as illegal logging, sustainability and NTFPs in the scope of the new organisation.

Elements of new international forest "thing" considered

An International Expert Meeting on "Scoping for a future agreement on forests" held in Berlin, Germany, on 16-18 November took up the possibility of creating a new international instrument on SFM, but stopped short of agreeing on what sort of instrument should be created. Given that the most recent session of the UN Forum on Forests (UNFF) failed to agree whether a voluntary or legally-binding instrument should be created (see Bridges Trade BioRes, 10 June 2005, <http://www.ictsd.org/biores/05-06-10/inbrief.htm#5>), the negotiators, experts and civil society participants in the meeting suggested calling the tool "the thing" for the time being, and considered the possibility of a strong non-binding instrument.

The meeting, which was held outside the UNFF process by the German government, hoped to resolve disagreement within the UNFF on how the forum should address the mandate from the UN Economic and Social Commission (ECOSOC) to "recommend the parameters of a mandate for developing a legal framework on all types of

forests". The chair's non-binding report says that a strong voluntary instrument could allow countries to find a political middle ground while clarifying norms and standards; providing policy rather than technical guidelines; setting clear quantifiable SFM targets; providing linkages with other forest-related instruments; linking the sustainable development agenda and achievement of the Millennium Development Goals; and ensuring effective implementation and compliance. The text also considers the possibility of providing financing for forest projects through a global tax on international trade of forest products and the creation of an establishing a global trust fund for forests. Although the importance of implementation, regionalisation and providing incentives for investment in SFM were all discussed, and despite the fact that most participants said they were very much interested in coming to agreement on what a new instrument might involve, discussions at UNFF-6 on 13-24 February 2006 will determine what, feasibly, can be done to create a new international instrument on SFM.

UK blamed for illegal logging

In a report released on 22 November, the environmental group WWF accused the UK of being the biggest importer of illegally harvested timber in Europe. The report "Failing the Forests: Europe's Illegal Timber Trade" found that the EU imports approximately 20 million cubic metres of illegal timber from the Amazon Basin, the Congo Basin, East Africa, Indonesia, the Baltic States and Russia every year. The report warns that the trade in illegal timber leads to the loss of 600,000 hectares of forest per year, billions of dollars in lost government revenue and the destruction of the livelihoods of members of local communities. WWF urged the EU to adopt binding, mandatory measures that prohibit EU members from importing illegal timber, adding that current voluntary programmes are insufficient (see Bridges Trade BioRes, 28 October 2005, <http://www.ictsd.org/biores/05-10-28/inbrief.htm#1>).

EU Ministers will take up this challenge on 22-25 November in St. Petersburg, Russia at a Europe and Northern Asia Forest Law Enforcement and Governance (FLEG) Ministerial meeting, in the hope of mobilising international commitment from producer, consumer and donor governments to increase efforts to combat illegal logging as well as the associated trade and corruption in the forest

sector in Europe and the North Asia region. They are expected to sign a Ministerial Declaration that will commit them to identifying and developing strategies to address the underlying causes of illegal logging, associated trade and corruption; developing effective partnerships with the private sector; engaging stakeholders including indigenous peoples and local communities; and other actions. The FLEG process is being facilitated by the World Bank and has been notably characterised by extensive involvement of civil society groups (coordinated by IUCN) and industry groups such as the World Business Council on Sustainable Development (WBCSD).

Additional Resources

"Failing the Forests", WWF's report, is available at http://assets.panda.org/downloads/illegalloggingeu_1.pdf

Guidance on the UK Government's timber procurement policy and how to purchase legal and sustainable timber is available at <http://www.proforest.net/cpet>

Further information on the FLEG Meeting is available at <http://www.worldbank.org/enafleg>

ICTSD Reporting; ENB Vol. 24 No. 64, 14 November 2005; ENB Vol. 119 No.1, 21 November 2005; "Britain leads EU imports of wood logged illegally," INDEPENDENT, 22 November 2005; "EU under fire for its part in illegal trade with wood," EU OBSERVER, 22 November 2005; "ENA FLEG: Questions and Answers," WORLD BANK, 17 November 2005.

