



# Bridges Weekly Trade News Digest

*Weekly trade news from a sustainable development perspective*

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## LEAD STORIES

APEC Trade Ministers Aim for Green Goods List by September..... 1

## OTHER NEWS

Differences Persist as Rio+20 Conference Approaches..... 3  
US-China Clean Energy Rift Deepens with Wind Tower Countervailing Duty Announcement ..... 5  
Protectionism Concerns Intensify as G-20 Summit Approaches..... 6  
Anti-Counterfeiting Pact Stumbles in European Parliament Ctte Votes..... 8

## IN BRIEF

India Overhauls Copyright Law..... 9  
EU Trade Ministers Approve Pact with Colombia, Peru ..... 11

## EVENTS & RESOURCES

Vacancy ..... 11  
Events..... 12  
Resources ..... 14

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Your support to BRIDGES and the BRIDGES series of publications is most welcome; if interested, please contact [Andrew Crosby](mailto:Andrew.Crosby@ictsd.org), Managing Director at (+41) 22 917 8335.

Contributors to this issue are Daniella Allam, Sofia Alicia Balaño, Alessandro Marongiu, Keigan Mull, George Riddell, and David Tan. This edition of Bridges Weekly Trade News Digest is edited by Sofia Alicia Balaño.

The Publisher and Director is Ricardo Meléndez-Ortiz. The Editor in Chief is Andrew Crosby. Comments and suggestions are welcomed and should be directed to the [editor](mailto:editor@bridgesweekly.org) or the [director](mailto:director@bridgesweekly.org).

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## LEAD STORIES

### APEC Trade Ministers Aim for Green Goods List by September

Trade ministers from the 21 Asia-Pacific Economic Cooperation (APEC) countries hope to have a list of environmental goods for tariff liberalisation by September, officials announced after meeting in Kazan, Russia earlier this week. The two-day gathering also saw ministers address issues such as food security and trade facilitation, while continuing discussions on liberalising trade in services and information technology products in the WTO context.

Last November, APEC leaders adopted the [Honolulu Declaration](#), in which they outlined plans to develop a list of environmental goods that “directly and positively contribute to our green growth and sustainable development objectives.” (See Bridges Weekly, [16 November 2011](#))

Leaders had pledged to reduce by the end of 2015 the applied tariff rates on such products to five percent or less and to draw up a list of goods subject to these tariff cuts in 2012. While the Honolulu text includes references to environmental services, specifically with regard to other trade concerns related to local content and government procurement, currently only goods are set to be liberalised.

### China cautious

At the 4-5 June trade ministers’ meet, officials [agreed](#) to push for a list of environmental goods to be ready in time for the annual APEC Leaders’ Meeting in September. Several ministers attending the meeting expressed satisfaction that convergence on environmental goods was emerging. China, however, remained cautious.

While Chinese Commerce Minister Chen Deming expressed support for EGS trade liberalisation in principle, he reiterated some of Beijing's concerns regarding the economic differences among APEC members and the particularity and complexity of environmental goods and services (EGS).

With this in mind, he said that economies should first discuss and set the standards for this liberalisation and aim to reach consensus by the end of 2012, while also avoiding broadening the definition of EGS. Chen also stressed that economies should adhere to the principle of common but differentiated responsibilities (CBDR), and that the liberalisation should indeed embody the principle of voluntarism.

At this stage in the discussions, the US has reportedly proposed cutting tariffs on solar panels, water and wind turbines, water treatment pumps, waste incinerators, deep discharge batteries, and other products. Thirteen other APEC economies have also submitted environmental goods lists of their own, though China has yet to do so, a USTR spokeswoman told Reuters.

Related to APEC's EGS agenda, ministers also acknowledged in their declaration a discussion of local content requirements and the facilitation of trade in renewable and clean energy products, and encouraged information exchange on standards and efforts toward ensuring a more sustainable transport sector, among other topics.

The officials added that they aimed "to ensure that measures taken for environmental purposes should be least trade restrictive and should be consistent with our international obligations."

### **Trade facilitation, supply chains**

The subject of trade facilitation resurfaced at the APEC trade ministers' meet. The issue has gained increased prominence at the WTO in recent months, as members evaluate whether a trade facilitation pact might be a possible deliverable in the absence of overall progress in the Doha Round of talks.

Officials in Kazan pledged to "promote broader integration, and trade and investment liberalisation and facilitation in the APEC region." The

ministers also vowed to support "further discussions of relevant issues [relating to global supply chains] including policy recommendations for trade facilitation."

WTO Director-General Pascal Lamy, who attended the meeting, emphasised the importance of the regional group in the global trade arena.

"May I suggest that APEC, as a group, is in a good position to contribute to a compromise on trade facilitation [in the Doha talks]," Lamy said.

Chinese Commerce Minister Chen cautioned that, while China is interested in trade facilitation being one of the early results of the Doha talks, it should not be the only result. Emerging economies, such as India and Brazil, have repeatedly argued against de-linking trade facilitation from other aspects of the Doha Round.

Development issues, especially those pertaining to the WTO's least developed country (LDC) members, must also be emphasised, Chen said. The Chinese minister also added that the trade facilitation negotiations need to address the issues of technical assistance and capacity-building – a long-standing concern of developing countries, particularly LDCs, in the talks.

