

BRIDGES WEEKLY

Global trade news from a sustainable development perspective

VOLUME 19, ISSUE 14, 23 APRIL 2015

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WASHINGTON

US Trade Debate Kicks into High Gear as Congress Debates TPA Bill

The trade debate in Washington has now moved squarely into the spotlight, following the introduction of the long-awaited Trade Promotion Authority (TPA) legislation. The proposed text already went through a "mark-up" in the Senate Finance Committee on Wednesday, passing by a 20-6 majority.

The bill, known formally as the Bipartisan Congressional Trade Priorities and Accountability Act of 2015, was [introduced](#) late last week by Orrin Hatch and Ron Wyden in the Senate Finance Committee and Paul Ryan in the House Committee on Ways and Means, following months of protracted negotiations.

Hatch, a Republican from Utah, chairs the Senate finance panel, while Wyden, from Oregon, is that committee's highest-ranking Democrat. Ryan chairs the House Ways and Means Committee and is a Republican from Wisconsin.

The last version of TPA expired in 2007, though it still applied to the trade deals with South Korea, Colombia, and Panama that the US Congress ratified in 2011. Past efforts at renewing it, including in 2014, have failed to gain traction. (See Bridges Weekly, [6 February 2014](#))

This year's initiative, however, comes at a time when the US is racing to close a sweeping trade deal this year with 11 other Pacific Rim partners, known as the Trans-Pacific Partnership (TPP), before the American general election gets into full swing. Passing TPA is widely acknowledged to be critical in allowing that deal to cross the finish line.

TPA is also viewed as one of the few areas where US President Barack Obama, a Democrat, can find common ground with a Republican-led Congress. However, the trade legislation has also put the White House at odds with many lawmakers of its same party, who have raised questions about the merits of international trade deals and the level of transparency in negotiating them. (See Bridges Weekly, [2 April 2015](#))

"The bill put forward today would help us write those rules in a way that avoids the mistakes from our past, seizes opportunities for our future, and stays true to our values," Obama [said](#) last week following news of the TPA legislation, urging lawmakers to "seize this opportunity" to make the bill into law.

"Fast track" protection

The legislation tabled last week is split into a series of sections, outlining US trade negotiating objectives; trade agreements authority; congressional oversight, consultations, and access to information; notice, consultations, and reports; trade deal implementation; how to treat ongoing trade talks; sovereignty; and small business interests.

The US' principal negotiating objectives for trade deals, as outlined in the document, would cover areas such as goods, services, agriculture, foreign investment, intellectual property, digital trade and cross-border data flows, regulatory practices, state-owned or controlled enterprises, localisation barriers to trade, labour and environment, and currency, among various others.

Notably, the bill includes language that would strip a negotiated trade deal from so-called "fast track" protection should it be found that the President failed to meet the consultation or transparency requirements outlined in TPA, for instance if the deal is found not to make progress in meeting congressional priorities and objectives.

This "fast track" consideration allows completed trade deals to be submitted for congressional approval, without the possibility of US lawmakers adding amendments of their own.

The draft text also includes a requirement that the US Secretaries of Commerce, State, and Treasury, together with the Attorney General and US Trade Representative, submit a report by 15 December of this year "setting forth the strategy of the executive branch to address concerns of Congress regarding whether dispute settlement panels and the Appellate Body of the World Trade Organization have added to obligations or diminished rights of the United States."

Furthermore, should this report not be submitted in time, "fast track" protection would then not apply to any deal negotiated under the WTO.

In another bid aimed at addressing public information concerns, the full text of any negotiated trade deal must also be released publicly on the website of the US Trade Representative (USTR) at least 60 days before the President signs it, the legislation says. Sixty days after signing a deal, the President must release a description of changes to existing domestic law that would be required to enact a trade agreement.

Congress itself would need to be given a copy of a trade deal's final legal text, as well as a draft statement of the proposed administration action to implement it, at least 30 days before the deal is submitted to lawmakers for approval.

TAA, GSP, AGOA

The proposed TPA legislation was submitted as part of a larger package of trade-related bills, including the reauthorisation of an assistance programme for domestic workers displaced by trade, as well as the renewal of two US preference schemes.

The reauthorisation of Trade Adjustment Assistance (TAA), as the domestic support scheme is called, was introduced by Wyden as well as Republican Susan Collins of Maine. The legislation would renew the scheme, which expired in 2013, through 30 June 2021.

The TAA proposal, which would continue to cover trade-affected production sector workers whose jobs were moved abroad to a US FTA partner, would also allow service sector workers and those affected by offshoring or outsourcing to non-FTA partners to be eligible for the support.

The benefits outlined under TAA would include allocating US\$450 million per year for long-term job training, provide wage insurance to workers 50 years of age and older, help small businesses boost their competitiveness, and provide benefits and technical assistance to both fishermen and farmers, among others.

Regarding the preference schemes, legislation has been tabled to both renew the US' expired Generalised System of Preferences (GSP), as well as extending the African Growth and Opportunity Act (AGOA), due to expire in September, for an additional ten years.

Eyes on US-Japan talks

The release of the proposed TPA legislation last week was followed swiftly by US trade action abroad, in particular to see whether the US and Japan can reach a long-awaited bilateral deal on agricultural and automobile trade, in the broader context of the TPP talks.

US Trade Representative Michael Froman flew to Tokyo shortly after testifying on the proposed TPA legislation in Congress last week, meeting with his Japanese counterpart for additional talks which reportedly saw notable advances, though no deal was announced.

Japanese Prime Minister Shinzo Abe is due to arrive soon in the US, with meetings scheduled on 28 April with Obama, followed by an address to both chambers of Congress the day after, at lawmakers' invitation. (See Bridges Weekly, [2 April 2015](#))

Abe told the Wall Street Journal earlier this week that a deal between the two sides "is close," while indicating that more progress is hoped for. "It would be good if I could reach an agreement during my meeting with [Obama], but when you climb a mountain, the last step is always the hardest," the Japanese PM said.

Hurdles ahead

While the introduction of a TPA bill has been welcomed by proponents as a major step forward, various steps remain in the legislative process before it can become law. Should the bill be approved at the committee level in the Senate and House, the text will then go to the full floor of both chambers. A House Ways and Means mark-up is set for today.

