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TRADE AGREEMENTS

After TPP Deal Reached in Atlanta, Focus Shifts to Ratification

Ministers from 12 Pacific Rim countries concluded a sweeping trade pact this past Monday, following several days of frenzied negotiations in the US city of Atlanta to bring the agreement across the finish line. With the talks on the Trans-Pacific Partnership (TPP) now completed, participating countries are now gearing up to face their next big challenge: building public support and ratifying the pact's terms in their domestic legislatures.

The Atlanta ministerial meeting, originally set for 30 September through 1 October following several days of chief negotiators' discussions, was extended repeatedly as officials worked to reach the long-awaited deal, with the talks finally closing in the early morning hours on 5 October.

"After more than five years of intensive negotiations, we have come to an agreement that will support jobs, drive sustainable growth, foster inclusive development, and promote innovation across the Asia-Pacific region," ministers for the TPP countries [said](#) on Monday morning.

The officials affirmed that the final agreement is one that is "ambitious, comprehensive, high standard, and balanced," arguing that the terms will be a boon to their countries' respective citizens, which in total number nearly 800 million people.

The 12 countries involved – Australia, Brunei, Canada, Chile, Japan, Malaysia, Mexico, New Zealand, Peru, Singapore, the US, and Vietnam – constitute nearly 40 percent of the global economy, making the sheer size of the agreement the largest of its kind outside the World Trade Organization.

The TPP will also set new rules for these 12 participants in areas ranging from environmental and labour protections to the treatment of state-owned enterprises and e-commerce. It is also set to provide significant market access openings, with the deal set to eliminate or reduce tariffs on approximately 18,000 tariff lines.

While much of the details of the outcome are now coming to light, the full terms of the agreement are not yet public, given that the document now must undergo a legal review, verification, and translation. Officials say that they hope to release the text in the near future, noting that the agreement will have to be public for several weeks or months – depending on the domestic requirements of different participating economies – before being considered for ratification.

Automobiles, biologics, agricultural market access

As the negotiations entered the home stretch in Atlanta, ministers were focused particularly on resolving disagreements on a handful of major issues, which had been blamed for stalling an earlier ministerial meet in the US state of Hawaii in July. (See Bridges Weekly, [9 August 2015](#))

These issues specifically involved automotive rules of origin, sugar and dairy market access, and the data protection period for biologics, with the latter two being the main areas of contention in the final days and hours of negotiation.

The automobiles issue had involved Japan and the three members of the North American Free Trade Agreement (NAFTA), specifically the US, Canada, and Mexico. Part of the failure of the Hawaii meeting in July was attributed to disagreements on this topic, given that the bilateral terms that had been agreed between Tokyo and Washington prior to the gathering had not been approved by Ottawa or Mexico City.

The concern raised by Canada and Mexico had been that the new rules of origin under TPP could give them worse terms than that agreed under NAFTA regarding automobile manufacturing, which their respective industries had strongly warned against given the highly-integrated nature of the North American automobile industry.

The final outcome on rules of origin reportedly requires that 45 percent of imported automobiles and core parts be made in a TPP country to qualify for tariff-free treatment, with other automobile parts subject to a 40 percent requirement. Under NAFTA, these numbers are 62.5 and 60 percent respectively.

Regarding dairy market access, which had been a key issue for New Zealand – home to Fonterra, the major multinational dairy cooperative – the final outcome eliminates tariffs for some dairy products, but not others.

Canada had been one of the TPP members who had been pressed to provide greater market access in these products. This had proven to be a difficult task for the North American country, given its highly protected supply management system for dairy and poultry products.

According to Canadian Trade Minister Ed Fast, “[Ottawa has] been successful in protecting the three key pillars of supply management, being production controls, price controls, income controls.”

Market access for sugar had also been unresolved ahead of the Atlanta talks, with Australia being one of the main countries calling for better terms from its TPP partners – particularly of the US. Australian officials have now confirmed that the final TPP deal will provide their country with an additional quota of 65,000 tonnes base allocations, together with a 23 percent share of additional allocations in the American market.

Figures released by the office of the Australian trade minister confirmed that this would increase the country's annual sugar exports from 107,000 tonnes to 207,421 tonnes, noting that the US offer “is the largest made to any FTA partner since NAFTA.” Furthermore, the ministry confirmed, the increased quota will put Australia's access on par with Brazil, the global leader in sugar exports.

In the area of biologics, which are those drugs derived from a biological background rather than a chemical one, the US had been at odds with many of its TPP partners as to how long to keep in place data exclusivity protections on these particular pharmaceuticals. Examples of biologics can include vaccines, anti-toxins, blood or blood products for transfusion, gene therapies, and cellular therapies, according to the [US Food and Drug Administration](#).

While promising in their potential to treat diseases ranging from cancer to rheumatoid arthritis, such drugs are significantly costly, with [the Brookings Institution](#) finding that these can cost up to 22 times the price of chemical drugs. Critics of long data exclusivity periods argue that making it easier to develop "biosimilars" – which are "follow-ons" to an original biologic – could substantially reduce such prices.

While US law currently provides for 12 years, various other TPP partners such as Australia and Chile had been pushing for that number to be much lower. Under American data exclusivity protections, according to Brookings' analysis, biosimilars cannot be approved during the protected period if they rely on the data used for the original biologic, though the drug can be approved if the data was generated independently.

The final compromise will allow for a minimum standard of five years of data protection, together with the option of employing domestically some additional government measures, such as through regulatory and administrative policies or requirements for more clinical trials, which could add to this number of years.

Through the additional measures, US Trade Representative (USTR) Michael Froman noted, "it may take seven or eight years for the various biosimilars to be approved." The final outcome on this subject, he said, is "strong and balanced" in a way that both incentivises drug development while facilitating access to medicines.

The US trade chief also noted that the TPP is "the first trade agreement in history to ensure a minimum period of protection for biologics," telling reporters that this could provide a model for the rest of the region.

Parallel deal on currency forum

The issue of how and whether to address the issue of currency manipulation – a longstanding area of concern for some US lawmakers – had been another lingering question over the trade talks, particularly given concerns over the effects that monetary policy decisions by countries such as Japan could have on exchange rates and trade.

Currency had been a particularly hot topic earlier this year during the process of renewing and revising Trade Promotion Authority (TPA), the legislation which governs the way the US Congress approves or rejects negotiated trade deals.

The terms of TPA ultimately did not include an enforceable currency amendment, despite efforts by some lawmakers to attach such language. Officials such as US Treasury Secretary Jack Lew had warned at the time that including such language would both derail TPP and impose limitations on Washington in terms of its own ability to protect its economy. (See Bridges Weekly, [21 May 2015](#))

Rather, the TPA text [includes](#) as a principal negotiating objective that US partners in trade deals must "avoid manipulating exchange rates in order to prevent effective balance of payments adjustment or to gain unfair competitive advantage." Responses should this occur could include "enforceable rules, transparency, reporting, monitoring, cooperative mechanism, or other means to address exchange rate manipulation," which Washington must work to establish.