Environment at the WTO

WTO: Environment Chair Submits Draft Text For Hong Kong Ministerial Declaration

Along with the Chairs of other WTO negotiating groups, the Chair of the Committee on Trade and Environment Special Session (CTE-SS), Toufiq Ali of Bangladesh, on 22 November submitted his draft text to WTO Director-General Pascal Lamy for the draft Hong Kong Ministerial Declaration he is preparing for the Trade Negotiations Committee (TNC) meeting on 30 November. Differences over the approach to the environmental goods and services (EGS) negotiations continued to divide Members during informal discussions on 24 and 25 November, reflected in bracketed text in the submitted draft.

Two options on environmental goods on the table

The text welcomes the significant work undertaken in the CTE-SS and instruct Members to intensify

the negotiations, "without prejudging their outcome", on all parts of Paragraph 31. The text, which was submitted to Pascal Lamy on the Chair's responsibility, recognises that "more work" has been carried out on environmental goods and services under Paragraph 31(iii) through numerous submissions by Members, discussions in the CTE-SS and informal information exchange sessions in which technical discussions were held. However, two different options on the approach to the EGS negotiations remain as bracketed text that has yet to be decided upon.

One option would see Members "complete by ...2006 the work under Paragraph 31(iii) by identifying environmental goods for the reduction or, as appropriate, elimination of tariffs and non-tariff barriers in this area". This option is supported by countries who favour the so-called 'list' approach, which consists of listing goods earmarked for liberalisation (see Bridges Trade BioRes, 11 November 2005, <http://www.ictsd.org/biores/05-11-11/story2.htm>).

Another option instructs Members to continue work under 31(iii) by "developing a common understanding of the different approaches to the negotiations with the objective of reducing or, as appropriate, eliminating tariff and non-tariff barriers to environmental goods and services, in a manner that enhances the mutual supportiveness of trade and environment and takes fully into account the interests of developing countries". This option is supported primarily by developing countries who would like to keep the approach to the negotiations as flexible as possible for now. They feel that the lists submitted so far only contain goods of export interest to rich nations.

After discussions in earlier consultations did not resolve disagreement on a reference to the link between outcomes from CTE negotiations on EGS and work in other negotiating committees, such as the one on non-agricultural market access (NAMA), the text sent to the Director-General does not include any references to other negotiating bodies. Developing countries, Australia and South Africa also opposed New Zealand's suggestion at the meeting to add a sentence that acknowledged the ongoing negotiations on environmental services in the Committee on Trade in Services in Special Session (CTS-SS).

Weak recognition of talks on MEA-WTO relationship

The text submitted to the TNC also acknowledges the progress made under Paragraph 31(i) to clarify the relationship between WTO rules and specific trade obligations set out in multilateral environmental agreements (MEAs). In addition, it recognises work undertaken under paragraph 31(ii) towards developing effective procedures for regular exchange of information between MEA Secretariats and the relevant WTO committees, and criteria for the granting of observer status. The Chair also inserted a footnote at the meeting saying that some delegations want to see additional language with specific instructions from Ministers in this paragraph, in a reference to EC and Canada moves to include more ambitious language on the two negotiating items. The EC wanted to insert bracketed text instructing Members to move into text-based negotiations on Paragraph 31(i), while Canada, supported by New Zealand, Switzerland, Mexico and Argentina, proposed a compromise phrase to "move to more substantive negotiations in these areas".

A number of negotiating group Chairs have provided similar draft reports to WTO Director-General Pascal Lamy, who is expected to provide a first draft of the full ministerial text on 25 November. This text is set to be discussed in the Trade Negotiations Committee on 30 November, which will be followed by a meeting of the General Council from 1-2 December.

