

Malaysia Claims 14 of 29 TPP Chapters “Substantially Closed”

Ahead of the 18th round of the Trans-Pacific Partnership (TPP) negotiations, the Malaysian Ministry of International Trade and Industry (MITI) released a paper detailing the state-of-play in the TPP. Malaysia claimed that “some progress” has been achieved in the negotiations thus far on issues pertaining related to 14 out of 29 TPP Chapters, which can be considered “substantially closed”.

The paper cites sanitary and phytosanitary (SPS), customs, cross-border trade in services, telecommunications, temporary entry, government procurement, labour, cooperation and capacity building, competitiveness and business facilitation, development, small and medium enterprises, regulatory coherence, initial and general definitions chapter and administrative and institutional provisions, among the chapters on which negotiations are greatly advanced, but acknowledged that sensitive issues on some of those chapters will require additional discussion at a later stage of the negotiations.

At the end of the 17th round held in Lima last May, chief negotiators stated that they have been able to make “significant progress” in SPS, trade remedies, e-commerce, cross border trade in services, rules of origin, legal and institutional issues; considering the above chapters as essentially completed or close to completion, except for some minor issues to be tackled in upcoming inter-sessions.

In Singapore, four chapters were closed – regulatory coherence, telecommunications, customs and development – in addition to small and medium enterprises (SMEs), which was completed at the 12th round in Dallas.

However, contrary to the Malaysian report, chief negotiators in Lima listed government procurement among a number of challenging issues, along with intellectual property rights (IPR), environment and competition, market access for goods, services and investment, where additional work was needed given the complexity and the sensitivity of those chapters.

Malaysia’s Ministry of International Trade and Industry stressed that the negotiations’ most sensitive issues will be “put aside for further deliberation by all negotiating countries.” The Ministry went on to lay out potential options for dealing with these sensitivities including:

1. watered-down commitments
2. longer transition periods for implementation
3. limiting commitments through the Non-Conforming Lists
4. absolute carve-outs

“The options are not limited to the above and other forms of flexibilities can be adopted on a case-by-case basis,” the paper states.

TPP countries (Australia, Brunei, Canada, Chile, Japan, Malaysia, Mexico, New Zealand, Peru, Singapore, the United States, and Vietnam) aim to reach a deal by the end of the year, a deadline which was originally set for October 2013, at the time of the meeting of Leaders of Asia-Pacific Economic Cooperation in Bali (Indonesia).

Upcoming Events

- TPP Round XVIII, July 15–25, 2013, Kota Kinabalu (Malaysia)
- General Council, July 24-25, Oct. 8-9, Nov. 5-6, 2013
- Deadline for Bali Deliverables, August, 2013
- Regular Agriculture Committee, September 4, November 12, 2013
- WTO Public Forum, October 1–3, 2013
- APEC Leaders' Summit, October 1–8, 2013
- WTO 9th Ministerial Conference (MC9), December 3–6, 2013, Bali (Indonesia)

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