

India. Wto and trade issues

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Lead Article

WTO Agreement on Agriculture and Input Subsidy in India

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INTRODUCTION

With the signing of the Agreement on Agriculture (AoA), the issue of input subsidies also came into the limelight due to subsidy commitments. The domestic support or Aggregate Measurement of Support (AMS) is the annual level of support in monetary terms extended to the agricultural sector. The key aim of reducing domestic support is to correct trade distortions with a view to promote efficient allocation and use of world resources. In India, generally, the issue of input subsidies is linked with the AoA provision. This article highlights India's obligation with respect to domestic support and the various problems associated with the input subsidies in agriculture. It also examines the linkage between the need for rationalisation of input subsidy and India's obligation under AoA.

WTO PROVISION RELATED TO DOMESTIC SUPPORT

All domestic support measures, except exempt measures, provided in favour of agricultural producer are to be measured as the 'Aggregate Measurement of Support' (AMS). The subsidies provided to farmers include:

- Non-Product Specific subsidies such as those provided for irrigation, electricity, credit, fertilizers, seed etc.
- Product Specific subsidies, which are, calculated as domestic prices minus international reference price.

The sum of these two is termed as Aggregate Measurement of Support (AMS) also called Amber Box. The Amber Box subsidies are considered to be trade distorting and come under progressive reduction commitments, base year

being 1986-88. The maximum limit for the total AMS is fixed at 5 percent of the value of domestic agricultural output for developed and 10 percent for developing countries.

Domestic support exceeding the maximum limit in the base year 1986-88 is to be reduced by 13.3 percent for developing countries and 20 percent for developed countries over the implementation period of six year for developed countries and ten years for developing countries. However, all the direct or indirect government support provided to encourage agricultural and rural development, investment subsidies and agricultural input subsidies provided to low income farmers in developing countries are exempted from the reduction commitments. Direct payments under production-limiting programmes (sometimes dubbed as Blue Box) are also exempted from reduction. There are some subsidies, which are required in the long term interest of maintaining natural resources, environmental protection and improving the farmer's income. These are not to be included in the AMS and are grouped in 'Green Box' and 'Blue Box'. However, these should meet the fundamental requirement of having minimal trade distorting effects.

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INDIA AND AoA

India has made two notifications on domestic support for the year 1995-96, 1996-97 and 1997-98 (see WTO notification G/AG/N/IND/1 and G/AG/N/IND/2). These notifications show that India has no obligation to reduce domestic support to agriculture sector. Even many studies on AMS have concluded that the product-specific subsidy is negative and the non- product specific subsidy is within the de minimis limit. Thus, India has no obligation to reduce domestic support under the provisions of AoA.

INPUT SUBSIDY IN INDIA

Though India has no obligation to reduce the input subsidy under the AoA, there are many problems associated with the input subsidy in Indian agriculture. The Indian government introduced the seed-water-fertiliser technology in the 1960s to achieve self-sufficiency in the production of foodgrains. To achieve this objective, the central and state governments ensured that irrigation water, electricity and fertilisers were available, accessible and affordable to farmers. However, many studies on input subsidies have suggested their phased withdrawal over a period of time. Input subsidies in the initial stages of the green revolution did induce the farmers to readily adopt new technology.

Over a period of time, however, these subsidies began to mount (see table 1), even as the farmers became fully conscious of the profitability of new technology. The high amount of subsidies on fertiliser, irrigation, and power has been questioned on the basis of unsustainable burden on the finances of the central and state governments, distortion of the cropping pattern in favour of water intensive crops, adverse environmental effects and interregional/inter-personal disparities in development. The strongest case for a progressive removal of subsidies continues to be based on the increasing fiscal burden on exchequer.

Table: 1
TOTAL INPUT SUBSIDY IN INDIA

Rs. Million

Ending Triennium	Fertilizer ¹	Electricity ²	Canal	Total	Fertilizer	Electricity	Canal	Total
mennium			Irrigation				Irrigation	
	Current Prices				Constant Prices			
1983-84	1598	6048	10543	18190	1390	5185	9099	15675
1985-86	8769	10197	12271	31238	6450	7607	9210	23268
1990-91	29263	38249	29695	97207	14133	18727	14714	47574
1995-96	64964	114883	53124	232972	18131	32611	15138	65879
2000-01	70335	246450	94778	411563	14020	49018	18856	81894
2002-03	66529	263163	101568	431260	12733	50227	19398	82358
2003-04	79993	291964	109865	481822	14786	54082	20357	89224
2004-05	131456	333883	124906	590246	23269	59699	22334	105302
Exponential growth rate during 1981-82 to 1990-91			25.82				16.07	
Exponential growth rate during 1991-92 to 2004-05			12.56				6.10	

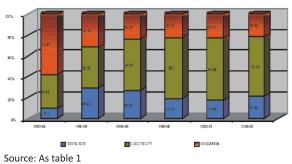
Source:

- 1. Fertilizer statistics in India (various issues), Fertilizer Association of India, New Delhi.
- 2. Report of High Powered Review Committee (1998), "Fertilizer Pricing Policy", Department of Fertilizer, Delhi.
- 3. Government of India: Monthly Statistics of Foreign Trade, DGCIS, Calcutta, (Various Issues).
- 4. Gulati, Ashok and Sudha Narayanan (2003), "The Subsidy Syndrome in Indian Agriculture", Oxford Publication.
- 5. Annual Report on the Working of State Electricity Board and Electricity Departments, Planning Commission
- Financial Aspects of Irrigation Projects in India, Central Water Commission (Various Issues).

¹Fertiliser subsidy is estimated on the basis of import parity. Per ton fertiliser subsidy for compounds is calculated as the difference between the import price of these compounds and domestic price of fertilizers, plus dealer margins, pool handling and freight charges. Estimated per ton subsidy on compounds Urea (46% N), D-ammonium Phosphate (18-46-0) and Muriate of Potash (60% K) is converted into their respective nutrient i.e. Nitrogen (N), Phosphorous (P) and Potash (K). The resultant subsidy on nutrients is multiplied by their respective consumption figure to obtain the total fertiliser subsidy to agriculture sector at all India level and in Haryana.

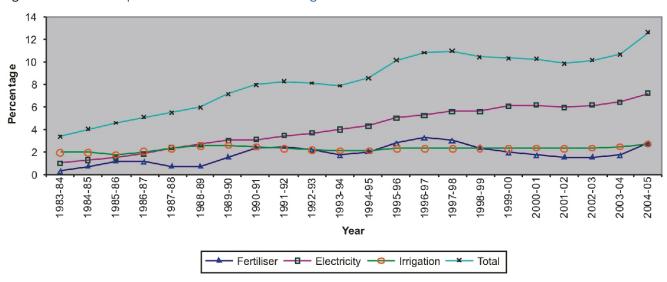
The other serious impacts of input subsidy are environmental degradation and promoting growth which is likely to be unsustainable in due course. Many studies reveal that subsidy on irrigation through electricity and canal water causes distortion in cropping patterns such as in favour of water intensive crops like paddy in Punjab and sugarcane in Maharashtra. Input subsidies, by encouraging the intensive use of inputs in limited pockets, have led to lowering the productivity of inputs, reducing employment elasticity of output through the substitution of capital for labour, and environmental degradation such as water logging and salinity on the one hand, and lowering of water tables on the other. In Punjab and Haryana, the flat tariff rate is a major factor of groundwater over-exploitation in the region as subsidisation of electricity for pumping ground water reduces the marginal cost of extraction to near zero and thereby encourages the farmers to use the resource inefficiently. This provides an incentive to the farmer to go for water intensive crops. As a result, in the low rainfall area or where groundwater reserves are inadequate, the availability of water gets depleted beyond the recharge level.

Figure 1: Composition of Input Subsidies in India



The fertiliser policies grossly distort the relative prices of the three major plant nutrients. Indian policies have kept the maximum sale price of nitrogen (N) low relative to phosphate (P) and potash (K), particularly since the deregulation of P and K markets in August 1992. As a result the nitrogen usage has increased sharply compared to phosphate and potash. The cost of such distortion adds considerably to the subsidy bill. It is also harmful to the health of the soil with respect to the long term implications of unbalanced use of fertilisers.

Figure 2: Trends of Input Subsidies in India as % of Agricultural GDP



The quality of service provided by irrigation agencies is not satisfactory. Raising the canal irrigation charges or tariff rate for electricity should not be considered as panacea to solve all these problems. In fact, improvement in the efficiency of the management system should receive prime attention. Once the system is improved and farmers are assured of the timely supply of water, there may not be any resistance to the increase in water rates.

On the equity issue, the studies on subsidy conclude that most of the benefits of these subsidies are appropriated by well developed irrigated regions and large farmers. While the medium and the large farmers reap all the major benefits of the subsidy, the poor farmers, especially in the backward areas, remain excluded due to their non-possession of electricity connections. About the canal irrigation, there is a severe pressure on the resources for

² Per unit subsidy to agriculture sector is estimated as the difference between average expenditure on per unit sold and recovery of electricity sold per unit to the agriculture sector. Multiplication of per unit subsidy and the total unit consumed in agriculture sector provides total electricity subsidy to the agriculture sector ³ Canal irrigation subsidy is computed as the difference between the gross revenue and the working expenses (O&M expenses, depreciation and total interest on capital employed) on major, medium and minor irrigation projects.

normal operation and maintenance as the cost recovery from canal irrigation is extremely low and the state budgets are unable to allocate more funds because of the overall fiscal crunch. It is obvious that there are many problems associated with input subsidy in agriculture sector and there is a need for the rationalisation of input subsidy for the sustainable agricultural development.