To access the draft text, visit
http://www.ictsd.org/ministerial/hongkong/docs/05-11_24_trade_environment_draft_text.pdf

ICTSD Reporting.

In Brief

FIVE POLLUTING CHEMICALS TO BE CONSIDERED FOR TRADE BAN

On 11 November, the persistent organic pollutants review committee (POPRC) agreed to begin a process to assess whether an additional five persistent organic pollutants should be added to the Stockholm Convention's list of chemicals to be banned from trade. The POPRC, which was created by the last Conference of the Parties to the Convention (see Bridges Trade BioRes, 13 May 2005, <http://www.ictsd.org/biores/05-05-13/story2.htm>), agreed to consider subjecting lindane, pentabromodiphenyl ether, chlordecone,

hexabromobiphenyl and perfluorooctane sulfonate to the Convention's rules in discussions that delegates described as "constructive" and "surprisingly smooth". The flame retardant, pesticide and insecticide chemicals will now go to smaller groups that will develop risk profiles for each of them for the next year, after which the groups will consider socio-economic issues and risk management questions for a year. Once this last step is completed, the POPRC will meet and forward a recommendation to COP-4 of the Convention, which will likely decide in 2009 whether to stop production, import and export of the chemicals and any necessary exemptions.

The Stockholm Convention is a global treaty to protect human health and the environment through the reduction and elimination of the production and use of a list of highly hazardous chemicals called POPs. POPs share four characteristics: they are toxic; they are persistent, resisting normal processes that break down contaminants; they accumulate in the body fat of people and animals and are passed from mother to foetus; and they can travel great distances on wind and water currents.

For additional information about the meeting, see
<http://www.pops.int/documents/meetings/poprc/default.htm>

ICTSD Reporting.

TO BIND OR NOT TO BIND: CLIMATE CHANGE MEETING CONSIDERS FUTURE

Between 28 November and 9 December, the future of the United Nations Framework Convention on Climate Change and whether binding targets for cuts in emissions should be continued will be taken up at the Eleventh Conference of the Parties (COP-11) to the Convention in Montreal, Canada. The first Meeting of the Parties to the Kyoto Protocol (COP/MOP-1), which will be held at the same time, will mark the start of critical negotiations on how efforts to address climate change will move ahead after 2012, when the first phase of the Kyoto Protocol ends. Under the Protocol, which entered into force in February of this year, about 40 developed countries have committed to cutting emissions of heat-trapping carbon dioxide by 5.2 percent below 1990 levels by 2008-12. The recent accession of Saudi Arabia has raised the profile of the Protocol in the WTO, as Members consider that the impact of emissions reduction targets on

competitiveness and the nature of the energy sector in energy-producing countries could become more important in trade negotiations in the future as more of these countries join the WTO and are impacted by the Protocol. The political emphasis given to climate change abatement in the Kyoto Protocol and its successor could also legitimise calls for including energy-reducing technologies as an environmental good in negotiations in the Committee on Trade and Environment Special Session (CTE-SS).

In addition, European Parliament representatives have raised the question of whether countries that do not sign onto the Kyoto Protocol's binding limits are effectively giving their businesses a subsidy which could be subject to redress in the form of countervailing duties or border tax adjustments under WTO rules (see Bridges Trade BioRes, 18 March 2005, <http://www.ictsd.org/biores/05-03-18/inbrief.htm#3>). They argued that since countries, including those in the EU, have to bear costs for climate abatement measures (such as technologies that reduce emissions) which in turn have impacts on competitiveness, there should be border adjustment measures to account for imports of products that are produced in a climate-unfriendly way without internalising the environmental costs. However, the EU has for the time being decided against raising the issue in the WTO and has not described how such measures could work, and the possibility of instilling such rules under the WTO or UNFCCC in the contentious new post-2012 regime will likely be undermined by the US disinterest in signing onto the Protocol or a successor agreement with binding targets. Instead, the US prefers to focus on technological development without committing to binding targets -- something environmental groups have said is ineffective with regard to achieving serious emissions reductions. The US has also launched a voluntary, multi-national plan to sequester and store carbon dioxide.

