

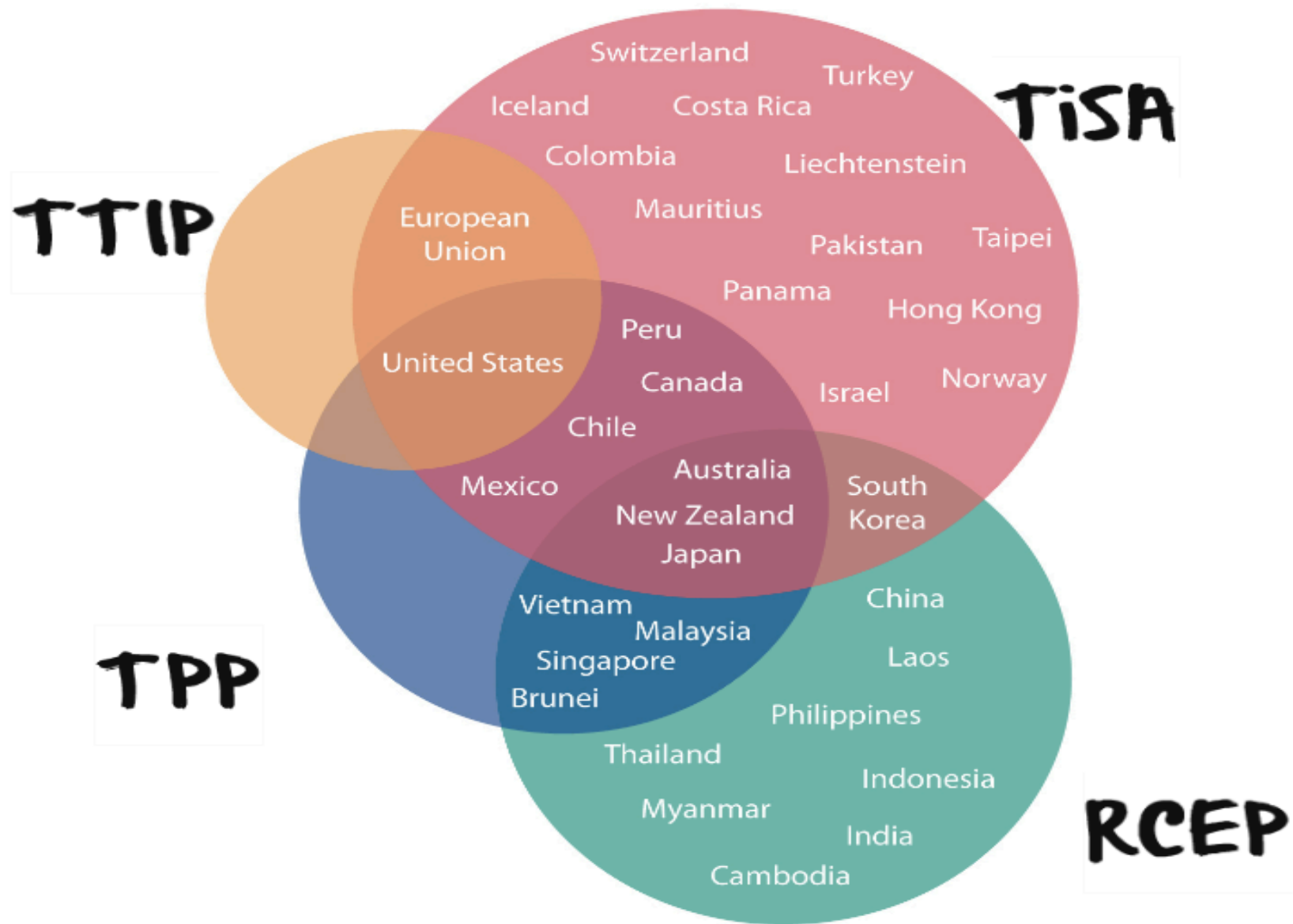
Enablers of Corporate Control and Concentration – IP etc

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Some of the overlapping mega-regional FTAs



From <http://bilaterals.org/?-mega-regional-ftas->

Some other FTAs being negotiated by RCEP countries

RCEP country	EUFTA?	TPP/CPTPP?	EFTA FTA?
Australia	Negotiating	Ratifying	
Brunei	Will negotiate via ASEAN?	Ratifying	
Cambodia	Will negotiate via ASEAN?	Said wants to join	
China	Negotiating BIT	Said wants to join?	
India	Negotiating		Negotiating
Indonesia	Negotiating	Said wants to join	Negotiating
Japan	Ratifying	Ratifying	
Korea (Rep of)	Has one	Said wants to join	
Laos	Will negotiate via ASEAN?		
Malaysia	Negotiating	Ratifying?	Negotiating
Myanmar	Negotiating BIT		
New Zealand	Negotiating	Ratifying	
Philippines	Negotiating	Said wants to join	
Singapore	Ratifying	Ratifying	
Thailand	Negotiating	Said wants to join	
Viet Nam	Ratifying	Ratifying	Negotiating