### **Food security**

The role of agricultural trade in achieving food security also featured at the two-day gathering, with ministers in their statement noting the "crucial importance of encouraging science-based standards, rejecting protectionism, and encouraging the development of regionally integrated markets," echoing language used by APEC ministers focusing on food security, who met late last week.

Notably, however, the APEC ministers responsible for food security also referred to the controversial subject of food export restrictions, which was not mentioned in the trade ministers' statement.

"Recognising that bans and other restrictions on the export of food may cause price volatility, especially for economies that rely on imports of staple products, we reconfirmed the commitments

on protectionism made by APEC leaders,” the food security ministers said.

Export restrictions are a particularly sensitive subject for Russia, which holds the APEC presidency this year. Moscow has, in the past few years, imposed export bans on products such as wheat, which have been linked to food price spikes. (See Bridges Weekly, [1 June 2011](#))

### **Services, Information Technology Agreement**

Liberalisation of services trade and expansion of the Information Technology Agreement (ITA) – the 70-plus member WTO agreement dealing with liberalisation of trade in information technology products – raised most recently by trade ministers meeting in Paris earlier this month, also featured during the Kazan discussions.

Last month, various WTO members – including Canada, Costa Rica, Japan, Malaysia, South Korea, Chinese Taipei, Singapore, and the US – tabled a concept paper for starting informal bilateral and plurilateral consultations on which products to add to the coverage of the ITA, an idea that gained the support of Australia, the EU, Israel, Peru, and New Zealand, among others.

At the APEC gathering, the US reiterated its support for expanding the pact, with US Trade Representative Ron Kirk noting that trade in information technology products is “still an area where high tariffs are keeping some countries out of the global production chain.”

Kirk also repeated his call for an international services agreement, an idea that is currently under discussion among a subset of WTO members and has come under fire by others that worry about the precedent set by adopting a plurilateral approach to negotiations.

### **No new TPP entrants, yet**

Ministers of the nine Trans-Pacific Partnership countries – Australia, Brunei, Chile, Singapore, New Zealand, Malaysia, Peru, the US, and Vietnam – also met on the sidelines of the two-day APEC gathering to discuss the progress of the negotiations for the proposed pact.

As expected, while officials did address the possibility of Canada, Japan, and Mexico joining the negotiations, no decision was made on whether to accept new entrants. The nine current members have been holding consultations with Ottawa, Tokyo, and Mexico City since the three expressed interest in joining the negotiations last November. (See Bridges Weekly, [16 November 2011](#))

Since then, discussions on whether to permit new members have focused on whether doing so will allow the TPP negotiations to be concluded within a short timeframe – particularly given the tentative end-2012 goal set for the talks – and still permit a high-ambition agreement.

While much attention has been focused on the US’ stance on permitting new entrants, officials from the prospective new members have stressed that it is not just a Washington issue.

### **More information**

The 21 members of APEC include Australia, Brunei, Canada, Chile, China, Hong Kong, Indonesia, Japan, Malaysia, Mexico, New Zealand, Papua New Guinea, Peru, the Philippines, Russia, Singapore, South Korea, Chinese Taipei, Thailand, the US, and Vietnam.

ICTSD reporting; “U.S. Hasn’t Decided on Expanding Pacific Talks, Obama Aid Says,” BLOOMBERG, 5 June 2012; “APEC members eye green products list by September,” REUTERS, 5 June 2012.

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## **OTHER NEWS**

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### **Differences Persist as Rio+20 Conference Approaches**

Negotiators meeting in New York last week struggled to achieve demonstrable progress on narrowing down an outcome document to forward to this month’s Rio+20 summit, sparking questions among observers about what to expect at the high-profile UN gathering.

The June 2012 conference – set to be held in Rio de Janeiro, Brazil, and also known as the United Nations Conference on Sustainable Development (UNCSD) – marks 20 years since the landmark 1992 United Nations Conference on Environment and Development (UNCED). Negotiators have met repeatedly over the past several months in what are known as ‘informal informals’, with the aim of finalising a document that would secure a renewed commitment to sustainable development and help meet new and emerging challenges.

However, the first two rounds of informal talks led to limited progress, with only 21 paragraphs being agreed *ad referendum* – pending agreement on the final text – by the end of the second set of negotiations in early May, leading to the last-minute scheduling of the 29 May-2 June session. (See Bridges Weekly, [9 May 2012](#))

Speaking to negotiators at the beginning of last week’s talks, UN Secretary-General Ban Ki Moon stressed that time is running short ahead of the June gathering.

“When we meet in Rio, Heads of State and Government must have before them a concise outcome document that meets their expectations,” Ban said. “It is not reasonable or practical to leave so many issues unresolved that leaders themselves will have to negotiate when they arrive at the conference.”

“It is time to make compromises,” he added.

However, when last week’s negotiations drew to a close on Saturday 2 June, only 70 of the 312 paragraphs in the draft outcome document had been agreed upon.

### **“Dysfunctional” process, but no major upsets**

With just a week to negotiate, the New Co-Chairs’ Suggested Text (NCST) of the ‘zero draft’ – compiled by the Preparatory Committee Co-Chairs, Ambassadors Kim Sook of South Korea and John Ashe of Antigua and Barbuda – was leaked after it was circulated among delegates to speed the most recent round of informal informals.