ICTSD reporting; "Nations set to feud over new global warming plan," REUTERS, New York Times, 22 November 2005; "Bid for Second Phase of Kyoto Faces Major Battle," REUTERS, 22 November 2005; "Britain opens way for new climate deal," OBSERVER, 20 November 2005; "India Unlikely to Agree to Kyoto Emission Caps," REUTERS, 18 November 2005; "US to Push at UN Meeting for Voluntary Carbon Plan," REUTERS, 17 November 2005.

EXPERT GROUP IDENTIFIES GAPS IN BIOTECH RISK ASSESSMENT

The Ad Hoc Technical Expert Group (AHTEG) On Risk Assessment Under The Cartagena Protocol on Biosafety, meeting on 15-18 November in Rome, Italy, concluded that countries need additional guidance and assistance in order to base their decisions whether to import living modified organisms (LMOs) on an adequate assessment of all the risks. The risk assessment process, which is spelled out in Annex III of the Protocol which was negotiated under the auspices of the Convention on Biological Diversity (CBD), is aimed at ensuring that all parties are able to base advance informed agreement (AIA) decisions to import LMOs upon an accurate analysis of environmental, health and socio-economic risks. However, the fifteen country representatives pointed to specific LMOs or types of risk in which international guidelines, academic work and scientific research is lacking. At the same time, the AHTEG recognised that the capacity to implement a thorough risk assessment of LMOs is linked to the level of development of the country in question. A paper prepared by the CBD Secretariat showed that although the EU and Eastern European countries have for the most part implemented the full risk assessment described in the Annex, African, Latin American and Caribbean countries either did not submit their interim national reports on implementation of the Protocol or reported that they did not have the capacity to undergo the full risk assessment process. In addition, discussion revolved more broadly around the special needs of assessing the risk of LMOs in the context of the import approval process, a discussion which could enable the Parties to gain ownership over the risk assessment process set out in the Protocol and thereby augment their motivation to enhance national assessment frameworks. The meeting prepared a report that will go to the Meeting of the Parties (MOP) to the Cartagena Protocol in March 2005 as an information document, while the Secretariat will prepare recommendations to the MOP based on discussions of the meeting.

Documents from the meeting are available at <http://www.biodiv.org/doc/meeting.aspx?mtg=TEGRA-01>

ICTSD Reporting.

EU TO ESTABLISH FREE TRADE ZONE FOR FISH AND AGRICULTURE IN MEDITERRANEAN

The European Union started negotiations on 14 November with its Euro-Mediterranean partners to

reduce tariffs on imports of fish and agriculture products as planned in the 1995 Barcelona Declaration. Senior officials kicked off the process, which aims to have a EuroMed Free Trade Area (EMFTA) by 2010, at the first meeting of the Follow-up Committee for the Euro-Mediterranean Roadmap for Agriculture in Brussels. "I believe that trade liberalisation in fisheries products will bring economic benefits and help strengthen co-operation in ensuring sustainable fisheries in the Mediterranean," Joe Borg, EU Commissioner of Fisheries and Maritime Affairs, said. Environmental group Friends of the Earth, on the other hand, said that negotiations should be halted until the end of 2006 when the Sustainability Impact Assessment (SIA) commissioned by the EU will issue its recommendations on the proposed fish and agriculture liberalisation. The EuroMed countries, which include Algeria, Egypt, Israel, Jordan, Lebanon, Morocco, Palestinian Authority, Tunisia and Turkey, have substantial fisheries sectors that, according to WWF, are characterised by widespread violation of management rules that could make them vulnerable to overfishing. In the Mediterranean tuna fishery, for example, WWF has pointed to fishing levels that are over two times higher than the bluefin tuna populations can sustain.

