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GLOBAL ECONOMIC GOVERNANCE

G-7 Leaders Aim for TTIP Outline By Year's End, Make Global Climate Push

Leaders from the G-7 countries agreed on Monday to aim for an immediate acceleration of negotiations for a bilateral trade and investment deal between the US and EU, including an outline of such an agreement "as soon as possible, preferably by the end of the year."

The 7-8 June summit, hosted by Germany in the Bavarian Alps, also featured a series of other key announcements on a host of topics, including a major pledge on limiting global warming and eliminating fossil fuel subsidies.

The Group of 7 includes Canada, France, Germany, Italy, Japan, the US, and the UK. The EU also participates in the meetings, though is not itself a G-7 member given its status as a supranational organisation. The coalition was previously known as the G-8, until Russia was suspended from the group last year following the Ukrainian crisis.

TTIP target

The state of the global economy was one of the overarching themes of the two-day meet, with leaders noting in their [declaration](#) that while growth appears to be strengthening in some major economies, many still are "operating below their full potential."

Trade and investment, they said, are both key toward boosting global economic growth, jobs, and sustainable development. To that end, they said, their countries would be pushing for the G-20 to sign off on extending once more its "standstill" commitment against raising or imposing new barriers to trade and investment.

In their communiqué, leaders affirmed that strengthening the multilateral trading system "remains a priority." However, they also welcomed efforts on other trade fronts, such as the negotiation of bilateral, regional, and plurilateral trade deals.

Notably, leaders pledged that they would aim to reach an outline on the Transatlantic Trade and Investment Partnership (TTIP), being negotiated between the EU and the US, preferably by December. The talks are now in their third year, with negotiations generally being acknowledged to be lagging behind – an increasingly worrisome prospect for some observers, given the upcoming US general election year, which could slow the talks further.

German Chancellor Angela Merkel, for her part, said following the G-7 meet that the EU and US “will be able to” conclude TTIP before US President Barack Obama leaves office in January 2017, in an interview given to the German Public Broadcasting Station.

The statements come as the TTIP deal continues to generate controversy on both sides of the Atlantic. A planned European Parliament plenary vote on TTIP-related recommendations that was set for this Wednesday was postponed indefinitely, after the chamber’s president, Martin Schulz, [reported](#) that over 200 amendments had been tabled.

The TTIP report that had been approved by the Parliament’s international trade committee (INTA) just a week ago has therefore been sent back to the committee level, together with the various new amendments. A scheduled debate on the TTIP resolution, also set for Wednesday, has similarly been [postponed](#) by parliamentarians. (See Bridges Weekly, [4 June 2015](#))

TPP, EU-Japan talks

G-7 leaders also announced tentative goals for two other major trade pacts under negotiation – the 12-country Trans-Pacific Partnership (TPP) talks, as well as the EU-Japan negotiations for a free trade agreement/economic partnership agreement (FTA/EPA).

“We will make every effort to finalise negotiations on the TPP as soon as possible as well as to reach agreement in principle on the EU-Japan FTA/EPA preferably by the end of the year,” leaders said.

While the TPP talks are said to be in their endgame, member countries have been hesitant to take the final steps toward clinching an agreement until the US Congress renews Trade Promotion Authority (TPA).

That legislation, which sets US negotiating objectives in trade deals and allows the President to submit finalised agreements to the legislative branch for a straight up-or-down vote, without amendments, is currently under consideration by the House of Representatives, with [a vote set](#) for the end of the week. The Senate already approved the bill last month. (See Bridges Weekly, [4 June 2015](#))

Meanwhile, EU and Japan leaders confirmed last month at a summit in Tokyo that they would be speeding up their negotiations, though on the European side officials have conditioned the year-end goal as one depending on substance. (See Bridges Weekly, [4 June 2015](#))

WTO ministerial

Regarding the WTO, the leaders said that this year’s focus should be on bringing the Trade Facilitation Agreement (TFA) into force. That deal, which aims to lower customs barriers and ease red tape at borders, was inked at the global trade body’s 2013 ministerial conference in Bali, Indonesia, and has been open for domestic ratification since November of last year. (See Bridges Weekly, [27 November 2014](#))

To date, seven WTO members have submitted their instruments of acceptance for the TFA, with Australia being the latest to do so. To bring the deal into effect, domestic acceptance is needed by two-thirds of the WTO’s 161 members.

Notably, G-7 leaders also called for “swift agreement” of a work programme aimed at concluding the WTO’s Doha Round trade talks. The deadline for such a plan is end-July; however, the talks in Geneva have to date reported slow progress, particularly in agriculture – one of the core areas of the negotiations. (See Bridges Weekly, [4 June 2015](#))

"Both the implementation of the TFA and agreement on a post-Bali work programme should lay the ground for a successful MC 10, the first WTO ministerial to be held in Africa," leaders said, referring to the global trade body's tenth ministerial conference. That meeting is set for 15-18 December in Nairobi, Kenya.

WTO Director-General Roberto Azevêdo, who was on hand at the G-7 meeting to discuss the status of the trade negotiations, welcomed the political backing from leaders.

"I told G-7 members that delivering a work programme by July will be an important step to ensuring that the Ministerial Conference in Nairobi is a success, and that it delivers important outcomes, particularly for our least-developed members. This [programme] may be the best chance we have had to complete the [Doha Round]," the WTO chief [said](#).

Climate goal

In a landmark move, leaders also pledged to limit the rise in global temperatures to a maximum of 2 degrees Celsius above pre-industrial levels, while working toward a "low-carbon global economy in the long-term."

Citing data published by UN scientists, leaders said they support the recommendation to slash greenhouse gas (GHG) emissions by 40 to 70 percent by 2050, relative to 2010 levels. Leaders also affirmed a commitment "to the elimination of inefficient fossil fuel subsidies," as well as also reiterating their hope of making the Green Climate Fund (GCF) operational this year.

