

Report Q184

Free Trade Agreements

Names and Functions of Committee Members

Chair	Peter Dirk Siemsen	(Brazil)
Co-Chair	Bruce Morgan	(Canada)
Secretary	tbd	
Members	Yoshio Kumakura Andrés Melossi Alfredo Rangel Maria del Carmen Arana Ahmed Abou Ali / Samit Hamza Christian Durán Christian Lederer Marianne Levin Yoshio Kumakura	(Japan) (Chile) (Mexico) (Peru) (Egypt) (Spain) (Germany) (Sweden) (Japan)
Responsible Reporter	Kazuhiko Yoshida	(Japan)

Considering the latest developments which took place worldwide producing bilateral, trilateral and other free trade agreements, we have the following updated issues:

EGYPT (by Samir M. Hamza)

The situation in Egypt since January 2011 has not been very stable. As a result, all the provisional governments that took over during that period to date were just taking care of running matters. Therefore, there has been no focus on Free Trade Agreements.

Consequently, there is nothing to be added to the 2010 Report.

GERMANY (by Christian Lederer)

Recent developments concerning Germany/EU as follows:

1. Concerning the United States of America and the EU, the European Commission proposed in March 2013 to negotiate guidelines to the Member States. On 14 June, the Member States gave the European Commission the “green light” to

start talks for the Transatlantic Trade and Investment Partnership with the United States.

2. On 23 May, the European Commission asked the Member States to authorise the opening of negotiations with China in the area of investment protection.
3. EU and Japan launched negotiations for a FTA in April 2013 and will be meeting for a further round until end of this year.
4. As to the CETA (Comprehensive Economic and Trade Agreement) between Canada and the EU (started in May 2009), the negotiations are now in their final period.
5. As to the negotiations of a FTA with the ASEAN countries (Brunei, Myanmar, Cambodia, Indonesia, Laos, Malaysia, Philippines, Singapore, Thailand, Vietnam), there have been negotiations recently started with Thailand. The negotiations with Vietnam and Malaysia are ongoing (as reported last year) and the negotiating process with Singapore concluded successfully in December 2012.
6. On 15 May 2013, the Commission adopted the proposals for Council decisions on signing and provisional application of the EU-Ukraine Association Agreement (as reported last year), including the trade part.
7. The Association Agreement between the EU and the Central American States (Costa Rica, El Salvador, Guatemala, Honduras, Nicaragua and Panama) was approved by the European Parliament on 11 December 2012. Nicaragua, Honduras and Panama have already ratified the Agreement. Guatemala, El Salvador and Costa Rica are expected to ratify and get ready to apply the agreement during the summer 2013.
8. The FTA between the EU and Peru is in force since 1 March 2013.
9. First negotiations between the EU and Morocco for a FTA took place on 22 April 2013.

The European Commission published two very informative documents giving an overview about the FTA with the EU and their recent developments. These documents can be found at <http://ec.europa.eu/trade/policy/countries-and-regions/agreements/>.

MEXICO (by Alfredo Rangel)

Free Trade Agreements – Mexico:

1. NORTH AMERICAN FREE TRADE BETWEEN CANADA, THE UNITED STATES OF AMERICA AND MEXICO (NAFTA).

Signed on December 17th 1992.

In force in Mexico since January 1st, 1994.

Chapter XVII Intellectual Property.

2. FREE TRADE AGREEMENT BETWEEN MEXICO AND THE REPUBLIC OF COSTA RICA.

Signed on April 5th 1994.

In force in Mexico since January 1st 1995.

Chapter XIV Intellectual Property

3. G3 FREE TRADE AGREEMENT BETWEEN MEXICO, COLOMBIA AND VENEZUELA.

Signed on June 13th 1994.

In force in Mexico since January 1st 1995.

Chapter XVIII Intellectual Property

Without effects between Mexico and Venezuela on November 19, 2006.

