

Doha negotiations: Closing the Gaps and Moving Ahead



Mr. Pascal Lamy, Director General of WTO speaks on the Doha Negotiations in New Delhi. Seen here with (L-R) : Mr. Amit Mitra, Mr. R.V. Kanoria, Mr. Rahul Khullar, Prof. R.S. Ratna and Mr. Manab Majumdar..... (See page 14 for Lamy's address)

High level consultation on Doha negotiating issues for senior officers from Asia



Participants and resource persons at the High Level Consultation on the Doha Development Agenda for Senior Officials, 6-10 December 2010.... (Details on page 10)

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Lead Article

Sanitary and Phytosanitary Measures and Analysis of Systemic issues: Trends Based on the Online Database of CWS - 1995 to 2010

-Dr. Murali Kallummall & Ms. Hari Maya Gurung [Introduction](#)

Standards or Regulations have existed in the agricultural trade since time immemorial. However, while trading, one fundamental requirement normally imposed on the traders has been that the imported agricultural products be safe and not pose risks to human, animal or plant health. To ensure food safety, and to avoid introduction of diseases and pests through trade, countries impose 'Regulations/Standards'.

(Contd on page 2)



A multilateral Approach to Today's Challenges -Pascal Lamy

Mr. Pascal Lamy, Director General, World Trade Organisation (WTO), gave a special address on WTO and the DOHA negotiations: Closing the gaps and moving ahead. The event was organized by the Federation of Indian Chambers and Commerce and Industry (FICCI) and the Centre for WTO Studies, IIFT, on 19 November 2010 at the FICCI Auditorium, New Delhi.

Mr. Lamy opened his address by referring to the current state of play in the world economy as a mix of good and bad news. On hand there was a coordinated fiscal and monetary effort on the part of emerging economies, the World Bank etc. to bring back the global economy from the brink of depression and on the economic growth in advanced countries remained sluggish and they faced the serious challenge of unemployment. The most serious micro-economic imbalance is the concern relating to unsustainable and socially unacceptable unemployment levels.

Stressing G20's emphasis on the importance of international cooperation on in global issues. he said cooperation here would mean "Listening to each other, understanding each other's constraints and entering into compromises towards commonly identified goals". Mr. Lamy put forth that to address issues of uneven global recovery and unemployment world over a sustainable growth recovery would be required which can only come about through a

coordinated policy action across countries.

On the issue of global trade, Mr. Lamy was of the opinion that trade can increase income through greater competition and economies of scale. Referring to the reports prepared by the OECD, ILO World Bank and the WTO; he said that "Trade would be likely to contribute directly to the reduction of unemployment in the recovery phase following the crisis. On the flip side however he said that a greater import competition associated with trade opening may lead to loss of jobs in certain sectors. Also the recent G20 and APEC leaders' summit in Seoul and Yokohama recognized the importance of open trade for global recovery and sent strong signals of political resolve to conclude the Doha Development Round.

Mr. Lamy acknowledged "the engagement and support of the PM Dr. Singh and minister Sharma, whose initiative to convene the trade ministers last year helped re-invigorate the Doha Round".

He concluded by saying that: "Economic crises are a reality of the world we live in and have occurred in the past and will continue to in the future. It is in these times that proponents of unilateralism promote policies which discriminate against foreign workers and goods. At times like this believers of multilateralism must make their voices heard as history is evidence of the fact that coordinated action through international cooperation maximizes benefits for citizens' world over".

SPS Measures (cont from page 1)

These regulations largely originated from standards applicable to domestic agricultural and related products to ensure food safety and some other objectives. Hence, they were fundamentally discriminatory and often led to disguised protection of domestic agricultural sector.

The trade in agricultural products should provide clear economic benefits, especially for developing countries where the primary sector makes a large contribution to the GDP. Hence, the dependence of people working in this sector (directly and indirectly) was significant for various programmes of the overall development envisaged by the World Trading Organisation (WTO).

However, some exceptions were provided under the Article XX (b) of GATT rules that allow some domestic measures necessary to protect human, animal or plant

life or health. Members had the right to take these measures as long as they were not applied in a arbitrary or unjustifiable discriminatory manner between countries, or be disguised restrictions on international trade.

The first recorded effort to address the issue of non-tariff measures along with tariffs was in the 'Meeting notes by the secretariat' (May 1973).¹ Basically this meeting addressed all issues related to Standards which was first introduced in the Tokyo Round of GATT.

The Agreement on Sanitary and Phytosanitary (SPS) measures, however, came into existence more than fifteen years after the end of the Tokyo Round, with signing of Marrakesh Agreement creating the WTO in 1995. The link with agriculture is clear in so far as when the Agreement on Agriculture (AoA) was formalised it was important to govern some of the agriculture

¹See GATT documents as given in the Stanford University digital library <<http://sul-derivatives.stanford.edu>>

specific issues on Standards/Regulations. The SPS Agreement establishes a Committee on Sanitary and Phytosanitary Measures (the “SPS Committee”) to provide a forum for consultations about food safety, animal and plant health measures which affect trade, and to ensure the implementation of the SPS Agreement. The committee normally meets thrice in a year at its headquarters in Geneva, and issues regular guidelines seeking to ensure consistency in decisions dealing with risks. These guidelines are designed to aid governments in avoiding arbitrary or unjustifiable decisions that may result in discrimination or disguised trade restrictions.

Why is the SPS Agreement Critical for Doha Round?

The SPS Agreement sets out the basic rules for food safety and animal and plant health standards. As discussed above, it allows countries to set their own standards. It also mandates that these regulations must be based on science and it should be applied only to the extent necessary to protect human, animal or plant life or health. Further, it seeks to remove arbitrariness and discrimination from application of the standards.

Member countries are encouraged to use international standards, guidelines and recommendations where they exist. Members may use a higher measure, which result in higher standards if there is scientific justification. A Member can maintain higher standards based on appropriate assessment of risks as long as the approach is consistent however it should not be based on arbitrary approach. The agreement still allows Member countries to use different standards and different methods of inspecting products. It has often been stated that using all these exceptions have led to imbalance in the process of negotiation as whole, while on one hand Members have been doing away the use of tariffs, it is increasingly being observed from the evidence that non-tariff measures like SPS and TBT are on the rise.²

Through successive rounds of negotiations as tariffs were reduced correspondingly the temptation to use non-tariff barriers increased. An ideal situation would be of a successful completion of Doha Round with tariff and non-tariff measures both of them being disciplined. Till date the negotiations have only

addressed partially the issues of tariffs (both 'Ad-Valorem' and 'Non Ad-Valorem' - under the Ad-valorem Equivalents AVEs). Whilst the use of NTMs often serves a practical purpose and are deemed necessary for a number of valid reasons, such as to safeguard the health, safety and security of human being, animal and plants, and environmental protection; they are also often criticized as a means of national protection to evade liberalization of trade resulting from reduction of tariffs.

Systemic Issues in the SPS Agreement

While working on the online databases of SPS and TBT measures, many notifications with errors were noticed, which are critical under the SPS Agreement as the templates suggest. It is our attempt here to highlight some of these cases, which would have otherwise gone unnoticed, as largely due to a 'systemic problems' in the process of notifying to the WTO Secretariat. That these problems persist even today, i.e. after fifteen years of the WTO coming into existence and five decades of the existence of GATT is indicative of the urgent need for increased surveillance both by Secretariat and the Members.

Any SPS measure having an adverse effect on international trade, directly or indirectly is supposed to be notified to the WTO Secretariat as is obligatory under the 'transparency clause' covered by the Article VII and Annex B of the SPS Agreement. The notifications are supposed to provide information that were mandated by the Agreement on SPS under the prescribed format, which will then cover all the aspects and hence will not miss out any part of the obligated information under the Agreement.

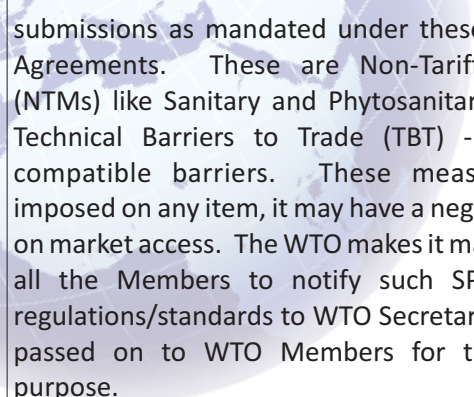
According to the SPS mandate the Members are to “ensure” that all the SPS measures such as, the regulations, laws, decrees and ordinances as adopted which are applicable generally be published promptly, in such a manner as to enable interested Members to become acquainted with them and provide them sufficient time for comments within 60 days. This time period is applicable in the case of SPS measure and it is referred to as the date of circulation and its actual entry into force.³

Brief on the Online Databases

The Centre for WTO Studies (CWS) has collated and created the databases on two important Agreements of the WTO, based on WTO secretariat

² Dhar Biswajit and Murali Kallummal, 2007, titled “*Taming Non-Tariff Barriers: Can WTO find a solution?*” United Nations Economic and Social Commission for Asia and the Pacific (UNESCAP), *Studies on Trade and Investment*, No. 61, pp.131-180.

³ In accordance, with the transparency clause of 'Annex B' of SPS Agreement and Article 21 of the TBT Agreement of the WTO.



submissions as mandated under these respective Agreements. These are Non-Tariff Measures (NTMs) like Sanitary and Phytosanitary (SPS) and Technical Barriers to Trade (TBT) - the WTO-compatible barriers. These measures when imposed on any item, it may have a negative impact on market access. The WTO makes it mandatory for all the Members to notify such SPS and TBT regulations/standards to WTO Secretariat, which is passed on to WTO Members for transparency purpose.

Approximately 14,000 (under TBT measures) and 11,000 (under SPS measures) have been notified to the WTO over a period from January 1995 to July 2010. The TBT notifications have the products coverage of approximately 75,000 products, at HS four digit level. Similarly, SPS notifications are believed to have more than 85,000 products. In the case of SPS its average product coverage is approximately 8 products per single notification. *These indicate towards increasing barriers by way of the WTO-Compatible NTBs, like SPS and TBT Measures, which as per the DR mandate should have been addressed simultaneously with tariffs for bettering market access.*

This is to allow time for producers in exporting members, particularly developing members, to adapt their products and production methods to meet the requirements of the importing members as well as raise any comments regarding the SPS measure. It also provides a comfortable period for those who feels these are not in conformity with a prevailing international standards, and to seek the scientific justification if found otherwise.⁴ An exception is made in the case of urgent/emergency notification wherein the duration is not applied.