The negotiations saw a number of informal splinter groups created to focus on specific themes or issues – a decision that reportedly gave the talks a frenzied feel as negotiators were seen to be running from one group to another.

“This process is completely dysfunctional,” one negotiator told Earth Negotiations Bulletin. “How can you ever reach consensus if critical negotiators are missing because they’re working next door?”

While progress has reportedly been slow and disjointed, the meeting saw no major upsets. Reflecting on the week of negotiations, Co-chair Kim commented that “this week has been both sweet and bitter, but with no tears.”

### **UNCSD Secretary-General outlines Rio+20 ‘wish list’**

In his closing speech on Saturday, UNCSD Secretary-General Sha Zukang attempted to focus the negotiations by listing the key deliverables that he wanted to see come out of Rio.

Negotiators should aim, he said, for the establishment of a process to define the Sustainable Development Goals (SDGs); strengthened international co-operation for advancing sustainable development and poverty eradication; and a decision on the key elements of the institutional framework for sustainable development.

Originally proposed by Colombia and Guatemala, the SDGs continued to enjoy broad support during the third round of informal informals. (see Bridges Weekly, [4 April 2012](#)) While no agreement was reached, the fault lines between the different negotiating positions of the various delegations became evident, with discussions centring around three interrelated issues that will have to be resolved during the final negotiating days.

These principal differences lie in the relationship between the SDGs and the Millennium Development Goals (MDGs) in the post-2015 development framework; the process by which the goals themselves will be designed; and which metrics will be used to measure the progress made on the SDGs.

In addition, Zukang said, Rio should generate strong, action-orientated outcomes in the sectoral and cross-sectoral areas in the 'Framework for Action' portion of the zero draft; clear commitments from both governments and key stakeholders; and, a strong engagement with civil society and the private sector.

Overall, the UNCSO Secretary-General tried to inject a positive tone into the final day of the talks, noting that he had "sensed real progress" during last week's negotiations. However, he acknowledged, "as everyone in this room is well aware, we have much hard work ahead of us in Rio."

### Oceans draw attention

One of the more contentious sessions to arise out of last week's negotiations was that regarding the Oceans section of the 'zero draft', with much of the debate focusing on whether to include the High Seas Biodiversity Agreement under the UN Convention on Law of the Sea (UNCLOS). While not originally in the NCST, it was included during the course of this past round of negotiations.

This agreement on marine biodiversity beyond national jurisdiction, if implemented, could have significant implications for fisheries, the use of marine genetic resources, and the impact of extractive activities on the marine environment. The agreement would seek to address the protection of deep sea marine environments by looking to establish and improve marine reserves, as well as mechanisms to assess the impact of human activities on marine life in these areas, along with increasing co-ordination between the relevant organisations.

One group of countries, led by South Africa and including a number of small island developing states – SIDS, as they are known – and South American nations, called for the start of negotiations immediately, while the EU and Mexico wanted a conclusion of such negotiations by 2016 included in the draft.

Late on Friday evening, each facilitator of the various splinter groups reported back on the progress made. The oceans group, led by Australia, was said to have made good progress

with a number of paragraphs agreed to; however, the bulk of the work remained unfinished.

Other issues discussed during the session were: integrated coastal and ocean management; the impact of pollution on marine ecosystems; a reduction in overall marine litter by 2025; restoring depleted fish stocks; and the elimination or reduction of existing harmful fishery subsidies.

### Next steps

The Third Preparatory Committee Meeting will take place 13 to 15 June in Rio de Janeiro. This will then leave only four unofficial days between the final preparatory meeting and the start of UNCSO on 20 June with which to turn the 'zero draft' into a polished outcome document for the Rio+20 Conference.

ICTSD reporting; "UNCSO Informal Consultations: Friday 1 June 2012," 2 June 2012, EARTH NEGOTIATIONS BULLETIN.

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## US-China Clean Energy Rift Deepens with Wind Tower Countervailing Duty Announcement

The US Commerce Department will begin imposing duties on wind tower imports from China, after finding that producers receive unfair government support. The move is expected to ratchet up tensions between the two trading partners, which have escalated quickly over the past few months over competing claims from both sides of illegal support and dumping of renewable energy products.

The 30 May decision comes in response to a December petition filed by the Wind Tower Trade Coalition (WTTTC) – a group of four US wind tower companies – which alleges that Chinese imports are being unfairly subsidised, thus hampering the competitiveness of the US wind power industry as a result. (See Bridges Weekly, 15 February 2012)

The US imported US\$222 million in Chinese wind towers last year, according to US government data.

The US government agency found that Chinese producers/exporters have received unfair government support ranging from 13.74 to 26 percent of the cost of the towers, meaning that the US can apply a countervailing – or anti-subsidy – duty equivalent to that same amount.

“This is an important step in remedying the harm caused by unfairly traded wind tower exports,” Alan Price, lead counsel to the WITC, said in response to the decision.

The announcement was quickly panned by Chinese officials, who argued that such conflicts should instead be resolved by negotiation and consultation. “Readily resorting to protectionist measures is not conducive to China and the US continuing to co-operate in the trade and economic fields,” Chinese foreign ministry spokesman Liu Weimin told reporters last Thursday.