4. FREE TRADE AGREEMENT BETWEEN MEXICO AND THE REPUBLIC OF BOLIVIA.

Signed on September 10th 1994.

In force in Mexico since January 1st 1995.

Chapter XVI Intellectual Property

5. FREE TRADE AGREEMENT BETWEEN MEXICO AND THE REPUBLIC OF NICARAGUA.

Signed on December 18th 1997.

In force in Mexico since July 1st 1998.

Chapter XVII Intellectual Property

6. FREE TRADE AGREEMENT BETWEEN MEXICO AND THE REPUBLIC OF CHILE.

Signed on April 17th 1998.

In force in Mexico since August 1st 1999.

Chapter XV Intellectual Property

7. FREE TRADE AGREEMENT BETWEEN MEXICO AND ISRAEL.

Signed on April 10th 2000.

In force in Mexico since July 1st 2000.

Chapter II Intellectual Property

8. FREE TRADE AGREEMENT BETWEEN MEXICO AND THE EUROPEAN UNION

Signed on February 23th and 24th 2000.

In force in Mexico since October 1st 2000.

Title V. Intellectual Property

9. FREE TRADE AGREEMENT BETWEEN MEXICO AND THE REPUBLICS OF EL SALVADOR, GUATEMALA AND HONDURAS (NORTHERN TRIANGLE).

Signed on June 29th 2000.

In force in Mexico, Salvador and Guatemala since March 15th 2001.

In force in Mexico and Honduras June 1st 2001.

Chapter XVI Intellectual Property.

10. FREE TRADE AGREEMENT BETWEEN MEXICO AND THE EUROPEAN FREE TRADE ASSOCIATION, SWITZERLAND, NORWAY, ICELAND AND LIECHTENSTEIN.

Signed on November 27th 2000.

In force in Mexico and Iceland on October 1st 2001.

In force in Liechtenstein on November 1st 2001.

Chapter VI Intellectual Property

11. FREE TRADE AGREEMENT BETWEEN MEXICO AND THE ORIENTAL REPUBLIC OF URUGUAY.

Signed on November 15th 2003.

In force in Mexico since July 15, 2004.

Chapter XV Intellectual Property

12. AGREEMENT TO STRENGTHEN ECONOMIC PARTNERSHIP BETWEEN MEXICO AND JAPAN.

Signed on September 17th, 2004.
In force in Mexico since April 1st, 2005

Chapter VII, article 73, Chapter XIV articles 142, 144 Intellectual Property

13. FREE TRADE AGREEMENT BETWEEN MEXICO AND THE REPUBLICS OF COSTA RICA, EL SALVADOR, GUATEMALA, HONDURAS AND NICARAGUA.

Signed on November 22nd 2011.
In force in Mexico since September 1st 2012.

Chapter XVI Intellectual Property

CHILE (by Andrés Melossi)

From 2009 onwards, here you have the latest developments in Free Trade Agreements valid in Chile with relevant clauses in IP matters:

- 1) FTA with **Peru**, signed on August 22, 2006 and valid from March 1, 2009.
- 2) FTA with **Australia**, signed on July 30, 2008 and valid from March 6, 2009.
- 3) Commercial Agreement with **Cuba**, valid from 01 December 2009.
- 4) FTA with **Turkey**, signed on July 14, 2009 and valid from March 01, 2011
- 5) FTA with **Malaysia**, signed on April 13, 2010 and valid from April 18, 2012

All those FTA contains general provisions related to a general and mutual respect of the contracting countries to the intellectual property rights. Therefore, these agreements do not provide new or higher standards of protection than those already observed in the FTA with the US and Chile valid from January 1, 2004 reported for past AIPPI Meetings.