If both chambers do approve the TPA bill, any differences between the two versions would then need to be reconciled in conference, with the final version then needing lawmaker approval once more. Lastly, Obama will need to sign the bill into law.

In a potential early sign of the hurdles to come, the Senate Finance Committee mark-up saw its share of dramatic gestures, with the proceedings stalled for hours on Wednesday after Democratic Senator Bernie Sanders of Vermont invoked a rarely-used procedural rule to slow the process.

Various Democrats have come forward in open opposition to the bill, or at least to raise questions about its provisions. One of the key issues that could create difficulties is the ongoing debate on what kind of currency-related provisions should be featured under the US' principal negotiating objectives.

"Seeking enforceable currency provisions would likely derail the conclusion of the TPP given the deep reservations held by our trading partners," US Treasury Secretary Jack Lew said in a letter to legislators, which was cited by the Reuters news agency.

ICTSD reporting; "Abe: U.S., Japan Close to TPP Trade Deal," THE WALL STREET JOURNAL, 20 April 2015; "Japan, US talks seeking compromise on farm, auto trade," THE ASSOCIATED PRESS, 20 April 2015; "U.S. Treasury warns Congress currency push could derail Pacific pact," REUTERS, 21 April 2015; "Sanders stalls action on trade bill with arcane Senate law," CNN, 22 April 2015.

GLOBAL ECONOMY

IMF-World Bank Spring Meetings Pledge "Further Measures" to Boost Global Growth

Ramping up the pace of the global recovery, reversing the economic fall-out of the Ebola crisis, and supporting ongoing international efforts at crafting a new development agenda shared centre stage during the Spring Meetings of the International Monetary Fund (IMF) and World Bank Group from 17-19 April.

The high-level gatherings, held in Washington, came on the heels of new IMF data that indicated limited economic growth in 2015 and 2016, with those numbers expected to reach 3.5 and 3.8 percent, respectively. The predictions highlighted various risks, including geopolitical ones, that could hamper growth further, which were expected to be discussed during the meetings. (See Bridges Weekly, [16 April 2015](#))

The IMF-World Bank Spring Meetings are the first of two major gatherings that the Bretton Woods institutions hold annually, bringing together the International Monetary and Financial Committee (IMFC) – the policy-setting body of the IMF, representing the institution's 188 member countries – and the joint World Bank/IMF Development Committee.

IMFC: "Uneven prospects" for global recovery

"The global recovery continues, although growth remains moderate with uneven prospects," the IMFC [said](#) in its communiqué, released on 18 April.

The policy body noted the expected increases in growth in advanced economies, along with the "softening" seen in some emerging market economies as the result of lower commodity prices and exports, among other reasons. Low-income developing countries, for their part, are also showing slower growth, though that "remains solid," the committee said.

In this context, the officials said that they were "committed to take further measures to lift actual and potential growth, and support our goal of a more robust, balanced, and job-rich global economy."

This, they said, would require a combination of growth-focused macroeconomic policies, preserving fiscal sustainability and financial stability, and speeding up the pace of structural reforms. Infrastructure investment by both the public and private sectors was also raised as key for boosting recovery efforts.

Ebola: Lagarde warns of "second shock"

While the actual spread of Ebola appears to be abating, international organisations and affected countries alike are looking to ways to reverse the negative economic impact that the disease caused in West Africa.

[WHO figures](#) published on 21 April place the Ebola death toll in Sierra Leone, Liberia, and Guinea, which were the hardest hit by the disease, at 10,721 deaths out of a total 25,872 recorded cases.

The presidents of the three countries were in attendance at the Spring Meetings, presenting recovery plans to finance and development ministers, as well as development partners.

"Your countries have come a long way, and the eradication of this terrible disease seems to be within reach. But this is no time for complacency," IMF Managing Director Christine Lagarde [warned](#) during a high-level Ebola meeting. "I need to emphasise that all three countries face a second shock."

For example, falling commodity prices, suspended mining activities, and the expected move of some investors to delay projects could hurt recovery efforts, the IMF chief said.

"Given the decline in commodity prices, it is important to prioritise investments in these sectors and strengthen domestic revenue mobilisation. It is equally important to strengthen public expenditure to ensure that every dollar spent translates into better services to the population, and in particular a lasting development of the health sector," she continued, pledging continued help from the Fund in the recovery effort, including in developing solid macroeconomic policies.

New figures released by the World Bank Group put the estimated GDP [losses](#) for these three countries at US\$2.2 billion in 2015 alone. Of this number, Sierra Leone has experienced the greatest loss at US\$1.4 billion, followed by Guinea at US\$535 million and Liberia at US\$240 million.

"Even as we work relentlessly to get to zero new Ebola cases, the international community must help Guinea, Liberia, and Sierra Leone jumpstart their recovery and build a safer, more prosperous, and resilient future for their people," said World Bank President Jim Yong Kim. The World Bank Group has similarly [pledged](#) new financing – at least US\$650 million – over the next year to 18 months to assist the three countries further.

SDGs, development financing

This year's meetings come as the international policy community gears up for two major conferences: July's Financing for Development (FfD3) conference in Addis Ababa, Ethiopia, and a UN summit in New York in September that aims to agree on a post-2015 development agenda, including new Sustainable Development Goals (SDGs).

In that context, the Development Committee referred to the importance of supporting this process in this "critical year." For instance, its [communiqué](#) encouraged the World Bank Group to help ensure that the SDGs and targets are technically robust, as well as to boost countries' data capacity in monitoring progress toward meeting the new goals.

"The [World Bank Group's] goals of ending extreme poverty and boosting shared prosperity, set in the broader context of social, economic, and environmental sustainability, are fully in line with the SDGs," the committee added, calling for a "transformational vision" that incorporates lessons learned from the Millennium Development Goals (MDGs) that the SDGs are replacing.