SUMMING UP

India has no obligation to reduce the input subsidy under the WTO provision. As mentioned above, there are many problems associated with input subsidy. There is a need for the rationalization of input subsidy in Indian agriculture. However, it is unwise to link the issue of rationalization of input subsidy with the WTO provisions on domestic support.

Study on Potential Supply Chains in Textile Sector in South Asia

With the onset of global slowdown, South Asia as a region has experienced a deceleration in its growth rate from 8.6% in 2007 to 6.8% in 2008. Given the fact that the region hosts the largest number of poor in the world and the capacity to generate stimulus in the economy is limited for most of the countries, the region needs an extra impetus to revive from the slowdown. There is a pressing need for the region to face the upcoming challenges, whether due to reduced global demand or erosion of preferences due to increased number of FTAs. Along with national-level efforts, these challenges require a regional response. In this context, UNCTAD's India project, Commonwealth Secretariat and Centre for WTO Studies jointly undertook a study that attempts to identify potential supply chains which can be formed in the region whereby production in some sectors can be fragmented across different countries in the region, with each country producing that part of the value-chain in which it is most efficient. Cross-border production sharing and intra-industry trade (IIT) assist participating countries to more fully integrate into regional markets and may also act as a catalyst to developing countries' industrialisation and growth. A country can simultaneously reduce the number of products it produces and increase the variety of goods available to domestic consumers, by engaging in IIT. Concentrating on IIT and strengthening of crossborder vertical supply chains as mechanisms for integration could be important in lowering the costs, while increasing the level of specialization of countries and product differentiation within the region.

The main objective of the study is to identify potential supply chains that can be formed in the region. The study concentrates on the Textiles and Clothing sector where maximum number of countries in the region have export potential and potential to participate in the supply chain. Though tariff liberalization through regional FTA is a pre-requisite for encouraging IIT and vertical integration of supply chains within the region, determinants of trade of this nature are closely linked to a number of factors determined by the basic conditions of entry and market structure that affect firm level behaviour. The obstacles that firms face in terms of tariff and non-tariff barriers are crucial in understanding the behaviour of firms in a regional market. In case of South Asia, SAFTA has not been able to increase intraregional trade to a large extent as the region still has only 5% of total trade as intra-regional trade. For supply chains to successfully develop, there is a need to identify the potential constraints that may be realized by different producers/exporters in different countries. In this context, wide ranging industry consultations with stakeholders from different countries within the region were conducted, aimed at achieving the following objectives:

- > Validate whether the potential supply chains identified by the study were possible to form, given the quality variance, delivery delays, etc that might exist but not captured by the economic analysis.
- ldentify the possible constraints that might emerge in fostering such supply chains, mainly the non-tariff barriers and other supply side constraints at the domestic level.
- Increase awareness of possible investment opportunities in the region.
- > Business to business contact to initiate dialogues on forming regional supply chains.

UNCTAD India and Centre for WTO Studies from India; Commonwealth Secretariat, London; Institute of Policy Studies, Colombo; South Asian Network on Economic Modeling, Dhaka; Pakistan Institute of Trade and Development and Centre for Enterprise, Trade and Development from Islamabad were partner institutes from the participant countries. The first consultation on this was held in New Delhi at Ambassador Hotel, on 14 December 2009. In this, academia and industry members from South Asian countries gathered to discuss the study and the way forward. The next regional industry consultation was held in Dhaka on 3 April 2010 organised in collaboration with South Asian Network on Economic Modeling (SANEM). The consultation was attended by academia, policy makers and industry from India, Bangladesh, Sri Lanka and Pakistan as well as many delegations from the Confederation of Indian Textile Industry. Prof. Atiur Rahman, Governor, Bangladesh Bank, was the chief guest at the event. Mr. Abdus Salam, President, Bangladesh Garment Manufacturers and Exporters Association (BGMEA) and Mr. Fazlul Haque, President, Bangladesh Knitwear Manufactures and Exporters Association (BKMEA) were among other important participants. The day began with an inauguration session chaired by Prof. Khondokar of SANEM. This was followed by presentation of the study and its results by Dr. Rashmi Banga from UNCTAD India. Supply chains for India (chaired by Prof. R.S. Ratna) and for Pakistan (chaired by Dr. Safdar Sohail, PITD) were discussed in the forum. The day concluded with discussions on Policy Issues in supply chains, chaired by Mr. Razzaque from the Commonwealth Secretariat. The overall feedback received from these consultations was highly informative and fruitful and many inputs taken from these consultations will be incorporated in the final study as policy recommendations. The third stakeholder consultation in Colombo is scheduled to be held on 4 May 2010 in collaboration with Institute of Policy Studies, Colombo.

The Centre for WTO Studies (CWS) signs a MoU with International Centre for Trade and Sustainable Development (ICTSD), Geneva

The Centre for WTO Studies (CWS) signed a Memorandum of Understanding (MOU) with the International Centre for Trade and Sustainable Development (ICTSD) in Geneva on 26 March 2010. Founded in Geneva in September 1996, ICTSD is an independent, non-profit, and non-governmental organization. It engages a broad range of actors in ongoing dialogue on trade and sustainable development policy.

Under the MoU, the two organisations have agreed to build partnership to promote trade policies that support sustainable development. The two institutions have agreed to work jointly in the following areas:

- Agriculture trade including fisheries;
- Intellectual property rights (IPRs);
- Trade and climate change;
- Least developed countries (LDCs); &
- Regional Trade Arrangements.

It was agreed that joint action would be taken for carrying out Outreach and Stakeholders Dialogue; Research and Peer Review; Analysis and Documentation and Institutional Development. It has also been decided that the representatives of the CWS and ICTSD will meet twice each year for building substantive agenda to develop future work-plan, identify other partners and collaborators. Initial work plan for these activities is for two years and the plan will be revised and extended annually.



Prof. R.S. Ratna of CWS and Mr. Ricardo Melendez-Ortiz of ICTSD signing the MoU in the presence of Mr. U.S. Bhatia, Ambassador & Permanent Representative of India to the WTO.

Inset: Mr. D.K.Mittal, Additional Secretary, Dept. of Commerce displaying the signed MoU The MoU was signed by Prof. R. S. Ratna on behalf of the CWS and by Mr. Ricardo Melendez-Ortiz, Chief Executive on behalf of ICTSD. From the Indian side, Mr. U. S. Bhatia, Ambassador and Permanent Representative of India to the WTO; Mr. D. K. Mittal, Additional Secretary, Department of Commerce and Mr. Ravi Bangar, Deputy Permanent Representative (WTO) were also present at the signing ceremony.

Consultations With The Indian Industry On European Union's Reach Regulation

The Regulation on the Registration, Evaluation, and Authorization of Chemicals (REACH), which clubs the numerous laws existing within the EU and regulates domestically manufactured and imported chemicals, came into force on 1st June 2007. It aims to ensure that the human health and environment are not adversely affected by the use of chemicals. The Regulation is designed on Precautionary Principle placing the onus on the manufacturers and importers to ensure that the chemical substances are used with care. The basic objective of the Regulation is to generate all the relevant possible information on the chemicals which would help identify their hazardous properties and come up with measures to manage the same. Another important objective of the regulation is to ensure that in cases where chemical substances of high concern are used, they should eventually be replaced by less dangerous substances.

The Centre for WTO Studies organized consultations with the Indian Industry to gauge their response on the Regulation and also to assess the impact of the European Regulation on the Indian chemical industry. The consultations were also organized to study the responses and reactions of the affected Indian industries. The Consultations were also attended by Ms. R.V. Anuradha, Partner Clarus Law Associates.

The consultations were held in Mumbai on the 30th April, 2010 at the Conference Hall of the Zonal Joint Director General of Foreign Trade, Mumbai.

The consultations with the Indian industry brought several problematic aspect of the EC Regulation to the fore. They felt that the Regulation was an unnecessary burden, imposing exorbitant costs particularly on the small and medium scale industries, by way of registration. They felt that the Regulation was a general regulation encompassing and regulating all chemicals rather than chemicals which actually posed

risk to the environment and human health. Lastly the industry also felt that the main aim of testing all the chemicals was defeated as most manufacturers ended up buying data and applying the same to their chemicals rather than actually testing the safety of their chemicals. In the bargain these same producers were not owners of the data but could only use the data for the purpose of registration under the REACH. These inputs would be factored in the Report to be prepared after the conclusion of the consultation process.



(L-R) Prof. R.S. Ratna of CWS, Mr. Param Shah, FICCI Ahmadabad; and Ms. R.V. Anuradha, Partner Clarus Law Associates at the Consultation. Inset: Participants in the Seminar

Seminar *on* Doha Round Impacts on India: A Study in a Sequential Dynamic CGE Framework

A Seminar on 'Doha Round Impacts on India: A Study in a Sequential Dynamic CGE Framework' was jointly organized by CUTS International, Jaipur and the Centre for WTO Studies, New Delhi, on 4th March 2010 at Indian Institute of Foreign Trade, New Delhi. The objective of the seminar was to generate awareness about the likely impacts of Doha Round outcomes on the Indian economy as well as to garner diverse perspectives from skilled trade practitioners on both the subject and method of trade modeling using the Computable General Equilibrium (CGE) framework. Through this seminar this was also expected that the study and the discussions facilitated by the event will prompt other such studies that enable informed decision making regarding the Doha Development Round (DDR) by developing countries.