In the context of the TPP talks, the US had reportedly put forward earlier this year a proposal for a parallel deal on currency that would bring together TPP members to examine exchange rate changes and related issues.

A [joint statement](#) released separately on Monday by TPP finance officials confirmed that the group's participants "are working to strengthen macroeconomic cooperation, including on exchange rate issues, in appropriate fora."

"The work to be undertaken reflects our common interest in strengthening cooperation on macroeconomic policies, and will help to further macroeconomic stability in the TPP region as well as help ensure that the benefits of TPP are realised. Keeping in mind the diverse circumstances of the TPP countries, we are currently undertaking a technical review," the statement confirmed.

Ministers told reporters on Monday that this cooperation will fall under a parallel agreement on how to address currency issues between TPP members, specifically by establishing a forum for discussion on the subject.

According to Australian Trade Minister Andrew Robb, these discussions will involve a "set of principles," which is what finance officials from TPP countries are currently looking to finalise, with the forum to bring together a "representative group from each country."

International implications

The TPP deal has been dubbed by many of its proponents – as well as some of its detractors – as being "transformational" not just for the Asia-Pacific region, but also for the global economy.

"Long after the details of this negotiation on things like tons of butter have been regarded as a footnote in history, the bigger picture of what we've achieved today will be what remains," said New Zealand Trade Minister Tim Groser on Monday, praising the result.

"It is inconceivable that the TPP bus will stop at Atlanta. The TPP bus will move on... Our industry structures will change in response to the opportunities of the agreement, and in future years, we can be absolutely certain that the depth of achievement we've been able to reach at this point in our collective history will be deepened and broadened and other people will join this agreement," Groser told reporters.

Others such as Australian Trade Minister Andrew Robb have also noted that this deal is the "most significant" since the Uruguay Round talks that established the WTO were finalised 20 years ago.

So-called mega-regional deals like the TPP have, however, also sparked the question over whether these agreements sap away energy needed for multilateral negotiations and potentially create overlapping, confusing systems of rules – or if these processes can instead be complementary to one another.

"A proliferation of different rules and standards could be a drag on business, so this is an important area of work," said WTO Director-General Roberto Azevêdo last week [in a speech](#) at the Graduate Institute in Geneva, Switzerland, referring to major regional trade initiatives.

"But of course, we shouldn't overstate the issue. The multilateral trading system has always coexisted with regional agreements — and proved to be mutually reinforcing," the WTO chief said, noting also that some issues such as agricultural and fisheries subsidies can only be addressed successfully at the multilateral level.

Whether the afterglow from the TPP's completion will help lift other major international trade initiatives – such as multilateral trade talks under the WTO, or the bilateral negotiations between the US and EU for a Transatlantic Trade and Investment Partnership (TTIP) – is now a key question from trade watchers and officials.

Azevêdo, for his part, issued a statement congratulating TPP ministers and negotiators on the result, suggesting that the success of the talks shows that “a diverse group of countries can strike a deal on a broad and complex trade agreement if the political will and determination are there.”

The WTO chief added that he hopes this result “will serve as an inspiration for WTO members as we seek to produce substantial outcomes by Nairobi,” referring to the global trade body's upcoming ministerial conference in the Kenyan capital city.

Regarding the prospects for TTIP, USTR Froman told reporters on Monday that there is “intense engagement” between Washington and Brussels on the trans-Atlantic talks, highlighting the recent stocktaking meeting he held with European Trade Commissioner Cecilia Malmström. (See Bridges Weekly, [24 September 2015](#))

Getting even an outline of a TTIP deal by the end of this year, as G-7 leaders [urged](#) in June, is expected to be a very big ask, and the talks overall are widely expected to carry through 2016 at the very least. The next round of TTIP talks are scheduled to be held in Miami, Florida, from 9-23 October.

Critics, proponents weigh in

Building public support is also set to be a major challenge in the coming months, as TPP member governments work to demonstrate the benefits from their negotiating trade-offs, along with quelling any concerns over the potential for job losses in some sectors or what impacts the deal's new rules may have on domestic public policy objectives.

The TPP has been famously controversial since the negotiations began, drawing the scepticism – and, in some cases, ire – of a broad range of groups who question whether the terms of the deal are not sufficient to ensure environmental and labour protection.

“The TPP's environment chapter might look nice on the surface but will be hollow on the inside, and history gives us no reason to believe that TPP rules on conservation challenges such as the illegal timber or wildlife trade will ever be enforced,” said Sierra Club Executive Director Michael Brune [in response](#) to the news of a deal.

Other environmental groups such as the World Wildlife Fund (WWF) [have welcomed](#) the TPP's environment chapter as being one of the most forward-thinking seen in trade deals to date.

“No major trade agreement before this one has gone so far to address growing pressures on natural resources like overexploited fish, wildlife and forests. Now that the negotiations have closed, we expect to see a strong environment chapter that promotes and enforces both legal and sustainable trade,” said WWF US President and CEO Carter Roberts.

Roberts noted that fulfilling TPP's potential in this area will depend partly on having the right implementation and compliance procedures in place.

The deals provisions on intellectual property have also come under the microscope from humanitarian groups, such as Médecins Sans Frontières' (MSF) Access Campaign, who question how these rules may affect access to medicines in developing countries.

"MSF expresses its dismay that TPP countries have agreed to United States government and multinational drug company demands that will raise the price of medicines for millions by unnecessarily extending monopolies and further delaying price-lowering generic competition," [said](#) Judit Rius Sanjan, US Manager and Legal Policy Adviser for the organisation.

Other questions have been raised as to the enforceability of the labour provisions in the pact, particularly regarding Brunei, Malaysia, and Vietnam. In the case of Malaysia, the issue of human trafficking is another one that has been raised by civil society groups.

Officials from all three of those countries affirmed on Monday that they are committed to addressing their labour rights problems, with all referring also to their respective memberships in the International Labour Organization as an indication of that commitment.

Froman, for his part, argued that the TPP will set up the "strongest labour standards of any trade agreement in history," listing provisions such as right of association and collective bargaining, as well as minimum wages and maximum hours, safe working conditions, and prohibitions on forced and child labour.

"With [Vietnam, Malaysia, and Brunei], we have worked very closely and very collaboratively on specific actions to be taken that will help bring their systems into compliance with international labour standards, and including cooperative efforts around capacity building and other measures," the US trade official said.

Ratification battles ahead

Though the negotiations may be done, the road ahead for TPP remains a difficult one, given that the deal must be ratified by countries' domestic legislatures before entry into force.

Passing trade deals in the US Congress, for example, has proven to be a notoriously difficult task, with the last three agreements approved by the legislature – those with South Korea, Colombia, and Panama – only passing after significant political haggling among American lawmakers and following a four-year lag between the completion of the trade deal negotiations and the actual ratification.