The GCF is geared toward helping rich nations fulfil their pledge to set aside US\$100 billion annually by the end of the decade for climate mitigation and adaptation in the world's poorest countries. (See Bridges Weekly, [27 November 2014](#))

The G-7 leaders' pledge came as UN negotiators finish a two-week series of meetings in the German city of Bonn aimed at slimming down the draft text for a new global climate deal from approximately 90 pages to something more manageable. (See Bridges Weekly, [4 June 2015](#))

A final version of this new climate deal is expected to be agreed at the UN Framework Convention on Climate Change's (UNFCCC) annual Conference of the Parties (COP) in December, which would then take effect from the end of this decade.

"The G-7 leaders issued a powerful statement on climate change today, committing themselves to aggressive action to reduce greenhouse gas emissions and to lead the decarbonisation of the global economy," [said](#) World Bank President Jim Yong Kim on Monday following the news.

ICTSD reporting; "Climate Change Headlines G7; Merkel Commits to Conclude TTIP During Obama's Term," INTELLECTUAL PROPERTY WATCH, 9 June 2015; "Parliament postpones EU-U.S. trade vote," POLITICO, 9 June 2015; "G7 leaders agree to phase out fossil fuels," FINANCIAL TIMES, 8 June 2015.

AFRICA

African Leaders Launch Tripartite Free Trade Area

African heads of state have launched the largest free trade area across Africa, the Tripartite FTA (TFTA), during the Third Tripartite Summit held in Sharm El Sheikh, Egypt that ended Wednesday.

This new "Grand" FTA will stretch from Cape Town to Cairo, creating an integrated market with a combined population of almost 600 million people and a total Gross Domestic Product (GDP) of about US\$1 trillion.

The TFTA comprises the three largest regional economic communities (RECs) in Africa: the Common Market for Eastern and Southern Africa (COMESA), the East African Community (EAC), and the Southern African Development Community (SADC). The deal will come into force once ratification is attained by two-thirds of the 26 member states.

A post-signature implementation plan will follow the launch including, among other elements, an indicative schedule of negotiations on outstanding issues in phase I and phase II of the negotiations – most likely rules of origin, trade remedies and dispute settlement – and the programme of work on the movement of business and the industrial development pillar.

Another mega-deal

The launch of this "mega" African deal is the first step towards a more ambitious plan of establishing an African Customs Union by 2019.

Observers note that such a large FTA will be an important step towards a potentially game-changing environment for Africa's trade and integration.

In recent years, this initiative has often been referred to by African officials as a response to the changing global landscape, which has been accompanied by a proliferation of bilateral and regional trade agreements, and more recently mega-regional trade deals, such as the Transatlantic Trade and Investment Partnership (TTIP) and the Trans-Pacific Partnership (TPP), both currently under negotiation.

The TFTA project was originally [endorsed](#) at the Tripartite Summit of Heads of State and Government in Johannesburg in June 2011 which also marked the start of the negotiations to establish a framework for tariff preferences and other commitments. (See Bridges Weekly, [1 February 2012](#))

The proposed 26-country Tripartite FTA, together with other regional FTA processes, are also meant to set the stage for a broader Continental FTA, or CFTA.

The various regional processes are expected to be consolidated into the CFTA between 2015 and 2016, with the pan-African pact launching in 2017 and a continental customs union forming by 2019, according to a [roadmap](#) released by the African Union in 2011. (See Bridges Weekly, [30 October 2014](#))

The roadmap also encourages the regional blocs of the TFTA "to ensure that the member states currently outside the three RECs' FTA join and become part of the Tripartite FTA."

"Monumental" step for continental integration

Egypt's Minister of Industry and Trade, Mounir Fakhri Abdel Nour, welcomed the TFTA launch as a "monumental step."

The move was hailed by business leaders during the World Economic Forum (WEF) on Africa held last week in Cape Town, South Africa, where participants highlighted the current low level of intra-African trade, currently standing at around 12 percent compared to some 55 percent in Asia and 70 percent in Europe.

"I think Africa will surprise the world," Fatima Haram Acyl, the African Union's commissioner for trade and industry, said during the WEF meeting.

"We have realised that having one trade regime is better than costly multiple trade regimes," said Sindiso Ngwenya, the secretary general of COMESA, who has been leading the negotiations between the three blocks.

Tariff offers

The decision to launch the Tripartite FTA was made after the majority of the Tripartite members made "ambitious" tariff offers following the Tripartite Sectoral Committee of Ministers meeting in Bujumbura, Burundi in October last year. (See Bridges Africa, [16 March 2015](#))

Regarding tariff offers, Tripartite ministers reiterated recently the importance of making tariff offers and concluding related negotiations "expeditiously." In this regard, they decided that countries that had not yet exchanged tariff offers would need to do so within the next 6-12 months; those that have exchanged and are negotiating tariff offers should endeavour to conclude that process within 12 months.

Work on rules of origin to continue

Tripartite ministers agreed on rules of origin (RoO) to be applied in the interim while further work continued on specific rules of origin, COMESA reported last week.

One of the key challenges involves finding an acceptable framework for RoO, as the EAC and COMESA regimes in this area are significantly different from the one used by SADC.

Phase II of negotiations next

The liberalisation exercise was initially divided into two negotiation sequences. In the first phase, discussions focused mainly on the issues of tariff liberalisation, rules of origin, trade remedies, and customs and transit procedures, among other elements.

It was originally agreed that trade officials needed to clear these agenda items before entering into the second phase, which addresses trade in services, intellectual property, competition policy, and trade competitiveness.

Phase I officially concluded in December 2014 through the adoption by heads of state and government of the "Declaration on the Conclusion of Negotiations on Phase I Trade in Goods." Phase II of the negotiations is scheduled to commence shortly after the launch.

SADC industrial strategy

Earlier this year, the Tripartite Technical Committee on Industrial Development (TTCID) adopted a draft programme of work on industrial development, and since then has been working on developing the appropriate legal instrument for cooperation in this area.

As part of this effort, the SADC region recently adopted a [Strategy and Roadmap on Industrialisation](#) incorporating one of the strategic components of the Tripartite agenda, which refers to industry and infrastructure as two of its three pillars, the other being market integration.

