

Standing Committee on

Free Trade Agreements

2015



Date: 27th September 2015

REPORT Standing Committee on

Free Trade Agreements

Chair: Peter D. SIEMSEN
Responsible Reporter: Yusuke Inui

- 1) Report on the activities of the Standing Committee during the reporting period

Considering the latest developments which took place worldwide, we have the following updated issues:

AUSTRALIA (by Clare Cunliffe and Grant Fisher)

AUSTRALIA - STATUS OF FREE TRADE AGREEMENTS:

FTAs in Force			
Partner or partners	Date signed	Date in force	Chapters affecting IP rights
ASEAN-Australia-New Zealand FTA (The Governments of Brunei Darussalam, the Kingdom of Cambodia (Cambodia), the Republic of Indonesia (Indonesia), the Lao People's Democratic Republic (Lao PDR), Malaysia, the Union of Myanmar (Myanmar), the Republic of the Philippines (Philippines), the Republic of Singapore (Singapore), the Kingdom of Thailand (Thailand) and the Socialist Republic of Viet Nam (Viet Nam), collectively, the Member States of the Association of Southeast Asian Nations, and Australia and New Zealand)	27 February 2009 (First Protocol to Amend AANZFTA signed 26 August 2014)	The AANZFTA entered into force on 1 January 2010 for eight Parties: Australia, New Zealand, Brunei, Burma, Malaysia, the Philippines, Singapore and Vietnam. Thailand implemented the FTA from 12 March 2010. AANZFTA entered into force for Cambodia and Lao PDR in January 2011. Indonesia implemented the FTA on 10 January 2012.	Chapter 13: Intellectual Property
Australia-Chile FTA	30 July 2008	6 March 2009	Chapter 17: Intellectual Property Side Letter on Wine
Australia-New Zealand Closer Economic Relations	28 March 1983	1 January 1983	

Australia-United States FTA	18 May 2004	1 January 2005	Chapter 17: Intellectual Property Rights Side letters • ISP Liability • Application of IPR • IPR and National Treatment
Japan-Australia Economic Partnership Agreement	8 July 2014	15 January 2015	Chapter 16: Intellectual Property
Korea-Australia FTA	8 April 2014	12 December 2014	Chapter 13: Intellectual Property Rights
Malaysia-Australia FTA	22 May 2012	1 January 2013	Chapter 13: Intellectual Property
Singapore-Australia FTA	17 February 2003 Amended in 2011	28 July 2003 2 September 2011	Chapter 13: Intellectual Property
Thailand-Australia FTA	5 July 2004	1 January 2005	Chapter 13: Intellectual Property

Signed FTAs			
Partner or partners	Date signed	Next steps	Chapters affecting IP rights
China-Australia FTA	17 June 2015	<p>The next steps, in accordance with normal Australian treaty-making processes, are:</p> <ul style="list-style-type: none"> • The Joint Standing Committee on Treaties (JSCOT) will conduct an inquiry into the Agreement and will report back to Parliament, usually within 20 joint sitting days. • After the JSCOT report is tabled: <ul style="list-style-type: none"> ◦ Parliament will consider amendments to relevant legislation, and; ◦ relevant Regulations would also be amended in due course. <p>Following signature, the Chinese Government will also undertake its own domestic treaty-making processes.</p> <ul style="list-style-type: none"> • When Australia and China have completed their domestic processes, both countries will exchange diplomatic notes to certify that they are ready for the Agreement to enter into force • ChAFTA will enter into force 30 days after this exchange, or on a date otherwise agreed. • Separately, the Senate References Committee on Foreign Affairs, Defence and Trade, has established an inquiry into ChAFTA, to report within one month of JSCOT. 	Chapter 11: Intellectual Property