Notably, the deal with Seoul had to be partially renegotiated in 2010 in order for Washington to obtain better terms on automobiles and beef, after it became clear that the previous deal was not going to pass Congress. (See Bridges Weekly, [9 December 2010](#) and [12 October 2011](#))

Renewing and updating the terms of TPA earlier this year again demonstrated the deep-seated divides among US lawmakers and the public over the merits and potential risks of trade deals, with the debate focusing primarily on the Trans-Pacific Partnership. (See Bridges Weekly, [2 July 2015](#))

USTR Froman pledged that his office will immediately begin work with congressional leadership to determine the best next steps in the ratification process, while acknowledging that under the timelines built into TPA, signing and possible congressional approval of the TPP agreement will not be until 2016.

Meanwhile, the response from key US lawmakers who work on trade, particularly in the Senate Finance and House Ways and Means Committees, has so far been mixed, or in some cases openly sceptical, indicating a tough road ahead.

For example, Orrin Hatch, the Utah Republican who chairs the Senate Finance Committee, [said on Monday](#) that the final TPP "appears to fall woefully short," without specifying

what elements of the agreement were sources of concern and acknowledging that not all details are available at this time.

Hatch, along with Democratic Senator Ron Wyden of Oregon and Republican Congressman Paul Ryan, was the architect behind the renewed version of Trade Promotion Authority, and had long advocated for the potential benefits that could come from a completed TPP depending on what is included in the final deal.

Ryan, who chairs the House Committee on Ways and Means, gave a more [cautious response](#), saying that he would be "reserving judgement" on the TPP's terms until the final text is available for review while stressing that only a "good agreement – and one that meets congressional guidelines in the newly enacted Trade Promotion Authority – will be able to pass the House."

Wyden [similarly confirmed](#) that he would weigh in on the deal's merits once the full details become available, while commending the news on the currency forum, labour rights obligations on countries such as Vietnam and Malaysia – including enforceable commitments by the latter to address human trafficking – as well as commitments on tackling illegal wildlife trade and conservation.

The Oregon senator also referred to the carve-out in the investor-state dispute settlement (ISDS) clause in TPP for tobacco, saying that it would "ensure that countries that are part of [this deal] can regulate tobacco without fearing intimidation and litigation by Big Tobacco."

[Sandy Levin](#), the top-ranked Democrat on the House Ways and Means Committee who has long raised concerns over the potential design of the trade pact, welcomed progress made in some TPP areas, including the tobacco ISDS carve-out and the labour rights obligations for certain countries, while arguing that the currency forum plan is "entirely unsatisfactory," among other criticisms.

While the potential for dramatics in the US legislative process has drawn significant attention, passing the deal in other legislatures is also expected to prove difficult.

Canada, for example, will be holding its general election on 19 October, after which a new Parliament will need to take office. Current polling finds that Prime Minister Stephen Harper's Conservative Party and the two main opposing parties are currently in a dead heat.

Tom Mulcair, the leader of the opposition New Democratic Party (NDP), has said that should his party win the election, they will not be bound by the terms of the TPP. Meanwhile, Liberal Leader Justin Trudeau has not given a formal position on the deal, citing the need to see its final contents.

Passing TPP through Japan's parliament, known as the Diet, will also be an uphill battle, analysts say, particularly given the long-standing reticence to open up the country's agricultural market. The Diet is not likely to begin its consideration for ratification until next year.

ICTSD reporting; "TPP trade deal: Main party leaders stake positions on TPP trade deal," CTV NEWS, 5 October 2015; "Parties still in three-way tie after federal leaders' debate: poll," THE GLOBE AND MAIL, 22 September 2015; "Japan Diet Approval of TPP Unlikely This Year," JIJI PRESS, 6 October 2015; "Trans-Pacific Partnership: officials claim it's a win for the auto sector," CBC NEWS, 5 October 2015.

WORLD TRADE ORGANIZATION

WTO Post-Nairobi Agenda Looms Over G-20 Trade Ministers' Meeting

Despite emerging consensus over a small package of measures for the WTO's Nairobi ministerial conference this December, the organisation's head has told trade ministers that its members disagree over how to handle unresolved negotiations on other issues in the long-running Doha Round of talks.

Roberto Azevêdo, the WTO Director-General, [told](#) ministers from the G-20 group of major economies in Istanbul this Tuesday that "there are divergent views on what happens after Nairobi."

While some countries consider that the Doha Round will simply continue unless there is consensus to end it, others say that, if the deal cannot be concluded by December, the talks "will be over for all practical purposes."

"That's where we've hit a major hurdle," one source who had participated in the Istanbul meetings told Bridges.

Azevêdo told ministers that there nonetheless seemed to be consensus that "whatever package we deliver in Nairobi, it will not be viable, or credible, to announce it as the conclusion of the [Doha Round] single undertaking."

Nairobi package taking shape

The Director-General identified three issues as the most likely ingredients in an eventual Nairobi deal: export competition, a package of development and least developed country (LDC) issues, and some provisions on transparency.

Other Doha issues were proving difficult, he said, such as the "core" question of agricultural domestic support, agricultural and non-agricultural market access issues, and trade in services.

Azevêdo acknowledged that some members were unwilling to give up on the possibility of achieving progress on these broader issues, but said he was "not terribly optimistic" about the prospects of progress.

Trade sources told Bridges that they thought the recent deal on a Trans-Pacific Partnership (TPP) was likely to change the dynamics of the WTO talks. (For more on the TPP, see related story, this edition)

"The US is in a very comfortable position now," one delegate said. "Whatever happens in Nairobi, they will say they can't negotiate on the Doha basis any more."

US negotiators have repeatedly said that they do not see draft Doha texts tabled in 2008 as a viable basis for a deal.

Ministerial declaration in doubt

Azevêdo also told G-20 ministers that there are different views on what sort of document could emerge from the Nairobi ministerial.

While some members wanted the gathering to issue a formal declaration, others favoured a non-consensual "Chairperson's statement." A third option would be some kind of hybrid between the two.

One source told Bridges that the US would prefer the option of a chair's statement, but that others felt that those issues on which there was agreement should be set out in a formal declaration.

Another negotiator said that these issues were unlikely to be settled until the last minute at Nairobi, even though ambassadors were discussing them now.

End of the "one-size-fits-all" approach

Azevêdo also told the G-20 that members had to think differently about how to address the needs of poorer countries when negotiating trade deals.

Multilateral deals have to build in flexibilities that allow members to take on obligations at "an appropriate pace," he said.

The US in particular has repeatedly argued that providing an equal degree of "special and differential treatment" to all developing countries in the Doha talks would fail to recognise changes in the global economy in recent years, and in particular the rise of "emerging" economies such as China and India.

The Director-General told ministers that initiatives by groups of members could be a successful alternative if countries wanted "to be more ambitious and rigid in terms of the disciplines."

Time to start drafting?

Azevêdo told ministers that he had last week started "exploring the idea of beginning the process of drafting" an outcome document for Nairobi.