There are areas of concern, which are very common regarding non-disclosure of certain critical information, while a notification is submitted to WTO Secretariat. It is our finding that in most of the notifications one or other information was missing. As most of these are common errors across the notifications by the Members made to the Secretariat under the SPS Agreement; which in the true spirit of the Agreement does not adhere to 'complete information'.

The omissions can be broadly divided into seven different categories:

Category 1 - Wherein several of SPS notifications are received by the Secretariat on same day, all of which are referring to a same product with not much of variation in the issue;

Category 2 - The SPS notifications those submitted to the secretariat are in a different language (most often national language) other than the three WTO's official languages;

Category 3 - SPS notifications that give a very broad category of product coverage (products are not mentioned as per HS nomenclature);

Category 4 - Wherein the purpose or objective of the notification is not mentioned or otherwise very vague;

Category 5 - Even in the normal SPS notifications under Article 2 (not to mention of emergency notification) very little time or less than usual time is given for comments;

Category 6 - Wherein the SPS notification is providing a completely wrong CCCN / HS nomenclature;

Category 7 - The SPS notification providing all the relevant information in right manner; we can call it an Ideal notification or 'complete information' notification.

Online Database on SPS Measures: An Analysis

Tracing the SPS measures over the years since January 1995 to July 2010 gives us interesting insight into the negotiation process of Doha Round. SPS Measures are seen to be biased in the favour of developed Members, as it provides leeway in application of national standards if it is found scientifically consistent. Further, there are provisions for application of risk-based-approach use of any new measure under this agreement, all these weakening the application which is to be with considerable scientific proof, these have been pointed out by various studies in the past.⁵

In the process of SPS notifications (1995 to July 2010) there was total participation of 102 Member countries and it increased by 7 times the level of notifications in 1995. But not all countries made their submissions in all the years. In terms of yearly participations in the WTO, there were 19 Members in 1995 (201 embers.

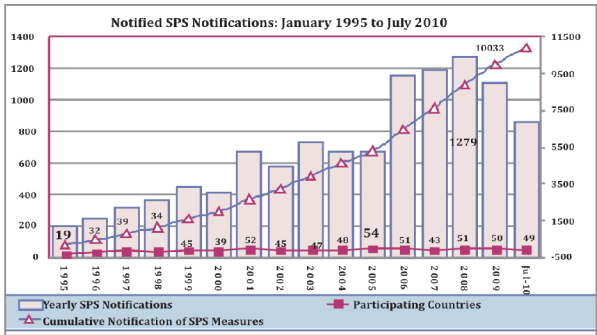
⁴ Recommended Procedures for Implementing the Transparency Obligation of the SPS Agreement (Article 7) as of December 1, 2008, under the Committee on Sanitary and Phytosanitary Measures, G/SPS/7/Rev.3, dated 20 June 2008.

⁵ Committee on Sanitary and Phytosanitary Measures, Major Decisions and Documents, summer 2008.

notifications) this increased to a maximum of 1,279 notifications with 51 Members in 2008, however, soon after in 2009 a total of 1,112 notifications were made in the WTO by 50 Members. The year which recorded highest Member participation was 2005 when it touched 54 countries, however, the notifications was not highest in this year it has to be noted. In 2009, the cumulative total of SPS notifications has crossed the benchmark of ten thousand when it touched 10,033.⁶

Comparison to WTO's total membership only 15.4% (123) had participated in the notifications of SPS

Figure 1: SPS Measure: January 1995 to July 2010



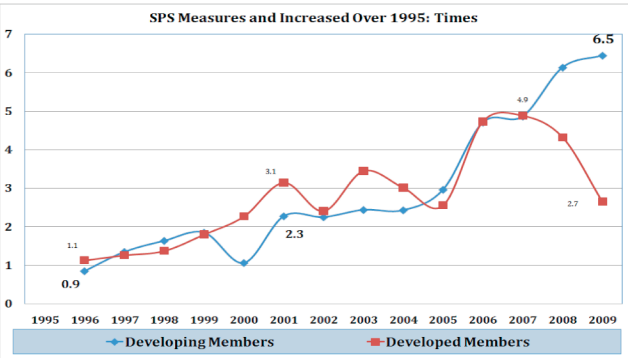
Source: Centre for WTO Studies online database on SPS Notifications.

measures in the year 1995.

However, figure for Member participation increased over the years in 2005 (150) which were 36 percent, which was highest participation till date and in the current year 2010, till July there has been 32 percent participation. So the participation to total memberships suggested a clearly increasing trend.

Under this SPS measure the notifications was fuelled by surge in the later periods especially after 2005

Figure 2: SPS Notifications: Number Times Increase Over the 1995 Notification



Source: Centre for WTO Studies online database on SPS Notifications.

onwards. This increasing trend can be divided into two different phases the first phase is Pre-Doha Round (1995-2004) and the second phase is Post-Doha Round

⁶ As per the system the notifications only partially fulfils transparency provisions, because the complete document technically which is inclusive of the regulation/legislation or ordinances, these three not in the WTO's official languages being English, Spanish and French.

⁷ This source on which we cannot depend on for long, as it is free to access as of now, but as they become aware such facilities may not available. So there is a need for a permanent solution, we do need to build-in provisions for an official translation of the main regulation/legislation or ordinances with the notification of SPS and TBT notifications to the secretariat.

deadlines (2004-2009). In the first phase the increasing trend was noticed at an average of 2.4 times and during the second phase it showed in an increased activity of 5.4 times. This suggesting an increasing notification in second phase after the deadline for Doha Round got over in 2004.

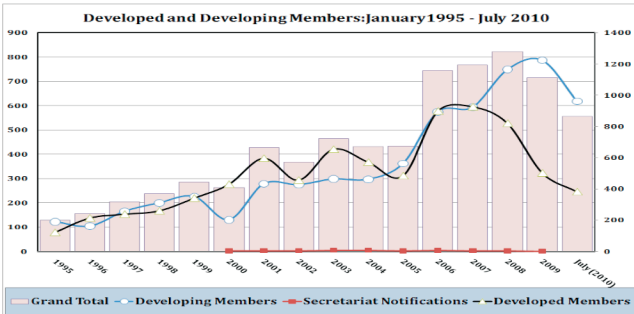
Changing global dynamics could be seen even in SPS notifications, as it was only very few instruments available, for use by the Members when tariff defence was being lowered. As the negotiations were delayed after DR failed to achieve any success at Cancun Ministerial. Thereon, it can be observed that the SPS notifications were showing an upward trend. Surprisingly, this rising trend in between was almost completely dominated by the developing countries. In fifteen years the SPS notifications increased rapidly. Participating countries notified 10,897 notifications till July 2010.⁷

SPS Measures Trends of the Developed and Developing Countries

Member countries can be divided into two broad groups based on the status; developed and developing WTO Members. In terms of country status the notifications under the SPS Agreement in the WTO, developed Member countries notified 79 notifications in number while the developing Member countries were with 122 notifications which was more than that of developed in the year 1995.

It can be observed that by 2000, the trend had been reversed with the developing Member countries showing a decrease and vice versa in the case of developed Member countries. In 2001, notifications of developing Members started increasing again which kept on going smoothly till 2005 along with developed Members. In 2006, there was a sudden increase in the notifications of both developed and developing ear doubling of the total yearly notification.

Figure 3: SPS Notifications: The Developed Vs Developing Countries

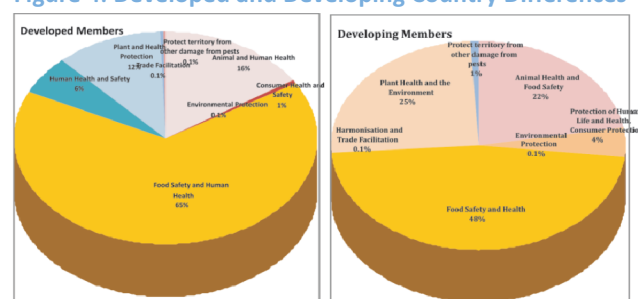


Source: Centre for WTO Studies online database on SPS Notifications.

Members, which led to near doubling of the total yearly notification.

In 2008, the notifications by developed Member started decreasing while the notifications by developing Members started increasing. In the later years both developed and developing Members' notifications started decreasing but there was a big drop of developed Members while the decrease is less by developing Members. Till July 2010 developed Members notified 5,087 notifications which are 47 percent of total SPS notifications notified while developing Members notified 5,780 notifications which are 53 percent of total SPS notifications. 0.28% of total SPS notifications are secretariat notifications which are 30 in numbers.

Figure 4: Developed and Developing Country Differences



Source: Centre for WTO Studies online database on SPS Notifications.

Developed Members have notified the highest notification on Food Safety with 66% which follows by “Animal Health” with 15 percent; “Plant Protection” with 12%; “Human Health” with 5 percent; and “Consumer Protection” & “Animal and Human Health” each with 1 percent share. Very few notifications are notified on Harmonisation and Trade Facilitation (0.18 percent), Protect Territory from Pests (0.16 percent), Human and Plant Health (0.10 percent). The lowest number were notified as Human, Plant and Animal Health with a share of 0.02 percent. **Of the twenty countries among the developed category, the top five ranks in the descending order were: United States (2560); Canada (629); European Union (536); New Zealand (523); Australia (285) and Japan (262). The other countries closely to follow were less 100 and closer to 50 notifications.**

The developed Member countries did give paramount importance to “food safety and human health” issues. These were largely related to Maximum Residual Limits (MRLs) and particle per million (PPM) with regard to residuals of chemicals & pesticides and it further regulated the use of food additives.

While, the developing Member countries did notify close to 47 percent share which fell under the “food safety and human health”. Measures with regard to

plant protection got the second preference with 25 percent share of the total notifications by these Member countries which was followed by Animal Health with 21 percent share. These three measures accounted for 93 percent share of the total notifications under SPS measures by the developing Member countries.