While not referring specifically to either the Asian Infrastructure Investment Bank (AIIB) or the BRICS New Development Bank, the committee did refer to the importance of both the IMF and World Bank cooperating with various actors, including "the new development institutions, within their respective mandates," in that same paragraph in the communiqué. (See Bridges Weekly, [2 April 2015](#) and [17 July 2014](#))

A separate [statement](#) was released jointly on 16 April by the IMF and multilateral development bank heads that noted the SDGs will require "moving from billions to

trillions in resource flows," and pledging the help of the international finance institutions in raising part of these flows.

The document was backed by the heads of the African Development Bank, the Asian Development Bank, the European Bank for Reconstruction and Development, the European Investment Bank, the Inter-American Development Bank, the World Bank Group and the International Monetary Fund.

IMF reforms

The now-familiar topic of reforming the IMF's quota and governance system also resurfaced at the IMFC meeting. The committee has now called upon the IMF Executive Board – comprised of 24 directors who are responsible for conducting the organisation's daily business and are appointed by individual countries or country groups– to seek "an interim solution that will meaningfully converge quota shares as soon as and to the extent possible to the levels agreed under the 14th Review."

This move, [explained](#) new IMFC chair Agustín Carstens of Mexico at a press conference, is still "suboptimal" compared to US ratification of the 2010 IMF reforms. "We basically will be working on this two-tier approach with the expectation that the 2010 reforms are ratified in the US," he said.

Furthermore, the IMF policy body said, this 14th Review will serve as the basis for the planned 15th Review, including a new quota formula.

Coming up

Both the Development Committee and the IMFC are next slated to meet in October in Lima, Peru, in the context of the Annual Meetings of the IMF and World Bank Group.

ICTSD reporting.

ENERGY

EU Commission Files Anti-Trust Charges Against Russia's Gazprom

Following a two-year investigation, the European Commission's competition branch filed charges on Wednesday against Russia's biggest energy company Gazprom, citing claims of unfair practices in Central and Eastern Europe.

The gas giant is under investigation for allegedly abusing its market dominance in various EU member states, namely Bulgaria, Estonia, the Czech Republic, Hungary, Lithuania, Latvia, Poland, and Slovakia.

Gazprom is the top gas supplier for these countries, making up at least 50 percent of market share in most, and reaching 100 percent in some instances.

In those countries, Gazprom is accused of implementing a series of territorial restrictions in supply deals with wholesalers that hinder cross-border flows of gas; adopting an unfair pricing policy; and making gas supplies in Bulgaria and Poland conditional on receiving certain infrastructure-related commitments from wholesalers, such as the construction of additional pipeline routes into Europe.

According to a [press release](#) outlining its "Statement of Objections," the European Commission suspects Gazprom of using these policies to divide Central and Eastern European gas markets, essentially maintaining its economic dominance, raising artificial barriers to trade between EU member states, and pushing up market prices.

"Keeping national markets separate also allowed Gazprom to charge prices that we, at this state, consider to be unfair," said the EU's competition commissioner, Margrethe Vestager on Wednesday, noting that any companies operating within the 28-nation bloc must comply with EU rules.

The Russian company has 12 weeks to respond to the charges, which it has condemned as "unfounded." According to quotes reported in the New York Times, Gazprom has argued that – as a state-controlled entity – it falls outside EU antitrust jurisdiction.

If the claims against Gazprom are confirmed, the company could potentially face steep fines, which analysts say could reach into several billions of euros, and may be forced to open its markets to more competition.

There are no legal deadlines for finishing the case, which the Commission says depends on factors such as the investigation's complexity. No final decisions will be taken before the parties involved have used their rights to defend themselves.

EU-Russia tensions

The recent EU charges are expected to exacerbate tensions between Brussels and Moscow, which have been running high in the several months following the start of the Ukrainian crisis.

The ongoing conflict has brought to the fore energy security concerns for particular EU member states, especially considering that about 30 percent of the EU's gas comes from Russia, with almost half of this passing through Ukraine.

The EU has negotiated with Russia to ensure gas flow to Ukraine despite the current geopolitical conflict, but Gazprom's policies against the re-export of Russian gas make it impossible for other eastern EU states to provide gas as aid to their Ukrainian neighbour.

As a result, the EU has advocated for a diversification of gas sources and the exploration of new supply regions for fuels and technologies.

Furthermore, Brussels announced plans last month to establish a single market in energy supplies, purchases, and consumption within the 28-nation EU bloc (see Bridges Weekly, [26 February 2015](#)).

Among the plan's several objectives is reduced energy dependence on other countries, particularly over continued concerns related to EU energy security given the deteriorating relationship with Russia.

ICTSD reporting; "E.U. Charges Russian Energy Giant Gazprom With Abusing Its Dominance," THE NEW YORK TIMES, 22 April 2015; "EU charges Russia's Gazprom, alleging price gouging," REUTERS, 22 April 2015; "EU charges Gazprom with 'abusing' market position in Central & Eastern Europe," RT, 22 April 2015.

AGRICULTURE

Draft US Trade Bill Proposes Farm Subsidy Rule Change

A draft US [bill](#) on trade has raised the spectre of negotiations to update the base year used in farm subsidy calculations, as trade officials in Geneva reported slow progress in WTO talks on agriculture.

The draft bipartisan text tabled in the US Senate Finance and House Ways and Means committees last week would encourage Washington negotiators to pursue a new benchmark in farm subsidy calculations, in a move seemingly aimed at shielding some US support schemes from legal challenge.

Should a negotiated trade deal not meet objectives outlined by the US Congress, lawmakers could trigger a provision in the legislation – known formally as the Bipartisan Congressional Trade Priorities and Accountability Act of 2015 – that would disqualify the deal from “fast track” consideration. (See related story, this edition)

This “fast track” consideration allows completed trade deals to be submitted for congressional approval, without the possibility of US lawmakers tacking on amendments of their own.

However, trade sources in Geneva told Bridges that the move would likely trigger a sceptical response from Washington's trading partners.

“If that's in the final version, a lot of countries would have questions to ask of the US,” one official said.

The US legislation will need to be approved both at the committee level in the House and Senate, as well as by the full membership of each chamber.

Any changes that emerge in the mark-up process to the bills in their respective chambers would then need to be reconciled into one final version, which would then require congressional approval once more before the US President can sign the bill into law.