PERU (by Maria Del Carmen Arana Courrejollés)

Latest information concerning Free Trade Agreements:

Trans-Pacific Partnership Agreement

The negotiation process of the Trans-Pacific Partnership Agreement (TPP, by its English abbreviation) is a proposal developed by eleven countries that are members of the Economic Cooperation Forum Asia –Pacific (APEC): Australia, Brunei Darussalam, Canada, Chile, United States of America, Malaysia, Mexico, New Zealand, Peru, Singapore and Vietnam.

Until now 17 negotiation rounds have been carried out. We have been in contact with the Peruvian official negotiator and she has informed us that the 18th round will take place in Malaysia from July 15 to July 24, 2013. When she returns here we shall be informed on the consensuses and dissensions. In this negotiation the US proposal on Intellectual Property is being dealt with regarding test data, technological measures and issues related to the public health, patents and nullity of patents, trademarks, observance, amongst others and the new topics that could be derived from the XXI Century Agenda.

It is possible to emphasize the Peruvian proposal regarding Traditional Knowledge, Genetic Resources and folklore.

Agreement of Commercial Integration Peru – Mexico

The Agreement of Commercial Integration Peru-Mexico was signed in Lima on April 6, 2011 and came into force on February 1, 2012 according to what was disposed on the Supreme

Decree No. 001-2012-MINCETUR, published on January 24, 2012 in the Official Journal “El Peruano”. It does not contain a chapter regarding Industrial Property but the recognition and protection of appellations of origin is included.

In Article 5.2 of said Agreement Peru recognizes the appellation of origin “Tequila” for its exclusive use in products coming from Mexico and Mexico recognizes the appellation of origin “Pisco” for its exclusive use in products coming from Peru.

Furthermore both parties, by mutual agreement, may extend the agreed protection to other appellations of origin.

Commercial Agreement between Peru and the European Union

The Commercial Agreement Peru-European Union came into force on March 1, 2013.

As to Intellectual Property, in the Title VII (Intellectual Property) there are 62 articles (from Article 195 to Article 257) regarding copyright, patents, trademarks, commercial names, industrial designs, layout-designs, geographical indications, plant varieties and protection of non-disclosed information.

Article 20 refers to the protection of Biodiversity and Traditional Knowledge.

Pacific Alliance (Cali Statement)

Peru integrates the Pacific Alliance agreement which has not still been concluded and is in current process wherein an Intellectual Property chapter has been included.

CANADA (by Morgan Bruce)

As to Canadian developments of Free Trade agreements, Canada is currently engaged in 14 separate sets of free-trade talks involving dozens of countries, as well as an international services agreement with a select group of 22 World Trade Organization members. Canada is still negotiating with Europe, and is closer to agreement in view of mutual concessions, but beef exports to Europe and the Patented Medicine regime in Canada are still in issue. Canada is pursuing talks to join the Comprehensive Economic and Trade Agreement (CETA) with the European Union, and the Trans-Pacific Partnership Agreement (TPP) with Australia, Brunei-Darussalam, Chile, Japan, Malaysia, Mexico, New Zealand, Peru, Singapore, the United States, and Vietnam.

Ongoing discussions are listed below:

- Canada-Andean Community Countries Free Trade Discussions (Columbia, Peru, Bolivia and Ecuador)
- Canada-Caribbean Community Free Trade Agreement (CARICOM, Antigua and Barbuda, Barbados, Belize, Dominica, Grenada, Guyana, Haiti, Jamaica, Montserrat, Saint Lucia, St. Kitts and Nevis, St. Vincent and the Grenadines, Suriname & Trinidad and Tobago)
- Canada-Dominican Republic Free Trade Negotiations
- Canada-European Union: Comprehensive Economic and Trade Negotiations (CETA, all European Union countries)
- Canada-India Free Trade negotiations
- Canada-Japan Free Trade negotiations
- Canada-Korea Free Trade negotiations (South Korea)