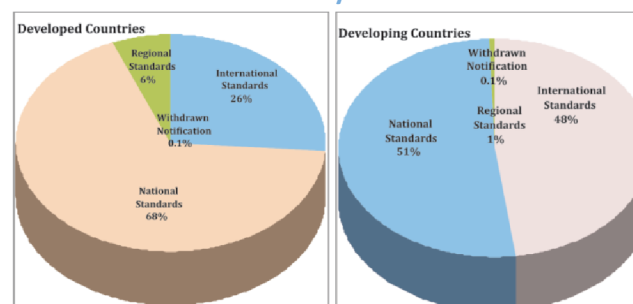
This concentration was followed by small proportions shares like; 4 percent on notifications being notified under “Human Health”; 2 percent on “Animal and Human Health”; 1 percent on “Protect Territory from Pests”. And further highly insignificant percentages of SPS notifications were notified by these countries under “Human and Plant Health” (0.35 percent); “Consumer Protection” (0.28 percent); “Harmonisation and Trade Facilitation” (0.12 percent); and “Plant and Animal Health” (0.02 percent). **Among the developing countries the ranking in descending order were; Brazil (851); South Korea (412); China (364); Peru (358); Chile (351); Colombia (289); Philippines (286); Chinese, Taiwan (271); Mexico (245) and at tenth place was Thailand (225).**

So very clearly developing countries show a relatively less skewed to the measure of “food safety and human health” when compared to developed countries.

Trends in Terms of Use of International Standards

Among these various measures prevalent among the developed and developing Member countries there are some differences in terms of the use of national, international and regional standards.

Figure 5: National Vs International Standard in SPS Measures: Jan. 1995 to July 2010



Source: Centre for WTO Studies online database on SPS Notifications.

The developed Members have applied 68% of their own National Standards (3,452 notifications) and second preference have been given to International Standards (1,323 notifications) with 26%. Regional Standards with 6% have been followed by these Members. Even they have withdrawn their notifications up to 0.1% share of total notifications.

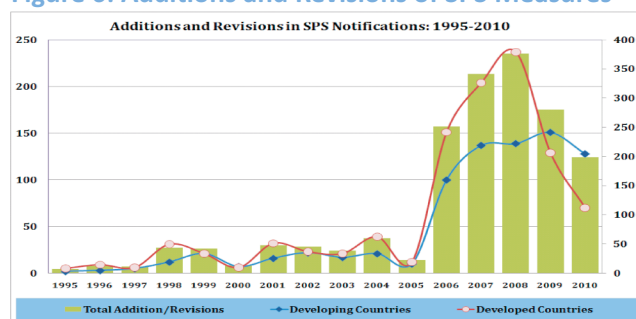
Developing Members have also applied their own

National Standards with 51% which follows by International Standards with 48%. But these Members have applied less Regional Standards (1%) than developed Members. These Members have also withdrawn 0.1% of the notifications from the WTO.

Out of total notifications 15.84% are Additions, Revisions and Corrigendum. In the beginning period both developed and developing Members notified less addition and revision. In the graph we can see the sudden rise of these notifications in 2006 by both participating Members. Developed Members notified 141 and developing 99 notifications of Add./Rev./Corr. in that year. In the year 2008 developed Members notified the highest Add./Rev./Corr. notifications which were 369 notifications in numbers which suddenly came down to 271 notifications in 2009 and 186 till July 2010.

These notifications started decreasing from 2009 of developing countries also. Developed Members (967 notifications) notified more of these notifications than developing Members (736 notifications).

Figure 6: Additions and Revisions of SPS Measures



Source: Centre for WTO Studies online database on SPS Notifications.

There are notifications as emergency measures also where developing Members notified 943 notifications and developed Members notified 355 notifications. This is very clear that developing Members notified more notifications on emergency measures than developed Member. 11.91% are emergency measure notifications out of total notifications which are 1,298 in terms of numbers.

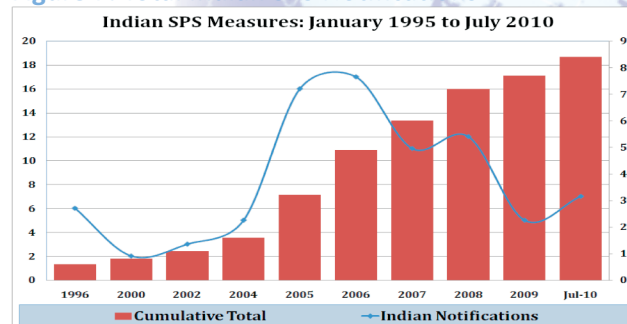
India and the Applications of SPS Measures

India had nearly 84 SPS notifications which covered 2,444 products at 4 digit level. India was at the eighteenth rank among the total 81 countries which participated in notification of SPS Measures.

Although the cumulative shares kept on increasing for all the later years one contrasting trend which observed in Indian notification is that it decreased in the second phase (Post-Doha 2005-2010).

While the general trend observed where developing countries showed an increasing trend in terms of

Figure 7: Total Indian SPS Notifications



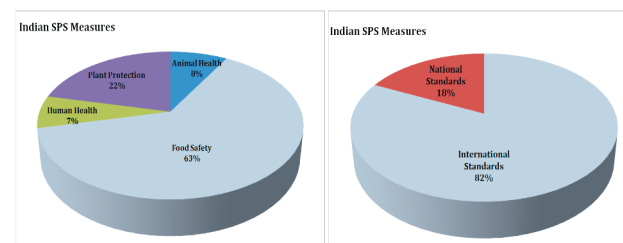
Source: Centre for WTO Studies online database on SPS Notifications.

notification of SPS measures, India on the other hand showed low yearly notification of SPS measures. In 2006 when it touched 17 notifications, it was the highest recorded for the whole period. Coincidentally, this was also the period of aggressive voluntary tariff liberalisation under taken by India, adopting a “look east policy”.

In terms of distribution across the various objectives, Indian SPS measures had food safety accounting for highest recorded 63 % share (53 notifications). Closely, behind it was plant protection with 22 % share (18 notifications). Animal health accounted for 8 % share (7 notifications) and human health accounted for 7 % share (6 notifications). **It should be emphasised that India had maintained 84 notifications, compared to China with 364 notifications and ranked third in term of descending order. It is surprising that a country that had acceded only on December 11, 2001 could surpass India who was the Member of the GATT 1947.**

India has been a strong proponent of international standards with 82 % share (69 notifications) of total notifications. The use of national standards was very low with 18 % share of the notifications.

Figure 8: Indian SPS Measure and use of Objectives and Standards



Source: Centre for WTO Studies online database on SPS Notifications

Conclusion

The SPS Agreement sets out the basic rules for food safety and animal and plant health standards which will not be arbitrary with minimal trade impact. While working on online database we came across many notifications with errors. Systemic problems are major issues in SPS measures even after fifteen years of the

WTO's existence. Some of these cases are not giving a sufficient time period for comment, main text of regulations are not in WTO's official languages, repetition of notification on the same product and same context and wrong HS nomenclature etc. The notifying country should have taken technical assistance from the Secretariat. What comes-out clearly from this paper are the following issues.

The WTO secretariat has made it mandatory to notify all the SPS standards to WTO Secretariat by its Member for the purpose of transparency. None of the Member countries are following these templates suggested by the secretariat and this has led to many of the existing imbalances in the outcome of Doha Round negotiations.

One such example of the imbalance is the average *ad-valorem* tariffs *vis-à-vis* non tariff measures. While the tariff have been dropping across all WTO Members' correspondingly the non tariff measures (NTMs) like the SPS and TBT measures have continued to increase on an annual and cumulatively basis. This has prevented the potential gains, in term of additional market access, from the Doha Round negotiations that was accrue to the developing countries.

Flexibilities for basing standards on the scientific evidence, made the SPS Agreement more discriminatory by nature. In the present scenario the developed and developing Members are taken to be on similar platform in terms of technologies and domestic needs. This treatment has led to disguised protection of domestic agricultural sector and local health requirements as these measures. It was higher in many cases and obviously much higher than the developing countries technological capacities and domestic requirements. A further analysis would be required to understand what is the linkage between the changes observed in the movement of objective/nature and subsequent movement in the

MRL (measured in term of particles per million). Because on most of these issues an exporter from developing country is unable to exercise his market access potential in the QUAD Countries, hence it could be said that these measures are trade restrictive.

Both developed and developing Member countries have applied National Standards at priority level which is followed by International Standards and Regional Standards. But differences in standards create barriers to trade. So in many circumstances the harmonization at international SPS standards can act to reduce regulatory trade barriers created by national standards. This would also prevent Members from arbitrary or unjustifiable discrimination due to different SPS standards.

This paper recommends that there should be permanent mechanism which makes it mandatory for those Members, who do not follow the use of WTOs official language mandatory, by duly amending the SPS Agreement. Various proposals are on the table and one of the proposals on the issue of NTBs is to address these in the dispute settlement mechanism (DSM). In such a situation the issue of WTO language will become very important.

Addressing the issues of NTMs is important for a 'successful completion' of the Doha Round as this is the round for developing Member countries. In the final analysis the primary agricultural and processed food exports must become a viable instrument for sustainable and enhance social welfare in developing countries. This can be possible only if the entire WTO's trading partners work towards harmonious blend of making the trinity of science, safety and trade. It can be best achieved by harmonizing the standards/ regulations across the various WTO Members under the intra-governmental bodies already identified by the SPS Agreement.

Events

WTO/ESCAP HIGH-LEVEL CONSULTATIONS ON DOHA NEGOTIATING ISSUES

The Centre for WTO Studies at the Indian Institute of Foreign Trade, New Delhi, hosted the WTO/ESCAP High-level Consultations on the Doha Development Agenda Negotiating Issues for Senior Officials from Asia Economies held from 6-10 December 2010, organized jointly by the World Trade Organization (WTO) and the United Nations Economic and Social Commission for Asia and the Pacific (UNESCAP).



Panelists at the High Level Consultation for Senior Officials. L-R Sitting: Mr. Maarten Smeets, Mr. K.T. Chacko, Mr. Ravi Ratnayake & Prof. R.S. Ratna.

The consultations were intended to offer senior officials from Asia economies an opportunity to review developments in the DDA negotiations, including efforts to agree on modalities for the agriculture and NAMA negotiations. Areas as services, with an emphasis on scheduling, and also aspects of Trade Related Aspects of Intellectual Property Rights (TRIPS) and Trade and Environment were also brought into discussion.

They provided a forum for the exchange of views on national, regional and multilateral trade-related activities and initiatives. The focus was on enhancing awareness of key issues and proposals in selected areas, exchange information on the implications of existing disciplines and practices at national, regional and multilateral levels, and discuss capacity-building needs, especially with a view to assisting the Asian economies to participate more effectively in the DDA negotiations and in the work of the WTO.