"EU to open farm trade talks with Euro-Med countries," EUROPEAN UNION, 15 November 2005; "EU to open farm trade talks with Euro-Med countries," FISHUPDATE, 16 November 2005; "Letter to Director General DG RELEX," FOE MEDNET AND COMITÉ DE SUIVI, 26 September 2005; "2005 fishing season decimates Mediterranean bluefin tuna," WWF, 16 November 2005.

EUROPEAN PARLIAMENT APPROVES REACH CHEMICALS LEGISLATION

The European Parliament on 17 November voted by a significant majority to approve REACH (Registration, Evaluation and Authorisation of Chemicals), the new European chemicals legislation. The agreement, which was based on a cross-party deal hammered out the week prior to the Parliament vote (see Bridges Trade BioRes, 11 November 2005, <http://www.ictsd.org/biores/05-11-11/story3.htm>), includes basic registration requirements for quantities of chemicals between 1 and 10 tonnes and supports the possibility for waivers of safety testing for 10 to 100 tonnes "based on satisfactory justification of risk". Although environmental groups criticised these compromises

on the required safety information, they welcomed two new provisions that were added to the final text as relatively pro-environmental while opponents criticised them for being unnecessarily burdensome. One new provision refers to the 'substitution principle' which requires companies to cease production and use of dangerous chemicals and replace them with safer alternatives when these are available, while another new provision limits the duration of authorisations to five years. The approved text incorporates several thousand amendments, including some that respond to concerns raised by the US, Japan and African countries that the new measures may be pose barrier to trade. John Bowis, a member of the Parliament's Environment Committee, said that although he thought the EU should promote REACH-type standards in multilateral trade negotiations to ensure a "level playing field that includes environmental and health requirements", it was necessary to "take account of the very real worries among developing countries, especially on the issue of minerals and mining products, and ensure that we do not damage their fragile economies". Sources suggest that more than 30 governments in the WTO have raised concerns about the trade and competitive impacts of REACH.

EU member states will discuss the new legislation on 28-29 November in the Competitiveness Council, but the vote itself will take place on 19 December.

ICTSD Reporting; "Parliament backs safety assessment of chemicals," EURACTIV, 17 November 2005; "Britain sets December date for EU chemicals deal," REUTERS, 18 November 2005; "EU Parliament Passes Chemical Legislation In First Reading; Ministers to Review in Dec," WTO REPORTER, 21 November 2005; "Parliament backs new EU law on toxic chemicals," REUTERS, 17 November 2005; "America's Chemical Makers Dismayed by E.U. 'REACH' Vote," PRNEWswire, 18 November 2005.

Events & Resources

EVENTS

For a more comprehensive list of events in trade and sustainable development, please refer to ICTSD's web calendar, <http://www.trade-environment.org/page/calendar.htm>.

Coming up in the next two weeks

28 November, Paris, France: TRADE AND HUMAN DEVELOPMENT: CHALLENGES AHEAD FOR A

SUCCESSFUL CONCLUSION OF THE DOHA TRADE ROUND IN HONG KONG. This conference examines the implications of the Doha Trade Round in Hong Kong on Africa, and on sustainable smallholder agriculture in France and other developed economies. With the concluding talks of the Doha round looming, the seminar aims at dismantling the technicalities of the debate surrounding the Common Agricultural Policy (CAP) and is an opportunity to engage in a constructive dialogue with French leadership. For further information contact Julie Cohen, fax: 01 45 49 53 90; email: julie.cohen@sciences-po.fr; Internet: <http://www.iddri.org/iddri/html/themes/archi/archi.htm>

28 November, Montreal, Canada: ECOSYSTEM SERVICES, MEAS AND MARKET BASED APPROACHES. This United Nations University Institute of Advanced Studies (UNU-IAS) side event to the UN Climate Change Conference (COP 11 and COP/MOP 1) aims to reassess the current status of market based mechanisms for ecosystem services, and identify ecosystem services that while serving the purposes of the CBD and UNFCCC, developing countries may have a market advantage in a liberalised market. For further information contact Rebecca Carter, tel: (+81) 45-221-2300; fax: 221-2302; email: carter@ias.unu.edu; Internet: <http://www.ias.unu.edu/events/workshops.cfm>