- Canada-Morocco Free Trade negotiations
- Canada-Singapore Free Trade negotiations
- Canada-Ukraine Free Trade negotiations¹
- Free Trade Area of the Americas (FTAA Members)
- Negotiations to Modernize the Canada-Costa Rica Free Trade Agreement
- Exploratory Discussion for a Canada-Turkey Free Trade Agreement
- Exploratory Discussions for the Modernization of the Canada-Israel Free Trade Agreement
- Trans-Pacific Strategic Economic Partnership

SPAIN (by Christian Durán)

An overview of ongoing negotiations in the European Union:

<p>INDIA</p> <p>Current Status</p> <p>Negotiations were launched in June 2007; after 11 full rounds negotiations are now in a phase where negotiators meet in smaller more targeted clusters rather than full rounds, i.e. expert level inter-sessionals, chief negotiator meetings and meetings at Director General level. Negotiations are currently in an intense phase focusing on the core issues and important work remains to be done. Important issues include market access for goods (improve coverage of both sides' offers), the overall ambition of the services package and achieving a meaningful chapter on government procurement.</p>	<p>Next Steps</p> <p>Both sides are aiming to find solutions which are mutually acceptable, so as to achieve an ambitious outcome which would give an important boost to trade between the EU and India. A ministerial level meeting will take place in April with following objectives (i) to provide guidance to negotiating teams, (ii) resolve outstanding issues, (iii) assess feasibility of concluding soon and (v) agree on next steps.</p>
<p>SINGAPORE</p> <p>Current Status</p> <p>EU Trade Commissioner de Gucht and Singapore's Minister of Trade and industry, Lim, announced the completion of negotiations on 16 December 2012. The agreement reached is one of the most comprehensive the EU has ever negotiated and will create new opportunities for companies from Europe and Singapore to do business together. The growing Singaporean market offers export potential for EU, industrial, agricultural and services businesses. An EU-Singapore FTA will be the EU's second ambitious agreement with a key Asian trading partner, after the EUKorea</p>	<p>Next Steps</p> <p>The draft agreement will now be reviewed by legal teams from both sides, which aim to initial the draft text in summer 2013. Negotiations on investment protection, which are based on a new EU competence under the Lisbon Treaty and started later, will continue in 2013.</p>

<p>FTA, which is in operation since July 2011.</p>	
<p>MALAYSIA</p> <p>Current Status</p> <p>On 10 September 2010, EU Member States agreed that the Commission could start FTA negotiations with Malaysia. The negotiations were officially launched in Brussels on 5 October 2010. A consultation of stakeholders is completed. The seventh round of FTA Negotiations took place in Brussels in April 2012.</p>	<p>Next Steps</p> <p>Technical Working Groups in a number of negotiating areas met in Kuala Lumpur September 2012.</p>
<p>JAPAN</p> <p>Current Status</p> <p>At the EU-Japan Summit of May 2011, the EU and Japan decided to start preparations for both an FTA and a political framework agreement. The EU and Japan stated that on the basis of a successful scoping exercise, the European Commission would seek the necessary authorisation from the Council for negotiations. After one year of intensive discussions, in May 2012, the Commission agreed with Japan on a very ambitious agenda for the future negotiations (covering all EU market access priorities). In the context of the negotiations, the Commission also agreed with Japan on specific 'roadmaps' for the removal of non-tariff barriers as well as on the opening up of public procurement for Japan's railways and urban transport market. In July 2012 the European Commission decided to ask the Member States for their agreement on opening FTA negotiation with Japan. On the 29 November 2012 the Council decided to give the Commission 'the green light' to start trade negotiations with Japan. On 29 November 2012 the Council decided to give the Commission 'the green light' to start trade negotiations with Japan. The negotiations with Japan will address a number of EU concerns, including non-tariff barriers and The further opening of the public procurement market.</p>	<p>Next Steps</p> <p>The EU-Japan FTA negotiations have been launched on 25 March 2013. The first round of negotiations took place on 15-19 April 2013 in Brussels. Parties exchanged views and a limited number of texts on all negotiating areas identified during the scoping exercise. The second round is scheduled for 24-28 June in Tokyo.</p>