CWS Organizes Sensitization Workshop on WTO Issues in Jaipur

The Centre for WTO Studies (CWS) in partnership with the Rajasthan Institute of Public Administration (RIPA), Jaipur, organized a two-day 'Sensitization Workshop on WTO Issues' on 15-16 December 2010 at Jaipur. The training was largely for the officers of the Industries Department of the State Government of Rajasthan. The programme was inaugurated by Ms. Asha Singh, Director General of RIPA, who observed that as tariff walls were breaking down, developed and developing countries had different expectations and WTO was a forum which created a balanced benchmark for international trade.

The subjects covered during the training included an Overview of WTO; Issues on Non-Agriculture Market Access Negotiations; WTO Agreement on Agriculture; WTO and Developing Economies; WTO and Indian Economy and WTO and Services Sectors. Emphasis was also given on discussing local issues. Prof. C.S. Barla of RIPA gave a presentation on WTO and Rajasthan economy. He pointed out that the State of Rajasthan constituted 1/10th of India's geographical area and 5% of its population. In order to take the full benefit of globalization, it would need to modernize its irrigation methods, mineral extraction technologies and use judicious crop mix with emphasis on less water intensive crops like Bajra. He also suggested encouragement to obtain GIs (Geographical Indications) for unique Rajasthani handcrafts like carpets and wood products. There was a need to set

up agricultural processing facilities for coriander and other spices produced in Rajasthan. Besides, there was a potential to develop the herbal medicine sector.



Prof. Shashank Priya delivering a lecture at a workshop on sensitization of WTO Issues in Jaipur

There was a panel discussion on WTO's Impact on Regional Economy which was attended by Government officials as well as the representatives of the Chambers of Commerce like Federation of Rajasthan Trade and Industry (FORTI) and Federation of Small Industries in Rajasthan. The panel discussion was led by Mr. Sunil Bhargav, Mr. D.R. Mehta, former Deputy Governor of Reserve Bank of India and Chairman, SEBI and Mr. K.L. Jain, Secretary-General, Rajasthan Camber of Commerce and Industry. During the panel discussion the existing problems of Rajasthan in relation to international trade were highlighted. These included anti-dumping action taken by Peru and Brazil on fabrics. It was also mentioned that import of poor quality marble and vitrified tiles were hurting Rajasthan economy. Similarly, provisions of TRIPS and TRIMS (Trade-related Investment Measures) had some impact on Rajasthan economy.



*Dr. Sachin Kumar Sharma addressing the Workshop
Inset: The audience at the Jaipur Workshop*

CAPACITY BUILDING PROGRAMME ON WTO ISSUES FOR LDCs

The Centre for WTO Studies (CWS) conducted a two-week Capacity Building Programme on WTO Issues for middle and senior level officials from the Ministries of Trade and Commerce with a special focus on the Least

Developed Countries (LDCs) on 15-30 November 2010 at the Indian Institute of Foreign Trade (IIFT), New Delhi. The programme was organised in collaboration with the Department of Commerce, Government of India and the Indian Technical and Economic Cooperation (ITEC) Programme of the Ministry of External Affairs, Government of India.

The programme was structured to enable an appreciation of and training in the appropriate use of trade remedy instruments in accordance with the WTO provisions as well as to secure benefits from the WTO Dispute Settlement Mechanism. Twenty four participants from thirteen least developed and developing countries (Afghanistan, Angola, Cambodia, Ethiopia, Malawi, Mali, Nepal, Senegal, Uganda, Azerbaijan, Mauritius, Montenegro, Morocco, Namibia, Nigeria, Tanzania, Zimbabwe) attended the programme.

Mr. K.T. Chacko, Director, IIFT, Mr. Ravi Bangar, Deputy Permanent Representative of India to the WTO, Mr. Akhilesh Mishra, Joint Secretary (Multilateral Economic Relations), Ministry of External Affairs, and Mr. Amar Sinha, Joint Secretary (Trade Policy Division), Department of Commerce addressed the Inaugural Session of the Programme, while a brief welcome, and the vote of thanks were given by Prof. R.S. Ratna and Prof. Shashank Priya of the CWS respectively.

The capacity building programme included classroom sessions at IIFT covering the context to and the various aspects of the WTO Agreements, the broad landscape of international trade relations including regional trading arrangements, and discussion of the outcomes of various case studies conducted by the CWS and their implications for the least developed and the developing countries. A special mock negotiation

exercise was included as a practical extension of the classroom training. The various sessions were conducted by the faculty of the CWS and resource persons including Mr. U.S. Bhatia, Former Ambassador of India to the WTO, Mr. Ravi Bangar, DPR India to WTO, Dr. Manisha Shridhar from WHO-India and also Mr. Rajeev Kher (Joint Secretary), Mr. Amar Sinha (Joint Secretary) and Mr. Ajay Shrivastava (Director) from the Department of Commerce. The participants attended the Special Address by Mr. Pascal Lamy, Director-General, WTO, on "WTO and Doha Negotiations: Closing the Gap and Moving Ahead" on 19 November, 2010 at FICCI, New Delhi, organised by the CWS and FICCI. The classroom sessions were complemented by field visits to the Gurgaon plant of Maruti Suzuki India Ltd., the Patalganga Plant of Reliance Industries Ltd. in Mumbai, and the Infosys Technologies Campus at Bengaluru. The field visit comprised presentations by the senior management; opportunities for interaction, and a guided tour of operational facilities.



Dr. Debashis Chakraborty conducting a session on International Trade Relations at the Capacity Building Programme on WTO issues for LDCs.

Trade Talk Series 6:

WTO, Doha Talks and the Development Dimension

Centre for WTO Studies (CWS) and the Federation of Chambers of Commerce and Industry (FICCI) organized a talk on 'WTO, Doha Talks and Development Dimension; Current State of Play' by Mr. Shishir Priyadarshi, Director, Development Division, World Trade Organisation, at IIFT on 11 November 2010.

Mr. Shishir Priyadarshi organized his talk around three themes:

- Concerns about globalization in the wake of economic crisis;
- What has been achieved and not achieved at Doha talks; and
- Process over the next one year.

On the first theme regarding concerns on globalization, Mr. Priyadarshi recalled his own experience of India's stance in the WTO fifteen years back when it was extremely cautious about opening its markets as there was a feeling that this would create more problem and less gains. However, the subsequent opening of the

economy did not bear out these fears. Such concerns had resurfaced at the global level in the last two years on account of the global economic crisis. Currently, a new term that was gaining some currency was 'deglobalization'. Such sentiments were to be seen in the background of decline in demand, difficulty in obtaining credit, setback to vertical integration of industries leading to fall in exports of some major sectors like textiles, gems and jewellery, etc. However, despite these problems, the current economic crisis had led to higher levels of globalization.

Another feature of globalization was that economies were moving faster to open up to Foreign Direct Investment. There was considerable progress from 2007 onwards to reduce restrictions on investment, curb double taxation and to considerably open up telecom & IT Sectors which were key arteries of global trade.

On the theme of what Doha had achieved and what was yet to be achieved, Mr. Priyadarshi observed that in 2001, when Doha Round was launched, the development agenda was its leitmotif. At that time, there was not much talk on market access. But over a period of time, negotiations had acquired a greater character of *quid pro quo* approach. Between the period of 2001-2005, negotiations were conducted with a great deal of enthusiasm and energy and considerable ground had been covered. He listed several gains during this period of negotiations.

According to Mr. Priyadarshi, despite the achievements, Doha Round could not be concluded because many countries have raised the bar on a number of issues. For instance, India has raised issues like having a higher category of products to be designated as special product in agriculture sector; to have greater access for services trade. EC has raised issues like differentiation and graduation to move India, China, Brazil etc. out of Special and Differential Treatment provisions (S&DT). Today many other countries also felt that WTO Members are not willing to extend substantial S&DT because beneficiaries would be the large developing countries.

Another reason for slowdown of Doha talks was that while at Seattle and Doha, India was the only country which risked being isolated while opposing issues

which it considered not in its interest, now more and more countries were taking strident stand on issues of their interest and would not be willing to join the consensus till they got satisfaction for what they considered to be their legitimate demand. Another reason that has led to faltering of the Doha Round is the crisis of finance and food, and contraction of trade - this has collectively led to a loss of appetite for trade liberalization.

On the third theme of the process over the next one year, Mr. Priyadarshi referred to a new 'cocktail' approach being followed where small group of Ambassadors were meeting in Geneva and discussing individual issues. Composition of the group of Ambassadors was different for different issues like Agriculture, NAMA and Development. Some useful suggestions were emerging from these small group level discussions and this could possibly move the process forward. *The next Ministerial conference would be held on 15-17 December, 2011. US election was slated in 2012. Hence, the next 12 months were crucial to seal the Round on the basis of available outcomes; otherwise the Round itself was in jeopardy.*

While concluding, he mentioned that the international economic system had proved to be strong. The multilateral trading system had ensured an open trade regime and its dispute settlement mechanism was used effectively to settle trade friction rather than by resort to retaliatory tariff walls. In conclusion, he felt that sufficient positives were already available in the Round and if it was to be concluded at this level also, it would be a hundred percent gain over the Uruguay Round.



Mr. Shishir Priyadarshi delivering his address in the Trade Talk series: seen here with Prof. Shashank Priya.