28 November - 2 December, Melbourne, Australia: CODEX COMMITTEE ON FOOD IMPORT AND EXPORT INSPECTION AND CERTIFICATION SYSTEMS (14TH SESSION). This session is organised by the Codex Alimentarius Secretariat. For further information contact the Codex Secretariat, tel: (+39 06) 5705 2287; fax: 5705 3369; email: codex@fao.org; Internet: <http://www.codexalimentarius.net/web/current.jsp>

28 November - 2 December, Montreal, Canada: THE 11TH MEETING OF THE CONVENTION ON BIOLOGICAL DIVERSITY SUBSIDIARY BODY ON SCIENTIFICS, TECHNICAL AND TECHNOLOGICAL ADVICE. For further information about this event contact the CBD Secretariat, tel.: (+1-514) 288-2220; fax: 288-6588; email: secretariat@biodiv.org; Internet: <http://www.biodiv.org/doc/meeting.aspx?mtg=SBSTTA-11>

28 November - 2 December, Geneva, Switzerland: FIRST MEETING OF THE STOCKHOLM CONVENTION EXPERT GROUP ON BEST AVAILABLE TECHNOLOGIES AND BEST ENVIRONMENTAL PRACTICES (BAT/BEP). For further information about this event contact the Secretariat of the Stockholm Convention, tel.: (+41-22) 917-8191; fax: 797-3460; email: ssc@pops.int; Internet: <http://www.pops.int>

28 November - 9 December, Montreal, Canada: FIRST MEETING OF PARTIES TO THE KYOTO PROTOCOL AND ELEVENTH CONFERENCE OF PARTIES TO THE UNFCCC. Canada is hosting the historic first Meeting of Parties to the Kyoto Protocol (MOP-1), which is taking place in conjunction with the eleventh session of the Conference of Parties (COP-11) to the UN Framework Convention on Climate Change (UNFCCC). For further information contact the UNFCCC Secretariat, tel: (+49 228) 815-1000; fax: 815-1999; email: secretariat@unfccc.int; Internet: http://unfccc.int/meetings/unfccc_calendar/items/2655.php

29 November - 1 December, Washington, D.C., US. GMA CONFERENCE ON THE FUTURE OF FOOD. This event will consist of a discourse on the future of the food industry, such as health and wellness, market access, regulation, emerging science and innovation. For further information contact Lynda Prioleau of GMA, tel: (+1 202) 337 9400; Internet: <https://www.secuthere.com/rsvp/invitation/invitation.asp?id=/m2c79e-416061647196>

1 December, Brussels, Belgium: WORKSHOP ON THE REVISION OF THE NOVEL FOOD REGULATION: VIEWS AND EXPERIENCES REGARDING TRADITIONAL FOODS. Organised by UNCTAD, the Centre for the Promotion of Imports from Developing Countries (CBI), GTZ and IPGRI, this workshop will examine a discussion paper exploring options from the perspective of developing countries for the revision of the EU Novel Food Regulation regarding traditional foods. For further information contact Ariane van Beuzekom, tel: (+31 10) 201 3432; fax: 411 4081; email: abeuzekom@cbi.nl

1-2 December, London, England: PATENTING LIVES CONFERENCE. This event is hosted by the Queen Mary Intellectual Property Research Institute, University of London. Included in this event will be presentations on Human Rights and Ethical Frameworks, Development and Innovation, Public Goods and Public Interest, Traditional Knowledge, Medicine, Ethical Legal and Social Issues of Human Gene Patents, and Agriculture. For further information contact Johanna Gibson, email: j.gibson@qmul.ac.uk; Internet: <http://www.patentinglives.org/conference.htm>