He told the G-20 ministers that doing so would not prejudice either the substance or format of the process, and asked for their guidance on whether to proceed on the basis of the specific issues he had identified as being most likely to form the basis of a small package for the ministerial.

"Whatever issues you've identified, start working on them: there's no time," said one trade official who was familiar with the talks in Istanbul.

The source told Bridges that members might still discover they disagree over technical details even in the areas that Azevêdo had highlighted.

Another said that this Thursday's General Council meeting might provide greater clarity on how negotiators could move forward.

ICTSD reporting.

DATA PROTECTION

EU's Top Court Rules Against "Safe Harbour" Pact

The European Court of Justice (ECJ) has found that a European Commission decision adopting a bilateral pact between the EU and the US on data transfer to be invalid, in a move that is expected to impact the way [thousands](#) of technology companies operate and potentially affect the Transatlantic Trade and Investment Partnership (TTIP) negotiations.

Specifically at issue [in the case](#) is the "Safe Harbour" framework, a 15-year old set of principles between the US and EU regarding personal data protection. The framework was established as a way to resolve differences between the two sides in this area, given the EU's adoption in 1998 of its Directive on Data Protection, which prohibits data transfers from the EU to non-EU countries should the latter not meet an "adequate" standard of protection.

Snowden ramifications

The EU's highest court began reviewing the legality of the Commission's decision adopting the framework following a complaint by Max Schrems, an Austrian national who had filed a claim with the Irish Data Protection Commissioner arguing that US laws and practices do not afford data transferred from the EU to the US with the appropriate protection against surveillance by public authorities.

Under the Safe Harbour framework, Facebook's Irish subsidiary transfers data related to EU subscribers to US-based servers for processing. Schrems, who is a member of Facebook, specifically cited the revelations made by Edward Snowden two years ago regarding the operations of the US' National Security Agency (NSA) – where Snowden had worked as a government contractor – as reason for his concern.

The Irish Data Protection Commissioner had rejected Schrems' claim, arguing that the Safe Harbour framework means that the US does provide the needed protection for such data.

The case was then brought to Ireland's High Court, in order to determine whether the European Commission's decision in 2000 adopting Safe Harbour means that national supervisory authorities cannot examine cases questioning the protection of such data and potentially suspend these transfers if needed.

The Irish High Court in turn asked that the ECJ consider whether the Commission decision effectively prevents national supervisory authorities from investigating complaints over the levels of data protection provided by another country.

In its ruling, the ECJ determined that national supervisory authorities do indeed have that power, with the EU Commission unable to reduce or eliminate it in its decisions. The Court noted in particular the right to the protection of personal data that is guaranteed in the Charter of Fundamental Rights of the European Union.

Furthermore, the Court also said that the Commission was required to determine that the US ensures a level of protection of fundamental rights equivalent to those embodied in the above-mentioned Charter, either through US domestic law or international commitments. Such a requirement was not fulfilled by the EU executive, the ECJ said.

The fact that US public authorities are not subject to Safe Harbour, given that the framework only applies to companies that sign on, along with the fact that Washington's national security, public interest, and law enforcement requirements could lead companies to "disregard, without limitation, the protective rules laid down by that scheme where they conflict with such requirements," was also cited by the ECJ as problematic, given that the Commission's Safe Harbour decision does not note any US rules that would limit this same interference or provide legal protections against it.

Ultimately, the ECJ deemed that the Safe Harbour decision was itself invalid for a variety of reasons, citing among these the inability of individuals to seek redress in order to access their own personal data, or to erase or correct it, as well as the restrictions placed by the Commission to restrict national supervisory authorities' powers when facing individual complaints.

Wide-ranging implications

In the wake of the ruling, technology companies in the US have reportedly been racing to update their terms of service and other operating policies in order to ensure that these are in line with the law.

Some industry associations have warned, however, that the uncertainty posed by the new ruling could be hugely damaging for companies, and have urged for more clarity on how to implement these findings.

"The ruling creates uncertainty for the European and international companies that rely on Safe Harbour for their commercial data transfers, most of which are small and medium-sized enterprises," [said](#) Christian Borggren, Europe Director for the Computer & Communications Industry Association

Furthermore, Borggren said, suspending Safe Harbour is likely to "negatively impact Europe's economy, hurt small and medium-sized enterprises, and the consumers who use their services, the most."

Besides affecting the way technology companies operate, many analysts say that the ruling could affect the ongoing TTIP negotiations between the EU and the US, particularly given the parallel efforts between the two sides to update the Safe Harbour framework, a process that began in 2013.

The TTIP negotiations are now well into their second year, with the next negotiating round set for 9-23 October in Miami, Florida. While EU Trade Commissioner Cecilia Malmström and US Trade Representative Michael Froman pledged last month to speed up the talks, following a "political stocktaking" meeting in Washington, questions remain as to whether the lagging negotiations will be able to pick up speed. (See Bridges Weekly, [24 September 2015](#))

[Civil society groups](#) and [EU parliamentarians](#) have been among those raising concerns over whether and how the issue of data privacy might be addressed in TTIP, including what protection guarantees would be included with any provisions that deal with cross-border data flows. Similar questions have also been raised regarding other trade negotiating forums, including the ongoing talks among various WTO members for a Trade in Services Agreement (TISA), among others.

EU Commission, US officials respond

European Commission officials, for their part, [have suggested](#) that the ECJ ruling is actually an affirmation of EU citizens' fundamental rights to data protection, with First Vice-President Frans Timmermans calling it "a confirmation of the European Commission's approach for the renegotiation of the Safe Harbour."

Given the ruling, Timmermans said the EU executive will now focus on three main priorities to address the issue: protection of personal data transferred between the EU and US; the continuation of such data flows with the necessary safeguards; and ensuring that EU law is applied in a uniform matter across the bloc's internal market.

The EU official suggested that those companies that operated under such a framework can use other mechanisms for international transfers of data protection that are provided for under European law, with Timmermans pledging that the Commission will come out with "clear guidance" for national data protection authorities on how to respond to the ruling in regards to managing data transfer requests.

In a related statement, Věra Jourová, the EU Commissioner for Justice, Consumers, and Gender Equality, suggested that companies could use other mechanisms under EU data protection rules, such as standard data protection clauses in trans-Atlantic contracts between companies, as well as binding corporate transfer rules for within a corporate group.

The importance of finalising the Safe Harbour revisions swiftly was also raised by Jourová, who noted that the Commission has already tabled [13 recommendations](#) on how to improve the Safe Harbour framework, which were put together in 2013 in light of the Snowden revelations.

Across the Atlantic, US officials have [openly criticised](#) the ECJ ruling, with Commerce Secretary Penny Pritzker calling the result "deeply disappointing."

The decision, she warned, "creates significant uncertainty for both US and EU companies and consumers, and puts at risk the thriving transatlantic digital economy." However, she affirmed that the US is ready to work with the European Commission in order to address this uncertainty, highlighting also the importance of completing the update to the Safe Harbour framework.