Inset : Participants at the Trade Talk

Faculty Participation in Outreach Programmes (July-August 2010)

S.No.	Participating Faculty	Date	Topic	Location
1.	Prof. Shashank Priya	5 December 2010	(i) Singapore Issues- Trade Facilitation (ii) Customs Valuation Agreement (iii) Agreement on Import Licensing Procedures	Institute of Chartered Accountants, New Delhi
		6 December 2010	(i) Agreement on Rules of Origin (ii) Agreement on Pre-Shipment Inspection	
		15-16 December 2010	(i) Overview of WTO (ii) WTO and developing countries (iii) Services and WTO	Rajasthan Institute of Public Administration Jaipur
		29 December 2010	(i) WTO and Agriculture (ii) WTO and NAMA	Indian Institute of Public Administrative New Delhi
2.	Prof. Madhukar Sinha	3 December 2010	Services Trade under GATS and in FTAs	Workshop on Services for officials of Govt. of India Department of Commerce, Udyog Bhawan
		8 December 2010	Intellectual Property Rights in the Current Trade Scenario	Contact programme with professionals Institute of Chartered Accountants New Delhi
		14 December 2010	Intellectual Property Rights in the Current Trade Scenario	Capacity Building Programmes and WTO Issues for Middle and Senior Level Officials of the Ministers of Trade and Commerce from Least Developed Countries: IIFT, New Delhi
		16 December 2010	Trade in Services under WTO Regime	
3.	Dr. Murali Kallumammal	25 November 2010	SMEs and Global Trade Regime	TERI, Gurgaon
		26-29 November 2010	1) Study on outcome of Trade Liberalization 2) Environmental Goods & Services	Capacity Building Programmes and WTO Issues for Middle and Senior Level Officials of the Ministers of Trade and Commerce from Least Developed Countries: IIFT, Delhi
		15-16 December 2010	1) WTO and NAMA Negotiation an Overview Impact on Indian Economy: Non Agricultural Sector	In the Workshop on WTO for officials of Industries Department, Govt. of Rajasthan: RIPA, Jaipur
4.	Shri Bipin Kumar	8 November 2010	Voluntary Export Restraint Measures and Quantitative Restrictions	Indian Society of International Law, New Delhi
		10 November 2010	Anti-dumping Agreement of the WTO	
		12 November 2010	Payments in International Trade	
		15 November 2010	Marine Insurance	
		22 nd Nov. 2010	International Joint Venture	
		24 th Nov. 2010	Transfer of Technology in International Trade	
		16-17 th Dec. 2010	The Spaghetti Bowl: Issues relating to Rules of Origin and Paradox Clause caused by Rules of Origin in Regional Trade Agreements.	Second Research Conference on : Empirical Issues in International Trade & Finance IIFT, New Delhi
5.	Dr. Sachin Kumar Sharma	15 th -16 th Dec. 2010	WTO and Agriculture Negotiations WTO and the Indian Economy	In the Workshop on WTO for officials of Industries Department, Govt. of Rajasthan RIPA, Jaipur
		17 th Nov. 2010	Doha Round for Developed Nations: Special provision in recent Agriculture Negotiations	IIFT, Delhi



➤ **Red tape at port costlier than shipping between ports: economists mull Doha's value**

A Doha Round package on market access in all goods, and agricultural subsidies, could add US \$ 121 billion to \$ 202 billion to the world economy. A “trade facilitation” deal could cut trade costs by more than the “impact of geographical distance” between countries. These were just the two points made in a workshop on “Recent analyses of the Doha Round”, organized jointly by the International Centre for Trade and Sustainable Development, the World Bank and the WTO ON 2 November 2010.

➤ **Technical Barriers to Trade: Organic food and lithium batteries on the agenda**

In total, 47 specific trade concerns were raised at the meeting of the Technical Barriers to Trade Committee on 3-4 November 2010, including 16 new ones. India, China and Ecuador continue to raise concerns about the EU Directive on Traditional Herbal Medicinal Products, which entered into force on 30 April 2004 (European Union Directive 2004/24/EC). India is particularly concerned that this Directive does not recognize Ayurveda medical products that comply with the provisions of the Ayurvedic Pharmacopoeia of India and which are certified by members of ILAC and IAF. The EU emphasized that the 2004 Directive introduces a simplified registration procedure and did give manufacturers 7 years to submit to the relevant authorities a registration request for their products. It was thus confirmed that as of March 2011, herbal medicines which have not been authorized or registered will no longer be able to sold as medicinal

products in the EU.

➤ **EU pushes for review of Information Technology Agreement**

At a meeting of the Information Technology Agreement (ITA) Committee on 11 November 2010, the European Union reiterated its proposal for a review of the ITA, which would cover negotiations on non-tariff barriers and expansion of product coverage and membership

➤ **WTO launches new trade-related technical assistance database**

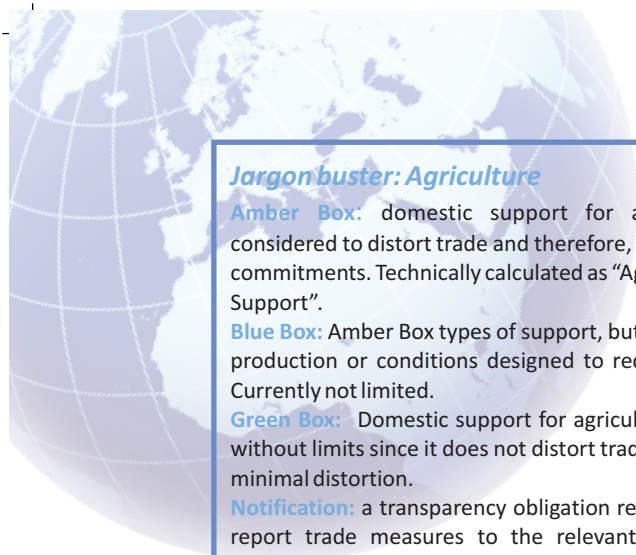
A new database aimed at sharing information on trade-related technical assistance was launched by the WTO on 18 November 2010 at a ceremony attended by WTO Director-General Pascal Lamy and senior officials of other trade-related agencies. The Global Trade-Related Technical Assistance Database (GTAD) has been developed to ensure a coordinated approach to the design and implementation of technical assistance programmes among partner agencies, beneficiaries and donors. An advanced search facility allows information to be displayed in a multitude of ways, including by subject, country and/or agency. The database features Information from the WTO, the Enhanced Integrated Framework (EIF), UNCTAD, UNIDO and the Organisation Internationale de la Francophonie (OIF). Other agencies have equally expressed an interest to join eg, the World Intellectual Property Organisation (WIPO). The database also provides links to other organisations' websites and databases.

➤ **Members alarmed by farm support breaches and export curbs**

The WTO Agriculture Committee heard serious concerns expressed on 18 November 2010 about the growing number of members reporting that their domestic support for farmers has exceeded limits committed in the WTO. And in a meeting whose focus was partly on food security, several members also expressed concern about Ukraine and other countries restricting exports. (Note: These “regular” Agriculture Committee meetings deal with routine WTO work, and not the current negotiations, which take place in separate “special sessions”).

➤ **Reports on recent trade developments: Lamy cites need for “increased vigilance” to three potential dangers facing world trade**

Pascal Lamy in his annual report to WTO members



Jargon buster: Agriculture

Amber Box: domestic support for agriculture that is considered to distort trade and therefore, subject to reduction commitments. Technically calculated as “Aggregate Measure of Support”.

Blue Box: Amber Box types of support, but with constraints on production or conditions designed to reduce the distortion. Currently not limited.

Green Box: Domestic support for agriculture that is allowed without limits since it does not distort trade, or at most causes minimal distortion.

Notification: a transparency obligation requiring members to report trade measures to the relevant WTO body if the measures might have an effect on other members.

Special safeguard (SSG): temporary increase in import duty to deal with import surges or price falls, under provisions that are special to the Agriculture Agreement.

Tariff quota: when quantities inside a quota are charged lower import duty rates, than those outside (which can be high).

on developments in the international trading environment, published on 24 November 2010, called for increased vigilance by members to three potential dangers: 1) “an increase in protectionist pressures generated by global imbalances, at a time when political consensus in favour of open trade and investment is already under strain from stubbornly high levels of unemployment in many countries”; 2) “the danger of a steady accumulation over time of measures that restrict or distort trade and investment”; and 3) “the challenge of managing the trade and investment impacts of stimulus and bailout measures taken in response to the crisis”.

➤ **EU requests waiver on trade preferences to Pakistan**

The European Union, at a meeting of the Council for Trade in Goods on 30 November 2010, requested a waiver on trade preferences it would provide to Pakistan to help the country recover from floods last July-August that affected some 20 million people. The EU said the proposed waiver would cover duty-free treatment to 67 products (including dried mushrooms, gloves, cotton yarn, dresses and shoes) and tariff rate quotas for another eight products (including ethanol) from Pakistan for a two-year period. It said these products amount to almost 27 % of EU imports from Pakistan. The EU noted the limited duration of the trade initiative, adding that it had taken into account the effects of the measure on trade of other developing countries, and would be pleased to consult with members on its request.

➤ **Agriculture negotiations: Farm talks to aim for 'modalities' in first quarter of 2011**

WTO agriculture negotiators will embark on the talk' end-game from 17 January 2011, with the aim of producing a near-final revised draft of “modalities” by the end of March and concluding the Doha Round as a whole by the end of the year. That is the plan outlined by Chairperson David Walker in agriculture negotiations meetings on 6 and 10 December, and supported by negotiators. He said his plans were developed in a meeting in “Room E” at the WTO on 8 December with 38 delegations invited, representing all the main coalitions.

➤ **Geographical indications talks gear up for 2011 endgame**

WTO intellectual property talks, which are about setting up a multilateral geographical indications register for wines and spirits, became the latest on 10 December 2010 to aim for an endgame spurt in early 2011 and a conclusion to the whole Doha

Jargon buster: Agriculture

Bracketed: in official drafts, square brackets indicate text that has not been agreed and is still under discussion.

Templates: blank forms or tables for presenting commitments or data.

Modalities: the way to proceed. In WTO negotiations, modalities set broad outlines such as formulae or approaches for tariff and subsidy reductions for final commitments.

Schedules: in general, a WTO member's list of commitments on market access (bound tariff rates, access to services markets). Goods schedules can include commitments on agriculture subsidies and domestic support. Services commitments include bindings on national treatment.

The three pillars: the main areas covered by the agriculture negotiations: export competition (export subsidies and related issues), domestic support and market access.

Boxes: categories of domestic support.

De minimis: Amber Box supports in small, minimal or negligible permitted amounts (currently limited to 5% of the value of production in developed countries, 10 % in developing). To simplify this guide to the “modalities”, de minimis is treated separately from the Amber Box.

Distortion: when prices are higher or lower than normal, and when quantities produced, bought and sold are also higher or lower than normal i.e., than the levels that would usually exist in a competitive market.

Sensitive products: (available for all countries): would have smaller tariff cuts than from the formula, but with quotas allowing imports at lower tariffs (“tariff quotas”) to provide some access to the market.

Tariff line: a product as defined in the lists of tariff rates. Products can be sub-divided, the level of detail reflected in the number of digits in the Harmonised System (HS) code used to identify the product.

Special products (SP): products for which developing countries are to be given extra flexibility in market access for food and livelihood security and rural development.

Special safeguard mechanism (SSM): a tool that will allow developing countries to raise tariff temporarily to deal with import surges or price falls.