Chinese industry representatives similarly criticised the decision, with the China Chamber of Commerce for Import and Export of Machinery and Electronic Products (CCCME) – a nationwide trade organisation – cautioning that such duties could have a “negative impact” on the renewable energy industry in the US, given large-scale US wind power operators’ preference for the Chinese products.

Commerce is scheduled to make a final determination regarding wind tower duties in August, with the International Trade Commission’s (ITC) final determination scheduled for September. If both determinations are affirmative, Commerce will impose the countervailing duties.

The US agency is also investigating whether Chinese and Vietnamese manufacturers are selling wind towers at prices below their normal market value – a practice known as dumping – on the US market, with a decision on that subject expected in late July.

### Complaints from both sides

The Commerce Department decision comes at a time of heightened trade tensions between the US

and China, with the two countries clashing repeatedly in recent weeks over their support programmes for their respective renewable energy sectors.

Last month, Commerce – in a separate investigation – deemed that Chinese solar panels were being dumped onto the US market and announced duties as a result (See Bridges Weekly, 23 May 2012). Earlier this year, the agency also announced countervailing duties against solar panel imports from China, as part of the same probe. (See Bridges Weekly, 21 March 2012)

The solar panel and wind tower duties announced by Washington are among several countervailing duty measures now being challenged by China at the WTO, with Beijing filing a request for consultations – the first step in the global trade arbiter’s dispute settlement process – on 25 May. (DS 437).

Beijing, for its part, has also claimed that US government support for six renewable energy programmes is inconsistent with WTO rules, after having conducted an internal investigation into Washington’s policies regarding wind, solar, and hydro technology products. (See Bridges Weekly, 30 May 2012) What action China will take following this determination, however, has yet to be made clear.

ICTSD reporting; “UPDATE: China Industry Group Says Wind Tower Tariffs May Hurt U.S. Industry,” DOW JONES NEWSWIRES, 31 May 2012; “UPDATE 3-Chinese wind towers hit with U.S. tariffs,” REUTERS, 31 May 2012.

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## Protectionism Concerns Intensify as G-20 Summit Approaches

Protectionist measures are on the rise in the Group of 20 leading economies, according to a new report issued last week by the WTO. The finding comes just weeks ahead of the annual G-20 summit, set to be held in Los Cabos, Mexico on 18-19 June.

The report is part of a joint exercise by the WTO, the Organisation for Economic Cooperation and



Development (OECD), and the UN Conference on Trade and Development (UNCTAD) to monitor G-20 countries' adherence to their pledges to refrain from trade and investment protectionism in the financial crisis and its aftermath. The three organisations have issued reports monitoring new trade and investment measures, both restrictive and liberalising, at roughly six-month intervals since September 2009.

G-20 leaders, at their annual summits, have regularly made pledges to refrain from raising or imposing new barriers to trade and investment in goods and services, after having first voiced this commitment in 2010.

However, the past several months have seen various G-20 countries exchanging accusations and expressions of concern over perceived trade and investment protectionism, particularly amid reports of slowing trade growth and the impact of the European sovereign debt crisis on both developed and developing economies.

One of the most high-profile instances has been the row between Argentina and the EU over the former's import policies and expropriation of Spanish-owned oil company Repsol YPF, and the latter's own alleged restrictions on exports coming from Argentina and other developing economies.

### **Over 100 new trade restrictive measures**

The WTO found 124 new trade restrictive measures since the last report was issued in mid-October 2011. (See Bridges Weekly, [2 November 2011](#)) These restrictions cover 1.1 percent of G-20 merchandise imports, or 0.9 percent of world imports, with no slowdown in the imposition of such barriers since the last report.

The sectors most frequently affected by these trade restrictions during the past seven months included iron and steel, electrical machinery and equipment, vehicles, vegetables, beverages and spirits, and chemical products.

"The more recent wave of trade restrictions seems no longer to be aimed at combating the temporary effects of the global crisis, but rather at trying to stimulate recovery through national industrial

planning, which is an altogether longer-term affair," the report noted.

Trade restrictive measures implemented since October 2008, excluding those that have since been terminated, now cover nearly 3 percent of world merchandise trade, and almost four percent of G-20 trade, the WTO said.

The build-up of trade restrictions "is clearly adding to the downside risks to the global economy," the global trade body commented, finding that there has been no sign of increased efforts to remove existing barriers, "particularly those introduced since the start of the global crisis."

While the report acknowledged that some governments are struggling with "particularly difficult economic conditions domestically," it argued that G-20 economies must still "resist the temptation to move towards more nationalistic and inward-looking policies."

"The forthcoming G-20 Summit in Los Cabos should send a strong and clear signal about the need to keep markets open, resist protectionism, and preserve and strengthen the global trading and investment system so that it continues performing this vital function in the future," the WTO urged.

### **Export restrictions, trade remedy investigations decrease**

Notably, the report found a decrease in the number of new export restrictions, a subject that has been a source of concern for its potential impact on price levels. While the previous report had found 19 new export restrictions, this latest analysis noted only 11 new ones among the G-20, mainly in the form of quotas or bans. Some of these, the WTO found, were only issued on a temporary basis.

Export restrictions are, however, still at "an elevated level" compared with the period before end-2010.

This time last year, export restrictions had been highlighted as an area of risk by the global trade body, particularly given the G-20's standstill commitment. (See Bridges Weekly, [25 May 2011](#))

The main sectors affected by export restrictions in the last seven months were live animals and dairy produce, cotton, rattan, and rattan furniture.