ICTSD reporting; "EU Court Says Data-Transfer Pact With U.S. Violates Privacy," THE WALL STREET JOURNAL, 6 October 2015; "Safe Harbour: EU court ruling hits Facebook, Amazon," FINANCIAL TIMES, 6 October 2015; "US tech companies overhaul operations after EU data ruling," FINANCIAL TIMES, 6 October 2015.

CLIMATE CHANGE

UN Officials Outline Draft Text for December Climate Deal

The co-chairs of a multilateral group charged with hammering out a new, universal emissions-cutting deal released on Monday a 20-page "[non-paper](#)" containing proposed content for a draft "climate package" to be agreed at the Twenty-first Conference of the Parties to the UN Framework Convention on Climate Change (UNFCCC COP21) scheduled to be held in Paris, France in early December.

The much-anticipated non-paper outlines both a draft agreement and an accompanying draft decision for a post-2020 climate regime, according to a mandate provided by UNFCCC parties at the conclusion of a negotiating session held in early September, wherein the co-chairs were instructed to slim down and present "manageable options" for the December outcome. A proposed decision on scaling up climate action before the end of the decade is also presented in the non-paper.

The informal document will be the basis of discussion among parties during their next and final negotiating round before Paris, due to be held in Bonn, Germany from 19-23 October.

In a "scenario note" for these talks, the co-chairs of the so-called Ad Hoc Working Group on the Durban Platform (ADP) specify that the non-paper was drafted based on the only existing official document for the deal, known as the "Geneva Negotiating Text" (GNT), as well as views expressed in September on another unofficial document.

The non-paper is considerably shorter and cuts various elements compared to the GNT – agreed in February in Swiss city after which it is named – and a July "tool" also put forward by ADP Co-Chairs Ahmed Djoghalf of Algeria and Daniel Reifsnyder of the US. (See [BioRes, 28 July 2015](#))

The document separates longer, more durable proposals for the agreement, and places those related to operationalisation in the decision. The various sections of the agreement therefore tend to include language related to principles, commitments, and direction setting, while many parts of the decision set up the modalities for turning the Paris climate architecture into a reality in the coming years.

Although the shorter text received a warm reception among some climate watchers maintaining it could help focus the talks, others cautioned that much technical work on the details would still need to be hammered out given that many brackets remain, and several environmental groups criticised the removal of certain proposals such as those on tackling international fossil fuel subsidies.

What's in?

The draft Paris agreement contains 26 articles covering various climate-related efforts and institutional arrangements including, among others, mitigation, adaptation, finance, technology development and transfer, and capacity-building.

On mitigation, several bracketed options are provided in the draft agreement for a long-term decarbonisation target, ranging from a peaking of global greenhouse gas (GHG) emissions to "climate neutrality," without suggesting an implementation date nor at what level these might plateau or be reduced.

The draft agreement would anchor parties' "intended nationally determined contributions" (INDCs) as the key building blocks of the deal. In preparation for Paris, initial INDC offerings have been put forward by nearly 150 nations to date, outlining at minimum a domestic mitigation pledge as well as other details.

Looking forward, one proposal would invite parties to communicate their nationally determined mitigation contributions or commitments every five years, while another paragraph suggests parties could also outline their respective longer-term low-emissions development strategies. Rules and guidance for GHG emissions accounting, along with further work, are addressed more closely in the draft decision.

On adaptation, the draft agreement outlines areas for further cooperation, with developing countries specifically singled out as requiring support in this area. It also suggests that parties submit adaptation communications for record in a public registry and that a regular high-level session on adaptation be held. The draft decision, meanwhile, outlines steps for developing modalities for these proposals.

The draft agreement lists an option for scaling up climate finance – among the most heated sources of division – up from the current goal of US\$100 billion per year by 2020. Furthermore, a list of "appropriate steps," in this area are suggested, including among others prioritising the provision of grant-based and concessional finance to the poorest and most vulnerable; integrating climate considerations into international development assistance; and reducing international support for high-emissions and maladaptive investments.

The draft agreement would also hold a biennial high-level segment on climate finance. The draft decision would establish a process for the consideration of new and alternative sources of finance.

Existing financial mechanisms serving UNFCCC processes, such as the Green Climate Fund and the Least Developed Country Fund, would continue as operating entities in the Paris deal. The same applies to several other existing bodies, such as the Technology Mechanism, in relevant areas.

Options for transparency and review

Given the self-determined nature of the INDCs, many analysts in recent months have highlighted the importance of defining some sort of review mechanism for the Paris deal, in order to scale up commitments over time and hold the line on planetary warming below a two degree Celsius rise from pre-industrial levels.

The draft agreement includes three relevant articles along these lines. In the first instance, it would establish a transparency system to provide understanding of how each party's submission is contributing to aggregate emissions reductions, as well as provide clarity on progress in this area.

Secondly, the draft agreement also envisages a global stocktaking process, on the basis of modalities that would be developed once the Paris package is inked. The decision provides further information, suggesting that the stocktaking would be designed to consider parties' individual and aggregate implementation efforts. It also provides several instructions for the eventual modalities, specifying these should outline operational processes and procedures, alongside the form and nature of the stocktaking outcomes.

Finally, the draft agreement would establish a process or mechanism to facilitate implementation and possibly improve compliance. The proposal, however, leaves further definition of the mechanism's functioning to be clarified after Paris.

What's unclear?

In some areas, the document avoids penning any language, suggesting instead that further work is needed or that recent progress in informal meetings must be discussed in plenary. This includes in relation to the emotional subject of loss and damage related to climate impacts such as extreme weather disasters.

The topical trade-related question of managing the impact of implementation of "response measures" – in other words, the actions parties take in response to climate change, which might have either positive or negative effects on another country in the context of a global economy – is mentioned in the mitigation section of the draft agreement.

Bracketed language is also provided, referring to possible institutional arrangements as outlined in the draft decision. The latter, meanwhile, lists only a placeholder for "provision on response measures." The topic has already proved difficult to navigate in technical UNFCCC discussions for the current period. (See BioRes, [15 June 2015](#))

Mention of the international transfer of mitigation units as an option to tackle climate change have largely been dropped compared with earlier documents. Parties had made a variety of proposals in the GNT on managing the topic to avoid double counting and ensure sound climate outcomes; however, no consensus has yet been reached on the issue. Some countries, meanwhile, remain opposed to the use of international market-based mechanisms altogether to meet climate goals. (See BioRes, [18 September 2015](#))

The draft agreement would nevertheless allow countries to "cooperate in the implementation of mitigation activities," which some experts suggest might leave space for international carbon trading or carbon market linkage further down the line.

A veiled reference to establishing a global carbon market is also made in the draft decision through a "mechanism to support sustainable development" that could build, among other things, on the UN's carbon-offset Clean Development Mechanism (CDM). The mechanism would be further explored and defined after Paris.