The SADC Industrialization Strategy follows three strategic tracks including industrialisation, competitiveness, and regional integration, and is premised on a three-phase long framework spanning 2015 -2063.

Awaited launch amid scepticism

The launch of the TFTA was originally planned for December 2014 at the Tripartite Summit of Heads of State and Government in Cairo, Egypt. However, due to reasons that are unclear, several delays and postponements were encountered. (See Bridges Weekly, [19 March 2015](#))

Observers who have been following the process expressed their satisfaction regarding the launch, while maintaining some reservations on the upcoming implementation process.

"It is not clear how if this agreement will bring all the other agreements under one umbrella or if it will simply be another complication in the current spaghetti bowl," said a trade expert.

Some observers commented that such an ambitious integration agenda will prove difficult to operationalise given the various integration challenges facing African countries at the level of their RECs, as well as the envisaged timeframe.

Expected benefits

African RECs are of the view that once operational, the TFTA will become a means to enhance economic inter-linkages and create an enabling business environment that unlocks regional potential, scales up productive capacities and competitiveness, and stimulates the emergence of value chains.

According to the AU [Action Plan](#) for boosting intra-African trade, the projected CFTA would increase trade within the region by at least 25-30 percent in the next decade.

The business community is also expected to benefit from an improved and harmonised trade regime, which could reduce the cost of doing business, a factor which currently constitutes a complexity in Africa's regional arrangements.

The enlarged FTA will include Libya, Djibouti, Eritrea, Sudan, Egypt, Ethiopia, Kenya, Uganda, Burundi, Rwanda, Tanzania, Malawi, Zambia, Zimbabwe, Angola, the Democratic Republic of the Congo, Mauritius, Madagascar, Comoros, Seychelles, Mozambique, Botswana, Lesotho, Namibia, South Africa, and Swaziland.

ICTSD reporting; "Africa unveils mega 'Cairo to the Cape' FTA," BLOUINNEWS, 8 June 2015; "Council of Ministers finalize tripartite launching instruments," SUDAN VISION, 10 June 2015; "Africa officials say trade deal ready for signing," DAILYMAIL, 8 June 2015; "African leaders ready to sign deal to launch Free Trade area," COSTWEEK, 10 June 2015; "Africans negotiate 'one trade regime' for common market," AFP, 7 June 2015; " New 'Cape to Cairo' free trade pact hailed as a milestone for Africa by proponents," AFP, 9 June 2015; "African leaders ink free trade bloc pact," PRESS TV, 10 June 2015.

DISPUTES

Canada, Mexico Request Retaliation Against US in COOL Case

Canada and Mexico have circulated a request for WTO-authorised countermeasures against the US in their dispute over the latter's country-of-origin labelling (COOL) policies for imported meat and livestock, ramping up the pressure for Washington lawmakers to repeal the measures.

In a [joint statement](#) published last Thursday, the two complainants said that they would be formally presenting that request at a special meeting of the WTO's Dispute Settlement Body (DSB) on 17 June.

The move comes just weeks after the Appellate Body, which is the WTO's highest court, ruled that the latest version of the COOL policy – which was amended in 2013 in response to a previous ruling – was still in violation of global trade rules. (See Bridges Weekly, [21 May 2015](#))

"The WTO has ruled that the United States is out of options and out of time. The only way for the United States to avoid billions in immediate retaliation is to repeal COOL," said Canadian Agriculture and Agri-Food Minister Gerry Ritz in a [statement](#).

Canada plans to ask for over C\$3 billion (US\$2.4 billion) per year in countermeasures, while Mexico says it plans to request over US\$653 million, commensurate with the nullification or impairment of benefits that they say has resulted annually from the COOL policy. What items could be included in such a list are yet to be confirmed, though both complainants have said that they intend to provide a DSB with information on the goods and level of tariffs that these would face "in due course."

However, Ottawa has already hinted which goods it is likely to target, having released a list in 2013 citing various imported US goods – such as cattle, pork, apples, rice, corn, maple syrup, pasta, wine, jewellery, office chairs, wooden furniture, and mattresses – that could be subject to countermeasures, should the WTO authorise them.

Under the terms of agreements reached in 2013 between the US and the complainants, Washington is now allowed to object under the WTO rules that govern trade disputes – known as the Dispute Settlement Understanding – to the level of requested countermeasures.

The US also has the option of claiming that the principles and procedures involved in considering what concessions or other obligations to suspend, as outlined by the same WTO agreement, were not followed by the complainants.

As a general rule, complainants are first required to seek suspension of concessions or other obligations under the same sector or sectors at issue in the case. Under certain conditions, the suspension can be expanded to other sectors under the same WTO agreement, or even to obligations outlined under another WTO agreement.

Should the US make such objections, WTO rules require the matter to be referred to arbitration. The agreement between the US and complainants also provides that all parties will work to help the arbitrator circulate its decision within 60 days after the arbitration process begins.

Seven years

The start of the COOL case dates back nearly seven years, when Ottawa and Mexico City both filed formal consultations requests with the WTO – the first step of dispute settlement proceedings – challenging the Washington policy.

The time it has taken to reach this stage in the dispute process was criticised by both the complainants and the respondent at a meeting last month of the DSB, sources say.

Canada, for example, reportedly raised the impact its economy has faced as a result of the dispute's prolonged nature, given that COOL has been in place either in its original or revised form throughout that time period. The US also [listed concerns](#) of its own over both the length of the dispute, and a decision by the Appellate Body not to meet with the dispute parties to indicate when a ruling might be forthcoming, after having requested more time.

US repeal effort underway

At last month's DSB meeting in Geneva, the US criticised the Appellate Body ruling on various counts, [saying](#) that despite WTO judges deeming the provision of origin information to consumers a legitimate objective in itself, "it would appear from those findings that there is no clear way under the covered agreements for a member to achieve that legitimate objective."