Food security controversy

US negotiators have resisted proposals from some developing countries to revisit farm subsidy ceilings in talks on public stockholding programmes for food security purposes.

Developing countries in the G-33 coalition have suggested that WTO members revise the 1986-88 benchmark used to determine the value of farm subsidies they provide, cautioning that price inflation has seriously eroded their ability to purchase food at administered prices as part of their public food stockholding schemes.

Agricultural exporting countries such as the US have warned that revising the reference periods used to calculate domestic support levels could effectively open a “Pandora's box” by potentially undermining the WTO's legal basis for calculating farm subsidies more generally.

Instead, Washington has suggested examining how trade rules affect countries' ability to pursue food security goals, as a precursor to developing a "permanent solution" to the issue that developing countries have raised. (See Bridges Weekly, [26 March 2015](#))

Sugar: a special case

Trade experts told Bridges that the proposed new approach in the draft US bill may have emerged under pressure from sugar industry representatives seeking to shield farm subsidy payments to producers.

"Sugar is currently the only commodity affected by the price support accounting rules" under the WTO's Agreement on Agriculture, said Joe Glauber, senior research fellow at the International Food Policy Research Institute.

Support for other products under the 2014 Farm Bill would be calculated on an outlay basis, Glauber said, rather than in relation to a fixed external reference price.

While US sugar producers have long argued that they are disadvantaged by the 1986-88 reference period used to calculate trade-distorting support at the WTO, trade experts noted that the draft proposal under review in the US Congress could also have the unintended effect of expanding other countries' ability to provide certain kinds of agricultural subsidies.

China's agricultural support under scrutiny

Global trade talks in Geneva have made little headway lately, sources said, as major trading powers continued to disagree on fundamental questions over proposed new WTO rules on farm subsidies at the global level.

The US has said it is only willing to make concessions on its own domestic support spending if Beijing also makes "a contribution" by cutting the amount of "de minimis" support allowed under current rules.

At the same time, China has rejected any bid to reduce the ceiling of 8.5 percent of the value of production that it agreed to when joining the global trade body over a decade ago.

The grueling accession talks saw Beijing slash farm tariffs and agree to forego use of certain input and investment subsidies which other developing countries are allowed to provide.

While the US says that China's rapid economic growth and sizeable economic output mean the country now must take on greater commitments in global trade talks, Chinese officials are reluctant to make further domestic support concessions in the negotiations.

"De minimis" payments in particular are a "red line" for the country – trade officials' jargon for a non-negotiable requirement that cannot be breached.

At the same time, other trading powers have accused the US of seeking to deflect attention from their own farm support schemes by making demands which they know other countries will find unacceptable.

Consultations: limited results so far

The chair of the WTO agriculture negotiations, New Zealand Ambassador John Adank, is set to report this Friday on progress in informal small-group consultations he has held this week and last – but trade sources told Bridges that no breakthrough had taken place in the talks.

Exchanges last week on domestic support, market access, and the public stockholding issue had made only limited headway, along with a meeting this week on export subsidies and related issues known collectively as “export competition.”

An informal proposal on market access had been introduced by Norway, but delegates had not had time to discuss its content, sources said.

However, negotiators told Bridges that the new proposal seemed to build on recent proposals from Paraguay and Argentina, while taking into account concerns expressed by some developing countries that they would need to exempt tariff lines on some “special products” from any cuts or reduction commitments. (See Bridges Weekly, [12 March 2015](#))

ICTSD reporting.

CLIMATE CHANGE

India Tables Proposal to Phase Down HFCs under Montreal Protocol

India has tabled a formal proposal to amend the Montreal Protocol, calling for an international phase-down of hydrofluorocarbons (HFCs). The document, released on 17 April, sets out different timelines for developed and developing countries to hit a given "plateau" in the production and consumption of the potent greenhouse gas.

New Delhi's proposal marks a significant shift in approach, given that India had long urged for HFC reduction to be dealt with under the Kyoto Protocol within the UN Framework Convention on Climate Change (UNFCCC), which only mandates emissions cuts from so-called developed countries, rather than the Montreal Protocol.

The Indian submission came just days ahead of an open-ended working group meeting of Montreal Protocol parties, scheduled to be held in Bangkok from 22-24 April. The Protocol, which was agreed in 1987 and entered into force in 1989, is an international treaty aimed at protecting the ozone layer through the phasing out of ozone-depleting substances (ODS).

While the Montreal accord has successfully made headway on reducing some 96 ODSs, including chlorofluorocarbons (CFCs) and hydrochlorofluorocarbons (HCFCs), this has resulted partly from the switch to HFCs as an alternative.

HFCs are commonly used in air conditioners, refrigerators, and insulating foam. While they do not have a direct impact on the ozone layer, they nonetheless have severe warming potential, reportedly over a thousand times more severe than that of carbon dioxide.

There is currently no international mechanism for regulating the use of HFCs, though the issue has grown in prominence on the global climate agenda in recent years. It has already been raised repeatedly under discussions to update the Montreal Protocol, with a November meeting of the parties failing to make advances towards establishing a "contact group" to address ways on how to best phase out HFCs. (See BioRes, [27 November 2014](#))

Timeframe, flexibilities

India's proposed amendment would require all parties to phase down HFCs to a set level. However, developing countries – referred to as Article 5 parties under the Montreal Protocol – would be given an additional 15 years to do so, in an effort to give domestic industries enough time to find suitable alternatives.

If the amendment is accepted, developing countries would reduce HFC production and consumption to a 15 percent level, relative to a set baseline, by 2050 while developed countries would have until 2035. The "baselines" used to determine these levels would also depend on whether a country is classified under Article 5 or not.

Non-Article 5 parties – in other words, developed countries – would use the production and consumption averages of 2013-2015, with a "freeze" in 2016, as a baseline. Article 5 Parties, by comparison, will use the averages from 2028-2030, with a 2031 freeze.

Furthermore, Article 5 Parties would be allowed flexibility in the choice of alternative, energy-efficient technologies with low warming potential in their efforts to continue

transitioning away from HCFCs, though the Indian submission acknowledges that in some cases alternatives for HCFCs with low or zero "global warming potential" (GWP) may not be readily available.