<p>CENTRAL AMERICA</p> <p>Current Status</p> <p>The negotiations were concluded in May 2010. On 29 June 2012, EU Trade Commissioner and its counterpart in Central America (Costa Rica, El Salvador, Guatemala, Honduras, Nicaragua and Panama) signed an Association Agreement. On 11 December 2012, the European Parliament approved the agreement. In parallel, Central America partners are progressing well as regards the completion of their internal procedure and implementation of GI protection. Nicaragua, Honduras and Panama have already ratified the agreement.</p>	<p>Next Steps</p> <p>The trade pillar of the agreement should be provisionally applied by mid-2013.</p>
<p>MERCOSUR</p> <p>Current Status</p> <p>Negotiations with Mercosur were officially relaunched at the EU-Mercosur summit in Madrid on 17 May 2010. The objective is to negotiate a comprehensive FTA, covering not only trade in industrial and agricultural goods but also other areas such as services, government procurement, intellectual property, customs and trade facilitation or technical barriers to trade. Nine negotiation rounds (the last one from 22 to 26 October 2012 in Brasilia) have taken place since then. These negotiations have focused on rules. An EU-Mercosur ministerial meeting took place on 26 January 2013, in the margins of the EU-CELAC summit in Santiago. The two sides agreed that the exchange of market access offers shall take place no later than the last quarter of 2013.</p>	<p>Next Steps</p> <p>Both regions have started their internal preparatory work for the exchange of offers which shall take place by the last quarter of 2013.</p>

JAPAN (by Yoshio Kumakura)

List of The Economic Partnership Treaties between Japan and other countries:

I - Effective Agreements:

Country	Agreement	Date of Execution	Effective Date	IP Provisions
1. Singapore	EPA	01-13-2002 Amended 03-19-2007	1-30-2002 09-02-2007	No IP Provisions
2. Mexico	EPA	04-01-2005	04-01-2012	No IP Provisions
3. Malaysia	EPA	12-13-2005	07-13-2006	Yes Detailed provisions for protection and enforcement of mutual IPs
4. Chile	EPA	03-27-2007	09-03-2007	Yes Detailed provisions for protection and enforcement of mutual IPs
5. Thailand	EPA	04-03-2007	11-01-2007	Yes Detailed provisions for protection and enforcement of mutual IPs
6. Indonesia	EPA	08-20-2007	07-01-2008	Yes Detailed provisions for protection and enforcement of mutual IPs
7. Brunei	EPA	06-18-2007	07-31-2008	Yes, but simple
8. Swiss	EPA	02-19-2009	09-01-2009	Yes Detailed provisions for protection and enforcement of mutual IPs
9. Philippines	EPA	09-09-2006	12-11-2008	Yes Detailed provisions for protection and enforcement of mutual IPs
10. India	EPA	02-16-2011	08-01-2011	Yes Detailed provisions for protection of mutual IPs
11. Vietnam	EPA	12-25-2008	10-01-2009	Yes Detailed provisions for protection and enforcement of mutual IPs
12. Peru	EPA	05-31-2011	03-01-2012	Yes Detailed provisions for protection and enforcement of mutual IPs
13. ASEAN	ASEAN-Japan Comprehensive Economic Partnership (AJCEP) 2008			12-01-2008 Yes, but simple
(ASEAN includes Japan, Singapore, Laos, Myanmar, Vietnam, Brunei, Malaysia, Thailand, Cambodia, Philippines.)				

II - Pending negotiations with Japan:

1. Korea
2. Australia
3. Mongol
4. EU
5. Columbia

III - TPP

Japan is a late coming candidate member and Japan has only three days for negotiation. It is difficult to foresee the outcome of the negotiation in the coming September.

Written by:

Peter Dirk Siemsen
Chair of Q184

July 23, 2013