"When examined as a whole, the panel and Appellate Body findings appear to mean that the United States cannot require US retailers to inform consumers of beef and pork about where the animals were born, raised, and slaughtered. This is a conclusion with which the United States strongly disagrees," the US said.

In Washington, legislative efforts are already underway to remove the COOL policy. The US House of Representatives voted on Wednesday in favour of its repeal, after the legislation passed successfully out of that chamber's Agriculture Committee last month. (See Bridges Weekly, [21 May 2015](#))

While the repeal must also go through the Senate, where its prospects remain uncertain, some US consumer groups have already come out against both the WTO ruling and the House move. Public Citizen's [Global Trade Watch](#) is among various organisations who have cited the repeal as yet another example of an American public policy that has been impacted by trade deals.

The COOL ruling came amid an already heated debate in Washington over how to balance regulations and legislation aimed at meeting domestic public policy objectives with international trade rules, particularly under new trade deals currently under negotiation, such as the Trans-Pacific Partnership (TPP) and the Transatlantic Trade and Investment Partnership (TTIP).

The debate has spilled out into the open in light of recent efforts to renew legislation that would set Washington's negotiating objectives in trade deals and the US President's authority to submit such agreements to Congress for straight up-or-down votes. That bill, known as Trade Promotion Authority (TPA) is currently making its way through Congress; already approved by the Senate, it could face a House vote as early as this week. (See Bridges Weekly, [4 June 2015](#))

ICTSD reporting; "COOL supporters mount last-ditch effort to sidetrack repeal," AGRI-PULSE, 8 June 2015.

AGRICULTURE

Millennium Hunger Target Achieved, New FAO Data Indicates

The Millennium Development Goal target on halving the share of hungry people in the world "can be considered as having been achieved," according to [new data](#) released last month by the UN Food and Agriculture Organization (FAO).

Undernourishment in developing regions fell from 23.3 percent in 1990-92 to an estimated 12.9 percent in 2014-16. Although slightly above the original target figure, the agency says the result is within the margin of error given the data available.

"The near-achievement of the MDG hunger targets shows us that we can indeed eliminate the scourge of hunger in our lifetime," said FAO Director General José Graziano da Silva.

However a separate, more ambitious target to halve the number of hungry people in the world has been missed "by a large margin," the agency finds.

The 1996 World Food Summit set out to slash the number of undernourished people from 991 million to just under 500 million this year – but about 795 million people are still undernourished globally.

The new figures are contained in the agency's State of Food Insecurity (SOFI) report, which has been released annually to help monitor progress towards the achievement of the MDGs.

Africa to miss target

The global averages nonetheless hide significant regional variations, with Africa still facing the greatest challenges.

"Africa as a whole, and sub-Saharan Africa in particular, will not meet the MDG 1c target," the FAO finds, in a reference to the Millennium Development Goal hunger target.

The number of hungry people on the continent has climbed by almost 40 percent since the 1990-92 base period – rising from 182 million to an estimated 253 million in 2014-16.

In contrast, the Asian region has seen dramatic progress, with as many as 230 million fewer hungry people over the same period. The drop amounts to a 30 percent reduction in the total number of undernourished in the region – from 742 million to 512 million.

Although Asia has already met the MDG hunger target, the FAO considers that the region is unlikely to achieve the additional reduction of 140 million hungry people needed to achieve the tougher World Food Summit target as well.

Latin America and the Caribbean have together achieved the MDG hunger target and also the World Food Summit goal – the only world region to do both.

Trade and food security

The report finds that economic growth is key to reducing undernourishment, but also that "it has to be inclusive and provide opportunities for improving the livelihoods of the poor."

Raising farm productivity and smallholder incomes is critical to doing so, the FAO says.

Trade is “neither a threat nor a panacea” for food security, the agency argues. Instead, linkages between trade and food security are “complex and context-specific.”

China, Nigeria, Chile, and Peru have all introduced domestic reforms, including on trade, which have played a role in improving food security outcomes.

In contrast, Guatemala, Kenya, Senegal, and Tanzania have all had “disappointing” experiences with economic and trade reforms, the agency finds.

Some countries that have had positive experiences with economic reforms, such as Peru, have also introduced social protection schemes in parallel in order to address uneven economic growth across sectors, tackle income inequality, and mitigate negative effects of the reforms on vulnerable groups.

ICTSD reporting.

BILATERAL TRADE TIES

South Africa, US Announce Deal to Resolve Poultry Trade Fight

US and South African officials announced a deal last week that will pave the way for the re-entry of US chicken imports to the South African market, thus ending the longstanding poultry dispute between the two countries. The details of the agreement should be fine-tuned by the end of the month.

"South Africa will end punitive duties on US chicken and renew imports, initially 65,000 tonnes a year, under an agreement reached by the two countries," [announced](#) South African Trade and Industry Minister Rob Davies following the discussions, in comments reported by the Economic Times.

The news was confirmed after representatives from South Africa and the US met in Paris, France on the margins of the Organisation for Co-operation and Development (OECD) Ministerial Council Meeting, which took place on 4-5 June.

A further set of actions will be undertaken later this month to resolve the remaining sanitary issues related to poultry, pork, and beef, media reports [indicated](#).

"We are pleased that significant progress was made between the US and South African chicken industries that will allow US chicken products access to South Africa after being blocked from that market for the past 15 years," [said](#) US senators Johnny Isakson and Chris Coons, who confirmed that American poultry is likely to enter the South African market by year's end.

Isakson is a Republican from Georgia while Coons is a Democrat from Delaware, both major poultry-producing US states. The two senators had [previously pressured](#) the Obama Administration to block the renewal of South Africa's participation in the African Growth and Opportunity Act (AGOA) unless market access for American poultry exports was increased.

"We look forward to working with our government and the South Africans on implementing this important agreement," the USA Poultry & Egg Export Council and the National Chicken Council [said](#) in a statement.

It was a deal "within the tolerance of the [South African poultry] industry and is something we can all live with," [said](#) Davies.

Since 2000, imports of certain US chicken products into South Africa have been subject to anti-dumping duties of above 100 percent, which US poultry meat exporters have deemed unfair. Industry groups say that the removal of these import barriers will provide market access that had previously been denied for the last 15 years.