"Recognising that HFCs are alternatives to HCFCs for various applications and there are no low-GWP/zero-GWP non-HFC alternatives for all the applications, it is proposed to continue the use of HFCs and blends of HFCs as transitional substances for phase-out of HCFCs wherever low-GWP/zero-GWP alternatives are not available," the proposal said.

The proposal also makes suggestions for strengthening the Montreal Protocol's financial and technology transfer mechanisms to assist developing countries in making their transitions towards cleaner energy.

The US, Canada, and Mexico have jointly tabled their own [proposal](#) regarding the phase-down of HFCs, which is also on the agenda for this week's meeting in Bangkok. The three North American countries have long been proponents of including HFCs under the Montreal Protocol.

Like the Indian proposal, it suggests a new "Annex F" featuring various HFCs that would be covered under the Protocol, and similarly suggests setting a target level of 15 percent where HFC production and consumption would "plateau" relative to an established baseline, rather than a full phase-out. However, the US-Canada-Mexico submission uses another calculation to establish baselines for Annex 5 and non-Annex 5 Parties, among other differences.

In addition, this latter proposal suggests including a "technology review provision" under which parties could review progress toward the deployment of climate-friendly alternatives, "as the basis to consider adjustments to the phasedown schedules."

Paris climate talks

Over 190 countries will convene in Paris later this year at the UNFCCC Conference of the Parties (COP) to work towards finalising a new global climate deal to succeed the Kyoto Protocol. Should any changes be made to the Montreal Protocol regarding HFCs, those could have a potential impact on the UNFCCC process, observers say, though questions remain on how the two agreements would interact.

In its proposal, India said that its Montreal Protocol amendment is "intended to support overall global efforts aimed at climate change protection." Furthermore, New Delhi said, the suggested changes still foresee HFCs' inclusion under the UNFCCC's scope and Kyoto Protocol, in terms of emissions reporting and accounting.

The US-Canada-Mexico proposal also says that it aims to support global climate efforts, while adding that it could be "completed by a related decision by the UNFCCC confirming the Montreal Protocol Approach." It also does not aim to change those UNFCCC/Kyoto Protocol provisions that govern HFC emissions.

Some [observers](#), such as the Institute for Governance and Sustainable Development's Durwood Zaelke, have said that India's recent move "will build critical momentum for a successful outcome in Paris for the climate negotiations in December, and complement what is expected to be an agreement where all countries participate by pledging to attack climate pollutants at their own pace."

ICTSD reporting; "India takes 'significant step' in HFC decision: U.S. envoy," REUTERS, 20 April 2015; "India agrees to phase down HFC, seeks more time," THE TIMES OF INDIA, 18 April 2015; "India embraces HFC phase-out under Montreal Protocol," THE INDIAN EXPRESS, 18 April 2015.

DISPUTES

Disputes Roundup: WTO Panel to Hear US Challenge of China Export Subsidy Programme

A WTO panel is set to hear the US' complaint over China's alleged export-contingent subsidy programme, following Wednesday's meeting of the organisation's Dispute Settlement Body (DSB). Panel requests from the US and New Zealand over Indonesian agricultural import restrictions discussed at the same meeting were rejected by Jakarta.

Panel established in US-China export subsidies dispute

The US request for the establishment of a panel in its dispute ([DS489](#)) with China comes just over two months after Washington originally requested WTO consultations with its second largest trading partner, claiming that Beijing was providing "prohibited" export-contingent subsidies through a programme involving the establishment of "demonstration bases" and "common service platforms." (See Bridges Weekly, [12 February 2015](#))

The above-mentioned demonstration bases, the US says, are clusters of enterprises in several Chinese industries that are given incentives – such as cash grants – as long as they meet certain export-related criteria. The Common Service Platforms work in tandem with these demonstration bases, providing free or discounted services to those enterprises.

The demonstration bases allegedly involved include companies working in textiles, agriculture, medical products, light industry, special chemical engineering, new materials, hardware, and building materials, Washington says.

The US claims that this Demonstration Base-Common Service Platform programme, and its related benefits, constitutes "subsidies contingent upon export performance" to China-based companies, thereby violating articles 3.1(a) and 3.2 of the Agreement on Subsidies and Countervailing Measures (SCM Agreement).

These legal provisions essentially prevent WTO members from granting or maintaining "subsidies contingent, in law or in fact, whether solely or as one of several other conditions, upon export performance."

While this was Washington's first panel request, Beijing did not have the option of blocking it, as is usually permitted under WTO rules.

Given that the case involves allegedly prohibited subsidies, it falls under [Article 4.4](#) of the WTO's SCM Agreement, which allows for such cases to proceed under an accelerated timeframe – a 30-day minimum period for consultations, rather than the usual 60, and immediate panel establishment on first request, not second.

Under the SCM rules dealing with prohibited subsidy cases, the dispute panel should release its report within 90 days of its composition and establishment of terms of reference.

US, New Zealand request panel in Indonesia agriculture case

The first panel requests by the US and New Zealand in their complaints ([DS477](#) and [DS478](#), respectively) against Indonesia's measures on the importation of horticultural products, animals, and animal products, were rejected by Jakarta on Wednesday.

Both requests were filed on 18 March and are identical in content, with the complainants asking for the establishment of a single panel on the subject.

Washington and Wellington claim that Jakarta's import licensing regime is trade-restrictive, and imposes prohibitions and restrictions on imports of the relevant products that are prohibited by WTO rules.

The two sides have cited in particular the WTO's General Agreement on Tariffs and Trade (GATT) 1994 and Agreement on Agriculture.

Indonesia's import licensing regime, they say, essentially outlines a set of pre-conditions and processes that must be met before an import can enter the Asian island country.

For instance, the regime imposes certain application and approval processes, including importer designations, recommendations, and approvals from relevant government ministries. The complainants allege that these processes restrict imports by subjecting them to time-related conditions regarding when the products can be imported, as well as specifying quantities, type, country of origin, port of entry, and use of imports.

Furthermore, both the US and New Zealand claim that this import licensing regime allows Indonesia to limit imports in cases where the domestic market price of these goods falls below a government-established reference price.