FTAs under negotiation	
Partner or partners	Status
Australia-Gulf Cooperation Council (GCC) FTA	Free Trade Agreement negotiations with the Gulf Cooperation Council (GCC), comprising Bahrain, Kuwait, Oman, Qatar, Saudi Arabia and the United Arab Emirates, commenced in July 2007. Australia is one of a number of countries negotiating FTAs with the GCC, however, the Council has paused its trade negotiations with all partners pending a review of its trade agreement policy. In March 2014, the GCC Ministerial Council approved the resumption of FTA negotiations, but made no announcement on when negotiations would resume and with which countries. The Australian Government is advocating strongly for a resumption of the Australia-GCC FTA negotiations.
Australia-India Comprehensive Economic Cooperation Agreement	Negotiations to conclude a Comprehensive Economic Cooperation Agreement between Australia and India were launched in May 2011. There have been eight rounds of negotiations, the most recent of which was held in July 2015. During official visits to India and Australia in September and November 2014 respectively, Prime Minister Tony Abbott and Prime Minister Shri Narendra Modi renewed both countries' commitment for an early conclusion of an equitable, balanced, comprehensive and high quality agreement.
Environmental Goods Negotiations	The 1994 Marrakesh Agreement refers to the importance of optimally using the world's resources in accordance with the objective of sustainable development and seeking to protect and preserve the environment. As such, the role of the World Trade Organization (WTO) in relation to trade and environment is to ensure that environmental policies do not act as obstacles to trade, and that trade rules do not stand in the way of legitimate domestic environmental protection. Trade and environment issues within the WTO are dealt with by the Committee on Trade and Environment (CTE), which was created by the 1994 Ministerial Decision on Trade and Environment. The Committee's mandate is broad, and provides opportunities for WTO members to raise a wide range of issues relating to trade and environment . Some of the topics currently being examined by the Committee include eco-labelling and environmental technology dissemination.
Indonesia-Australia Comprehensive Economic Partnership Agreement	Indonesia-Australia Comprehensive Economic Partnership Agreement (IA-CEPA) negotiations commenced in Jakarta in September 2012. IA-CEPA aims to strengthen and expand the trade, investment and economic cooperation relationship between Australia and Indonesia. The announcement of the commencement of IA-CEPA negotiations follows the release of the Joint Feasibility Study on an Indonesia-Australia Free Trade Agreement in April 2009 and the entry into force of the ASEAN-Australia-New Zealand Free Trade Agreement (AANZFTA) . It is expected that the IA-CEPA will build on the outcomes of the AANZFTA.

FTAs under negotiation	
Partner or partners	Status
Pacific Agreement on Closer Economic Relations (PACER) Plus	<p>The Pacific Agreement on Closer Economic Relations (PACER) Plus negotiations offer an opportunity to help Pacific Islands Forum countries benefit from enhanced regional trade and economic integration. Pacific Islands Forum Leaders launched negotiations on PACER Plus at their fortieth meeting in August 2009. Participants in the PACER Plus negotiations are:</p> <ul style="list-style-type: none"> • Australia • Cook Islands • Federated States of Micronesia • Fiji • Kiribati • Nauru • New Zealand • Niue • Palau • Papua New Guinea • Republic of Marshall Islands • Samoa • Solomon Islands • Tonga • Tuvalu • Vanuatu <p>Australia's approach to the PACER Plus negotiations is different to that taken in traditional free trade agreement negotiations. Australia's primary objective is to promote the economic development of Forum Island Countries through greater regional trade and economic integration.</p>
Regional Comprehensive Economic Partnership	<p>The Regional Comprehensive Economic Partnership (RCEP) negotiations were launched by Leaders from ASEAN and ASEAN's FTA partners in the margins of the East Asia Summit in Phnom Penh, Cambodia on 20 November 2012. The negotiations are based on the Guiding Principles and Objectives for Negotiating the RCEP endorsed by Leaders.</p> <p>RCEP is an ASEAN-centred proposal for a regional free trade area, which would initially include the ten ASEAN member states and those countries which have existing FTAs with ASEAN – Australia, China, India, Japan, Republic of Korea and New Zealand. The RCEP will build on and expand Australia's existing FTA with ASEAN and New Zealand, AANZFTA. It will complement Australia's participation in bilateral trade negotiations and in Trans-Pacific Partnership Agreement (TPP) negotiations.</p> <p>The Seventh and Eighth Rounds of Negotiations took place from 9 to 13 February 2015, in Bangkok, Thailand and from 5 to 13 June, Kyoto, Japan.</p>
Trade in Services Agreement	<p>Australia is jointly leading, with the United States and the European Union, negotiations on a services-only free trade agreement known as the Trade in Services Agreement (TiSA). Formal TiSA negotiations began in early 2013, following 12 months of exploratory discussions that Australia led, with the United States and European Union, in Geneva between a subset of World Trade Organization (WTO) Members interested in progressing services trade liberalisation in a way that would support and feed back into multilateral trade negotiations.</p>
Trans-Pacific Partnership Agreement	<p>There are currently 12 parties negotiating the TPP, five of which were among Australia's top 10 trading partners for goods and services in 2013-14 (United States, Japan, Singapore, Malaysia and New Zealand). Australia supports the expansion of TPP membership over time to other economies in the Asia-Pacific region. Australia decided to participate in the TPP in 2008.</p>

EGYPT (by Samir M. Hamza)

As to Free Trade Agreements between Egypt and other countries, there have been no agreements signed

this year except for bilateral agreements between Egypt and Albania covering the field of customs.