The seminar presented the results of a research project which was initiated by CUTS International, Jaipur, India, with the objective of examining the impact of DDR on the economy of India. The specific objectives of the project were (i) to examine the impact of

agricultural trade liberalisation under the Doha negotiations, (ii) to examine the impact of NAMA negations, (iii) to explore the combined effect of agricultural and NAMA negotiations, and (iv) to examine the impact of liberalisation of the domestic services sectors. The study was conducted by Selim Raihan and Bazlul Khondker of South Asia Network for Econometric Modeling (SANEM).

The study which was presented by Mr. Siddhartha Mitra, Director (Research), CUTS International tried to find out the impacts of Doha Round from the point of view of welfare, poverty and consumption. The study showed the impacts under four major heads viz. 1) Impact of Agricultural Liberalisation 2) Impact of NAMA Liberalisation 3) Impact of Services Liberalisation 4) Impact of Full Doha Scenario.

In terms of welfare effects the study predicted that the impact of Agricultural Liberalisation will be positive but stronger in the long run whereas in case of NAMA liberalization, it predicted a fall in real consumption and welfare in all households. The aggregate welfare was also found to decline for Full Doha Scenario. In terms of poverty, the Agricultural Liberalisation and Service Liberalization was predicted to be responsible for fall in poverty for all household categories whereas NAMA Liberalisation and Full Doha round Scenario would be responsible for rise in poverty. The GDP was predicted to increase in all of the above cases except in case of Agricultural Liberalisation where a very little effect on GDP was predicted. The study concluded that the agricultural impact was superior to the other two as it was the only scenario in which there was a rise in GDP and welfare accompanied by a fall in headcount index of poverty in both long and short runs.

Prof. R.S. Ratna, Centre for WTO studies gave a critical review of the paper. He said that there were some fundamental problems with the paper and therefore the results obtained might not be accurate. He pointed out that under NAMA, only some tariff lines had undergone tariff cut and the study had not taken this into account. He suggested that the study should also take into account certain FTAs. Prof Amit Shovan Ray, Chair Professor of Trade, Technology and Competitiveness, Indian Council for Research on International Economic Relations said that the theoretical link between final effect on poverty and liberalization should be explained properly. Mr. Bipul Chatterjee requested the authors to come out with some policy briefs and said that this would strengthen India's negotiating position at NAMA.

⁴Chemicals of high concern are carcinogens, mutagens, reproductive toxicants and those that are persistent or bio-accumulative including endocrine disruptors and persistent organic pollutants.

Seminar on India-ASEAN Free Trade Agreement and Business Opportunities for Tamil Nadu

Trade between India and ASEAN has been increasing over the last few years. The trading relation between the two has also become important in view of the India-ASEAN Free Trade Agreement. In this environment it has become imperative to analyse the opportunities for the Indian industries in the ASEAN region. The Centre for WTO Studies (CWS), New Delhi, in association with Department of Commerce, New Delhi and India-ASEAN-Sri Lanka Chamber of Commerce and Industries organized a Seminar on "India-ASEAN Free Trade Agreement and Business Opportunities for Tamil Nadu" on 20 March, 2010 in Chennai which was attended by representatives of various industries and government bodies.

Mr. C.S. Muthu Subramaniyan, President, India-ASEAN-Sri Lanka Chamber of Commerce and Industries, in his inaugural address talked about the importance of the India-ASEAN FTA for this region. He mentioned that there was a trade opportunity for extra US \$ 10 billion between India and the ASEAN countries. According to him, Singapore, Malaysia and Thailand were the most important countries in respect of India's trading relations. He said that this agreement could support both India and ASEAN countries in different aspects and also stressed the role of Indian small and medium industries in boosting trade.

Prof. R.S. Ratna of CWS, in his introductory remarks, highlighted the Centre's efforts towards building capacity of the Indian industries for trading purposes. Mr. Rajeev Ranjan, Principal Secretary, Industries Department, Government of Tamil Nadu, in his address said that there was a need to find out the trading opportunities, which could generate job opportunities between India and ASEAN. He emphasized the need to strike a balance between remaining protective and becoming competitive and to address the question of the complex tariff structure of India. Mr. C. Sarat Chandran, Director, India-ASEAN-Sri Lanka Chamber of Commerce and Industries, while proposing a vote of thanks, highlighted the importance of Tamil Nadu in India-ASEAN-Sri Lanka trade.

In the second session of the Seminar, Mr. M. Velumurugan, Executive Vice-Chairman, Guidance Bureau, Industries Department, Government of Tamil Nadu, talked about the India-ASEAN FTA and its implication for Tamil Nadu. He presented a factual background and tried to fill the information gap on the FTA. He highlighted different opportunities that were

available in Tamil Nadu and facilities for foreign, especially ASEAN investors. In this context, he gave example of the automobile industries and how it grew there because of better cost competitiveness. He also identified different products which could be exported to the ASEAN countries.

Mr. Ajay Srivastava, Director, Department of Commerce, Ministry of Commerce and Industry, discussed India's FTA agreements with various countries, and focused in particular on the India-ASEAN FTA and the market access opportunities for different products of Indian industries. He spoke in detail about the Rules of Origin, its significance in a FTA and how rules of origin in the India-ASEAN FTA prevented entry of a third country product into India.

Prof. R.S. Ratna, CWS, in his presentation on "India-ASEAN FTA: Impact Analysis of Select Products of India," discussed the study by the CWS on the impact of the FTA. The study worked out the tariff protection levels on different agricultural items like pepper, tea, coffee, poultry, coconut, natural rubber, sugar cane and fisheries. The study revealed that except a few items where Indian producers were high cost, most of the items did not face any major challenge from the India-ASEAN FTA. The problem regarding domestic inefficiencies were highlighted which posed more serious competitive threat than tariff liberalization. It was also pointed out that low productivity, large-scale handling waste in agriculture and the benefits not going to farmers were some of the other issues that needed an urgent answer. He stressed the need for proper balance between the interest of the farmers and the domestic consumers and said this required corrective measures by the Central as well as the State Governments.



Mr. C.S. Muthu Subramaniyan, President, India-ASEAN-Sri Lanka Chamber of Commerce addressing the Seminar. Others from L to R: Mr. Rajeev Ranjan, Prof. R.S. Ratna, Mr. Ajay Srivastava & Mr. C. Sarat Chandran.

Inset - Participants in the Seminar

Mr. B.Sriram, Associate Director-Global Advisory Services, Ernst & Young, Chennai, made a presentation describing the favorable and unfavorable impacts of an FTA. He also talked about the tariff lines, rules of origin of the India-ASEAN FTA and the huge market prevailing in the ASEAN countries.

Workshop on Trade, Investment and Regional Integration: Lessons for Policymakers

A Workshop on 'Trade, Investment and Regional Integration: Lessons for Policymakers' was organised by the Ministry of Commerce and Industry, Government of India, the Asia-Pacific Research and Training Network on Trade (ARTNeT) and the Economic and Social Commission for Asia and the Pacific (ESCAP) in association with Jadavpur University (JU), Kolkata, Centre for WTO Studies at Indian Institute of Foreign Trade (IIFT), New Delhi, Research and Information System for Developing Countries (RIS), New Delhi and Indian Council for Research on International Economic Relations (ICRIER), New Delhi on 11-12 March 2010 at IIFT, New Delhi.

The purpose of the workshop was to introduce ARTNeT and its work to policymakers, academia, and potential partners and stakeholders in India and the Asia-Pacific region. The meeting provided a platform to disseminate recent research and seek feedback, as well as a forum for information exchange on trade, investment, regional integration, and trade facilitation policies among the relevant actors in this arena.

The two-day workshop brought together officials from the relevant Ministries of the Government of India, representatives of business associations, academic and professional experts as well as representatives from the civil society. There was special effort to elicit comments and discussion points from those actively engaged in the policy making process in the identified areas.

The Seminar began with a welcome address by Mr. V. L. Kantha Rao, Director, Ministry of Commerce and Industry, Government of India, followed by opening remarks from Mr. K. T. Chacko, Director, IIFT, Dr. Nisha Taneja, Professor, ICRIER, Dr. Biswajit Dhar, Director-General, RIS, and Dr. Ajitava Raychaudhuri, Professor, Jadavpur University as representatives of ARTNeT Research Members.

Mr. Rao in his welcome address discussed the need to bring together researchers, policymakers and other stakeholders to respond to the challenges of free trade agreements (FTAs). Mr. Chacko expressed concern at the current growth scenario and noted the importance of regional integration in the form of bilateral and multilateral ties and free trade agreements as well as FTAs that would benefit the people of the region at a time when financial resources were becoming concentrated in the hands of the rich. Dr. Taneja cited the importance of collaborative research among partner institutions for generating new ideas and approaches. Dr. Dhar highlighted the Indian situation wherein the economy was emerging from the worldwide crisis and was concerned with a range of issues such as development, agriculture, trade facilitation, etc. Dr. Raychaudhuri pointed out the tendency of Indian researchers to focus more on the projection of individual Indian sectors internationally rather than overall trade related concerns. All the ARTNeT Research Members welcomed the opportunity provided by the Workshop to bring together the cross-section of stakeholders as well as various approaches to trade, investment and regional integration, paving the way for future collaboration and research.

Mr. Dinesh Sharma, Joint Secretary, Department of Commerce, Government of India delivered the keynote address. He highlighted the importance of a workshop of this nature for policy makers, and for researchers who often got lost in the processes at the micro level with the danger of missing the macro picture. He observed that the need of the hour was to strike a correlation between the two. Dr. Mia Mikic of ARTNeT delivered the vote of thanks, expressing gratitude to the participants, speakers and partner institutions for making the workshop possible.