Pro-rating: a proposal to adapt the calculation for triggering the SSM safeguard so that it takes into account the effect of an SSM in an earlier period. Imports in an earlier period when a safeguard was being used might be lower than the general trend. Therefore, the earlier safeguard might exaggerate an import surge in a subsequent year, triggering the use of the safeguard again.

Round by the end of the year. The timetable is designed

Who said what:

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

1. **India's growth fails to rein in poverty: UN** -- India has failed to make any significant improvement in its poverty figures, with over 400 million more than the total in the poorest African nations still struck in poverty, the Human Development Report 2010 said on 4/11/10, listing India at the 119th position on the Human Development Index. Though India has jumped one position during the last five years, it continues to have high absolute poverty of people living below \$1.25 per day along with high incidence of multidimensional poverty which is characterised by lack of access to health, education and living standards. "Eight indicant states with poverty as acute as the 26 poorest African countries, are home to 421 million multi-dimensionally poor people, more than the 410 million people living in those African countries combined," says the report issued by the UN Development Programme. "That success doesn't mean fast growth but how it shapes overall access to essential necessities like health, education, and living standards," says Emma Samman, who is a consultant to the research team that prepared the report. In sharp contrast, China moved up the HDI ladder by eight positions to occupy the 89th rank in the world during the last five years. China is now estimated to have 16% of its population living below \$1.25 a day and 12% of people caught in multi-dimensional poverty. (*Financial Express dated 5/11/10*).
2. **The rift in Indo-US trade agendas** -- Trade friction between major trading nations is not uncommon, especially in hard times. Economic reforms in India have made trade relations between the world's largest democracies much smoother. This is not to say that the Indo-US talks during the presidential visit will be bereft of any trade policy agenda. The US has recently launched a programme for doubling its exports within five years and it can be expected to try to encourage India to open its doors wider to allow more trade and investment from the US. For many years now, the US has been requesting India to eliminate the limitations on foreign participation, including equity ceilings in financial services and for allowing investment in multi-brand retail and legal services. India's agriculture tariffs are high and it is only to be expected that a major agricultural exporting country like the US would have this item on its request list. A related issue is the deep difference between the US and India on special agricultural safeguards. The US has been asking for greater transparency in implementing sanitary and phytosanitary regulations. During the past few years, the US has put India under some heat for liberalisation in respect of non-agricultural products as well. This is notwithstanding the fact that India has undertaken considerable liberalisation autonomously, bringing down peak tariffs generally from 35% in 2001 to 10% in 2010. In the context of the Doha Round, the US has sought India's adherence to sector initiatives for elimination of duty on chemicals, and electrical and environmental goods. In IPRs, the main concern in the US has been better enforcement of the laws. India's biggest trade interest has been for obtaining a bigger opening for temporary relocation in the US of our IT personnel. Here instead of progress, there has been retrogression in recent months. The US has substantially raised H-1 B and L visa fees that allow US employers to hire skilled foreign workers. India is also concerned at the trend set by the ban on offshore outsourcing by government departments imposed by the state of Ohio. These measures have compounded the difficulty of Indian IT workers who are already affected by the lack of totalisation agreement between the two governments due to which they lose about \$1 billion every year, which they pay towards social security in the US and for which they get neither any benefit nor refund. One of the most important concerns that India has is about export controls in the US on dual-use technology. India seeks easing of procedural hurdles that restrict trade in dual-use technologies. (*Anwarul Hoda, Professor in ICRIER, in economic Times dated 5/11/10.*)
3. **Some progress on biodiversity** -- Early on October 30, tired delegates finally reached an agreement at the two-week-long Biodiversity Summit (COP-10) in Nagoya, Japan, where representatives from the 193 countries, parties to the Convention on Biological Diversity, met to thrash out new targets for biodiversity. For India, the Nagoya Protocol is a gain in the efforts to curb bio-piracy. India has already established a Traditional Knowledge Digital Library (TKDL), where over 2,000 sources have been digitised to combat patenting of this knowledge in the western world, for example, basmati rice, and products based on neem, turmeric, and basil. The new agreement will help in seeking compensation and encourage collaborative research between the rich and poor nations in use of plants and pathogens. It is appropriate that the next Biodiversity Summit will be held in New Delhi in October 2012. (*Article in Hindu Business Line dated 9/11/10*).

to synchronise with plans for all subjects in the Doha Round, as outlined by Director-General Pascal Lamy's statement to ambassadors at an informal meeting of the Trade Negotiations Committee, on 30 November 2010. This, in turn, was based on political declarations from the G-20 summit in Seoul and APEC meeting in Yokohama.



4. **India-US CECA next logical step, says Sharma** -- The Union Commerce and Industry Minister, Anand Sharma, said that the issue of U.S. posturing on outsourcing and the foreign direct investment (FDI) in multi-brand retail did not come up for discussions during the bilateral talks between the visiting U.S. President, Barack Obama, and the Prime Minister, Manmohan Singh. Mr. Sharma told reporters on the sidelines of a conference organised by the Federation of Indian Chambers of Commerce and Industry (FICCI) that following the visit of Mr. Obama, there was a need to elevate the two-way relationship by taking incremental steps towards arriving at a Comprehensive Economic Cooperation Agreement (CECA) between the two nations to cover investment, goods and the services trade. **(Hindu dated 10/11/10).**
5. **APEC to mould existing pacts into giant FTA: Members agree to avoid protectionist measures for three years** -- Asia-Pacific ministers agreed on 10/11/10 to build on existing pacts in the dynamic region to establish a giant free trade zone in the coming years, Japanese officials said. They also agreed to avoid taking any new protectionist measures for the next three years, and urged a conclusion of the Doha round of trade liberalization talks in 2011. APEC members have signed 43 bilateral and mini-free trade pacts with each other. Businesses have long urged a single pact for the Pacific rim to simplify and harmonize the plethora of standards and rules that has been a by-product of the many mini-pacts. The 10-member Association of Southeast Asian Nations (ASEAN) most of whom are APEC members has its own free trade area and is building an EU-style economic community. ASEAN also has various pacts with APEC members China, Korea, Japan, Australia and New Zealand. Those agreements, and a U.S.-led one called the Transpacific Partnership (TPP) that is being negotiated among eight nations, will be the main building blocks of the Free Trade Area of the Asia-Pacific (FTAAP), Japan's foreign minister said. "We affirmed that we will pave the way for a FTAAP by making the best use of (free trade deals among) ASEAN+3, ASEAN+6 and TPP, which the region is working on, and of APEC's own initiatives on investment, services and promoting international distribution systems," Foreign Minister Seiji Maehara told reporters. An Asia-Pacific free trade area would be a formidable force in world trade. APEC economies account for 53 percent of global economic output and 44 percent of world trade. The APEC foreign and trade ministers met ahead of a G20 summit of rich and emerging economies in Seoul. **(Economic Times dated 11/11/10).**
6. **IPR pulls India behind China in Pharma** -- Weak enforcement of patent norms see foreign cos setting up, expanding R&D units in China. Novartis global chairman Daniel Vasella said India does not have conducive intellectual property (IP) environment to make investments in research and development (R&D), a week after announcing a \$1 billion R&D centre in China. Exactly a year later, Eli Lilly announced plans to open a diabetes research centre in China. These two join other big global pharma companies such as world's largest drugmaker Pfizer, Danish firm Novo Nordisk, Sanofi Aventis and Roche, who have skipped India to either set up new facilities or expanded their R&D centres in China since 2005, when India adopted a new patent regime. Global pharma companies who had raised concerns on the new regime, had warned that weak enforcement IP rights could cost the country investments related to research. These fears are now coming true, some of them say. Ranjit Shahani, Vice Chairman & Managing Director, Novartis India Limited said the principle reason for this is China having a strong IPR law, data protection for six years and an ecosystem which encourages innovation. "One should be seriously asking why not a single investment has come to India when half a decade has elapsed post 2005," said Mr Shahani who also heads the lobby body of multinational drugmakers OPPI in India. **(Economic Times dated 19/11/10).**
7. **Free trade helps the rich, not the poor** -- In the dying hours of the G20 summit, US president Barack Obama backed a new round of free trade talks with a view to putting a bill before Congress next year. What persuaded him? Was it a chat with Britain's David Cameron and Germany's Angela Merkel? The pair lobbied hard throughout the summit to revive the Doha round of talks on lowering protectionist barriers. If you would believe Cameron, Merkel and the Murdoch-owned WSJ, free trade is a panacea for all the world's ills. Not only does it give African and other poor nations access to European markets, they say, it also allows capital to flow in the direction where it will be used most efficiently. So western countries will invest in poor countries where there are readily available pools of cheap labour and resources not to exploit them, but to raise their living standards. Cameron and Merkel often point to the example of South Korea how it transformed itself over a mere 30 years into a rich nation, almost all through "free" trading with the rest of the world. That same could happen in Africa, south and central America, former soviet bloc countries and neglected parts of Asia, they say. Obama's overnight switch of tactics was designed to leave countries that artificially depressed their currency (China) and those that imposed capital controls (Brazil) flapping to find a coherent argument against the logic of globalisation. It is another depressingly short-term tactic that lacks strategic sense, unless we consider the US president has allowed himself to be captured by the interests of big business and those countries, including our own, with an ever growing need for cheaper raw materials and virgin markets. Let's face it, this is what they mean by free trade. Obama will, no doubt, have listened to those who say protectionism awaits those who block globalisation. Academic assessments agree that the Doha deal on the table will mostly benefit the world's richest countries, along with certain export sectors in powerful developing countries. The World Bank's analysis shows that 80 per cent of gains from the Doha round will go to high-income economies, and that China, Thailand, India, Indonesia, South Africa, Argentina and Brazil will scoop up almost all the rest. Sub-Saharan nations and Bangladesh figure on the list of losers. **(Article in Guardian newspaper dated 19/11/10).**