GERMANY (by Christian Lederer)

Recent developments concerning Germany/EU as follows:

1. Concerning the United States of America and the EU, the 9th negotiation round took place between 20 - 24 April 2015. An additional round was foreseen before the summer break. In addition, inter-sessional discussions will be organised. After the summer period technical discussions shall continue on a regular basis and a political stocktaking is expected in early autumn which shall give the negotiators the route for the next phase of negotiations.
2. As to the CETA (Comprehensive Economic and Trade Agreement) between Canada and the EU, the Canada-EU summit on 26 September 2014 marked the end of the negotiations. The European Commission and Canada are conducting the legal review of the original (English) version of the agreement. It will subsequently be translated into other official languages of the EU and Canada before being submitted to the Council and the European Parliament for approval.
3. As to the negotiations between the EU and Japan, at the end of May 2014, the EU concluded that sufficient progress was reached during the first year for the negotiations to continue. In December 2014, the EU transmitted to Japan a second list of non-tariff measures reflecting concerns raised by Member States and European businesses doing business in Japan. The 11th round of the EU-Japan FTA negotiations will take place in early summer 2015 in Brussels.
4. As to the EU-China investment agreement, the 5th round of negotiations took place in Beijing from 17 - 19 March 2015. The 6th round shall take place in Brussels from 2 - 4 July 2015.
5. As to the negotiations of a FTA with the ASEAN countries (Brunei, Myanmar, Cambodia, Indonesia, Laos, Malaysia, Philippines, Singapore, Thailand, Vietnam), the European Commission finalised the FTA negotiations with Singapore in October 2014. On 30 October 2014, the Commission decided to request an opinion of the Court of Justice on the EU competence to sign and ratify the FTA with Singapore. The negotiations with Malaysia were paused since some issues remained to be resolved and Malaysia was approaching elections. While no new negotiation round has been held yet, the EU and Malaysia are exploring the basis for a possible resumption of the FTA negotiations. The negotiations with Vietnam entered into the final phase. Both sides aim to conclude the negotiations within the next few months.
6. As to the EU-Ukraine Association Agreement, the political provisions were signed in March 2014. Remaining provisions, including the Deep and Comprehensive Free Trade Area (DCFTA), forming a single instrument with the political ones, were signed on 27 June 2014. Provisional application is foreseen after completion of the ratification process in Ukraine. EU and Ukraine prepare for implementation of the parts of the Association Agreement (such as the DCFTA).
7. As to Russia, there is no mandate/negotiation for an FTA. Negotiations for a New Agreement to replace and update the existing Partnership and Cooperation Agreement (PCA) have been stalled.
8. The Association Agreement, including DCFTA, between EU and Georgia was signed in June 2014, and applies provisionally since 1 September 2014. EU and Georgia started implementing Association Agreement, including DCFTA.
9. The Association Agreement, including DCFTA, between EU and Moldova was signed in June 2014, and applies provisionally since 1 September 2014. EU and Moldova started implementing Association Agreement, including DCFTA.
10. As to the Agreement between EU and Andean member Ecuador, negotiations were successfully completed in July 2014 and the texts were initialled on 12 December 2014. The next steps for Ecuador's accession to the EU-Colombia/Peru Agreement are to translate the negotiated texts and to agree on the Protocol of Accession together with Colombia and Peru. Following this, each party will undergo the relevant internal procedures for approval and subsequent implementation of the Protocol of Accession. In addition, contacts are maintained to explore the possibility to integrate Bolivia into the trade deal with the EU.
11. Concerning the EU and Jordan, a preparatory process for launching negotiations on a DCFTA is ongoing. Negotiations are planned to start in the second half of 2015.

Two very informative documents published by the European Commission giving an overview about the FTAs with the EU and their recent developments, in particular regarding the TTIP between the EU and the USA.