The discussions at the workshop were organised in four sessions over the remainder of the two days, focussing upon (a) international production networks and regional trade agreements (study of the automotive sector), (b) trade policies for delivering inclusive development, (c) trade cost, trade facilitation measures and emerging policy and research issues, and (d) emerging issues that matter for policy makers in trade, investment and regional integration: trade and climate change the Indian perspective.

The first session comprised presentations by Dr. Mia Mikic of ARTNeT, Bangkok, Dr Mohammad Pasha of CSIS, Jakarta, and Dr. Biswajit Nag of IIFT, New Delhi. The speakers provided an overview of international production networks in the regional context, examined the linkages between regional trade agreements and international production with an in depth examination of the automotive sector in China and Indonesia, and

explored the issues pertaining to trade liberalisation and international production networks in Asia focussing upon the experience of the Indian automotive sector.

Session two brought forth discussion on trade policies for inclusive development, led by presentations by Dr. Arindam Banerjee of RIS, New Delhi on trade in agriculture goods and inclusive development, and Dr. Ajitava Raychaudhuri of Jadavpur University, Kolkata and Dr. Rashmi Banga of UNCTAD-India, New Delhi on trade, poverty and inequality. The session served to highlight some of the core concerns of the Asian nations with considerable reliance on the agriculture sector as well as the problems therein (employment, credit, etc.), the criticality of infrastructure as a factor, and bringing to notice empirical evidence from India to underline the trade-poverty conjunction and its implications for inclusive development.

The third session on trade cost, trade facilitation measures and emerging policy and research issues comprised presentations by Dr. Yann Duval of ESCAP, Bangkok, Dr. Prabir De of RIS, New Delhi, and Prof. R.S. Ratna of the Centre for WTO Studies, IIFT, New Delhi. Dr. Duval shared the findings of ARTNeT research on trade facilitation emphasising the need to prioritise trade facilitation reform, and also examined such areas as the impact of ICT based measures and behind the border measures. Dr. De discussed South Asia's trade, emerging issues and India's role especially touching upon the region's trade potential and the impact of transportation costs. Prof. Ratna brought out the implications of the design of rules of origin (RoO) both as trade facilitators and impediments in the context of multiplicity of regional trade agreements, using the reference of the Indian experience.

Mr. Nitya Nanda of TERI, New Delhi, Ms. Swapna Nair of ICRIER, New Delhi and Mr. S. K. Mohanty of RIS led

the discussion on the Indian perspective on trade and climate change in the fourth session of the workshop on emerging issues for policymaking on trade, investment and regional integration. Mr Nanda discussed how trade could be used as a tool for reducing emission and protecting the environment, though domestic regulation was considered a better approach for controlling carbon emissions. Ms Nair highlighted concerns pertaining to the implementation of border control adjustment measures and legal compatibility with different international instruments. Mr Mohanty drew attention to the area of environmentally sensitive goods, marking the strong linkage between export and employment as well as flagging the problem of identification in this case.

Representatives of the various Ministries of the Government of India including the Ministry of Commerce and Industry, the Ministry of Agriculture, Ministry of Finance and the Ministry of Environment and Forests as well as the Planning Commission and industry associations provided valuable inputs in terms of the policy perspective on the identified issues as discussants in the different sessions, followed by active discussion by the participants.



WTO Secretariat Training on 'Scheduling of Agriculture and NAMA tariff lines for India'

At the instance of Department of Commerce, the WTO Secretariat, Geneva, undertook a training on scheduling exercise in agriculture and NAMA tariff lines for India from 28-30 April, 2010. Faculty from the Centre for WTO Studies and officers from Department of Commerce, Department of Revenue and National Centre for Trade Information attended the 3-day training. The training provided an overview of the tables and data fields included in the Electronic Negotiating Files prepared by the Secretariat and basic guidelines on preparing the Electronic Comprehensive Draft Schedule to be prepared by Members. The first day of the training took the participants through the December 6 2008 WTO Chair's text on agriculture covering portions relevant to India. A hands-on mock exercise on a scheduling file was also conducted to give participants a better understanding of the scheduling exercise. Day 2 and 3 focused on NAMA scheduling, incorporating both overview of the NAMA text and a hands-on mock negotiating file. The resource persons were experts in the fields of Agriculture and NAMA. The training was highly informative and involved active dialogue, interaction and discussions among the participants and trainers and also led to a clearer understanding on many areas and issues that needed attention of both the Secretariat and the Indian negotiating team.

Faculty Participation in Outreach Programmes (January-February 2010)

S.No.	Participating Faculty	Date	Торіс	Location
1	Prof. R.S. Ratna	March 31, 2010 Presentation on "Market Access on Environment Goods And Services: Implication for India", New Delhi		New Delhi
		April 03, 2010	Presentation on "Identification of Potential Supply Chains in Textile and Clothing Sector in South Asia"	Dhaka, Bangladesh
		April 06, 2010	Presentation on "How India, Japan and China perceive and respond to regional integration in East Asia"?	ICRIER, New Delhi
		April 15, 2010	i) Presentation on "Negotiations on Agriculture and Non Agriculture Market Access. ii) Presentation on "Legal Frame work for Regional Trading Agreements (RTA) iii) Presentation on "Rules of origin and their implications. iv) Presentation on "India's Free Trade Agreements (FTAs)	NACEN, Faridabad
		April 23, 2010	Presentation on "India's CECA with ASEAN and Korea: Impact on India's Trade", FIEO Export Awareness Seminar	Guwahati
		April 24, 2010	Presentation on "India's CECA with ASEAN and Korea: Impact on India's Trade", FIEO Export Awareness Seminar	Shillong
	April		Presentation on "Doha Round: Items of Export Interest to India in the Market of its Important Trading Partners"	Udyog Bhawan, New Delhi
		April 28, 2010	Presentation on "Centre for WTO Studies: Possible Cooperation; consultation meeting with ITC, Hyderabad	Hyderabad
		April 30, 2010	Presentation on "EC's REACH: Implications for Indian Industry"	Mumbai
2 Prof. Madhukar Sinha		Mach 11, 2010	Copy right protection in India and Digital Technologies	National Intellectual Property Organisation, New Delhi
		March 12, 2010	To address special course on PPP in the Infrastructure sector	Indian Railway Institute of Transport Management, Lucknow
		April 13, 2010	Intellectual Property related Issues and TRIPS, super-301	NACEN, Faridabad
3	Prof. Shashank Priya	April 12, 2010	Sessions on Trade Facilitation and Trade Defence Measures	National Academy of Custom Excise and Narcotics, Faridabad
4	Dr. Murali Kallummal	April 5, 2010	Presentation on Introduction to WTO and WTO's Impact on India	ISTM, Delhi
5	Dr. Sachin Kumar Sharma	March 12-14, 2010	Presented a paper on Utilisation of Input Subsidy in Agriculture Sector: A farm wise Study's in a conference on contemporary issues in Agriculture, Environment and Rural development	Vishva-Bharati University, Santiniketan, West Bengal
		March 17, 2010	Presentation on "New Export Destinations for Indian Food" in a Seminar on "Strategies for promoting Good Exports from Punjab"	Chandigarh
6	6 Mr. Bipin Kumar I		Settlement of International Investment Disputes	Indian Society of International Law, Delhi
		March 26, 2010	ICSID	Indian society of International Law, Delhi
		April 16, 2010	Introduction to Non-Tariff Measures Sanitary and Phytosanitary Measures and Technical Barriers to Trade (TBT)	National Academy of Customs, Excise and Narcotics, Faridabad
		April 19, 2010	International Economic Institutions	Indian Society of International Law, Delhi
		April 21, 2010	Settlement of International Trade Disputes	Indian Society of International Trade Disputes
7	Ms. Radha Chawla	April 30, 2010	National Stakeholder Consultations with Indian Industry on EU Reach Regulation	Mumbai
		May 6, 2010	National Stakeholder Consultations with Indian Industry on EU Reach Regulation	Kolkata

Publications of the Faculty Members (March - April 2010)

S.No.	Faculty	Торіс	Published in
1	Dr. Murali Kallummal	Article on "The New Regionalism in southeast Asian Trade Policy and Issues in Market Access and Industrial Development: An Analysis of the ASEAN-China Free Trade Agreement"	The Journal of Economic Policy and Research (ISSN 0975-8577)



WTO launches 2010 Essay Award for Young Economists

The WTO on 2 March launched the 2010 Essay Award for Young Economists, which aims to promote high-quality research on the WTO and WTO-related issues among young economists and to reinforce the relationship between the WTO and the academic community.

First WTO advanced course on agriculture concludes

The WTO Secretariat organized its first-ever WTO Geneva-based Advanced Thematic Course on Agriculture on 8-12 March 2010. Due to its advanced nature, the course was targeted at government officers who already possess a sound knowledge of the general features of the WTO system and the Agreement on Agriculture.

Intellectual property consultations on GIs

Recent intellectual property consultations "have not created convergence, but have certainly shed light on divergences", Director-General Pascal Lamy told WTO members on 12 March 2010, after the talks he chaired with about 20 delegations on geographical indications (GIs) and proposals related to biodiversity. The consultations dealt with two issues: whether or not to extend the higher level of protection for GIs currently only required for wines and spirits; and whether the intellectual property (TRIPS) Agreement's provisions should promote the objectives of the UN Convention on Biological Diversity. Members disagreed on whether the solution lies in amending the TRIPS Agreement to

require patent applicants to disclose the origins of genetic material and any associated traditional knowledge used in their inventions (disclosure requirement): and possibly to show that they have received permission to use these materials and knowledge, and to show that they would share the benefits with the original owners.