8. **India willing to close Doha Round: As long as its farm sector is protected, meaningful liberalisation is secured in services and a fair deal on industrial goods is promised, India will be a deal-maker in the WTO talks, says Pradeep S Mehta** -- The jury is still out whether the Doha Round of the WTO is a development round or not, observed the Brazilian and US ambassadors at a recent workshop on the Doha Round of trade negotiations held in Geneva on November 2. At the concluding session moderated by WTO director-general Pascal Lamy, ambassadors from China, India and EU asserted that this is a development round. It was a candid assessment of the geopolitics of the trade and reflected the grim scenario that countries continue to speak to each other, with each looking in different directions. Jayant Dasgupta, the Indian ambassador, succinctly summarised the discussions by reminding the meeting of the old metaphor that it is time to enter a period of give-and-take negotiations and that it is no longer feasible to raise ambitions. India has been playing a leading role in the Doha Round negotiations. India has contributed to the emergence of credible draft chair texts on agriculture and non-agriculture market access negotiations that led to the last two most hope-generating efforts in July and December 2008. The efforts failed, though Lamy gives it 80% marks. In the fall of 2009, when appetite for a trade liberalisation deal was minimal in the wake of the financial crisis, India hosted a mini-ministerial where Lamy unveiled a road map for intense negotiations with capital-based senior negotiators. That effort, too, fizzled out by the next spring, and the focus of Geneva-based delegations shifted to more procedural and practical matters like the templates for making commitments, collection of data to determine base years and so on. In the meanwhile, political leaders continued to meet on the margins of various occasions, with this November seeing the Apec meeting in Yokohama that followed the G-20 meeting in Seoul. Another spring is coming, yet no deal appears on the horizon. In this pessimistic scenario, what can India do? As an engaged trading partner, it can reassess its offers for others to emulate. The critical decision area that needs attention is the 'modalities' on agriculture and non-agriculture market access (NAMA): involving reduction of tariffs on agriculture products; elimination of export subsidies and reduction of domestic subsidies; and reduction of tariff and non-tariff barriers on industrial products. In NAMA, the discussions focus on three issues: 'coefficients' for tariff reduction, the anti-concentration clause and 'sectorals'. On the first two, while India may not accept blanket restriction on flexibility built into the December 2008 texts, it is not likely to block a deal. The issue of sectorals, where members may agree to undertake deeper tariff reduction commitments in selected sectors, is more sensitive. India has not shown any aversion to engage on the issue in its effort to get a deal through. Agriculture negotiations are more important for India, with two-thirds of its population dependent on subsistence farming. Although a number of issues appear to be far from settled in these negotiations like cuts in overall trade distorting support, percentage of products to be declared as sensitive and the connected

issue of tariff rate quota expansion, tariff capping and special products the critical issue that calls for innovative handling is the proposed special safeguards mechanism (SSM) for developing countries. The SSM would enable developing countries like India to take remedial action through higher tariffs in case of import surges or import-induced price declines. The main differences are between India and the US about the extent of increase in import volume (i.e., the volume trigger) required to cross the Uruguay Round (UR)-bound levels of tariffs and the extent to which these tariffs could be exceeded. Rather than try and reach a compromise, the waters are being muddied by some newly proposed instruments. However, the feeling is that India will agree on a new trigger benchmark, and the US should show flexibility on these new issues as well. The state of negotiations is unclear at present. The technical work in various committees appears to have moved forward, with the task on scheduling having progressed in parallel to the deliberations about commitments. Given the broad support to calibrated liberalisation accompanied by regulatory and institutional flanking policies among our political establishment, India will not be the deal-breaker. It will continue to sit on the high table as a deal-maker rather than a deal-breaker so long as its farm sector is protected, no commitment of a zero-for-zero in industrial goods sector is insisted upon, commercially meaningful liberalisation is secured in services and a commitment to accommodate the UN Convention on Biodiversity in TRIPs is agreed to. **(Article in Economic Times dated 17/11/10).**

9. **Political consensus needed to conclude Doha Round by 2011, says Lamy** --The World Trade Organisation Director-General, Mr Pascal Lamy, on 19/11/10 said political leaders of the WTO-member countries must come to a broad agreement on the Doha Round negotiations by mid-next year, so that the nine-year-old talks for a global trade liberalisation deal can be concluded by 2011-end. However, the Commerce Secretary, Mr Rahul Khullar, said there was no substantial progress in the negotiations for the past two years. He said it appears the talks are "running out of steam," and warned that if the countries do not start negotiating in right earnest, the talks will miss the deadline again. Speaking at a FICCI event, Mr Lamy said, "Time wise, this (Doha Round) has to be wrapped up by the end of 2011. We need a political agreement on the final blocks of the negotiation six months before that." **(Hindu Business Line dated 20/11/10).**
10. **'Technically, a deal can be closed by 2011': Lamy** With G-20 leaders agreed on yet another deadline, of 2011 to close the Doha round of negotiations, the World Trade Organisation's (WTO) director general, **Pascal Lamy**, tells Business Standard that countries are now more eager to close the deal, since trade is the only option for rapid recovery from the global economic crisis. For the past two years, there has not been much progress. The momentum has increased since Toronto (G-20 meet) but there has not yet been any negotiation. We see that, technically, it is perfectly doable to close the deal by 2011. The only decision taken is the date for the statutory ministerial, agreed upon in 2011 by the general council, which is a routine.



- The exact time for a formal negotiation can only be decided as a function of momentum when we have texts on the table. They collectively believe they can wrap up the round by 2011. They all know this is the only way towards rapid recovery. We have all exhausted fiscal stimulus, monetary stimulus is reaching its limit, so we all only have trade. The decision to circulate the revised texts rests on the chairs, but I would expect this to happen by spring time, if we want the rough 2011 deadline to match what was agreed in G-20. (**Business Standard dated 22/11/10**).
11. **Big two support for Doha** -- The US and the European Union promised on 22/11/10 to use their considerable economic weight to try to secure a successful conclusion to the Doha round of global trade negotiations in 2011. US President Barack Obama held two hours of talks with Herman Van Rompuy, president of the European Council, and Jose Manuel Barroso, president of the European Commission, on the sidelines of a Nato (North Atlantic Treaty Organisation) summit in Lisbon, with both sides emphasising the importance of their economic relationship. (**Telegraph dated 22/11/10**).
 12. **Financial crisis was a stress test for free trade principles: Lamy** -- The demand contraction in the West notwithstanding, world trade would continue to grow in double digits this calendar year, said World Trade Organization's director-general Pascal Lamy in an interview to FE. The apex global trade body would stick to its earlier trade growth forecast of 13.5% for the year with emerging economies contributing a major chunk of it, Lamy asserted. Lamy explained that the trade turnaround was primarily on account of WTO's free trade principles which had stood the test of time. "It was the stress test for the WTO system and it has proven that despite a major storm, the boat of trade openness has been maintained. Trade is today as open as it was two years ago...The crisis has proven the value of this system." (**Financial Express dated 23/11/10**).
 13. **DIPP strongly opposes DEA's efforts to monitor FDI policy** -- The Department of Industrial Policy and Promotion (Dipp) has strongly opposed the efforts of the Department of Economic Affairs (DEA) to bring in matters related to the foreign direct investment (FDI) policy of the country under the latter's control. DIPP has shot off a strongly-worded letter to DEA explaining why it should retain matters related to the FDI policy under its gambit. Besides, it has also demanded bringing in the Foreign Investment Promotion Board (FIPB) under its control. "The matter would now be considered by the Committee of Secretaries (CoS), which would be meeting soon. Any decision or policy measures related to FDI have an implication on the domestic industry and Dipp's objective is to promote industry. FDI policies are necessary adjunct to domestic industrial policy," a senior Dipp official told Business Standard. According to Dipp, the matter was resolved seven years back by CoS when it was decided that while DEA would oversee FIPB and its functions, Dipp would continue to administer the country's FDI policy. However, DEA raked up the issue this time again due to a delay in notifying the Press Notes 2, 3 and 4 which is related to ownership and control of entities. (**Business Standard dated 24/11/10**).
 14. **Free trade pact with EU making good progress: Likely to be concluded early next year** -- Negotiations for the ambitious free trade agreement (FTA) between India and the 27-nation economic bloc of the European Union (EU) are likely to be wrapped up by early next year. The talks, on from June 2007, are now progressing well. Commerce and industry minister Anand Sharma had earlier said the negotiations would conclude by October. "The talks have picked up significantly in the last three months and in some difficult issues, the talks are moving fast ... We hope to close the deal by early 2011," a senior commerce department official told Business Standard. (**Dated 29/11/10**).
 15. **Poverty estimates aplenty** -- As of now, different poverty estimates made in the country are based on different perceptions and methodologies, adding to the difficulty of arriving at some reasonably precise estimates. Arjun Sengupta panel: The National Commission for Enterprises in the Unorganised Sector (NCEUS) said that about 836 million or 77 per cent of the population had a per capita consumption of up to Rs. 20 a day in 2004-05. Saxena committee: The Ministry of Rural Development-appointed expert group, headed by Dr. N.C. Saxena, also made the suggestion that the national level poverty ratio can be assumed at 50 per cent. World Bank report: A World Bank-calibrated poverty line of \$1.25-a-day in 2008 put India's poverty percentage at 41.6 per cent in 2005, while the latest Human Development Report 2010 of the UN Development Programme (UNDP), using a new multidimensional poverty index (MPI) incorporating deprivation in terms of health, education and standard of living, estimated the headcount ratio of MPI at 55.4 per cent. Tendulkar panel: Its expert group, under the chairmanship of Prof Suresh D. Tendulkar, came out with its head-count ratio for 2004-05 at 41.8 per cent rural poverty head count ratio, at 25.7 per cent for urban and at 37.2 per cent at all-India level. The Tendulkar Committee recomputed the poverty lines for rural and urban areas on the basis of per capita consumption expenditure of Rs. 446.68 and Rs. 578.80 a month respectively for the year 2004-05. Aam aadmi: Since most of the estimates, other than the official estimate of the Plan panel that pegged the poverty ratio at 27.5 per cent in 2004-05, have a range swinging between 37 per cent and 60.5 per cent as conceded by the Minister of State for Planning, this high proportion of poor people and their unmet demands should govern the concern of the Planning Commission. (**Hindu Business Line dated 29/11/10**).
 16. **Stepped up talks revive hope of india-EU FTA** -- With the pressure on for the European Union (EU) and India to come up with a significant announcement at the upcoming EU-India summit on December 10, a flurry of activity surrounding the ongoing negotiations for a bilateral free trade agreement (FTA) is giving momentum to the process. But despite the stepped-up interactions, the two sides remain well short of agreeing to an in-principle agreement on the FTA in time for the EU-India summit, as was until recently hoped. (**Business Standard dated 30/11/10**).
 17. **Boost generic biz: SC rejects Bayer's petition** -- In encouraging news for generic drug industry and public health, the Supreme Court has dismissed German MNC

Bayer Corporation's appeal against the Delhi high court's decision on its plea for "patent linkage". In February, the Delhi high court had dismissed an appeal by Bayer, which sought to link regulatory approval of generic medicines with their patent status. Bayer filed a special leave petition before the Supreme Court against the high court order. Patent linkage is a system in which a drug controller refuses to grant or delays a marketing approval to a generic company to manufacture and sell a drug, if the drug is already patented. Bayer had sought the drug regulator to stop registering a generic version of a patented cancer drug, and hence block generic competition. This was perhaps the only case filed in the high court, where a drug MNC had taken the government to court. (**Times of India dated 2/12/10**).