Earlier this year both countries' poultry associations resumed talks aimed at reaching a solution, including some additional market access for US poultry products as well as increased investment, training, skills development, and support for intra-African trade. (See Bridges Weekly, [29 January 2015](#))

Good news for AGOA renewal

According to observers, this agreement should help smooth the passage of the African Growth and Opportunity Act, currently before US lawmakers. While already approved in the Senate, the preferences bill must still secure approval of the House of Representatives, along with sign-off by the President. (See Bridges Weekly, [21 May 2015](#))

AGOA is the non-reciprocal trade preference scheme that provides certain African products with preferential quota and duty-free access to the US market. It builds upon the US Generalised System of Preferences (GSP), a set of formal exceptions from the WTO's most-favoured nation (MFN) principle, which allows developed countries to offer developing countries preferential treatment on specific goods.

South Africa's AGOA eligibility

"The framework agreed by the two industries facilitates South Africa's continued participation in AGOA and is a commendable effort by the poultry industry in the interest of the South African economy," [said](#) Davies.

Although US poultry meat exporters have been negotiating lower tariffs on their products over the past several years, more recently they have urged Washington policymakers to condition the continued access of South Africa to AGOA upon their compliance. (See earlier Bridges Weekly, [29 January 2015](#))

With AGOA set to be renewed for another ten years, given that the current version is due to expire on 30 September, the future of South Africa in the scheme remained uncertain. Following doubts regarding South Africa's compliance with certain provisions of the bill, the country was due for an out-of-cycle review at which time it would be determined whether its eligibility will be withdrawn, suspended, or limited.

Whether this provision will remain in the final AGOA bill has not yet been formally confirmed, given that US legislative efforts are still ongoing, though may now be less likely in light of these new developments. (See Bridges Weekly, [30 April 2015](#))

Improved trade ties

Officials from both sides have welcomed the move as a valuable step toward strengthening their existing trade ties.

"The United States and South Africa can work together to address trade issues, demonstrating that US trade tools can effectively deliver results for the United States," [said](#) US Ambassador to South Africa Patrick Gaspard. "I am happy with the progress towards a mutually agreed solution that we made, and look forward to our working together to resolve bilateral trade problems."

"I think by solving this matter we've put the relationship back on a more cordial and productive footing," Davies similarly reaffirmed.

ICTSD reporting; "Agreement reached in US-South Africa poultry dispute," WORLD POULTRY, 8 June 2015; "South Africa, U.S Resolve Chicken Import Issues," ALLAFRICA, 8 June 2015; "South Africa opens doors to U.S. chicken imports," REUTERS, 6 June 2015; "US to export 65,000 tonnes a year of poultry to South Africa," THE ECONOMIC TIMES, 6 June 2015.

PLAIN PACKAGING

Ukraine Pulls Out of Australia Tobacco Packaging Dispute

Ukraine announced last week that it would be suspending its WTO dispute over Australia's plain packaging measures for tobacco products, with Kiev saying it would instead seek to find a mutually agreed solution with Canberra on the subject.

Kiev submitted the request in late May, which was then circulated in early June. Australia has said that it supports Ukraine's request, so long as it does indeed aim for reaching such a solution.

"First, now we have restricted resources and we would like to send them to the direct trade interest of Ukraine. Second, economic logic is absent in this dispute, and third, the dispute has negative consequences for our country," said Aivaras Abromavicius, Ukraine's Economic Development and Trade Minister, in a press conference last week.

Ukraine was the first of five WTO members which had challenged Australia's Plain Packaging Act, as the measure is known. The policy requires all tobacco products sold in Australia to be packaged with only one colour and shape, with a significant portion of the packaging covered in health warnings. The bill was approved in December 2011, though it allowed tobacco companies until December 2012 to make the required changes in their production. (See Bridges Weekly, [21 March 2012](#))

The other four complainants are Cuba, Dominican Republic, Honduras, and Indonesia, who have claimed that the measure is unnecessarily trade-restrictive. By undermining protections provided to trademarks and geographical indications, they say, it is difficult for their premium products to stand out in the marketplace, making fair competition impossible.

Australia, for its part, has defended the policy as being in line with global trade rules and being key toward reducing the incidence of smoking and its related health effects.

[Estimates](#) from the World Health Organization place the number of tobacco-related deaths globally at 6 million per year, with nearly 80 percent of the world's smokers living in low- to middle-income countries, which the global health agency says suffer the worst toll of the related illnesses and deaths.

A WTO dispute panel had been established over a year ago to hear all of the complaints against the Australian policy. (See Bridges Weekly, [1 May 2014](#)) Under the organisation's rules, a panel can suspend its work upon a complainant's request for up to a year. If the time period exceeds a year, then the authority for establishing that panel will lapse.

According to previous documents released by the WTO, a panel report on the other four complaints is expected not before the first half of 2016, in line with the timetable adopted by the panel last year.

More plain packaging on the horizon

The WTO case has drawn significant international attention, both given the interest expressed by other countries in pursuing similar policies, as well as the possibility that the plain packaging trend could spread to other industries, such as unhealthy foods or alcohol.

In the years since Australia established the Plain Packaging Act, various other countries have already followed suit. Earlier this year, both the UK and Ireland approved plain packaging regulations. Uruguay also has such measures in place, being the first country to do so. (See Bridges Weekly, [19 March 2015](#))

Norway is now in the process of [conducting consultations](#) on the subject, and has [publicly supported](#) the moves by other countries to do the same. Similar policies are also under [consideration](#) in France, Turkey, and Finland.

The growing interest by some countries in adopting such measures has been met with swift opposition by other countries that are major producers of such goods, as seen in the above-mentioned WTO dispute, as well as by tobacco companies themselves.

While companies cannot launch disputes at the global trade body, they can pursue legal action in other ways, such as under bilateral investment treaties (BIT).