Brazil, India to push ahead on dutyfree schemes for the poorest countries

Brazil and India told the Committee on Trade and Development on 18 March 2010 that they are pushing ahead with commitments to provide duty-free, quota-free (DFQF) treatment of imports from the least developed countries (LDCs). India said it was the first developing country to offer DFQF treatment to LDC exports in 2008. It said it was working to ensure the scheme provided effective market access , noting that important LDC products were covered like cotton, cocoa, cane-sugar and ready-made garments.

Trade to expand by 9.5% in 2010 after a dismal 2009, WTO reports

After the sharpest decline in more than 70 years, world trade is set to rebound in 2010 by growing at 9.55%, according to WTO economists. "WTO rules and principles have assisted governments in keeping market open and they now provide a platform from which trade can grow as the world economy improves. We see the light at the end of the tunnel and trade promises to be an important part of the recovery. But we must avoid derailing any economic revival through protectionism", said Director-General Pascal Lamy. Exports from developed countries are expected to increase by 7.5% in volume terms in 2010 while exports from the rest of the world including developing economies should rise by about 11% as the world emerges from recession. One positive development in 2009 was the absence of any major increase in trade barriers imposed by WTO members in response to the crisis. The number of trade-restricting measures applied by governments has actually declined in recent months. However, significant slack remains in the global economy, and unemployment is likely to remain high throughout 2010 in many countries. Persistent unemployment may intensify protectionist pressures. All countries and regions

registered declines in the volume of their merchandise exports in 2009. The value of world merchandise exports fell 23 % to \$ 12.15 trillion in 2009, while world commercial services exports declined 13 % to \$ 3.31 trillion marking the first time since 1983 that trade in commercial services declined year on year. China has now overtaken Germany as the world's leading merchandise exporter, accounting for almost 10 % of world exports, and is second to the US on the import side. The US share in world merchandise imports is 13 % compared to China's 8 %.

Stocktaking on Doha Round talks ends

Director-General Pascal Lamy told the Trade Negotiations Committee on 26 March 2010 that "while there is certainly disappointment that we are not closer to our goal, I have not detected any defeatism... In terms of next steps in our process, there is wide recognition that where the gaps are clear, political decisions will be needed as part of the final package.... Members agree that where the size of the gaps is less clear, further technical work will be required before moving towards political consideration. In other words, I believe we need a mix of technical and political preparations to start devising the contours of a package".

450 developing-country officials participate in WTO online training courses

Three WTO online training courses started on 29 March 2010 with 450 selected participants from developing and least developed countries. The course, conducted in English, will last six to eight weeks, and aims at providing online training on matters related to international trade and WTO agreements to government officials. The current session includes the following three courses: introduction to the WTO; ewto: the multilateral trade agreements; and sanitary and phytosanitary measures. (For more information, please visit: Training.wto.org).

WTO, WIPO hold joint course on intellectual property

On 26 April 2010, WTO and the World Intellectual Property Organisation (WIPO) welcomed 24 government officials for the second joint WIPO-WTO Advanced Course on Intellectual Property. The course sought to improve the participants'

understanding of WIPO and WTO rules on IPRs, improve their understanding of important policy issues in the area of IP under discussion in the WTO and WIPO and improve their capability to assess the implications of IP on their economies.

Developing countries start preparations for end of exportsubsidy exemptions

A number of developing countries, at the meeting of the Committee on Subsidies and Countervailing Measures on 27 April 2010 reported on their preparations for the phase-out of export subsidies by the end of 2015, including holding consultations with stakeholders. They were responding to questions by the United States. The General Council in July 2007 adopted a decision to continue procedures for the extension of the transition period for the elimination of export subsidy programmes of a number of countries, allowing extension of the transition period till the end of 2013, with a final phase-out period of two years, which shall end no later than 31 December 2015. The beneficiary countries are Antigua and Barbuda, Barbados, Belize, Costa Rica, Dominican Republic, El Salvador, Fiji, Grenada, Guatemala, Jamaica, Jordan, Mauritius, Panama, Papua New Guinea, St. Lucia, St. Kitts and Nevis, St. Vincent and the Grenadines and Uruguay. Regarding countervailing measures, India requested clarification from the US on the determinations made in the US administrative review of countervailing duty on imports of certain hot-rolled carbon steel flat products from India. The US said the results of the final review were available on the US Deptt of Commerce website. The US also recalled that under the Subsidies Agreement, a developing country allowed to use export subsidies may not do so on products in which it had attained export competitiveness (3.25 % share of world trade for two straight calendar years) and said that in the light of the recent WTO Secretariat report regarding calculations on whether India had attained export competitiveness in textiles and apparel, India should notify its export subsidy programmes on textiles and apparel that would be phased out under an eight-year period as provided in the Subsidies Agreement. India said it was still studying the Secretariat report, adding that a common understanding on the basis of the calculations must be reached first among the WTO members.

Who said what:

Bi-monthly Round-up of News and Views on WTO and Related Issues (March-April, 2010)

- trade policy agenda 2010 -- India along with China and Brazil have come to enjoy a "new level of influence" in the WTO and would be expected to accept greater responsibilities in the global trade deal under Doha negotiations, the US has said. "As today's fastest growing economies, China, Brazil and India have enjoyed a new level of influence (in the WTO) and each will be expected to take on an increased level of responsibility...," the US President, Mr Barack Obama's trade policy agenda for 2010 said. Describing these countries as "advanced developing countries," the US sought "meaningful new market access" from the three. (Asian Age dated 3/3/10).
- US moves WTO on textile exports sops--In yet another 2. demonstration of its protectionist tendencies, the US has asked the World Trade Organisation (WTO) to examine whether India still qualifies for concessions which allow it to give export subsidies to the textiles and clothing sector. India, however, is confident that its subsidies to textiles exporters cannot be challenged at the multilateral forum as they are mostly short term. The US, in a recent submission to the WTO committee on subsidies and countervailing measures (SCM), stated that it has reason to believe that India has met the definition of 'export competitiveness', as defined in the SCM Agreement for certain products. The agreement exempts developing country members (with per capita income below \$1,000) from prohibition on export subsidies, as long as exports of individual products are lower than 3.25% of world trade for two consecutive years. "The US requests that the Secretariat (WTO) undertake a computation of the export competitiveness of textile and apparel exports from India, in accordance with Article 27.6 of the SCM Agreement," the submission said. (Economic Times dated 3/3/10).
- 3. 'WTO, FTA can do farmers no good' -- "From the government's point of view, there is always a double standard. You are supposed to follow America for everything, but in agriculture while US has 60 per cent subsidy, our subsidy share is three per cent only. They want to increase further and you brought it down by signing WTO clauses. These treaties like WTO and free trade agreements (FTA) can do us no good". (Mahendra Singh Tikait, President of the Bharatiya Kisan Union, in an interview in Statesman dated 6/3/2010).
- 4. India, US to ink trade pact on March 18 -- Although multilateral negotiations promoting free trade have

- made little progress since the Doha talks fell apart in late 2008 thanks in large part to differences between Indian and American trade policies the two sides will sign a Memorandum of Understanding (MoU) in Washington DC on March 18 to guide bilateral relations. The MoU will serve as the backbone for promoting a comprehensive investment policy between the two sides, both seeking out protection for their foreign investors and domestic industries. Framework for the MoU was agreed upon in October when US Ambassador Ron Kirk and trade minister Anand Sharma sat down for the first round of negotiations on a bilateral investment treaty (BIT). "It will help immensely in our negotiations for the BIT," Sharma told The Indian Express. The agreement will establish sub-groups for opening dialogue on often contentious trade policy matters, such as high-tech trade and standards and barriers, said a high ranking official in the US Embassy under a condition of anonymity. (Indian Express dated 9/3/2010).
- Anti-dumping: Not just much ado about nothing--Despite the global crisis, countries have by and large upheld their pledge not to increase protectionism. Despite this, some protectionism seems to be creeping in mainly in the form of antidumping measures. In many circles, antidumping is still brushed aside as a relatively innocuous instrument of trade protection since, supposedly, it only negatively impacts the trade flows of the protected products which on average represent less than 1% of imports. But we find that antidumping protection goes beyond this direct effect. It negatively affects aggregate imports. For example, both India and Mexico saw their aggregate annual imports decrease by around 7% because of their antidumping measures. Based on a sample of 41 countries that adopted an antidumping law after 1980, results show that heavy new users of antidumping, such as Brazil, India, and Mexico, experienced a substantial reduction of their aggregate annual import volumes due to the use of antidumping. However, aggregate imports are affected only for those users that have established themselves as frequent users of antidumping. The extent of the actual enforcement of the law appears to be crucial. Clearly, the effects of antidumping are too large to be dismissed as a 'small price to pay' for further trade liberalisation. The same holds true for Brazil, Mexico, Turkey and Taiwan, which are all frequent users of antidumping measures. These results identify trade effects of antidumping protection that go beyond the first-order effects of the very specific products targeted. These trade chilling effects may result from 'spillover' effects. Trade protection

may have externalities that spread to other imported products from the same targeted countries and to products from other importing countries. The import demand of substitute products may also be affected. The result that antidumping protection chills aggregate trade flows is an indication that product-level protection has implications for many more products than just the protected ones. In addition to affecting substitute products, antidumping may also affect more 'downstream' products using the protected one as an input. Moreover, antidumping laws and their use can have a deterring effect on trade partners, making them more cautious when shipping their goods to countries that appear to be frequent and tough users of antidumping. The threat of antidumping duties can cause significant strategic effects. These are likely to result in higher prices and lower volumes since trade partners 'learn' how to avoid dumping complaints. These conclusions are worrisome given the continuing proliferation of antidumping regimes among developing countries whose efforts towards substantial tariff reductions risk being neutralised by antidumping actions. (Article in Financial Express dated 10/3/10 by Hylke Vandenbussche is Professor of International Economics, Université Catholique de Louvain-la-Neuve and CEPR research fellow. Maurizio Zanardi is associate professor, Universite Libre de Bruxelles).