Meanwhile, trade remedy investigations continue to decrease, with the exception of countervailing – anti-subsidy – measures. These were mainly due to reductions in such probes by Brazil, India, and Argentina, while the US, EU, and Australia – long-time users of these investigations – saw an increase in these measures, though at levels well below their historical peaks.

### **Trade flows at risk, Lamy warns**

“This is not the time to be complacent,” WTO-Director-General Pascal Lamy told an audience in Bangkok, Thailand last week. “The crisis is still with us. With unemployment rates remaining high, we cannot allow a resurgence of protectionism that would cause a further deterioration of the current economic environment.”

Referring to the report, Lamy noted that there are still both “dark and shining spots.” However, he noted, the “darker spots” are more numerous, including “a clear revival of protectionist rhetoric, statements in favour of import substitution policies, more or less transparent administrative measures, tax concessions, subsidies, domestic preferences in government procurement.”

“Protectionism is like cholesterol,” the trade chief added. “The slow accumulation of trade restrictive measures since 2008... can lead to the clogging of trade flows.”

### **More information**

The Group of 20 includes the following members: Argentina, Australia, Brazil, Canada, China, the EU, France, Germany, India, Indonesia, Italy, Japan, Mexico, Russia, Saudi Arabia, South Africa, South Korea, Turkey, the UK, and the US.

ICTSD reporting.

## **Anti-Counterfeiting Pact Stumbles in European Parliament Ctte Votes**

The controversial Anti-Counterfeiting Trade Agreement (ACTA) hit another roadblock this past week, after four European Parliament (EP) committees voted against the pact. This result, observers note, is likely to further dim the prospects for the deal’s overall approval in Parliament.

ACTA is a plurilateral trade pact seeking to strengthen global standards for the enforcement of intellectual property rights in order to combat counterfeiting and piracy. However, the deal’s opponents fear that some of the provisions contained in the final text, which go beyond the standards set by the WTO’s Agreement on Trade-Related Aspects of Intellectual Property Rights (TRIPS), could have a detrimental effect on access to medicines and fundamental freedoms in the digital environment.

During the votes, each committee was asked to decide whether to back a draft opinion on the pact prepared by each committee’s respective ACTA rapporteur. These opinions – which are not binding – will next be forwarded to the International Trade Committee (INTA), which is the lead committee on the anti-counterfeiting deal. INTA, in turn, will issue a formal recommendation to the EU Parliament on whether or not to give its consent to the treaty.

### **ACTA “incompatible” with EU fundamental rights and health, some committees say**

The pact was rejected by a wide margin in some committees, with the Committee on Civil Liberties, Justice and Home Affairs (LIBE) adopting the report of its ACTA rapporteur – Greek Member of the European Parliament (MEP) Dimitrios Droutsas – by 36 votes to one, with 21 abstentions.

The LIBE had been asked to assess the pact’s compatibility with the EU Charter of Fundamental Rights, which contains the whole range of civil, political, economic, and social rights of European citizens and residents. The committee’s opinion found that ACTA is



“incompatible with the rights enshrined in the Charter [of Fundamental Rights].”

“We fully respect the need for artists to be rewarded for their talents and acknowledge the challenges posed by new technologies on this issue,” the LIBE said. “However, we must not accept the erosion of basic fundamental rights in Europe, and around the world, for expediency's sake.”

For its part, the Committee on Development of the European Parliament also voted almost unanimously in favour of rejecting the pact, citing concerns that ACTA could adversely impact the health of people in developing countries.

### **Narrow majority against ACTA in legal, industry committees**

The voting margin in other committees, however, was much smaller, with the EU Committee on Legal Affairs (JURI) asking for the treaty to be rejected with 12 votes in favour, 10 against, and two abstentions. This decision reversed the draft opinion of JURI's ACTA rapporteur, French MEP Marielle Gallo, who had publicly expressed support for the pact's ratification last April (see Bridges Weekly, [2 May 2012](#)).

Following the vote, Gallo dissociated herself with the committee's decision; a new opinion reflecting the committee's position will now be drafted by Austrian MEP Evelyn Regner.

Meanwhile, the Committee on Industry, Research and Energy (ITRE) backed the position of its ACTA rapporteur – Swedish MEP Amelia Andersdotter – in favour of the pact's rejection, with 31 votes to 25.

In her [draft opinion](#), issued in March, Andersdotter argued that ACTA would create “a one-size-fits-all instrument” that might struggle to ensure an appropriate balance between “the right to intellectual property and the freedom to conduct business, the right to protection of personal data and the freedom to receive or impart information.”

“Intellectual property enforcement cannot entail a sweeping approach; instead, there is a need to

assess the different challenges facing different economic sectors and different aspects of intellectual property and develop individual solutions for these sectors,” Andersdotter [commented](#) after the vote.

### **Next steps**

British MEP David Martin – the leading ACTA rapporteur in the European Parliament, who has also urged the EP not to approve the deal – [lauded](#) the outcome of the committee votes. (See Bridges Weekly, [2 May 2012](#)) “The problems these three committees have identified back up my own concerns about ACTA, which I raised in my report to the international trade committee,” he said on Thursday, speaking before the Development Committee vote.