Australia has already faced some of [these cases](#), including a domestic constitutional challenge, which it won, and under its BIT with Hong Kong, which is still ongoing. The latter marked Canberra's first investor-state dispute, according to the Australian government.

The UK government is now facing its own challenge from Philip Morris International and British America Tobacco, with the complaint filed in the High Court of Justice, one of the country's highest courts, last month.

ICTSD reporting; "Ukraine ends dispute with Australia over cigarettes," INTERFAX UKRAINE, 5 June 2015; "Tobacco Giants Sue Britain Over Rules on Plain Packaging," NEW YORK TIMES, 22 May 2015.

DISPUTES

WTO Affirms US Victory in India Poultry Ban Case

The WTO's Appellate Body ruled in the US' favour last week in its dispute ([DS430](#)) over India's import ban on certain agricultural products, largely upholding a previous dispute panel's findings. The ban had been in place due to alleged concerns over the spread of avian influenza (AI), otherwise known as bird/avian flu.

Avian influenza is an infectious viral disease found usually in wild water fowl such as ducks and geese, which can sometimes spread to domestic poultry and cause large-scale outbreaks. The virus has also been reported to cross the species barrier and cause diseases or subclinical infections in humans and other mammals.

Case history

India's import ban is formed by both the Livestock Importation Act and Statutory Order 1663 (E), among other policies. The former confers the power to regulate livestock imports to respective government agencies and operates through customs notifications with assigned statutory orders.

The latter, issued in July 2011, imposes import prohibitions on ten categories of products from countries reporting cases of Notifiable Avian Influenza (NAI), which includes both highly pathogenic notifiable avian flu (HPNAI) and low pathogenicity notifiable avian flu (LPNAI).

HPNAI is extremely infectious and can be highly lethal to poultry, along with provoking other serious health complications. Poultry infected with LPNAI, by contrast, may exhibit little to no signs of illness.

Washington challenged New Delhi's import ban in 2012, raising a series of allegations under the WTO's Sanitary and Phytosanitary Measures (SPS) Agreement. This included claims that the ban was not based on international guidelines or a risk assessment, lacked scientific justification, and applied requirements that are not required of like domestic products. (See Bridges Weekly, [30 May 2012](#))

The WTO uses the World Organization for Animal Health (OIE) as the reference organisation for standards relating to animal health and zoonoses, including the latter's Terrestrial Animal Health Code (OIE Code). Chapter 10.4 of this code is specifically devoted to avian flu, requiring members to notify the agency of any domestic HPAI cases in birds and the occurrence of certain types of LPAI in poultry.

Between 2004 and January 2014, the United States did not notify the OIE of any HPNAI outbreaks, but did report LPAI cases in poultry. From the end of 2003 to March 2013, India notified 95 outbreaks of HPAI in poultry. As of October 2014, India had never notified an LPNAI poultry case to the OIE.

In its October 2014 report, a dispute panel agreed with the bulk of the US' claims, stating that India's restrictions are not justified through the relevant international standards – in other words, the OIE Code – and “arbitrarily and unjustifiably” discriminated between products from WTO members “where identical or similar conditions prevail.” India then

appealed those findings in January. (See Bridges Weekly, [16 October 2014](#) and [5 February 2015](#), respectively)

Risk assessment, scientific basis

In its appeal, India contends that the panel incorrectly interpreted and applied Article 2.2 of the SPS Agreement, which sets out a basic requirement for SPS measures not to be maintained without sufficient scientific evidence.

The panel had said that these avian flu measures are inconsistent with that provision automatically as a result of violating two other WTO requirements – namely that SPS measures be based on a risk assessment, while taking into account a non-inclusive list of factors for the assessment.

The Appellate Body emphasised that, although a violation of those requirements may suggest that a WTO member may be imposing an SPS measure without enough scientific evidence, this presumption is not necessarily automatic.

The WTO judges therefore reversed the panel's findings that India's AI measures are inconsistent with Article 2.2 regarding the import ban of two product categories – fresh poultry meat and eggs – from countries reporting LPNAI, since the panel had not reviewed evidence of India's alleged scientific basis for such a ban.

International standards, regional conditions

The Appellate Body sided with the panel and found that India's AI measures are not based on an international standard and that New Delhi is not entitled to benefit from the presumption of consistency of its avian flu measures with WTO rules.

The Appellate Body also agreed with the panel in finding that India's AI measures are not adapted to regional conditions, while using different reasoning. Article 6 of the SPS Agreement requires WTO members to ensure that any SPS measures are adapted to regional characteristics. This also includes provisions with respect to pest- or disease-free areas and areas of low pest or disease prevalence, as well as the respective duties that apply to importing and exporting members in this regard.

In particular, the Appellate Body clarified that the obligation of adaptation of an importing member is a continuing obligation and is not contingent upon whether an exporting member has made the objective demonstration of its regional conditions.

Overall, the Appellate Body found India's AI measures violate Article 6 for requiring bans of all imports from any country that has notified the OIE of avian flu, thus excluding the possibility of allowing imports from AI-free areas within those countries.

Trade restrictiveness

India's appeal had challenged the panel's finding that the US had identified significantly less trade restrictive alternative measures that would achieve New Delhi's appropriate level of protection.

In order to successfully challenge another member under Article 5.6 of the SPS Agreement, a complainant must establish that there is an alternative measure that is reasonably available taking into account technical and economic feasibility; achieves the member's appropriate level of SPS protection; and is significantly less trade restrictive.

In particular, India took issue with the panel's finding of inconsistency despite the fact that the US wrongly identified the former's appropriate level of protection. New Delhi also

argued that the proposed alternatives were not precise enough to correspond to the product categories banned.

Ultimately, the Appellate Body rejected India's arguments and said that the trade restrictiveness of India's AI measures exceed what is required for the appropriate level of protection, thus violating this rule.

National treatment

The panel supported the US' claim that India's import prohibition on account of LPNAI, coupled with its lack of a domestic surveillance regime capable of reliably detecting the disease in its own poultry, amounts to arbitrary or unjustifiable discrimination between members where identical or similar conditions prevail.