Other upcoming events

6-10 March, Treviso, Italy: INTRODUCTION TO BIOSAFETY AND RISK ASSESSMENT FOR THE ENVIRONMENTAL RELEASE OF GENETICALLY MODIFIED ORGANISMS (GMOs): THEORETICAL APPROACH AND SCIENTIFIC BACKGROUND. This workshop is being organised by the International Centre for Genetic Engineering and Bio technology (ICGEB) in collaboration with the Istituto Agronomico per l'Oltremare. The workshop will be aimed at those scientists who are interested in issues related to risk

assessment and management for the environmental release of GMOs. The main goal of the workshop is to provide the participants with an overview of the current research in biosafety, the applicable regulation in a number of countries and different risk assessment approaches used for the environmental release of GMOs. For further information, tel.: +39-040-3757333; fax: +39-040-226555; email: courses@icgeb.org; Internet: http://www.icgeb.org/MEETINGS/CRS06/6_10marzo.pdf

8-9 March, Sao Paulo, Brazil: BIOTECHNOLOGY AND BRAZIL: IMPLICATIONS AND OPPORTUNITIES FOR GLOBAL AGRICULTURE. Biotechnology and Brazil is the first major international conference to focus on Brazil's recently approved seed legislation and the effect it will have on the prospects in Brazil itself and around the world. The conference is an opportunity to meet and discuss biotechnology issues with people who are actively involved in the subject. Biotechnology and Brazil will examine the implications of biotech regarding cost of production of soybeans and future GMO crops; the positions and policies that Europe has taken with regard to GMO soybeans, cotton and corn, and consumer concerns surrounding GMO labelling. For further information, Internet: <http://www.agra-net.com/biotech06>

28-30 March, Edinburgh, Scotland: AQUACULTURE TODAY 2006. Aquaculture Today 2006 will explore the key issues affecting the aquaculture industry in a national, European and international context. Leading figures from the industry will participate in formal presentations, discussion sessions, exhibitions and networking. For further information contact Claire Anderson, tel.: +44 (0) 131-312-4550, email: canderson@specialpublications.co.uk; Internet: <http://www.aquaculturetoday.co.uk/>

RESOURCES

If you have a relevant resource (books, papers, bulletins, etc.) you would like to see announced in this section, please forward a copy or review by the BRIDGES staff to smohan@ictsd.ch.

THE TRADE AND ENVIRONMENTAL EFFECTS OF ECOLABELS: ASSESSMENT AND RESPONSE. By Tom Rotherham (UNEP, November 2005). This paper reviews what is known about ecolabelling as an environmental policy tool and as a potential trade barrier. It finds that two problems are particularly worthy of attention, namely the lack of checks or balances in regard to the proliferation of ecolabels, including the lack of any way to harmonise existing and new ones; and the cost of conformity assessment (often the most significant barrier for developing country producers), which is related to the proliferation of ecolabels. It finds that the spread of environmental requirements can be expected to continue to increase due to the actions of private market actors,

particularly through supply chain contracts and big retail chains. To access this report visit <http://www.unep.ch/etb/publications/Ecolabelpap141005f.pdf>

REGULATING THE USE OF VOLUNTARY ENVIRONMENTAL STANDARDS WITHIN THE WORLD TRADE ORGANIZATION LEGAL REGIME: MAKING A CASE FOR DEVELOPING COUNTRIES. By Samir R. Gandhi, *Journal of World Trade* 39(5), 2005. This article looks at whether the WTO dispute settlement mechanism offers developing countries a remedy against the misuse of NGO standards; and if not, then what strategies need to be adopted by developing countries at the WTO to address their concerns.

INTERNATIONAL LAW RELATED TO PRECAUTIONARY APPROACHES TO NATIONAL REGULATION OF PLANT IMPORTS. By Peter T. Jenkins, *Journal of World Trade* 39(5), 2005. This article addresses international law as it relates to attempts by countries to strengthen their national laws regulating the import of live plants from other countries. This is emerging as a lively area of policy discussion as countries seek stronger protections for their environmental and economic interests, particularly from the weed, pest, and pathogen risks of imported non-native plants and plant parts. A need exists to reconcile those aspects of the international legal regime that promote a relatively unrestricted plant trade with the aspects that allow trade restrictions in order to accommodate a country's acceptable level of risk from imported weeds, pests, and pathogens.