“The plenary is now expected to have the final word: I am confident that a large majority of Euro MPs will endorse my proposal and vote against ACTA,” Martin concluded.

The INTA is scheduled to vote on a formal recommendation regarding whether or not to approve ACTA on 21 June. The European Parliament is expected to take a final decision on the pact in July.

ICTSD reporting; “ACTA: Piracy treaty dealt critical blows in EU votes,” BBC, 31 May 2012.

## **IN BRIEF**

### **India Overhauls Copyright Law**

The Indian Parliament has approved a landmark new bill that will bring major changes to the country's current copyright law, officials announced late last month. The legislation is expected to have major implications for areas ranging from the relationship between authors and producers in the music sector to limitations and exceptions for people with disabilities.

The [Copyright \(Amendment\) Bill 2012](#), sponsored by Human Resources Development Minister Kapil Sibal, also seeks to bring Indian copyright regulations up to date with international norms,

such the World Intellectual Property Organization's (WIPO) Copyright Treaty and its Performances and Phonograms Treaty.

The Lok Sabha – India's lower house of Parliament – unanimously passed the legislation on 22 May, after the Rajya Sabha – India's upper house of Parliament – approved the measure a few days prior. The legislation will next require presidential approval before it can enter into force.

### **'Artistes' can now reap benefits of their work**

The amendment's potential ramifications for the music and movie industry have been the center of attention since the parliamentary vote. The bill effectively makes authors, lyricists, composers, and other 'artistes' owners of the copyright of their work in films, which had previously been assigned to film producers. It also requires radio and TV broadcasters to pay royalties to the owners of the copyright every time a work is broadcast.

"This new law will secure the royalties of writers, composers, musicians, which they had to legally surrender so far," lyricist and Rajya Sabha Member of Parliament Javed Akhtar commented.

"Bollywood was not following any rule at all... [It] was just a usual thing that the entire copyrights used to rest with the producers, the producers then could sell it to the music companies and then whomsoever they wanted to do it," Vinod Lamba, President of the Film Federation of India, said.

"Now the new law changes the entire scene," Lamba continued.

### **Developments on exceptions, digital environment**

The new Indian copyright regime also encompasses more specific exceptions and limitations for persons with disabilities, covering all copyrighted material in "accessible format" – such as Braille – as well as other formats, if the latter are being used by non-profits working with the disabled.

"India now has amongst the most progressive exception for persons with disabilities, alongside countries like Chile," Pranesh Prakash, from the Centre for Internet and Society – an Indian civil society group – commented.

An international instrument for the print disabled has been a recurring topic of discussion at WIPO's Standing Committee on Copyright and Related Rights (SCCR), though progress has been slow as of late. The next SCCR meeting is scheduled for July.

The new Indian bill also allows students to use copyrighted material for research purposes and extends fair dealing rights to all works, with the exception of software. In addition, compulsory licensing now applies to foreign works as well, in case they are published elsewhere but not in India.

On the enforcement front, the amendment introduces a fine and a maximum of two years' imprisonment for piracy offenses. It will also provide some protection to Internet providers in case of "transient or incidental storage of a work or performance for the purpose of providing electronic links, access, or integration," provided that the person responsible recognises, or has "reasonable grounds" for believing, that an infringing copy is being stored.

"We are in the midst of new era, which I call digital era," Sibal said after the Rajya Sabha vote. "As technology develops, we need to understand complexities and ensure that key stakeholders' rights are protected and can take the benefit of the digital era."

ICTSD reporting; "Copyright amendment act in bollywood boon for some bane for others," BLOOMBERG UTV, 28 May 2012; "Bollywood cheers as Lok Sabha passes copyright bill," DNA, 23 May 2012; "House green light to Copyright Bill," THE TIMES OF INDIA, 23 May 2012; "Rajya Sabha nod for Copyright Amendment Bill," THE TIMES OF INDIA, 18 May 2012; "Rajya Sabha approves copyright amendment bill," IANS, 17 May 2012.

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## EU Trade Ministers Approve Pact with Colombia, Peru

EU trade ministers formally approved last week a highly-anticipated free trade agreement with Colombia and Peru, setting the stage for the September vote by the European Parliament that is required for the deal to enter into force.

The 31 May approval – which involved the adoption of a decision to sign and provisionally apply the pact – was already expected, with European Council ministers having reached a political agreement in March on the subject. (See Bridges Weekly, 21 March 2012)

The trade pact – expected to slash €500 million in duties alone – will liberalise all trade in industrial and fisheries products among the participating economies, along with including provisions on trade in services, public procurement, and intellectual property rights.

The deal also includes a commitment to implementing international conventions on labour rights, along with a clause focused on preserving a high level of environmental protection standards on all sides.

However, these latter areas remain a source of concern among EU policymakers, with the European Parliament's International Trade Committee (INTA) adopting a resolution on Tuesday 29 May that called for both Peruvian and Colombia governments to establish a “transparent and binding” roadmap for protecting the environment, trade unionists, and human rights.

While the trade committee lauded the governments of both countries for their efforts in improving law enforcement, they noted that “old problems” still remain.

“We strongly support the trade agreement with Colombia and Peru... but we have adopted this resolution to express our concerns on human and labour rights and sustainable development and also to enhance the participation of civil society in their monitoring,” co-rapporteur Mário David, a Portuguese Member of the European Parliament (MEP), said following the vote.