<http://trade.ec.europa.eu/doclib/html/118238.htm>

<http://trade.ec.europa.eu/doclib/html/150129.htm>

PERU (by Maria Del Carmen Arana Courrejolles)

FREE TRADE AGREEMENTS SIGNED BY PERU WITH OTHER COUNTRIES:

Agreement/Partner	Date of Signature	Day on Entry into Force	Intellectual Property Rights Chapter
MERCOSUR (ACE 68)	30 November 2005	12 December 2005	Title XVII
United States of America (TPA)	12 April 2006	1 February 2009	Chapter XVI
Chile	22 August 2006	1 March 2009	There is no Intellectual Property rights chapter
Canada	29 May 2008	1 August 2009	There is no Intellectual Property rights chapter
Singapore	29 May 2008	1 August 2009	There is no Intellectual Property rights chapter
European Free Trade Association (EFTA)	14 July 2008	1 July 2011	Chapter VI
China	28 April 2009	1 March 2010	Chapter XI
South Korea	14 November 2010	1 August 2011	Chapter XVII
Mexico (ACE 67)	6 April 2011	1 February 2012	Chapter V (Recognition and Protection of Appellations of Origin)
Panama	25 May 2011	1 May 2012	Chapter IX
Costa Rica	26 May 2011	1 June 2013	Chapter IX
Japan	31 May 2011	1 March 2012	Chapter XI
Guatemala ^[1]	6 December 2011		Chapter IX
Alianza del Pacífico ^[2]	6 June 2012		There is no Intellectual Property rights chapter
European Union	26 June 2012	Provisional Application 1 March 2013	Title VII
Honduras ^[3]	29 May 2015		Chapter IX

FREE TRADE AGREEMENTS IN NEGOTIATION:

	Beginning Date	Round's Number	Last Date	Intellectual Property
TRANS-PACIFIC PARTNERSHIP (TPP)	At the APEC Leaders Summit held in November 2008 in Lima, Peru announced the decision to participate in the process of negotiating the TPP and formalized it the December 1, 2008	24 Negotiating Rounds	Round in Beijing-China (8-10 November 2014)	Innovation is an important source of benefits for our people and growth and competitiveness for our economies, and we have worked hard to develop balanced commitments on intellectual property that promote and share the benefits of innovation. This is one of the most complex and challenging areas of the agreement, but we have made substantial progress in developing common approaches that will promote creative and technological advances that will benefit all of us. We also have worked hard to strike an appropriate balance that ensures our citizens' access to medicines and to fair use of on-line content, and that reflects the diversity of TPP.
			Round in Washington, D.C.,- USA (26 January-1 February 2015)	TPP officials met in New York City with the goal of further advance negotiations. Progress was made in several areas, including intellectual property.
			Round in Hawaii- USA (9-15 May 2015)	TPP officials met in Hawaii, to advance remaining technical issues, intellectual property. Negotiators will continue discussions through intercessional work in the coming weeks.
			Round in Maui- Hawaii- USA (23-24 July)	
PERU- EL SALVADOR	08 November 2010	4 Negotiating Rounds	02-06 May 2011	Temporarily suspended.
THE PACIFIC ALLIANCE (Recently concluded on July 2015)	The Framework Agreement for the Pacific Alliance was signed during the Presidential Summit IV on June 6, 2012 at Paranál - Chile. Colombia, Chile, Mexico and Peru as member states.	10 Presidential Summits	X Summit of the Pacific Alliance (1-3 July 2015, Paracas-Peru)	At the meeting in Paracas the pilot program of the technology platform for the dissemination of information and technology transfer was completed; workshops and exchange of experiences and information among intellectual property offices of member countries. Public-private development agenda and promoting innovation and others was established.

	Beginning Date	Round's Number	Last Date	Intellectual Property
PERU-TURKEY	On 21 and 22 October 2013, during the FTA Exploratory Meetings Peru-Turkey, delegations from both countries announced their intention to start negotiations for a Free Trade Agreement between Peru and Turkey. This decision was formalized by establishing the Terms of Reference of the Agreement, drawn up and signed on 22 October of that same year.	3 Negotiating Rounds: First Round: 20-24 January 2014 (Ankara-Turkey)	Third Round: 20-24 May 2015 (Ankara-Turkey)	It has obtained substantial progress in the negotiation chapters on intellectual property.