Why free-trade agreements?--The recent world recession put WTO activities on hold. Many would say that trade agreements under the WTO are now in suspended animation. Despite many attempts, closure of the Doha round of trade negotiations (begun in 2001) has still not been achieved. But work on freetrade or preferential-trade agreements (FTAs and PTAs) seems to be in full swing. As of 2008, 421 RTAs had been notified to the WTO mostly under article XXIV of GATT. If one includes RTAs not yet notified, being negotiated or at proposal stage, about 400 FTAs would come up for implementation in 2010. Again, about 90% of RTAs are proposals for free trade among members but do not extend to customs unions (CUs). The difference is that in CUs at least some country would have to lower its existing global (MFN) tariff levels. In other words, countries are not willing to give up their policy space as far as tariff setting is concerned. Most RTAs are also between developing countries indicating that politics is an important component of this proliferation of FTAs. In most developing countries it is politically easier to sell tariff concessions to other developing country partners. Yet it is not clear that FTAs actually work. Some recent surveys of traders in the Asian region indicate that while in the case of countries like South Korea about 45% of traders availed of preferential trade, the figure is only around 20% for traders from Indonesia, Singapore and Thailand. At the macro level, the question that still remains unanswered is whether any trade gains witnessed can be attributed to the RTA itself or may in case have happened due to supply or demand-side factors. If the standard neoclassical trade theory is any guide, the greatest gains in FTAs stand to come from those between developed and developing countries. The logic is that the production structure of these countries is quite different so that if this is adjusted overtime according to comparative advantage then global production gains could be substantial. Unfortunately, this requires painful structural (employment) adjustments that are politically difficult to sell in both. Witness how the US and the EU typically keep agriculture out of tariff cut commitments. On the other hand, developing countries have greater complementarities in production. Since much of this is in agriculture, the sensitive sectors where adjustment is postponed in negotiating FTAs are normally taken from the agricultural sector. The FTA being currently finalised between India and the Asean is a case in point. The main problem in FTA is that, to avoid 'trade deflection', members have to contract complicated rules of origin (RoOs) to ensure that products that qualify for preferential treatment actually originate within the FTA. If there is considerable overlap among different FTAs (again Africa is the best example) it often proves too costly for traders to ensure compliance. In addition, small countries in particular find RoOs tough to satisfy. They cannot add enough value domestically for their products to qualify as 'originating products' and one has to add liberal 'rules of cumulation' to accommodate these countries. This requires another layer of complication to the RoOs. So why FTAs? The failure of the trade negotiations after 1995 to promote labour-intensive exports can be traced to technical details, which very few developing countries were qualified to understand. This has led to a 'trust deficit', which must first be overcome if multilateral negotiations are to come back on track. FTAs seem to be a defensive response to this. (Artcile by Manoj Pant in Economic Times dated 12/3/10).

7. India rejects EU demand on social clauses in trade pact-- India has rejected the European Union's demand on including social clauses such as labour and environmental standards in the proposed Free Trade Agreement (FTA), saying there are other forums to discuss these issues. Responding to the EU Trade Commissioner, Mr. Karel De Gucht's recent statement that he was hopeful of addressing social issues in the FTA with India through "appropriate language," the Commerce Secretary, Dr. Rahul Khullar said, "There are certain non-negotiables for us. If they (EU) don't accept FTAs without social clauses, then I'd say tough luck." He

- said at present the proposed India-EU pact is not even called an FTA, adding, "It is only called a broad-based bilateral trade and investment agreement." This implies that New Delhi will go in a phased manner to liberalise its trade in goods and services with 27 member countries of the EU. On full implementation, FTA entails barrier-free flow of goods between the signatories. Mr. De Gucht had said the inclusion of labour and environment issues in the pact is not specific to India as the EU has these it in all its FTAs. "The European Parliament won't agree to a deal that's silent on these," he had said. (*Hindu Business Line dated 12/3/10*).
- Drug patents worth \$ 60 bn to expire in 4 years --Nearly \$60 billion worth of patents for drugs is set to expire in the next four years across the world and Indian pharmaceutical companies are now in a position to take a major share of this pie, industry members said. Already, India is the No. 1 exporter of generic drugs in the world with exports to the tune of \$8 billion in 2008-09. "The Indian pharma industry is the third largest in the world with strength in the value chain and constitutes 40% of the world's exports of bulk drugs," said S V Veeramani, vice-president, Indian Drug Manufacturers' Association. Veeramani said the Indian pharma industry was expected to reach \$30 billion by 2020. "Out of every fifth generic drug produced in the world, three are from Indian companies. While we are not too much into new drug inventions, we are quite strong in manufacturing formulations and bulk drugs. When the \$60 billion worth of patents expire in the next three to four years, Indian companies will be able to capture a major chunk of the market with our strength in generic drug manufacturing," said J Jayaseelan, honorary secretary, Indian Pharmaceutical Association (IPA). The IPA is organising a three-day convention in Chennai between March 12 and 14 that will discuss India's 'surge forward as the global pharma destination'. (Times of India dated 12/3/10).
- 9. Copenhagen lessons for Doha -- We can discuss whether Copenhagen was an utter failure or a muted success till the cows come home. Writing obituaries of legally binding multilateral treaties serves no purpose. Instead, we should think seriously about the process of arriving at such treaties. A process involving 193 countries to arrive at a political consensus at the highest level through negotiations over two weeks has little chance of success. This is especially so when our political leaders are lacking in capability as well as intention to reconcile global challenges while, at the same time, satisfying their domestic constituencies. Giving the devil its due, let us take lessons from the positive developments in Copenhagen. Without compromising their basic positions and those of others

- who were looking at them for leadership, the BASIC (Brazil, South Africa, India and China) group of emerging economies was able to get the US back to the high table of serious negotiations. Both should be complimented as they have shown the world that they are politically mature to make deals. This initiative should be nurtured as a future model to get interests of others on board and balance them properly while addressing the challenges of making the benefits of global public goods such as climate and international trade accessible to people at large, bearing in mind the principle of common but differentiated responsibilities. Consensus should be developed brick by brick rather than though a sudden act of imposition of will. This is the most important lesson that Doha should draw from Copenhagen. Fortunately, this lesson is there in the Doha process but yet to be clearly understood. From the vicissitudes of Doha, a New Quad of Brazil, European Union, India and the US has emerged. In late 80s, it was Arthur Dunkel who saved the Uruguay Round from its demise by preparing a draft negotiating text (famously, or infamously, known as the Dunkel Draft) and then weaving various (largely trans-atlantic) interests around it. Given the current geo-political scenario, it is not possible for the present incumbent at the WTO, Pascal Lamy, to do so. It is up to the New Quad (or G-4) to take up this mantle. (Pradeep Mehta in Economic Times dated 15/3/10).
- 10. 'Concluding Doha Round by 2010 feasible": Lamy--President Obama stated in his State of the Union address that trade is a key to growth and job expansion in the US. As part of this strategy he has said he wants to conclude the Doha Round and outstanding FTAs. In discussions with US officials, I have been told that the Doha Round is very much a part of the overall economic agenda. This is also what we have seen in the recently released US trade agenda for 2010. Concluding the Doha Round by 2010 is feasible but it will be very difficult to meet the objectives spelled out by the G-20 and APEC heads of state and government, without significant engagement soon. Let us see what the March meetings bring us. The picture should be clear by the month-end. (Pascal Lamy, DG-WTO, in an e-mail interview to Hindu Business line dated 17/3/10).
- 11. Indian honey has antibiotics, traces of heavy metals, says EU: Ban on imports likely from April--Alleging the presence of antibiotics and heavy metal residues in Indian honey, the European Union has threatened to ban such imports from next month, official sources told Business Line. The EU is the second largest destination for Indian honey exports after the US. The ban may impact other farm exports to EU as they could also face similar charges, including that of pesticide residues. "It is