^[1] http://ec.europa.eu/trade/policy/countries-and-regions/negotiations-and-agreements/#_being-negotiated

^[2] <http://www.efta.int/free-trade/ongoing-negotiations-talks>

^[3] https://www.seco.admin.ch/seco/en/home/Aussenwirtschaftspolitik_Wirtschaftliche_Zusammenarbeit/Wirtschaftsbeziehungen/Internationaler_Handel_mit_Dienstleistungen/TISA/Plurilateraler_Verhandlungsprozess.html

^[4] <http://ec.europa.eu/trade/policy/countries-and-regions/regions/asean/>

Some provisions which can affect farmers and trade/ investment agreements where they are being negotiated

Provision	Chapter	Agreement	Impact
Removal of tariffs on imported food	Goods	All FTAs except TISA, WTO	Increased competition from subsidised imports
Restricting regulations of GMOs	Goods, SPS? TBT?	Goods: TPP SPS, TBT: TPP? RCEP?	Restricts the ability to regulate GMOs
Join Patent Cooperation Treaty, have grace periods, allow amendments to patent applications etc	Intellectual property (IP)	TPP, [RCEP], EUFTA?, EFTA FTA?	More patents on agricultural machinery and agrochemicals
Patent term extensions for delays by the patent office	IP	TPP, [RCEP], EUFTA?, EFTA FTA?	Longer patents on agricultural machinery and agrochemicals
Patent term extensions for delays in marketing approval of agrochemicals	IP	EUFTA?	Longer patents on agrochemicals
UPOV91	IP	TPP, [RCEP], EUFTA?, EFTA FTA?	20 or 25 year monopolies on seeds, no exchanging or selling of protected seeds, so seeds can be >4x more expensive
Data/market exclusivity on agricultural chemicals	IP	TPP, EUFTA?, EFTA FTA?	Makes agricultural chemicals 2-3x more expensive
Technological protection measures	IP	TPP, [RCEP], EUFTA?, EFTA FTA?	Farmers cannot get generic repairs done/repair tractors themselves

Some provisions which can affect farmers and trade/ investment agreements where they are being negotiated

Provision	Chapter	Agreement	Impact
Liberalisation of financial services	Financial services/services	TPP, RCEP?, EUFTA?, EFTA FTA?, WTO	Reduced access to credit for small farmers, women, rural sector
Liberalisation of retail, slaughterhouses, meatpacking etc sectors	Services	TPP, RCEP, EUFTA?, EFTA FTA, WTO	Opens to foreign mergers and acquisitions etc
Domestic regulation disciplines	Services	TPP (endeavour), [RCEP], EUFTA?, EFTA FTA, [WTO]	Can restrict licensing requirements and procedures and technical standards eg re crop dusting
National treatment	Investment	TPP, [RCEP], EUFTA?, EFTA FTA?	Allows foreigners to own land
Restrictions on performance requirements	Investment	TPP, [RCEP] EUFTA?, EFTA FTA?, [WTO]	Restricts local content/tech transfer etc requirements
Fair and equitable treatment, expropriation	Investment	TPP, [RCEP], EUFTA?, EFTA FTA, [WTO?]	Can prevent land reform (at affordable prices)
Investor-to-state dispute settlement (ISDS)	Investment	TPP, [RCEP], EUFTA?, EFTA FTA, [WTO?]	Foreign companies can enforce by suing at international tribunal for monetary compensation

Some provisions which can affect farmers and trade/ investment agreements where they are being negotiated

Provision	Chapter	Agreement	Impact
Liberalisation of government procurement	Government procurement (GP)	TPP, EUFTA?, EFTA FTA? [WTO]	GP no longer just from local farmers
Liberalisation of state-owned enterprise (SOE) procurement	SOE	TPP	SOEs no longer just buy from local farmers
Restrictions on local presence requirements	Services/ecommerce	TPP, EUFTA?, EFTA FTA?, [WTO]	Restricts ability to regulate service providers
Must allow cross-border data flows	Ecommerce	TPP, [RCEP], EUFTA?, EFTA FTA?, [WTO]	Gives Amazon etc more power
Restricts regulators' access to source code	Ecommerce	TPP, [RCEP], EUFTA?, EFTA FTA?, [WTO]	Makes it harder to check if Amazon/google etc are being anti-competitive, regulate high-frequency trading etc
Exceptions	Exceptions	TPP, [RCEP], EUFTA?, EFTA FTA?, [WTO]	Usually copy WTO exceptions which don't have exceptions for farmers
Dispute settlement	Dispute settlement	TPP, [RCEP], EUFTA?, EFTA FTA?, WTO	Enforceable via government-to-government disputes

Thank you

How proposed ecommerce rules help Amazon increase its dominance:
http://ourworldisnotforsale.net/2017/Hill_MSMEs_E-commerce.pdf

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