Another section of the draft decision on rules and guidance for accounting would seek to ensure that internationally transferred mitigation outcomes used by any party to meet domestic targets are supplemental to action within its borders.

According to some researchers, of the INDCs submitted so far, around 70 countries have outlined plans to use either domestic or international market-based mechanisms to help cut emissions. However, many of these appear to be buyers rather than sellers, suggesting that securing a sufficient "carbon price" through carbon permit trading to send the right market signals may be a difficult goal to meet.

Some other experts have repeatedly said that ensuring common rules for cross-border emissions unit transfers within the Paris deal would be useful.

"It would help trust and confidence in the system if principles are set out within the agreement and detailed decision," Dirk Forrister, head of lobby-group the International Emissions Trading Association, told journalists. Forrister added that failure to define the rules at the multilateral level could result in a group of countries doing this elsewhere.

Among the other notable trade-relevant issues absent from the co-chairs' proposed texts are international transport emissions. Some parties had proposed mandating the relevant UN civil aviation and maritime bodies to develop global sectoral emissions reduction targets in their respect areas.

Broad engagement, next steps

INDCs have poured in over the last week as parties raced to meet a 1 October cut-off date for inclusion in a UNFCCC secretariat review of these submissions' aggregate contribution. A number of stakeholders have suggested that this demonstrates clear engagement with the multilateral process.

Among the most-anticipated, India filed a 38-page submission that referred to both yoga and Mother Earth, pledging to reduce emissions intensity by 33 to 35 percent by 2030 relative to 2005 levels. This carbon-intensity goal will allow India's emissions to grow as its economy expands, but at a rate lower than current levels.

Before last week, the world's third largest greenhouse gas (GHG) emitter was the sole outstanding major economy not to have submitted, causing concern among some observers.

ICTSD reporting; "Work on carbon markets held back as diplomats slash UN climate text," CARBON PULSE, 5 October 2015.

INTELLECTUAL PROPERTY

WIPO Assemblies Kick Off With Full Agenda of Normative Issues

The Assemblies of the World Intellectual Property Organization (WIPO) kicked off last Monday, with the UN agency set to consider a whole host of unresolved issues, such as financing issues relating to the revised Lisbon Agreement on appellations of origin and the fate of a committee dealing with traditional knowledge, genetic resources, and folklore.

The annual Assemblies set the priorities for the UN agency for the coming year, including the approval of the next budget, specifically for the years 2016-2017. Normative issues have long proven particularly difficult topics to navigate at these meetings, with this year's Assemblies expected to take up various issues that had struggled to reach consensus at this time last year.

"The immediate challenge before the member states is the agenda of these Assemblies, where there are some real differences over a number of items," [said](#) WIPO Director General Francis Gurry in opening the meeting, which is set to run through 14 October.

"To the extent that member States are able to agree on these issues, which will require a real effort and some compromise in initial positions, the Organization will be in a fitter and better condition to engage on the larger question of identifying a future agenda that embraces some of the realities that underlie the difficulties that the Organization confronts in moving forward on the normative agenda," he continued.

Lisbon funding

Coming into this year's meetings, a standoff had emerged among some WIPO members over whether the organisation's budget should be used to finance the Lisbon Agreement and the new Geneva Act, approved last May. (See Bridges Weekly, [28 May 2015](#))

The latter extends the coverage of Lisbon from appellations of origin (AO) to geographical indications (GI), making the system much larger in its scope of protection. A geographical indication is used to denominate products with a specific geographical origin and which possess qualities, reputation, or characteristics that are essentially attributable to that same place. Appellations of origin, by comparison, have much stricter criteria for their use.

The updates under the Geneva Act had been adopted over the objections of various non-members of the Lisbon system, who questioned both the changes made and the fact that voting in the diplomatic conference which adopted the new deal was limited only to Lisbon contracting parties.

One of the issues which had been unresolved at the time was how to fund the new GI registry system that will come from the expanded scope of Lisbon, given that WIPO will be faced with an additional workload in administering that system.

In a statement made during the first day of the WIPO Assemblies, the US – a key non-Lisbon country – argued that it could not support the overall 2016-2017 programme and budget for the organisation, given that "the Lisbon Union declined to fund itself as required by its treaty."

"We are concerned about the diversion of WIPO's resources by a small group representing less than one-sixth of the total membership," the US representative said, adding that Washington would have preferred more "inclusive dialogue" on how to protect GIs at the UN agency.

Furthermore, the US said, "we are facing serious questions about why and how US fees and contributions are required to subsidise the Lisbon system when it is so harmful to US trade," citing concerns by stakeholders over whether the new GI protections under the updated treaty will be trade-distorting.

IGC mandate renewal?

Another major issue that officials will have to face during this year's Assemblies will be whether to renew the mandate of the Intergovernmental Committee on Traditional Knowledge, Genetic Resources, and Folklore (IGC).

The IGC was established 15 years ago, in light of concerns raised by biodiversity-rich countries and indigenous peoples regarding the misappropriation of their genetic resources and associated traditional knowledge and cultural expressions.

In this context, the committee has been focused on developing an international instrument(s) to address one or all of these issues; however, this process has struggled to come to completion, given disagreements among WIPO members over the level of maturity of the work to date, as well as the legal nature of the proposed outcomes.

At last year's Assemblies, WIPO members were unable to reach consensus on an IGC work plan, given the continued disagreements in this area. (See Bridges Weekly, [2 October 2014](#))

The issue of mandate renewal has taken on a particular urgency, given that this must be renewed on a biennial basis. Should it not be renewed at this meeting, it will otherwise expire.

Ahead of the meeting, proposals have been submitted by individual members or groups on both the renewal itself, as well as its content.

For example, the Holy See, Kenya, Mozambique, New Zealand, Norway, and Switzerland have submitted a [document](#) which suggests that the Committee "continue to expedite its work with open and full engagement on text-based negotiations with the objective of reaching an agreement during the 2016/17 biennium on a text(s) of an international legal instrument(s) on intellectual property, and which will ensure the effective and balanced protection of GRs, TK and TCEs."

Under this proposal, a work programme for the committee would also be finalised by the end of this year for 2016-2017, and the IGC would be requested to submit to the 2016 WIPO General Assembly the text(s) of an international legal instrument(s) as at that time, both for the purposes of comment and for general information. The proposal would also require the IGC to report to the 2017 General Assembly as to future work in this area, including the possible convening of a diplomatic conference – the highest level of negotiations at WIPO.

Meanwhile, the African Group [has proposed](#) that the IGC be turned into a standing committee at WIPO, noting that "it is an unfortunate fact that the procedural challenge of renewing the IGC mandate every biennium has attained the level of focus and investment that should be accorded substantive discussions."

This proposed standing committee, referred to as the Standing Committee on Intellectual Property and Genetic Resources, Traditional Knowledge, and Traditional Cultural

Expressions (SCTK) under the African Group proposal, would build on past IGC work and submit a recommendation to the 2017 General Assembly on the text(s) of an international legal instrument(s).