Another concern raised by the complainants is Indonesia's alleged restrictions of fresh horticultural products aimed for consumption that were harvested more than six months prior. Meanwhile, importing certain types and quantities of animal products is allowed only if the importing entities have "absorbed" meat from local slaughter houses.

The claimants also cite alleged prohibitions and restrictions involving the use, sale, offering for sale, distribution, storage, or transportation of imported products, by saying that Indonesia's import licensing regime requires importers to own storage facilities and means of transport for the products involved.

Finally, the claimants allege that Indonesia prohibits or restricts the import of these products in cases where local production is deemed sufficient to fulfil domestic demand.

Therefore, both the US and New Zealand consider those measures to be "prohibitions or restrictions other than duties, taxes or other charges instituted or maintained on the importation of products into Indonesia," violating Article XI:1 of the GATT 1994.

Moreover, they say, the measures are "of the kind which have been required to be converted into ordinary customs duties," as outlined by Article 4.2 of the Agreement on Agriculture.

The case has drawn the attention of several other WTO members, with Thailand, Canada, the EU, Chinese Taipei, and Australia all previously asking to join the consultations. These members have not launched formal dispute settlement proceedings of their own, however.

Under WTO rules, the complainants have the option of filing second requests, in which case panels would automatically be established.

ICTSD reporting.

AGRICULTURE

US Lawmakers Debate Reform to Global Food Aid Schemes

The long-running debate over potential reforms to the US' global food aid programmes has resurfaced in Washington political circles, with a Senate panel debating last week potential legislation on the subject.

The bill under scrutiny was introduced in February by Senator Bob Corker, a Republican from the US state of Tennessee, and Senator Chris Coons, a Democrat from the US state of Delaware.

The legislation is still in the committee phase, with the Senate Foreign Relations Committee – chaired by Corker – holding a [hearing](#) on 15 April to present arguments for reforming current US laws on food aid and review the management of the country's global food assistance schemes.

Known as the [Food for Peace Reform Act of 2015](#), the legislation is identical to a previous [bill](#) that the two senators introduced last year, which did not make it out of committee mainly due to opposition from the maritime industry and some other interest groups, analysts say.

The legislation, if passed, would free up as much as US\$440 million per year to feed up to 12 million more people faster and at a lower cost, Corker argued in a [press release](#).

"Our current system for acquiring and distributing food aid is inefficient and often hurts the very communities it is trying to help," Corker said, highlighting the importance of allocating US resources in the most effective way available.

In order to become law, the proposed reforms must receive approval in both the US Senate and House of Representatives and be signed off on by the President.

"There is a modest chance that the bill with further food aid reforms will be adopted in the coming months," Stephanie Mercier, Senior Policy and Advocacy Adviser at the Farm Journal Foundation, told Bridges. However, lawmakers will have to figure out how to address the concerns of different interest groups, meaning that the final language will likely change from the Corker-Coons version.

From his side, US President Barack Obama is also pushing for the [reform](#) of US food aid programmes. In his fiscal year budget proposals for 2014, 2015, and 2016, his Administration asked to use food aid funds for local and regional procurement of food, food vouchers, or cash transfer.

Proposed reforms

With an annual average [budget](#) of about US\$2.2 billion over the past decade, Washington is the world's largest donor of food aid, with Food for Peace activities averaging nearly US\$1.7 billion.

Current law requires that the bulk of food aid commodities must be produced in the US. In addition, at least 50 percent of food aid must be shipped from the US to recipient

countries on American-flagged vessels. Moreover, 15 percent of all US donated food must be sold by aid organisations in recipient countries – a practice known as “monetisation.”

The legislation sponsored by Corker and Coons proposes “cost-effective procurements” that would allow food aid agencies to purchase food both in the US and in local or regional recipient markets, or to provide vouchers or cash transfers to people in need, depending on which is most cost-effective.

The proposed reforms would also remove the cargo preference requirement and would provide USAID with the flexibility to ship on readily-available vessels, which proponents say could save approximately US\$50 million per year from the USAID budget and speed up the delivery of food aid.

The bill also suggests eliminating the practice of monetisation. According to USAID, this could feed an additional 800,000 people and free up about US\$30 million per year.

Years of debate

Calls for food aid reform date back several years. Lately, supplemental funds and new programmes such as the Emergency Food Security Program have allowed aid agencies to buy food locally and regionally and to provide targeted cash transfers or food vouchers to people in need. However, the bulk of food aid is still purchased in the US and shipped via US vessels.

“The 2014 Farm Bill advanced meaningful reform,” Director of Food for Peace Dina Esposito said during last week’s hearing, allowing the US Agency for International Development (USAID) to reduce monetisation, purchase food locally and regionally, and help disaster victims access food in local markets.

“The major problem around the current system is that it is too inflexible,” Erin Lentz, Assistant Professor of Public Affairs at the University of Texas, told Bridges.

The 2014 Farm Bill failed to relax the core restrictions placed on the Food for Peace programmes managed by USAID, Lentz explained.

Poverty advocacy groups such as [Oxfam America](#) and [CARE USA](#) have been among those advocating for Congress to reform the current legislation, citing the importance of increasing the efficiency of US food aid programmes, such as by improving flexibility in food aid delivery rules.

According to USAID estimates, allowing flexibility in delivering food aid will have a substantial effect in reducing nutrition deficiency-related morbidity and mortality for about four million people annually.

The calls for reform come after various studies from academics, civil society groups, and the public sector have lately suggested that the current system of delivering US food aid is inefficient, arguing for loosening existing rules.

For instance, a 2009 [report](#) by the Government Accountability Office (GAO), an independent agency providing audit and evaluation to Congress, found that sourcing food locally or regionally – rather than requiring it to be produced in the US – can slash costs and improve delivery time.

The report found that local procurement in sub-Saharan Africa cost about 34 percent less than similar in-kind food aid purchased and shipped from the US. Moreover, food aid from the US can take four to six months to reach recipient communities. Instead, locally or regionally procured food can reach those community 11 to 14 weeks sooner.

Another GAO [report](#) deemed the practice of monetisation to be wasteful and inefficient, citing potential adverse market impacts in recipient countries. The report calculated that food aid agencies are usually able to obtain at best US\$0.75 on every taxpayer dollar spent by selling food in local markets.