18. **Govt runs reality check on FTAs** -- Amid the rise of free trade agreements (FTA), the finance ministry has called for a reality check on bilateral pacts involving a reduction in import duty on goods. Officials said North Block was of the opinion that a review will help the government assess the impact of the preferential arrangements on various sectors of the economy. A government agency such as the Tariff Commission which has little to do at present could be roped in to undertake the study. The suggestion comes at a time when India is close to finalizing a trade and investment agreement with the European Union, and is set to operationalize its agreements with Japan and Malaysia. A host of pacts ranging from those with Australia, Canada and Mauritius are in various stages of planning and negotiations. Though India had voiced its concern over the proliferation of bilateral trade agreements, over the last seven years, it has itself got into the act and is negotiating deals to help Indian exporters and service providers access markets where they have traditionally faced roadblocks. In return, it has offered to cut import duty and harmonize rules. (**Times of India dated 6/12/10**).

19. **Drug cos want IP issues kept out of pact with EU** -- Domestic drug-makers are worried that India's proposed Free Trade Agreement with the European Union would give away more than is beneficial to the country and its pharmaceutical industry. Unhappy with the absence of "open discussion" on the FTA, the Indian Drug Manufacturers' Association (IDMA) has said that intellectual property (IP) related issues should not be part of the FTA. The EU's efforts to push IP-related issues, including seeking long periods of protection on pharmaceutical test data through "data exclusivity", pave the way for pricing monopolies, besides allowing "back-door entry for ever-greening of patents", IDMA's Mr Daara Patel told Business Line. The drug industry stands divided, largely along domestic and foreign lines, when it comes to allowing a fresh period of patent protection (of 20 years) to existing drugs that establish incremental benefits - a process also referred to as "evergreening" of patents. IDMA's protest that the "spirit of the FTA (where it benefits trade and commerce of both parties)" was not being maintained comes even as the Prime Minister, Dr. Manmohan Singh, is scheduled to visit Brussels later this week for the India-EU Summit. (**Hindu Business Line dated 7/12/10**).

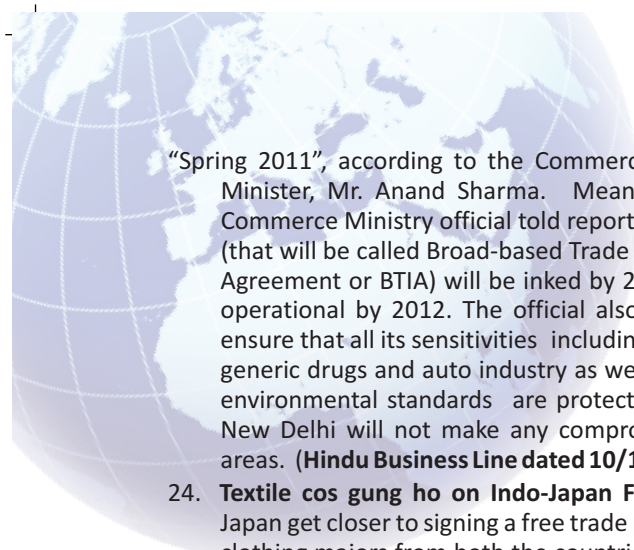
20. **India, EU reach consensus on TRIPs** -- India and the

European Union (EU) seem to have finally buried the hatchet regarding the quandary surrounding the agreement on the Trade-Related Aspect of Intellectual Property (TRIPS), which had raised widespread concerns on India's ability to export generic drugs to the poorer countries and its credibility as the 'pharmacy to the world'. Both sides are learned to have reached the consensus during Commerce and Industry Minister Anand Sharma's visit to Brussels last month to meet EU Trade Commissioner Karel de Gucht, where the issue was discussed at length behind closed doors. Both Sharma and Gucht have also decided that this decision would also be categorically mentioned in the text of the free trade agreement (FTA) that is currently under negotiation. "Both parties went out of their way and sorted out the issue. It has been decided that the agreement will in no way limit India's scope for developing and exporting life-saving drugs to other countries. It would also not stop India from using flexibilities under TRIPS agreement," a senior commerce department official told Business Standard. (**Business Standard dated 8/12/2010**).

21. **Indian generics to be safe from seizure while passing through EU** -- Pharmaceutical exporters can breathe easy as the European Union has finally agreed to India's demand to amend its Customs regulations to stop confiscation of drugs en route to African and Latin American countries. Till the amendment is brought about, the European Commission has promised that no further seizures would take place at any European port, a government official has said. (**Economic Times dated 10/12/2010**).

22. **FTA will hurt livelihoods in India, Europe: Civil society** - With Prime Minister Manmohan Singh set to hold talks with his counterpart in Brussels on trade and economic issues, a broad civil society alliance called on the European Commission and India to immediately halt the ongoing negotiations for an India-EU Free Trade Agreement. The India-EU summit is likely to give a political mandate for working towards the conclusion of the FTA in early 2011. The proposed agreement would undermine people's right to food, health and to gender and social development. "The EU persistently puts pressure on India to open up its market to European dairy and meat products, while continuing to export these products at prices far below production costs with the help of subsidies," said Armin Paasch, trade expert of the German Catholic Bishops' Organisation for Development MISEREOR. "Around 90 million people are working in the dairy sector in India, most of them small scale farmers or herders and 70 per cent of them women. Their livelihoods would be severely threatened if subsidised EU exports are permitted to flood the Indian market," he said. The statement said tightened intellectual property rights (IPRs) would limit India's ability to provide affordable medicines for HIV-AIDS, malaria and cancer not only in India but also for patients worldwide. (**Hindu dated 10/12/2010**).

23. **Trade talks with EU to conclude by Spring 2011: Sharma : Pact to be operational by 2012** -- Negotiations on the proposed India-European Union Free Trade Agreement (FTA) would be concluded by



“Spring 2011”, according to the Commerce and Industry Minister, Mr. Anand Sharma. Meanwhile, a senior Commerce Ministry official told reporters that the FTA (that will be called Broad-based Trade and Investment Agreement or BTIA) will be inked by 2011 and will be operational by 2012. The official also said India will ensure that all its sensitivities including in agriculture, generic drugs and auto industry as well as labour and environmental standards are protected, adding that New Delhi will not make any compromises in these areas. (**Hindu Business Line dated 10/12/2010**).

24. **Textile cos gung ho on Indo-Japan FTA** -- India and Japan get closer to signing a free trade pact, textile and clothing majors from both the countries are exploring opportunities for boosting bilateral trade. Japanese textile units are keen on building their India presence, shifting away from current favourite China due to a lull in Sino-Japan relations. (**Economic Times dated 16/12/2010**).
25. **Call for geographical indications registration for Kundan Meena** -- Leading jewellers and experts attending the ongoing Jaipur Jewellery Show (JJS) have called for getting the Geographical Indications (GI) registration for Kundan Meena, the Pink City's exquisite artistic jewellery, to prevent other countries or regions from staking their claim about the product belonging to them. (**Hindu dated 27/12/2010**).
26. **India-Mercosur PTA list to be expanded** -- Negotiations are on to expand and widen the India-Mercosur PTA to increase exports to the Latin American region in 2011. The current India-Mercosur PTA which has become operational since June 2009, covers 450 times of our exports and 450 items of Mercosur exports. (**Financial Express dated 27/12/2010**).
27. **Bilateral farm trade can be hit if India does not open market: US** -- The issue of market access for US agricultural products in India seems to have taken an ugly turn with US Secretary of agriculture Thomas Vilsack sending a strongly-worded letter to his Indian counterpart Sharad Pawar, stating that the bilateral agricultural relationship will be “jeopardised” if India does not change its approach. Coming weeks after US President Barack Obama's visit, the tone of Vilsack's

letter is learnt to have taken New Delhi by surprise. It is said to be particularly harsh on India's stance against market access for US dairy products. In fact, sources described the tone of the letter as “threatening” to Indo-US agricultural trade. India has raised the red flag on US dairy products, saying it may hurt Indian religious sentiments because the animal feed given to the cattle contains fortified meat products. (**Financial Express dated 27/12/2010**).

28. **India may drag US to WTO over H-1B, L-1 visa fee hike: To also contest 2% levy on goods and services sold to US govt** -- India may drag the United States to the WTO over its decision to raise professional visa fees for an extended period and impose a 2% import levy on goods and services sold to the US government. The commerce department is studying details of the James Zadroga 9/11 Health and Compensation Act of 2010 which aims to increase visa fee and import taxes on supplies to government to set up a \$4.3 billion fund for sharing the healthcare burden of those affected by 9/11 terror attack in New York. The Senate passed the bill last week and India will soon take a decision on approaching the WTO, commerce secretary Rahul Khullar told ET. The final bill, which is now with US President Barak Obama to be signed into law, spells more trouble for Indian industry than the one initially proposed as it imposes an additional levy of 2% on all goods and services sold by Indian companies to the US government and extends the period for higher visa fees from 2014 to 2021. The 2% tax will be levied on countries that are not signatories to the government procurement agreement (GPA) of the WTO, including India. Prima facie, the US can give better treatment to domestic suppliers while not giving the same treatment to countries other than the signatories to the GPA as per WTO rules, former WTO deputy director general Anwarul Hoda said. India could, however, use the non-violation track in the dispute settlement to fight the provisions of the bill, Dr. Hoda, a professor with research body Icrier, said. A final view can be taken only after the details of the bill are examined, Dr. Hoda added. (**Economic Times dated 28/12/2010**).

Forthcoming events (January-February 2010)

S.No.	Topic	Venue	Date
1	Training of Trainer Programme on WTO	RIPA Jaipur	3-4 February, 2011
2	One Week Training Programme for LDCs	IIFT Delhi	28 February-4 March, 2011

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