India had requested a reversal of the panel's finding, raising arguments such as lack of evidence, as well as countering that the panel should have accepted its self-assessment that it was LPNAI-free and not required New Delhi to prove that the disease is "exotic" to the country. The Appellate Body ultimately rejected such claims, agreeing with the panel that India's measures violate trade rules because of the above-mentioned discrimination.

Next steps

Under WTO dispute settlement practices, if immediate compliance cannot be achieved, the parties can seek a mutual agreement on the reasonable period of time for compliance. Should no mutual agreement be reached, the parties can then resort to arbitration.

ICTSD reporting.

GOVERNMENT PROCUREMENT

Australia Begins Bid to Join WTO Govt Procurement Pact

Australia has officially begun its bid to join the WTO's Government Procurement Agreement ([GPA](#)), government officials [announced](#) last week.

This bid makes Australia the latest in a series of countries working to join the plurilateral WTO deal, with the others negotiating accession being Albania, China, Georgia, Jordan, Kyrgyzstan, Moldova, Montenegro, New Zealand, Oman, Tajikistan, and Ukraine.

Australian Trade Minister Andrew Robb has highlighted the increased opportunities for his country's businesses when competing in GPA markets, such as the EU, US, Japan, and Korea, as part of the motivation driving Canberra's bid, according to a statement released by his [office](#) announcing the bid.

"Membership of the GPA would mean our firms will be able to participate on an equal footing with local competitors in GPA member countries," Robb said.

Australian officials say that the move is in line with Canberra's goal of increasing Australian businesses' access to export markets, as well as increasing global competition for suppliers. The accession bid already has the backing of Australia's state and territory governments, according to the statement from Robb's office.

Next steps

The launch of Australia's bid was discussed at the latest meeting of the WTO's Government Procurement Committee, according to sources familiar with the talks. The actual accession negotiations themselves will begin when Canberra sends in its initial market access offer.

The process for acceding to the GPA proceeds on two levels. First, Australia will need to negotiate with current GPA parties to determine the level of "coverage" that Canberra will commit to under the deal. Coverage is defined by the procuring entities included; goods, services, and construction services covered; threshold values above which procurement activities are covered; and exceptions to such coverage.

Secondly, accession will depend on verifying that existing procurement legislation in Australia complies with GPA standards of transparency, minimising corruption, and fairness to all suppliers. Once all GPA members agree to Canberra signing on, which may require submitting multiple offers, Australia will then need to ratify the deal domestically.

Revised GPA

The GPA has 15 parties comprising 43 WTO members, given that the EU's 28 member states are also individually members of the global trade body. The GPA is one of the few WTO deals that does not include the global trade body's entire membership.

Parties to the GPA have signed onto a series of rules aimed at ensuring transparency and fairness within the public procurement of goods, services, and capital infrastructure, with an eye toward increasing foreign competition and ensuring the "transparent, open, and fair" procurement across countries.

Currently, government procurement accounts for 10-15 percent of a country's economy on average, according to [WTO figures](#).

While the agreement has been in force since 1996, the deal was later revised, with the new version agreed in 2011 at the WTO's Eighth Ministerial Conference. The revised GPA then entered into force in April 2014. (See Bridges Daily Update #1, [15 December 2011](#) and Bridges Weekly, 10 April 2014, [respectively](#))

The revised GPA has been touted by proponents as providing a greater incentive for more WTO members to sign on, given its new terms aimed at facilitating accessions.

The other changes to the deal were also partly geared toward making it more attractive to new parties, such as by adding various new entities to its coverage, including government ministries and agencies; new standards involving the use of electronic procurement tools and the improved prevention of corrupt practices; along with measures aimed at promoting environmental protections and the conservation of natural resources.

ICTSD reporting.

EVENTS & RESOURCES

Events

Coming Soon

15 June, Washington, US. KOREA AND THE TPP: THE INEVITABLE PARTNERSHIP. This event, hosted by the Peterson Institute for International Economics, will be webcast live from 12:15-1:30 PM (EDT). Featuring Jeffery J. Schott, Cathleen Cimino, and Marcus Noland of the Peterson Institute, the meeting will discuss South Korea's goal of joining the Trans-Pacific Partnership (TPP), as well as a discussion on South Korea's economy and relationship with North Korea. For more information, [click here](#).

16 June, Geneva, Switzerland. STRENGTHENING GLOBAL VALUE CHAINS IN THE CLEAN ENERGY SECTOR. This event is being convened jointly by the International Centre for Trade and Sustainable Development (ICTSD) and the SETI Alliance. Held on the sidelines of the upcoming round of negotiations for the planned Environmental Goods Agreement, this meeting will feature presentations from business representatives about projects in developing countries to see how tariffs and non-tariff barriers affect supply chains; expert presentations from ICTSD on options for mutual recognition of standards for clean energy technologies, as well as from the Organisation for Economic Co-operation and Development (OECD) on their upcoming research on international investment in solar and wind energy. Details are available at the ICTSD [website](#).

17 June, Washington, US. EXAMINING THE GOVERNMENT ROLE IN TRADE FINANCE. This event, hosted by the Washington International Trade Association and the National Economists Club, will examine the role of official export credit agencies (ECAs). With at least 79 ECAs around the world, their roles in facilitating business in emerging markets is increasing, as well as their partnerships with private lenders. This event will feature Matthew Ekberg, Vice President for International Policy at the Bankers Association for Finance and Trade, and Gary Clyde Hufbauer, Reginald Jones Senior Fellow at the Peterson Institute for International Economics, as lead panellists for the discussion. For more information, [click here](#).

19 June, Washington, US. HILL TRADE BRIEFING ON CURRENCY MANIPULATION. This briefing, hosted jointly by the Washington International Trade Association (WITA) and WorldCity, will address the ongoing Washington debate over the impact of exchange rates on trade. This will include, among other subjects, the legislative process to renew Trade Promotion Authority. More information, including a list of featured speakers and registration details, can be found at the WITA event [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.