- becoming a political issue," an official said. At stake is India's total farm export to EU worth over \$660 million. (Hindu Business Line dated 19/3/10).
- 12. India to sign trademark protection treaty--India would join the World Intellectual Property Organization's (WIPO's) Madrid System for the International Registration of Marks this year. This would enable the owner of a registered trademark to protect his brand in the member countries. "There is a big process to join the Madrid System and India would come [on board] in 2010," WIPO Director General Francis Gurry told reporters today. He said more countries from South America, particularly Colombia, Mexico and Brazil are expected to join the trade mark protection system. Though India has been holding consultations with WIPO for several years about joining the Madrid System, the government was unable to take a final call till now, analysts said. Infringement of trademarks is a huge problem in some of the Asian countries, especially China, Vietnam, and India, where pirated goods with well-known global marks are easily available at a fraction of the actual price. (Business Standard dated 19/3/10).
- 13. India proposes stringent laws for IP offenders--Can audio-video piracy be checked if it is brought under the stringent laws that deal with activities of bootleggers, immoral traffic offenders, drug offenders and goons? In a recent submission to the office of the United States Trade Representative (USTR), the central government has said that it has urged state governments to explore the 'desirability' of having a legislation that covers all such activities. The central government suggestion was to enact a law along the lines of the "Tamil Nadu Prevention of Dangerous Activities of bootleggers, drug offenders, goondas, forest offenders, immoral traffic offenders and slum grabbers Act, 1982" that includes video piracy as an offence. The suggestion was one among the dozens of initiatives and plans stated in the submission, which covered legislative, administrative and judicial measures taken by the government to protect intellectual property rights (IPR) during 2009. (Business Standard dated 21/3/10).
- 14. Doha Round likely to miss 2010 deadline, too--As senior officials congregated for a week-long 'stock-taking' Doha Development Agenda exercise in Geneva, it is officially acknowledged there is little or no progress in different dossiers of the languishing trade talks since July 2008. Though it was not formally declared at the Doha trade negotiations committee meeting on 22/3/10, it is privately admitted that the 2010 deadline will not be achieved, several trade envoys and senior officials told Business Standard. "If anything, the Doha Round will not be concluded until 2013," said a senior Asian trade official, suggesting developing countries could not afford to place their negotiating cards on the table when

- the United States was not ready to reciprocate. "There has to be a multilateral process to identify the gaps as well as the need to start addressing gateway issues in Doha agriculture, industrial goods and services," India's trade envoy Ujal Singh Bhatia told reporters. (Business Standard dated 23/3/10).
- 15. India to provide duty-free access to products from LDCs-- India has informed the World Trade Organization (WTO) it will ensure the least-developed countries (LDCs) get access to its market without duties or quotas. In a presentation to the WTO Committee on Trade and Development in Geneva last week, India said it was the first developing country to offer duty-free and quota-free (DFQF) market access to LDCs. (Business Standard dated 24/3/10).
- 16. No trademark infringement by Google: EU court-Europe's highest court ruled Google Inc did not infringe trademark law by selling keywords to trigger ads after Louis Vuitton and others said the practice undermined their brands. The European Court of Justice (ECJ) said advertisers were free to buy keywords identical to trademarks of rivals as long as consumers were not confused on the provenance of goods and services by the way ads were displayed online. (Business Standard dated 24/3/10).
- 17. Stop illegal subsidies to Airbus, WTO tells EU--A World Trade Organization panel called on the European Union on 23/3 to end illegal subsidies to Airbus, ratcheting up the stakes in the multi-trillion-dollar large aircraft market. The call came in a confidential 1,000-page ruling by the WTO panel in one of two cases in the trade dispute involving arch-rivals Boeing and EADS subsidiary Airbus. The ruling, covering EU support for Airbus challenged by the United States, said some of the financial aid at issue amounted to prohibited export subsidies and should be stopped within 90 days, several sources familiar with the ruling told Reuters. (Hindu Business Line dated 25/3/10).
- 18. IPR law firms step up fight against fakes--Lawyers specializing in intellectual property rights (IPR) are finding more clients as businesses step up the fight against piracy in an attempt to plug losses running into thousands of crores of rupees every year. Movie production houses, publishers, software firms, pharmaceutical companies and consumer goods manufacturers, among others, have stepped up hiring IPR lawyers to gather evidence against makers and sellers of pirated and counterfeit products, move the courts and coordinate raids with the police. Lawyers from the IPR law firm Anand and Anand, for instance, recently accompanied the police on a raid at Gaffar Market in central Delhi to seize fake eyewear bearing the Rayban logo. (HT Mint dated 26/3/10).
- **19. India foils US firm's bio-piracy bid**--India has foiled a major biopiracy bid on the use of Ashwagandha India's

wonder plant in the treatment of a range of illnesses including depression, diabetes, insomnia, convulsions and gastritis. On March 25, the European Patent Office (EPO) decided to withdraw American multinational company Natreon Inc's patent applications on the plant's medicinal properties after India submitted documented proof confirming how medicinal formulations using Ashwagandha were being used in India as far back as in the 12th century. Called the Indian ginseng, Ashwagandha is used extensively in ayurveda, India's traditional systems of siddha and unani medicine. But on July 27, 2006, Natreon filed patent applications in the EPO on the ability of Ashwagandha to treat or manage anxiety induced stress, depression, insomnia, gastric ulcers and convulsions. Shocked, India's Traditional Knowledge Digital library (TKDL) head Dr. V K Gupta shot off a letter to EPO on July 6 2006, submitting evidence to show Ashwagandha's medicinal properties against cited conditions were long known in India. (Times of India dated 27/3/10).

- 20. Global trade likely to grow 9.5% this year, says WTO--Global trade is expected to register 9.5% growth this year, despite a slump in the Doha Development Agenda trade negotiations, trade envoys said. Economists of the WTO on 26/3 released their projections saying developing countries, especially the emerging countries in Asia, have contributed to the rebound in global trade. The developing countries are expected to grow around 11% in volume terms as compared to the 7.5% growth of industrialized countries. Last year, global trade witnessed a sharp contraction to the tune of 12.2% in volume term, the largest drop in the last 50 years. Meanwhile, the much hyped stocktaking exercise, which was aimed at deciding where WTO members stood in regard to conclusion of the DDA talks this year, has proved to be a damp squib because of the continued opposition by the US to chalk out a new path based on an intense political engagement to narrow gaps. (Business Standard dated 27/3/10).
- 21. India threatens to move WTO on carbon tax issue--India has warned that it could exercise the option of moving the WTO Dispute Settlement Body if the European Union and the US impose carbon tax on Indian exports. "If they impose such a tax, we will take them to the WTO dispute settlement forum," the Environment Minister, Mr. Jairam Ramesh, told Business Line. Stating that BASIC countries Brazil, South Africa, India and China were united on the issue of fighting carbon tax proposed by the rich countries, Mr. Ramesh said, "China has more at stake than India, considering its volume of trade". Following the collapse of the Copenhagen Summit, the US and the EU have hinted at the levy of carbon tax on imports to force large polluters, especially the developing nations such as China and India, to take a clean environment

- stance. Carbon tax is an environmental tax on carbon emissions. (Hindu Business Line dated 29/3/10).
- 22. US patent office admits to error in judgement--After joining hands with pharma giant Pfizer to campaign against public health safeguard clauses in the Indian patents law, the US Patent and Trademark Office (USPTO) has admitted that they had made a mistake in co-sponsoring a programme on patent law in India along with the pharmaceutical giant. USPTO has admitted to glaring conflict of interest in tying up with a company it was supposed to be regulating. The USPTO-Pfizer joint programmes in September and October 2009 were held in Mumbai and Delhi. Under discussion were aspects of the Indian patents law, such as data exclusivity and specific clauses in the (Indian) Patents Act, which limit grant of a patent to new medicines only and not to incremental improvements over known medicines, a process called ever-greening. (Times of India dated 29/3/10).
- 23. Vested interests behind discussion on patents--Several civil society groups have come together to question the commerce and industry ministry's alleged complicity in allowing meetings and interactions undermining India's legal position on intellectual property (IP). These interactions are being organized annually with Indian judges and policy makers by the George Washington University Law School (GW Law), under its India Project, with funding from multinational pharmaceutical companies, industry associations and corporate law firms. In a letter to commerce minister Anand Sharma, the civil society groups have demanded an immediate end to India Project's access to Indian patent office, patent examiners, government officials and the judiciary. "Given the manner of GW Law's projects' funding and their overt interest in patent law enforcement, they should be recognized as an industry lobby and not an independent academic institution," urged the letter. The group with over 20 organizations includes Delhi Network of Positive People, All India Drug Action Network, All India Peoples Science Network and Naz Foundation. Amit Sengupta of Jan Swasthya Abhiyan criticizes the very idea of American experts presuming to train Indian law enforcers. "Patent laws are never global but territorial. Hence, countries have different kinds of patent law, remaining faithful to just the framework agreed upon under the TRIPS [Trade-Related Aspects of Intellectual Property Rights] agreement. That's why the Indian law is very different from the American law. So, it makes little sense for Americans to train people here except to impose their interpretation of our laws," he says. (Times of India dated 29/3/10).
- 24. 'India's patent policy is discouraging innovations that can be of help'--By introducing a product patent regime in 2005, India signalled to the world that it was ready to

value and protect innovation. However, this has not been fully implemented in the true letter and spirit. For instance, India's move of not recognising patents on incremental innovations, unless a significant improvement in 'efficacy' is demonstrated, is actually discouraging innovations that can be of great help. For instance, insulin, the mainstay of patients of diabetes, is a heat-sensitive product and gets degraded at extreme temperatures. It has to be stored between 2-8 degrees Celsius only. If say, tomorrow, an inventive step could be added that would make insulin withstand temperature excursions, making it a more stable product, would it not be a much desired advantage to the patient population? Shouldn't this innovation be protected? (Business Standard dated 30/3/10).