"The sale of food aid on local markets is terribly inefficient," Eric Muñoz, Senior Policy Advisor with Oxfam America, told Bridges. "It is viewed as an export subsidy by some," he continued, noting that this creates tensions when trying to make space for legitimate food aid in a new agriculture agreement among WTO members.

"A much more effective use of such funds would be simply to provide the NGOs with grants to accomplish the relevant aid-related objectives," said Vincent Smith, a professor at Montana State University's Department of Agricultural Economics and Economics, during last week's Senate Foreign Relations hearing.

That hearing, Smith later told Bridges, clearly showed that the US should adopt a flexible discipline for delivering food aid. Nevertheless, the maritime industry reportedly opposes the move, given their reliance of food aid funds to support a US maritime fleet, Smith said.

Agricultural Cargo Preference has been justified by maritime interests as providing necessary support for maintaining a US maritime fleet that would support national defense in cases of war, Smith explained. However, he added, some [studies](#) show that cargo preference makes little contribution, if any, in ensuring US military preparedness.

"The maritime industry is trying to keep things as they are," Mercier told Bridges. "Hopefully, last week's hearing will give a renewed focus to the ongoing discussions." If the bill does not go through this time, she continued, the next opportunity to reform US food aid programmes will be the next Farm Bill that is enacted after the current one expires in 2018.

Effects on US agricultural sector?

The proposed new discipline would not only reduce cost and time of providing food aid, but could also "reinforce economic recovery, support local farmers, and generate jobs," in recipient countries by introducing food vouchers or targeted cash transfers, Esposito said during last week's hearing.

The proposed reform, Smith told Bridges, "doesn't hurt US agriculture in any meaningful way. If anything, it may benefit the sector." Food aid constitutes a marginal share of US agricultural exports.

The cost-saving effects generated by the reform would enable the US government to purchase 50-60 percent more food aid with the same budget, with a subsequent increase of global food demand for crops such as corn, wheat, and rice, Smith explained.

ICTSD reporting.

EVENTS & RESOURCES

Events

Coming Soon

21-24 April, New York, US. **FOURTH SESSION OF INTERGOVERNMENTAL NEGOTIATIONS ON POST-2015 DEVELOPMENT AGENDA.** The fourth session of intergovernmental negotiations on the post-2015 development agenda will take place at UN Headquarters in New York City. The session will convene on the theme 'Means of Implementation and the Global Partnership for Sustainable Development' and will jointly address issues in the post-2015 agenda negotiations as well as in the upcoming Third International Conference on Financing for Development, which will be held in July. The results of this session will be reviewed following negotiations up until the UN summit in September, when the new development agenda will be launched. For more information about this event, please visit this [website](#).

24 April, New York, US. **PUBLIC EVENT ON WORLD HAPPINESS REPORT 2015.** The three co-editors of the World Happiness Report – Jeffrey Sachs, Richard Layard, and John Helliwell – will host this event to address the report's findings and recommendations for policymakers. The report, which will be launched on 23 April, ranks the world's countries in terms of happiness, identifying the key components to a happy life as income, high life expectancy, freedom to make life choices, perceptions of corruption, social support and generosity. This publication draws from the previous two World Happiness Reports, first published in 2012. For more information about this event, please visit this [website](#).

27-28 April, Jakarta, Indonesia. **TROPICAL LANDSCAPES SUMMIT: A GLOBAL INVESTMENT OPPORTUNITY.** Co-hosted by the Government of Indonesia and UN System, this private sector summit serves as a platform for business professionals to explore and engage in opportunities offered by the Indonesian Green Economy Transition. One such opportunity is renewable energy, which the Government of Indonesia has already pledged to make a larger part of its national energy mix. The objective of this summit is to provide policy makers with advice as to how to promote competitive business opportunities that align with and facilitate a transition to a greener economy. The meeting will also address climate change initiatives, sustainable cities, food security, development financing, and public-private partnerships among other topics. For more information about this event, please visit this [website](#).

28 April, Geneva, Switzerland. **TRADE AND GREEN ECONOMY HIGH-LEVEL PANEL AND HANDBOOK LAUNCH.** This event will mark the launch of the Trade and Green Economy Handbook, a joint publication of the United Nations Environment Programme (UNEP) and the International Institute for Sustainable Development (IISD). At the meeting, a high-level panel will address emerging issues at the nexus of international trade and the environment while looking at how these issues will play out in the post-2015 development agenda. The Handbook identifies linkages between green economy and trade by defining the concept of the green economy, analysing recent trade agreements, and evaluating global value chains and international trade dynamics. For more information on this event, please visit this [website](#).

29-30 April, Jakarta, Indonesia. **ASIA-PACIFIC HIGH-LEVEL CONSULTATION ON FINANCING FOR DEVELOPMENT.** This meeting, jointly organised by the UN Economic and Social Commission for Asia and the Pacific (ESCAP) and the Ministry of Finance of the Republic of Indonesia, will provide ESCAP members and other stakeholders with the opportunity to discuss the role of traditional sources of finance and potential innovative

tools in funding investments in the economic, social and environmental areas of sustainable development. The outcome of the Asia-Pacific Consultation will be the Jakarta Consensus, a collection of the region's perspectives and recommendations, which will be implemented in the preparations and results of the Third International Conference on Financing for Development in July 2015. For more information about this event, please visit this [website](#).

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.

27 April: Committee on Safeguards

27 April: Trade Negotiations Committee

28 April: Committee on Government Procurement

28-29 April: Committee on Balance-of-Payments Restrictions

28 April: Committee on Subsidies and Countervailing Measures – Special Meeting followed by Regular Committee

28 April: 20 years of building pathways to sustainable development

28 April: Committee on Subsidies and Countervailing Measures

29 April: Committee on Anti-Dumping Practices – Informal Group on Anti-Circumvention followed by the Working Group on Implementation

29 April: Committee on Anti-Dumping Practices

29 April: Committee on Anti-Dumping Practices – Working Group on Implementation followed by the Regular Committee

Other Upcoming Events

8-9 May, Martinique. ISLAND ENERGY TRANSITIONS: PATHWAYS FOR ACCELERATED UPTAKE OF RENEWABLES. The International Renewable Energy Agency (IRENA) and the French government, in cooperation with the regional government of Martinique, have organised a meeting on advancing the usage of renewables on islands. The forum will focus on topics such as investment potential for renewable resources, the reduction of electricity costs using waste-to-energy systems, and the implementation of renewable-based desalination, which transforms sea water into fresh, usable water. The meeting will also look at the challenges, including high installation costs and small market size, faced by islands in their efforts to transition to renewable energy. For more information about this event, please visit this [website](#).