A third proposal on the IGC has been tabled by the US, which has also suggested replacing the IGC, but with an "Ad Hoc Experts Working Group."

"The push for accelerated work, and then the ultimate collapse of that work, last year was due to a significant lack of consensus on fundamental issues, such as objectives and principles of the IGC, subject matter of protection, scope of protection, beneficiaries and exceptions," the US explained, noting how many brackets still remain in the IGC text.

Having this expert group be established, along with holding seminars and conducting studies, could help "address fundamental and cross-cutting concepts for the upcoming biennium" in order to help find "commonality" in the various unresolved IGC issues.

Yet other proposals have been submitted by other WIPO member groups, such as the Group of Latin American and Caribbean countries (GRULAC), which reportedly have also urged the committee's renewal, according to IP-Watch.

Other WIPO countries have argued against the committee's renewal, on the grounds that the long-standing difficulties in advancing the talks require another approach.

"We should draw the appropriate conclusions from the inability of the IGC to reach an agreement within the current framework and parameters," said Germany in its opening statement, urging other alternatives and arguing against renewal. "Consequently, we believe that a continuation of the discussions as within the parameters of the working methods of the previous years would not contribute to efficient use of WIPO's time and resources, or of those of the delegations to the IGC."

Broadcast, design treaties

Whether this year's meetings will also see movement on other proposed WIPO treaties – such as for a Design Law Treaty to simplify the registration of industrial designs, or another treaty for the protection of broadcasters' rights – are also key questions for policy watchers.

Last year, the Assemblies postponed to 2015 the decision on whether to convene a diplomatic conference on the Design Law Treaty. (See Bridges Weekly, [2 October 2014](#)) The treaty is negotiated under WIPO's Standing Committee on the Law of Trademarks, Industrial Designs and Geographical Indications (SCT).

Meanwhile, the broadcaster rights' treaty, which similarly failed to see advances at last year's Assemblies, is also expected to come up during this year's talks. The latter treaty is negotiated under the auspices of WIPO's Standing Committee on Copyright and Related Rights (SCCR).

A full update on the results of the WIPO Assemblies will be published by Bridges following the conclusion of the meetings.

ICTSD reporting; "Countries Seek Ways To Restore Work On Traditional Knowledge Protection at WIPO," INTELLECTUAL PROPERTY WATCH, 6 October 2015; "WIPO Members Urge Action on Range of Treaties," INTELLECTUAL PROPERTY WATCH, 6 October 2015.

DISPUTES

WTO Panel Grants Panama Victory in Argentine Financial Services Case

A WTO dispute panel has found that various financial services-related measures taken by Argentina violate certain global trade rules, in response to a complaint by Panama.

While these measures were found to violate the most-favoured nation (MFN) obligations under the WTO's General Agreement on Trade in Services (GATS), other claims put forward by Panama ([DS 453](#)) under both this agreement and the General Agreement on Tariffs and Trade (GATT 1994) were dismissed or subject to judicial economy.

The panel also ruled against Argentina's defence under the exceptions provided by the GATS and its Annex on Financial Services.

Cooperative countries

The various measures were imposed by Argentina on services and service suppliers from countries which Buenos Aires classifies as "countries not cooperating for tax transparency purposes." Panama claimed these measures also marginally affected goods trade,

This country classification comes from a 2013 Argentine Decree, which says that a cooperative country must have an agreement with Argentina for effective exchange of information practice, or fulfil necessary requirements for initiating talks on this.

By signing such agreements, which "shall as far as possible comply with the international standards on transparency adopted by the Global Forum on Transparency and Exchange of Information for Tax Purposes," countries cannot invoke banking, stock market, or any other form of secrecy in response to specific information requests from Argentina.

In the list published by Argentine authorities in January 2014, more than 100 countries, including Panama, were considered cooperative countries.

MFN claims under the GATS

Under the GATS, members must give most-favoured nation treatment to all "like" foreign services or services suppliers. The panel said that services and service suppliers of cooperative and non-cooperative countries are "like" under the GATS, given that the difference in treatment inherent in these measures is due to origin, not "other factor[s]."

The panel found that the eight measures each establish different treatment according to whether the services and services suppliers are from cooperative or non-cooperative countries. This difference is not due to whether Argentina has access to tax information. For the panel, the measures' design and operation adversely affect competition conditions for services and service suppliers of non-cooperative countries.

Access to tax information, competition conditions

Panama also claimed that three of the measures violate GATS national treatment rules. The panel considered that Argentine services and service suppliers are comparable to those of cooperative countries, as in both cases Buenos Aires can access tax information

relating to the suppliers concerned as well as provide the same treatment for transactions by Argentine taxpayers with both types of service suppliers.

The panel found that Argentine services and services suppliers are “like” – in other words, effectively equivalent to – the services and service suppliers of non-cooperative countries. After finding that each of the three measures treats services and service suppliers of non-cooperative countries differently from domestic ones, the panel deemed that those measures do not modify the competition conditions in favour of domestic industry.

For the panel, the three challenged measures are intended to “level a playing field” due to lack of tax transparency, and aim to guarantee that the competitive relationship between Argentine services and service suppliers and foreign ones are on equal footing.

GATS defences, prudential exception

Regarding six of the measures, Argentina argued that these were justified by the GATS general exceptions, which allows members in specified circumstances to use measures that run against GATS obligations, such as preventing deceptive or fraudulent practices.

The panel found that the protection of its tax collection system and the fight against harmful tax practices and money laundering are of the utmost importance for Buenos Aires. The panel also concluded that Argentine measures contribute to achieving these chosen objectives, with limited restrictive effect on international trade in services.

The panel also said that Panama has not identified any alternative measure reasonably available to Argentina and less trade-restrictive while achieving the same objectives. Nonetheless, the panel said that Argentina is applying its measures in a manner that is counterproductive given the objective used to justify distinguishing between cooperative and non-cooperative countries. According to the panel, Argentina's measures constitute arbitrary or unjustifiable discrimination under the general exceptions clause of the GATS.

Argentina also argued that the other two measures cited in the case are justifiable under paragraph 2(a) of the GATS Annex on Financial Services, which contains the so-called “prudential exception.” This allows WTO members to take certain measures for reasons such as protecting investors or ensuring the integrity and stability of the financial system, regardless of other GATS provisions.

In interpreting the concept of “prudential reasons,” the panel emphasised that the exception is about the reason behind the measure, not about the specific type of measures themselves. The panel also considered that the list of prudential reasons outlined in the Annex on Financial Services is only indicative and therefore could include other reasons beyond those explicitly cited.

For the panel, prudential reasons refers to those causes or reasons that motivate financial sector regulators to act to prevent a risk, injury, or danger, which does not necessarily have to be imminent. For a measure to be justified by this exception, its design, structure, or architecture should have a cause and effect relationship with this prudential reason.