11 June: Preparatory Committee on Trade Facilitation

11 June: Committee on Balance-of-Payments Restrictions

12 June: Dispute Settlement Body

12 June: Working Group on Trade and Transfer of Technology

14 June: WTO Open Day "Merci Genève"

15 + 17 June: Trade Policy Review Body - Canada

Other Upcoming Events

23 June, London, UK. DANI RODRIK: THE FUTURE OF ECONOMIC TRANSFORMATION IN DEVELOPING COUNTRIES. This event, held by the Overseas Development Institute (ODI), will feature economist Dani Rodrik as the keynote speaker. The discussions will focus on the future of economic transformation in developing countries, while also reviewing the latest trends in this field. The meeting will be streamed live online from the ODI website. To learn more, visit the ODI [website](#).

20 June, Tokyo, Japan. SEMINAR BY WILLIAM ROBERDS: DEATH OF A RESERVE CURRENCY. This event, part of the Asian Development Bank Institute's Seminar Series, will feature William Roberds of the Federal Reserve Bank of Atlanta as its guest speaker. The seminar will address the downfall of the Bank of Amsterdam, formerly the dominant central bank of Europe during most of the 18th century, examining the policy actions which led to its struggles. The meeting will then examine the potential lessons this episode can have for modern central banks. More information is available [here](#).

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](#).

21 September, London, UK. ANTICIPATING AND MITIGATING MAJOR DISRUPTIVE RISKS TO GLOBAL FOOD TRADE. This one-day event, hosted at Chatham House, invites stakeholders to discuss the challenging reality in global food trade and trends to anticipate future disruptions. The discussions will feed into an ongoing Chatham House research project, which aims to map global food supply chains and their "choke points" to determine the most vulnerable trade routes. Attendance to this event is invitation only. Event information is available at the Chatham House [website](#).

30 September – 2 October, Geneva, Switzerland. WTO PUBLIC FORUM: TRADE WORKS. This year's WTO Public Forum comes as the global trade body celebrates its 20th anniversary. The theme of "Trade Works" will focus on the contribution that global trade cooperation over the past two decades has made to the world economy. Participants interested in organising an event at the Forum are asked to submit their proposals by 19 June. More information on the event is available at the WTO [website](#).

26-27 October, London, UK. CLIMATE CHANGE 2015. The 21st Conference of the Parties (COP) to the UN Framework Convention on Climate Change (UNFCCC) is fast approaching. In this context, Chatham House will be hosting its 19th annual climate change conference, which aims to serve as a mechanism to assess what action steps can be taken to create a global climate deal that ensures long term climate action. The conference will incorporate the expertise of key stakeholders, with the goal of contributing to a positive outcome from the UNFCCC meeting in Paris. Participants will also analyse key risks, as well as important goals, for achieving a global consensus on mitigation priorities. For more information and registration, visit the Chatham House [website](#).

14-17 December, Nairobi, Kenya. TRADE AND DEVELOPMENT SYMPOSIUM. This biennial event, organised jointly by the International Centre for Trade and Sustainable Development (ICTSD) and the government of Kenya, will be held in parallel to the WTO's Tenth Ministerial Conference. The four-day event will include various high-level plenaries, press events, and private roundtables, among other features. A call for proposals is now underway for those interested in hosting partner sessions during the symposium. Further details can be found on the official event [website](#).

Resources

RICE: GLOBAL COMPETITIVENESS OF THE U.S. INDUSTRY. Prepared primarily by John Giamalva and Marin Weaver for the United States International Trade Commission (April 2015). The authors of this report found that rice production varies widely among global producers in three main factors: delivered cost, product differentiation, and reliability of supply. In addition, government intervention and trade policy heavily dictate the commodity's price trends on global markets, with the authors specifically analysing the heavily protected nature of the industry in many rice-consuming countries and its effect on international rice trade. See the United States International Trade Commission's website to read the [full report](#).

PIIE CHART: WHAT THE PACIFIC ALLIANCE MEANS FOR CANADA'S TRADE RELATIONS. By Barbara Kotschwar for the Peterson Institute for International Economics (June 2015). The briefing discusses the Pacific Alliance (PA) and Canada's observations of the Alliance's liberalisation of labour mobility and the free movement of people. The Alliance currently counts Chile, Colombia, Mexico, and Peru as full members. While Ottawa already has FTAs with Alliance members, joining the group would effectively require Canada to eliminate visa requirements for nationals of all Alliance countries. To learn more, [click here](#).

CHINA IN LATIN AMERICA: LESSONS FOR SOUTH-SOUTH COOPERATION AND SUSTAINABLE DEVELOPMENT. By Rebecca Ray, Kevin P. Gallagher, Andrés López, and Cynthia Sanborn for Tufts University's Working Group on Development and Environment in the Americas (April 2015). This report discusses the impact China's influence in Latin American economies is potentially having on natural resources and political development. The authors argue that immediate environmental and social policy options must be enacted to ensure natural resources are protected in the midst of increased economic activity. The full report and individual country studies can be found [here](#).

VARIETIES OF CAPITAL FLOWS: WHAT DO WE KNOW? By Eduardo Levy Yeyati and Jimena Zuniga for Harvard University's Centre for International Development (May 2015). The volatility of capital flows are the subject of many key policy concerns. The key question this working paper attempts to answer is as follows: "Is equity 'safer' than a long domestic currency bond from a macro prudential perspective?" The response reassesses conventional assumptions about foreign direct investments and bonds, while suggesting that the focus should partly be on making a distinction within debt liabilities between local versus foreign currency instruments. To read the entire working paper, [click here](#).

TRACING THE VALUE-ADDED IN GLOBAL VALUE CHAINS: PRODUCT-LEVEL CASE STUDIES IN CHINA. Published by the United Nations Conference on Trade and Development (UNCTAD) (June 2015). The report follows the global value chains (GVCs) of products to explain the complexity of determining the origin of China's export goods. The authors say that it can no longer be assumed that products are being produced within the borders of the country it is being exported from. Read an overview, or download the full report, at UNCTAD's [website](#).

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