- 25. Australia pushes for environment, labour, IPR in trade pact with India--The proposed free trade agreement between India and Australia has hit rough waters with the latter insisting that issues including environment, labour, intellectual property, government procurement and competition policy be part of the negotiations. The joint study group set up to explore the feasibility of a free trade agreement between the two countries is under pressure to submit its report on the areas to be covered in the pact before Australian trade minister Simon Crean's India visit in May. (Economic Times dated 5/4/10).
- 26. India, ASEAN to resume talks on expanding services soon --Further negotiations for an India-ASEAN pact for opening trade in services, an area of immense interest to Indian professionals, will be held soon, Commerce and Industry Minister Anand Sharma said. Officials from India and the Association of Southeast Asian Nations (ASEAN) would resume their talks to widen of the scope of a Free Trade Agreement (FTA) with the 10-nation trading bloc to cover services and investment. The two sides are hoping to conclude the negotiations by August this year. (Hindu Business Line dated 6/4/10).
- 27. P.H. Kurian/Controller General of Patents: No suo motu powers to review 'wrongly' granted patents -- The first Indian Administrative Service officer to head India's intellectual property office, P.H. Kurian has had a tough time since he took charge in 2009. He has had to work towards creating an efficient and transparent patenting process and reform a system that has previously faced allegations of lack of transparency, indecision, even corruption. In his first interview after taking charge as India's controller general of patents, designs and trademarks, Kurian said: "Enforcement of patents doesn't come under my office's responsibility. It's primarily vested with the law enforcement agencies such as customs, police and ultimately the courts of law. My office will render help wherever necessary. The controller general of patents has no suo motu powers to

review or revoke patents already granted. But the law provides enough options for the affected to question a wrongly granted patent through post-grant opposition (within one year after the publication of the grant), Intellectual Property Appellate Board, or even legally challenging the patent grants in the courts. The IPA should have used any of these options, instead of making such allegations". (HT Mint dated 13/4/10).

- 28. India to move WTO against EU herbal drug order--Brussels' bid to create a "trade barrier" to Indian exports of herbal medicines to the 27-country European Union has prompted policymakers here to move the World Trade Organisation for mediation. The EU's recent traditional herbal medicine product directive (THMPD) would practically make it impossible for most ayurvedic drugs here to be marketed in EU member countries after March 2011. Companies like Himalaya Drug Company, Shree Baidyanath Ayurved Bhawan Ltd and Zandu Pharmaceutical Works Ltd market ayurvedic products in European countries. The EU move has damaging economic implications for India as the country with 15,000 plant species is aggressively trying to expand its share in the \$75-billion global market for herbal medicines, which is now dominated by China. India's total exports of herbal medicines and medicinal plants come close to \$1 billion. The ministries of health and family welfare and commerce are acting in unison to legally challenge the EU directive. (Financial Express dated 13/4/10).
- 29. Beware the EU agenda: Tough IPRs sought by the EU in its FTA with India have set off global protests--For long, Europe was viewed as the "nice" guy of the global trading system. To its partners in the Third World countries, the European Union (EU) came across as less aggressive and more understanding of developing country problems than the US; it offered preferential treatment to the poorest nations and, overall, it enjoyed a reputation, not always deservedly, for being sympathetic. Not in recent decades, though. The trade agreements that it is driving with developing countries are turning out to be as predatory as those of the US harsh pacts that trap poor nations in intellectual property (IP) regimes that are much worse than what the World Trade Organisation has mandated under its TRIPS or trade-related IP rights agreement. Europe, it could be said, has bared its fangs by pursuing an IP maximalist agenda that it is embedding in its free trade agreements (FTAs) across the globe. Look at its FTA with Colombia and Peru which is scheduled to be signed in May. Taking its cue from similar FTA that was rammed through by the US in 2006, the EU is demanding sweeping provisions on pharmaceutical patents apart from other IP rights. It has managed to wrest test data exclusivity this is a stratagem for protecting clinical information necessary for getting

marketing approval for medicines and goes beyond the TRIPS agreement for a five-year period. The consequence: entry of generic versions of branded drugs will be delayed for much longer than the patent protection period and will push up healthcare costs for these two Andean countries. According to a study published last year by Health Action International (HAI), a non-profit organisation working for healthcare access, data exclusivity for a decade, would have forced Peruvians to spend an additional \$300 million on medicines by 2025. Incidentally, more than half of Peru's population lives in poverty. The 27-nation bloc is also pushing for tough IP protection clauses to be included in the "association agreement" that is being negotiated between the EU and six Central American nations: Costa Rica, Guatemala, El Salvador, Honduras, Panama and Nicaragua. One of the measures it is pushing for is a clause requiring customs authorities to impound consignments of goods that "violate IP standards". Although the EU maintains it is intended to curb the trade in counterfeit goods, India knows from experience that the trade bloc is targeting its production of generic drugs by trying to make it appear that these are counterfeits. The FTA is seen by activists here and abroad as the final attempt to close down the pharmacy of the world. Protests by a motley group of activists in Delhi and a high-profile global campaign have kept the pressure on India not to make any IP concessions on health-related issues. Leading the protest is the international humanitarian aid group Médecins Sans Frontières (MSF) which points out that the FTA would make it more difficult for the world's poorest patients to access AIDS drugs. Apart from worries on data exclusivity, the big concern is about the reported EU demand to extend the patent term beyond the regulation 20 years to "compensate" pharmaceutical companies for any delay in grant of patent by the Indian authorities. Such invidious proposals have prompted several members of the European Parliament also to join the extraordinary global campaign against provisions of the FTA that would impact public health policies. But can they stand up to the powerful lobby of Business Europe which brings together the 40 leading national business federations? Business Europe wants a no-nonsense approach to tough IPR standards that it believes are critical for Europe's competitiveness. (Business Standard dated 15/4/10).

30. Empowering artistes: Draft copyright Bill introduced, could transform film, music biz--The Union government on 19/4 introduced the Copyright Amendment Bill, 2010, in the Rajya Sabha that seeks to amend the Copyright Act, 1957. The Bill, the most comprehensive attempt to amend the 1957 Act, will have far-reaching

implications for the music and film industry. It seeks to give independent rights to lyricists, composers and singers as the authors of literary and musical works in films. If the Bill is enacted, authors, especially lyricists, will get royalties and other benefits from the commercial exploitation of their work. Under the present copyright regime, the right to receive royalty vests with the music firms and producers. The music companies are unhappy with the proposed change. (HT Mint dated 20/4/10).

31. Pharma Dept says no to IP clauses in free trade pacts--

The Department of Pharmaceuticals (DoP) has firmly declined the commerce ministry proposal to incorporate intellectual property (IP) protection clauses, which go beyond the existing rules, as part of the free trade agreements (FTAs) being negotiated with the European Union (EU) and Japan. At least two demands of the multinational drug companies linking patent status of a medicine to the drug approval process and providing exclusivity to the clinical trial data generated by the innovator company would have found way into domestic rules, if department of pharmaceuticals had agreed to the proposals mooted by EU and Japan. The response from DoP has come at a time when official level talks on both FTAs are about to resume next month. It was the Department of Industrial Policy and Promotion (DIPP) the administrative department for IP issues that had sought DoP's response before finalising the country's views on the IP matters in FTA negotiations. According to sources, DIPP had developed two models the quid pro quo model and the legalistic model for DoP's consideration. While quid pro quo model was a giveand-take model, where mutual concessions on IP protection would have become necessary, legalistic model meant the country would not change its rules to accommodate EU or Japanese demands on higher level of IP protection. "The department has chosen the latter, as agreeing to more stringent IP protection would have harmed the long-term interests of domestic (the) pharmaceutical industry," a senior official said. The industrialised nations have been asking India to introduce IP provisions that go beyond the obligations of the Trade-related Aspects of the Intellectual Property Rights (TRIPS) agreement of the WTO) Sticking on to the legalistic model, the department has rejected this demand for "TRIPS plus" provisions. "India stands to lose in the quid pro quo model, as we are yet to develop great innovation skills. Our strength is the ability to manufacture low-cost versions of patented medicines and we have built an industry worth Rs.1,00,000 crore through generic drug manufacturing," the official said. (Business Standard dated 21/4/10).

Forthcoming Events

S.N	No.	Date	Торіс	Location
1	1	May 4, 2010	Identification of Potential Supply Chains in Textile and Clothing Sector in south Asia in collaboration with UNCTAD India and Institute of Policy Studies (IPS)	Colombo
2	2	May 6, 2010	Consultation with Indian Industry on EC REACH	Kolkata
3	3	May 14, 2010	Trade Talk on "Current State of Play in WTO on TRIPS Agreement" by Ms. Jayashree Watal, Counsellor, IPR Division, WTO	India International Centre, New Delhi
4	4	May 19, 2010	Workshop on WTO Agreement in collaboration with FICCI and Government of Sikkim	Gangtok, Sikkim
Ę	5	May 20-21, 2010	Dialogue on Trade, Poverty and Climate Change in collaboration with ICTSD and South Asia Watch on Trade, Economics & Environment (SAWTEE)	Kathmandu
6	6	May 22, 2010	Consultation with stakeholder's EC REACH	Ahmedabad
7	7	May 24-25, 2010	International Conference on "Ten Years of India, Sri Lanka FTA " in collaboration with IPS, Colombo and Indian High Commission, Colombo	Colombo, Sri Lanka
8	8	June 2 - 4, 2010	Workshop on Government Procurement Agreement	IIFT, New Delhi
ξ	9	June 3, 2010	Trade Talk on "Current WTO Doha Round Negotiations: Way forward and where does the balance lie" by Mr. Harsha Vardhana Singh, Deputy Director General, WTO	New Delhi
1	10	June 7, 2010	Workshop on Government Procurement Agreement	Mumbai
1	11	June 9, 2010	Workshop on Government Procurement Agreement	Chennai
1	12	June 10, 2010	Workshop on Government Procurement Agreement	Kolkata
1	13	June 17, 2010	Workshop on India's FTAs	Pune
1	14	June 19, 2010	Workshop on WTO and FTAs	Srinagar

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