The panel said that the reasons identified by Argentina as justification for such measures do qualify as prudential. However, the panel deemed that the measures do not have a cause and effect relationship with the alleged prudential reasons.

Under WTO rules, the panel report shall be adopted by the Dispute Settlement Body (DSB) within 20 to 60 days of circulation, unless the DSB decides by consensus not to adopt the report or either party notifies its decision to appeal.

ICTSD reporting.

EVENTS & RESOURCES

Events

Coming Soon

9-11 October, Lima, Peru. ANNUAL MEETINGS OF THE WORLD BANK GROUP AND THE INTERNATIONAL MONETARY FUND. This year's Annual Meetings of the World Bank Group and the International Monetary Fund (IMF) will be held in the Peruvian capital of Lima, bringing together finance ministers and central bank governors from the institutions' member countries, as well as representatives from the private sector, civil society, and academia. More information can be found at the following [website](#).

13 October, Tokyo, Japan. SEMINAR: COST-BENEFIT ANALYSIS IN POOR AND RICH COUNTRIES: IS IT DIFFERENT? This seminar, organised by the Asian Development Bank Institute (ADBI), aims to bring together policymakers, academics, and the general public to discuss and expand their understanding of the differences between conducting cost-benefit analysis in developed and developing countries. The meeting is part of ADBI's Seminar Series. More information is available at the event [website](#).

15 October, Washington, US. THE FED AT A CROSSROADS: WHERE TO GO NEXT? Hosted by the Brookings Institution, this event will feature William Dudley, President of the Federal Reserve Bank of New York, and Stanford University economist John Taylor for a discussion on the criteria that the US Federal Reserve should use in deciding the appropriate level of interest rates. The event will be moderated by David Wessel, Director of the Hutchins Center on Fiscal and Monetary Policy at Brookings. Please note that the discussion will also be webcast live, and audience viewing remotely can also participant via Twitter at #Fed. More information is available [here](#).

WTO Events

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

12-13 October: Workshop – Sanitary and Phytosanitary Measures

14 October: Committee of Participants on the Expansion of Trade in Information Technology Products

15-16 October: Committee on Sanitary and Phytosanitary Measures

15-16 October: Council for Trade-Related Aspects of Intellectual Property Rights

Other Upcoming Events

20-21 October, Doha, Qatar. WORLD EXPORT DEVELOPMENT FORUM (WEDF). This annual International Trade Centre (ITC) event will be held this year under the theme "Sustainable Trade: Innovate, invest, internationalise." Hosted by the Ministry of Economy and Commerce of the State of Qatar through the Qatar Development Bank (QDB), the event is designed for policymakers as well as representatives from businesses and trade

support institutions. The forum will include panel discussions, working sessions, and facilitated business-to-business meetings. Additional event details are available at the ITC [website](#).

20-22 October, Washington, US. 49TH MEETING OF THE GEF COUNCIL. The Global Environment Facility (GEF) Council will be holding its next meeting with the goal of reviewing and approving new projects that have global environmental benefits in areas such as climate change mitigation, international waters, biodiversity, and land degradation, among. The event will also discuss "integrated approach pilots" such as sustainable cities and food security in sub-Saharan Africa, while also providing guidance to the GEF Secretariat and Agencies. To learn more, visit the GEF Council [page](#).

22 October, Geneva, Switzerland. ON THE WAY TO NAIROBI: SECURING A MEANINGFUL LDC OUTCOME. This informal dialogue, organised by the International Centre for Trade and Sustainable Development (ICTSD), will review key issues that are of strategic interest for least developed countries ahead of the WTO's Tenth Ministerial Conference. The organisers aim to bring together international experts in this field, as well as government officials. Please note that the event is by invitation only. More information is available [here](#).

26 October, London, UK. CLIMATE CHANGE 2015: BUILDING AGREEMENT TOWARDS 2°C, PARIS AND BEYOND. This Chatham House event will focus on the preparations underway for the UN Framework Convention on Climate Change's (UNFCCC) 21st Conference of the Parties in Paris this December, looking specifically at the prospects for reaching a global climate deal. The conference will review the necessary steps for reaching such an agreement, as well as how non-state actors and other global mechanisms could also contribute to meeting ambitious long-term climate goals beyond Paris. To learn more, 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 with the WTO's Tenth Ministerial Conference. The four-day event will include various high-level plenaries, press events, and private roundtables, among other features. Further details can be found on the official event [website](#).

15-18 December, Nairobi, Kenya. WORLD TRADE ORGANIZATION – TENTH MINISTERIAL CONFERENCE. The World Trade Organization will be holding its Tenth Ministerial Conference (MC10) at year's end, with Kenya serving as this year's host. These ministerial gatherings are the highest-level meeting of the global trade body, with members able to take decisions on any matters relating to any of the multilateral trade agreements. These meetings are usually held biennially. More information will be made available through both the WTO [website](#), as well as the Kenyan government's dedicated MC10 [website](#).

Resources

JAPANESE AGRICULTURE TRADE POLICY AND SUSTAINABLE DEVELOPMENT. By Kazuhito Yamashita for the International Centre for Trade and Sustainable Development (ICTSD) (September 2015). This new paper examines the possible implications of restructuring the Japanese farm sector, particularly with regards to competitiveness, efficiency, and the accomplishment of policy goals such as food security and environmental sustainability. To learn more, or to download the study, visit the [ICTSD website](#).

WTO ACCESSIONS AND TRADE MULTILATERALISM: CASE STUDIES AND LESSONS FROM THE WTO AT TWENTY. Published by the World Trade Organization and the Cambridge University Press (September 2015). This new book examines how the addition of members to the WTO has contributed to the rules-based trading system, as well as reviewing the demands made by existing members during accession negotiations, among other related subjects. The publication features essays that together review how these accession processes have affected the geographical and conceptual reach of the multilateral trading system. To learn more about the book, visit the [WTO website](#).

NON TARIFF MEASURES AND SUSTAINABLE DEVELOPMENT: DIRECT AND INDIRECT LINKAGES. 21 September 2015. Published by UN Centre for Trade And Development (UNCTAD). This new argues that the proliferation of non-tariff measures (NTMs) plays a crucial role in shaping global trade patterns. This paper, released just ahead of the UN Sustainable Development Summit, aims to distinguish between indirect and direct linkages in order to understand how non-tariff measures interact with sustainable development, while reviewing how to lower costs of NTMs without compromising policy objectives. The policy brief is available for download in PDF form [here](#).

OECD INTERIM ECONOMIC OUTLOOK. Published by the Organisation for Economic Co-operation and Development (OECD) (September 2015). This new report updates earlier predictions released in May by the organisation, noting now that global growth prospects have become both slightly weaker and less clear in recent months. However, the authors also find some positive developments, such as the continued recovery in advanced economies. The report finds that global growth will continue to be "sub-par" this year, though some strengthening is expected in the year follow. The economic outlook can be found [here](#).

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