SOFTWARE AND SEEDS: LESSONS IN COMMUNITY SHARING. By Roberto Verzola (GRAIN, October 2005). In many countries, control over information has become a vital issue. An underlying aspect of this control has been the use - or threat of use - of force to establish control. The aim is often to prevent information from being freely exchanged, creating an artificial scarcity that keeps information prices high. The fight to protect such freedoms is being fought out in many different arenas. This paper explores the synergies, similarities and differences between those trying to protect the freedom of innovators in the worlds of software and seeds. To access this paper, visit <http://www.grain.org/seedling/?id=410>

THE FAO SEED TREATY: FROM FARMERS' RIGHTS TO BREEDERS' PRIVILEGES by GRAIN. By GRAIN, October 2005. The International Treaty on Plant Genetic Resources for Food and Agriculture - sometimes called the 'seed treaty' - was adopted by UN Food and Agriculture (FAO) member states in 2001 and came into force in 2004. Governments that signed on are now working out implementation details. Far from its roots in the struggle to assert farmers' rights as a counterforce to breeders' rights, this paper says that the Treaty has ended up being mainly about granting new

privileges to industry. To access this paper, visit <http://www.grain.org/seedling/?id=411>

MAIN CONCLUSIONS AND RECOMMENDATIONS FOR THE MINISTERIAL CONFERENCE OF ECOWAS STATES ON BIOTECHNOLOGY. By Seydou Traore, June 2005. This document describes the main conclusions and recommendations that were reached June 24, 2005 at the Economic Community of West African States (ECOWAS) Ministerial Conference on Biotechnology in Bamako, Mali. The conference recommended that within two years: 1) increased investments should be made through public-private partnerships in biotechnology tools, especially tissue culture, use of molecular markers, use of diagnostic tools, and the development of vaccines; 2) ECOWAS member states should ratify the Cartagena Protocol on Biosafety and adopt national biosafety policies; and 3) the ECOWAS regional strategic plan on biosafety should be implemented and a regional supporting structure created for its implementation. The conference made further recommendations to be realised in 5 years and addressed intellectual property issues. To access this summary document, visit <http://www.coraf.org/documents/report%20final.pdf>

THE GLOBAL MARKET FOR BIOENERGY BETWEEN CLIMATE PROTECTION AND DEVELOPMENT POLICY. Edited by Jürgen Maier and Gerald Knauf (German NGO Forum on

Environment and Development, November 2005). This paper aims to form an initial position on the topic of bioenergy from the viewpoint of environmental and developmental NGOs in Germany. In this phase, the discussion has an intentional German/European bias, so as to better understand and analyze the role of a potentially bioenergy importing region. However, some important questions remain unanswered for the time being as there has been little practical experience to learn from and the dialogue on sustainable bioenergy trade is still in its infancy. To access this paper, visit http://www.cures-network.org/docs/global_market_for_bioenergy.pdf

BANS, TESTS AND ALCHEMY: FOOD SAFETY STANDARDS AND THE UGANDAN FISH EXPORT INDUSTRY DIIS WORKING PAPER. By Stefano Ponte (Danish Institute for International Studies, 2005). This paper is part of a series of studies examining the symbolic and concrete impacts of Northern countries' food safety, quality management and sustainability standards on African fisheries. The paper uses the fish industry in Uganda as a case study in which the European Union banned imports on the grounds of food safety without scientific proof. Only by fixing this system of regulations and inspections, and by performing the ritual of laboratory testing did the Ugandan industry regain its status as a 'safe' source of fish. To access this paper, visit <http://www.diis.dk/sw15843.asp>

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