20-21 May, The Hague, The Netherlands. INTERNATIONAL ENERGY CHARTER MINISTERIAL. During this two-day event, those delegations that are authorised to approve/sign the International Energy Charter will do so during this ministerial conference. This document serves as a declaration of political intent, with the goal of improving energy cooperation among those who have signed it. The charter was negotiated among

approximately 80 states throughout 2014. To learn more about this event, please visit the International Energy Charter's [website](#).

30 June – 2 July, Geneva, Switzerland. FIFTH GLOBAL REVIEW OF AID FOR TRADE: REDUCING TRADE COSTS FOR INCLUSIVE, SUSTAINABLE GROWTH. This event, hosted at WTO headquarters, will focus on the various actions underway to reduce trade costs, at levels ranging from the national, bilateral, regional, and multilateral, as well as the private sector and non-governmental. Participants will be asked to consider which actors are involved in what; how the issue of trade costs is being addressed by national governments and regional organisations in their planning; and whether sufficient progress has been made, and if not, how to improve it. To learn more, visit the WTO [website](#).

24-28 August, The Hague, Netherlands. SUMMER PROGRAMME ON INTERNATIONAL AND EUROPEAN ENVIRONMENTAL LAW. Organised by the T.M.C. Asser Instituut in cooperation with the European Environmental Law (EEL) Network and The Hague Environmental Law Facility (HELF), the second Summer Programme on International and European Environmental Law consists of a five-day programme of interactive lectures and a study visit to the International Court of Justice. This year's programme aims to enhance practical knowledge about climate change in the context of the legal aspects regarding sustainable energy, the current state of sustainable finance, the role of trade agreements in promoting sustainability, and other related topics. For more information about the programme, please visit this [website](#).

Resources

EVENT WEBCAST - THE EVOLVING LANDSCAPE OF CLEAN ENERGY GOVERNANCE: IMPLICATIONS FOR INTERNATIONAL TRADE. This event was organised jointly by the International Centre for Trade and Sustainable Development (ICTSD) and the Energy Charter Secretariat. The discussion focused on the changing energy governance landscape, particularly in light of the expected adoption of the International Energy Charter in May and the discussions among a set of WTO members for an Environmental Goods Agreement (EGA). A full webcast of the event is available at the ICTSD [website](#).

FOSSIL-FUEL SUBSIDY REFORM COMMUNIQUÉ. Published by the International Institute for Sustainable Development (IISD) (April 2015). The Communiqué welcomes all countries, companies, and civil society actors to support accelerated action to eliminate fossil fuel subsidies using transparent means as a part of a major contribution to climate change mitigation. The paper advocates for the elimination of fossil fuel subsidies that are said to be responsible for wasteful consumption, disadvantaging renewable energy, and reducing investment in energy efficiency. It calls for taking action with these principles in mind: communication and transparency; ambition; and technical and financial support. The paper can be downloaded [here](#).

ARCHITECTURE FOR REVIEW AND FOLLOW-UP OF THE SDGS: OPTIONS FOR THE HIGH-LEVEL POLITICAL FORUM. By Mark Halle and Robert Wolfe for the International Institute for Sustainable Development (IISD) (April 2015). This briefing note discusses options for the architecture for review and follow-up of the proposed Sustainable Development Goals in the context of the High-Level Political Forum. The authors examine the institutional design principles for review mechanisms and then describes their perspectives on the design choices in a way that may be helpful for negotiators preparing for the May 2015 Session on Monitoring & Review of the Post-2015 Intergovernmental Negotiations. The publication is available [here](#).

FISCAL MONITOR. NOW IS THE TIME: FISCAL POLICIES FOR SUSTAINABLE GROWTH. Published by the International Monetary Fund (IMF) (April 2015). This edition of the Fiscal Monitor argues that strengthening fiscal frameworks to better manage public finance risks and ensure debt sustainability must be made a priority of the fiscal policy response. The report urges countries to take advantage of the recent fall in oil prices to begin processes of energy taxation and energy subsidy reform. According to the paper, fiscal policy can unlock significant growth dividends and enhance macroeconomic stability when implemented appropriately. The full document can be accessed [here](#).

GLOBAL FINANCIAL STABILITY REPORT: NAVIGATING MONETARY POLICY CHALLENGES AND MANAGING RISKS. Published by the International Monetary Fund (IMF) (April 2015). The report addresses various issues arising out of the recent increase in global financial stability risks. The first chapter identifies ways in which advanced as well as emerging economies can reform their monetary policy and financial frameworks in order to combat these risks. Subsequent chapters focus on trends in international banking and the potential risks associated with the financial management industry. The report concludes that more international cooperation and tighter supervision over the industry are necessary in order to maximise benefits of international banking and asset management while also mitigating the risks involved. The full report can be accessed [here](#).

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PUBLISHED BY



International Centre for Trade
and Sustainable Development
Chemin de Balexert 7-9
1219 Geneva, Switzerland
+41-22-917-8492
www.ictsd.org

Bridges Weekly Trade News is made possible
through generous contributions of donors and
partners including

DFID - UK Department for
International Development

SIDA - Swedish International
Development Agency

DGIS - Ministry of Foreign Affairs
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Director at +41-22-917-8335.

Contributors to this issue are Sofia Alicia Baliño,
Jonathan Hepburn, Paolo Ghisu, Stephanie Lind,
and Adriana Motta. This edition of Bridges
Weekly Trade News Digest is edited by Sofia
Alicia Baliño.

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](#) or the [director](#).

Price: €10.00

ISSN 1563-0