## Deal still open to Bolivia, Ecuador, European officials say

According to the European Council, the deal remains open to membership by Bolivia and Ecuador, the other two members of the Andean Community. The trade deal had originally been envisioned as a region-to-region pact between the EU and the Andean Community, with Brussels switching to bilateral negotiations with Andean Community members due to differences among the latter grouping on various issues. (See Bridges Weekly, 3 March 2010).

Ecuador eventually withdrew from the trade talks in 2009, with Bolivia having already abandoned the negotiations in 2007 (see Bridges Weekly, 5 August 2009). Ecuador has since expressed an interest in possibly re-launching trade talks with the EU. (See Bridges Weekly, 21 March 2010)

EU goods exports to the Andean Community in 2010 totalled €7.9 billion, while imports from the Andean Community in that same year were at €12.2 billion. The EU deal with Colombia and Peru is expected to raise the GDPs of the latter two countries by approximately one percent each.

ICTSD reporting; “Peru Sees EU Trade Deal Taking Effect After September Vote,” BLOOMBERG BUSINESSWEEK, 21 May 2012.

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## EVENTS & RESOURCES

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### Vacancy

The International Food & Agricultural Trade Policy Council (IPC), based in Washington, DC, is seeking candidates for the position of President and Chief Executive Officer. The candidate should possess a solid understanding of issues facing global food and agricultural system, including international trade negotiations; have strong fundraising skills; and be able to provide operational leadership, among other qualifications. For more information on the position, including job requirements and how to apply, please visit the IPC's webpage.

## Events

### Coming soon

7 June, Washington, US. FOOD SECURITY 2.0: FROM L'AQUILA AND BEYOND. This event, sponsored by Washington International Trade Association (WITA), will address the issue of private sector involvement in programmes aimed at addressing food security concerns. How large a role should the private sector play? What role should and must governments play? Can these new partnerships develop the right solutions to long-term food insecurity worldwide? The discussion will address specific policy programmes that involve the private sector, such as the New Alliance for Food Security and Nutrition that was agreed upon at the 2012 G-8 summit. More information is available [here](#).

11-15 June, Rio de Janeiro, Brazil. FORUM ON SCIENCE, TECHNOLOGY AND INNOVATION FOR SUSTAINABLE DEVELOPMENT. Jointly organised by International Council for Science, in partnership with UN Educational, Scientific and Cultural Organization (UNESCO), World Federation of Engineering Organizations (WFEO), International Social Science Council (ISSC), the Brazilian Ministry of Science, Technology and Innovation, and the Brazilian Academy of Sciences, this forum aims to provide a space for interdisciplinary scientific discussions, and dialogue between scientists, policymakers, Major Groups and other stakeholders. Key messages and conclusions from the forum will be reported to the Rio+20 conference. More information can be found [here](#).

13-15 June, Rio de Janeiro, Brazil. THIRD PREPARATORY COMMITTEE MEETING OF THE UN CONFERENCE ON SUSTAINABLE DEVELOPMENT (UNCSD). The third and final Preparatory Committee meeting of the UNCSD will take place in Rio de Janeiro, ahead of the conference itself on 20-22 June, with delegates expected to continue negotiations toward finalising the Rio+20 draft outcome document. For more information, please click [here](#).

### WTO Events

An updated list of forthcoming WTO meetings is posted [here](#). Please bear in mind that dates and times of WTO meetings are often changed, and that the WTO does not always announce the important informal meetings of the different bodies. Unless otherwise indicated, all WTO meetings are held at the WTO, Centre William Rappard, rue de Lausanne 154, 1211 Geneva, Switzerland, and are open to WTO Members and accredited observers only.

7 June: WTO Introduction Day

7 June: Committee on Rules of Origin

8 June: Working Party on State Trading Enterprises

12 June: Working Group on Trade, Debt and Finance

12 + 14 June: Trade Policy Review Body – China

13 June: Dispute Settlement Body

13-15 June: Committee on Technical Barriers to Trade

19-20 June: Committee on Regional Trade Agreements

20 June: Committee on Agriculture

20 June: Dispute Settlement Body

### Other Upcoming Events

14 June, online. RUSSIA'S WTO ACCESSION: WHAT IT COULD MEAN FOR YOUR BUSINESS. This US Commercial Service webinar will focus on Russia's upcoming WTO accession and its implications and opportunities for US businesses. Speakers will include experts on Russia's market and trade policy from the US Embassy in Moscow and from the US Commerce Department's Market Access & Compliance unit in Washington. Topics will include current market conditions in Russia; the specific benefits of Russia's accession for US companies; and efforts to establish permanent normal trade relations with

Russia. For more information, please visit the event [website](#).

15 June, Rio de Janeiro, Brazil. GREEN ECONOMY AND TRADE: ASSESSING RISKS AND OPPORTUNITIES. Jointly organised by the International Centre for Trade and Sustainable Development (ICTSD), the United Nations Environment Programme (UNEP), and the International Trade Centre (ITC), this event aims to inform the Rio+20 dialogue on trade and green economy by focusing on the trade opportunities associated with the transition to a green economy. A recent study completed by UNEP, ITC, and ICTSD will be presented, mapping and analysing existing trade related opportunities for developing countries in the transition to a green economy. For more information, please click [here](#).