TRADE AGREEMENTS NOT YET IN NEGOTIATION:

	Conversations
PERU - INDIA	The Minister Magaly Silva said that the government of India is interested in starting talks to finalize an FTA. We have already completed the feasibility study on the possibilities for an FTA with India.
PERU-INDONESIA	During the meeting held in Vladivostok, in the framework of the APEC Summit XX (September 2012), Ollanta Humala and Susilo Bambang agreed to concrete cooperation on biodiversity protection. Negotiations will start to sign a bilateral agreement to prioritize mutual cooperation in education, technology transfer, trade and protection of biodiversity and traditional knowledge (Peru has a proposal). In addition to this, there is a project to create a "Center for the Protection of Biodiversity and Traditional Culture".
PERU-RUSSIA	Peru's government has proposed to Russia begin negotiations on signing a free trade agreement (FTA) between the two countries, said the peruvian Ministry of Foreign Trade and Tourism (Mincetur).
PERU-MOROCCO	The signing of a trade agreement is part of the common agenda designed by Peru and Morocco, and begin to discuss it in the first quarter of next year (2015), according to the Minister of Foreign Affairs and Trade of Morocco.

SPAIN (by Christian Durán)

An overview of ongoing negotiations in the European Union can be viewed at:

<http://trade.ec.europa.eu/doclib/html/118238.htm>

Footnotes

- 1. ^ Not yet in force.
- 2. ^ On July 1st 2015, took place the X and last Summit of the Pacific Alliance in Paracas-Peru. Not yet in force.
- 3. ^ Not yet in force.

2) Key issues/developments relevant to the Terms of Reference of the Standing Committee (arising during the reporting period or coming up)

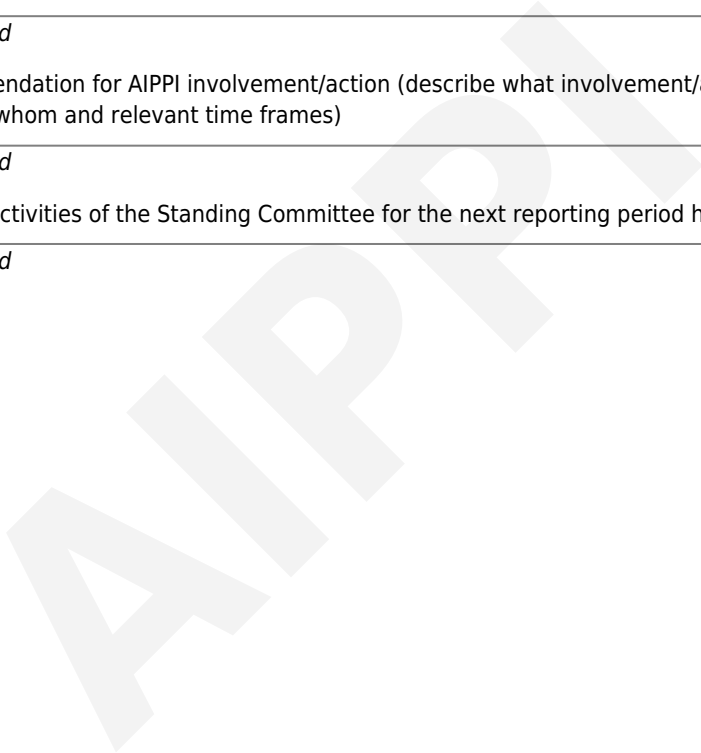
not responded

3) Any recommendation for AIPPI involvement/action (describe what involvement/action is recommended and why, by whom and relevant time frames)

not responded

4) Plan for the activities of the Standing Committee for the next reporting period highlighting any priorities

not responded



Names and Functions of Committee Members

Chair	Peter D. SIEMSEN	Brazil
Co Chair(s)	Yoshio KUMAKURA	Japan
Secretary	Mark GUETLICH	United States
Members	Ahmed ABOU ALI	
	Clare CUNLIFFE	Australia
	Maria DEL CARMEN ARANA	Peru
	Christian DURÁN	Spain
	Grant FISHER	Australia
	Samir HAMZA	Egypt
	Christian LEDERER	Germany
	Andrés MELOSSI	Chile
	Alfredo RANGEL	Mexico
Albert TRAMPOSCH	United States	