16-17 June, Rio de Janeiro, Brazil. FAIR IDEAS: SHARING SOLUTIONS FOR A SUSTAINABLE PLANET. Organised by the International Institute for Environment and Development in advance of this month's UN Conference on Sustainable Development (Rio+20), this information-sharing event aims to bring together researchers and practitioners to discuss the following four themes: shaping Sustainable Development Goals (SDGs); urbanisation that improves lives; business models for sustainability; and transforming economic systems for people and planet. More information is available [here](#).

18 June, Rio de Janeiro, Brazil. MULTI-STAKEHOLDER DIALOGUE ON TRADE OPPORTUNITIES IN THE CONTEXT OF A GREEN ECONOMY TRANSITION. Jointly organised by the International Centre for Trade and Sustainable Development (ICTSD), the United Nations Environment Programme (UNEP) and the International Trade Centre (ITC), this full-day dialogue will identify trade opportunities for developing countries in the context of the transition to a green economy, in order to enhance development opportunities, poverty eradication and social equity. The dialogue seeks to draw pertinent policy lessons based on concrete examples in this regard. For more information, please visit the event [website](#).

19 June, Rio de Janeiro, Brazil. TRADE AND SUSTAINABLE DEVELOPMENT SYMPOSIUM. The International Centre for Trade and Sustainable Development (ICTSD) and the Centro Brasileiro de Relações Internacionais (CEBRI) are convening this symposium with the aim of generating new and innovative proposals for fostering strong multilateral regimes supportive of trade and sustainable development. The goal of the event is to generate dynamic thinking, analysis, and dialogue on issues of relevance to the Rio+20 negotiations and beyond. For more information, please click [here](#).

20-22 June, Rio de Janeiro, Brazil. UNITED NATIONS CONFERENCE ON SUSTAINABLE DEVELOPMENT (UNCSD). The UNCSD, also known as Rio+20, will bring together world leaders, along with participants from governments, the private sector, NGOs and other groups, to discuss how to reduce poverty, advance social equity, and ensure environmental protection. The event marks the 20th anniversary of the 1992 United Nations Conference on Environment and Development (UNCED), also held in Rio de Janeiro, and the 10th anniversary of the 2002 World Summit on Sustainable Development (WSSD) in Johannesburg. The Conference will focus on two themes: (a) a green economy in the context of sustainable development poverty eradication; and (b) the institutional framework for sustainable development. The Conference will result in a focused political document. For more information, please visit the UNCSD [webpage](#).

24-26 September, Geneva, Switzerland. WTO PUBLIC FORUM 2012. Convening under the theme "Is multilateralism in crisis?", the Public Forum is the WTO's largest annual outreach event. It aims to provide a platform for participants to discuss the latest developments in world trade and to propose ways of enhancing the multilateral trading system. The event regularly attracts over 1,500 representatives from civil society, academia, business, the media, governments, parliamentarians, and intergovernmental organisations. Event organisers are currently inviting submissions of short articles of no more than 1,000 words on the themes of the Forum, along with views on the articles submitted by others. Articles should be sent to



[publicforum2012@wto.org](mailto:publicforum2012@wto.org), indicating discussion forum on the subject line. For more details about this event, visit the WTO's [website](#).

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## Resources

REALIZING THE POTENTIAL OF THE UNFCCC TECHNOLOGY MECHANISM. Published by the International Centre for Trade and Sustainable Development (ICTSD) (May 2012). This publication brings together a series of think pieces that address the potentials and challenges of using the UN Framework Convention on Climate Change (UNFCCC) Technology Mechanism (TM) to improve technology development and transfer for climate mitigation and adaptation. The first piece argues that the TM can deliver a novel approach focused on technology development and innovation rather than simply transfer. The second piece brings an African perspective, arguing that African countries require endogenous capabilities to adopt and use technologies already available to them. The final piece is a draft of a paper that the late Professor John Barton was writing for ICTSD when he unexpectedly passed away in 2009. This work “in progress” looks at the implementation of technology transfer provisions in international environmental agreements and seeks to draw lessons that are still relevant as the TM becomes operational. For the full article, please click [here](#).

MAcMap-HS6 2007, AN EXHAUSTIVE AND CONSISTENT MEASURE OF APPLIED PROTECTION IN 2007. Published by Houssein Guimbard, Sébastien Jean, Mondher Mimouni, and Xavier Pichot for the Centre d'Études Prospectives et d'Informations Internationales (CEPII) and the International Trade Centre (ITC) (May 2012). The third version of this database, based on ITC data, proposes what the authors deem to be an exhaustive and consistent measure of applied preferential tariff protection in 2007. The authors find that, due to unilateral liberalisations and to new preferential trade agreements, the world average applied protection level in 2007 declined by 0.7 percent from 2004 levels to 4.4 percent in 2007. To access the publication, please click [here](#).

MYTHS ABOUT TRADE, JOBS, AND COMPETITIVENESS. By Richard Dobbs, Jan Mischke, and Charles Roxburgh for Vox EU (May 2012). This column aims to empirically disprove what the authors deem “myths” about international trade, such as the claim that trade is the cause of declining manufacturing employment. The authors argue that policymakers in advanced economies should focus on the opportunities in trading with emerging markets – such as by pushing for further liberalisation of trade in services – rather than view them as a threat. To access the article, please click [here](#).