The G7 Research Group at the Munk School of Global Affairs and Public Policy at Trinity College in the University of Toronto presents the

2018 Charlevoix G7 Final Compliance Report
10 June 2018 — 25 July 2019

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23 August 2019

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“We have meanwhile set up a process and there are also independent institutions monitoring which objectives of our G7 meetings we actually achieve. When it comes to these goals we have a compliance rate of about 80%, according to the University of Toronto. Germany, with its 87%, comes off pretty well. That means that next year too, under the Japanese G7 presidency, we are going to check where we stand in comparison to what we have discussed with each other now. So a lot of what we have resolved to do here together is something that we are going to have to work very hard at over the next few months. But I think that it has become apparent that we, as the G7, want to assume responsibility far beyond the prosperity in our own countries. That’s why today’s outreach meetings, that is the meetings with our guests, were also of great importance.”

Chancellor Angela Merkel, Schloss Elmau, 8 June 2015

G7 summits are a moment for people to judge whether aspirational intent is met by concrete commitments. The G7 Research Group provides a report card on the implementation of G7 and G20 commitments. It is a good moment for the public to interact with leaders and say, you took a leadership position on these issues — a year later, or three years later, what have you accomplished?

Achim Steiner, Administrator, United Nations Development Programme, in G7 Canada: The 2018 Charlevoix Summit
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3. Trade: International Rules and Intellectual Property Rights

“We will work together to enforce existing international rules and develop new rules where needed to foster a truly level playing field, addressing in particular non-market oriented policies and practices, and inadequate protection of intellectual property rights, such as forced technology transfer or cyber-enabled theft.”

G7 Charlevoix Summit Communiqué

Assessment

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<td>European Union</td>
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Background

In October 1947, the first international trade regulation agreement was signed, known as the General Agreement on Tariffs and Trade (GATT).451 The agreement went into effect in January 1948, and regulated international trade until January 1995, when it was replaced by an institution with wider breadth — the World Trade Organization (WTO).452 While GATT aimed to increase cooperation in international trade by reducing tariffs and trade barriers, WTO also included functions to regulate trade beyond trade barriers, such as the protection of intellectual property.453 The WTO framework also introduced the Agreement on Trade-Related Aspects of Intellectual Property Rights (TRIPS) in January 1995.454 TRIPS functions to protect the intellectual property of WTO members, setting global copyright standards, which WTO members must align national copyright laws with.455

In addition to WTO and TRIPS, the Berne Convention for the Protection of Literary and Artistic Works and the Paris Convention for the Protection of Industrial Property also exist as international frameworks for intellectual property and copyright protection.456,457 These two conventions predate both WTO and GATT, with the Berne Convention being signed in September 1886, and the Paris

Convention being signed in March 1883. Certain TRIPS regulations draw directly from the two aforementioned conventions, both of which are still in effect as of 2018.

In 1893, the United International Bureaux for the Protection of Intellectual Property (BIRPI) was established as an international regulatory body to oversee the implementation of the Berne and Paris Intellectual Property Rights conventions. In 1970, the World Intellectual Property Organization (WIPO) replaced BIRPI, “in order to encourage creative activity, [and] to promote the protection of intellectual property throughout the world.” In 1974, WIPO joined the UN as a specialized agency overseeing intellectual property rights (IPR).

Intellectual property rights have been discussed by both the G7 and G20 during their respective annual summits. The 2015 G20 Summit in Antalya, Turkey, was the first G20 Summit in which IPR were mentioned in the leaders’ communique, affirming “that no country should conduct or support ICT-enabled theft of intellectual property.” At the 2016 G20 Summit in Hangzhou, China, the leaders’ communique “emphasize[d] the importance of open trade and investment regimes to facilitate innovation through IPR protection,” and reaffirmed support for the WTO and TRIPS. At the 2017 G20 Summit in Hamburg, Germany, the leaders’ communique affirmed: “support [for] the free flow of information while respecting applicable legal frameworks for privacy, data protection, and IPR.”

In the G7, IPR first appeared as a topic of discussion in the 1986 G7 Summit in Tokyo, Japan. Since then, IPR has appeared in 20 out of the 31 G7 leaders’ communiques. Particular attention was paid to IPR at the 2001 G8 Summit in Genoa, the 2009 G8 Summit in L’Aquila, and the 2011 G8 Summit in Deauville. Leaders at the Genoa Summit “call[ed] on the WTO and the World Intellectual Property Rights Organisation, in collaboration with the World Bank, to help the poorest countries comply with international rules on IPR” and “reaffirm[ed] [their] commitment to strong and effective IPR protection as a necessary incentive for research and development of life-saving drugs.” At the L’Aquila Summit, G7 leaders agreed that “an enabling policy and business environment where IPR are respected is necessary to promote innovation, knowledge, entrepreneurship, and creativity,” and that “innovation can be promoted via an effective IPR system.”

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467 G7/8 Summits, G7 Information Centre (Toronto) Access Date: 7 September 2018. http://www.g7utoronto.ca/summit/index.htm
referencing the role of WIPO. At the Deauville Summit, leaders “renew[ed] [their] commitment to ensuring effective action against violations of intellectual property rights in the digital arena” and “encourag[ed] continued innovation in legal online trade in goods and content, that are respectful of intellectual property rights.” The Deauville Summit marked a shift in the G7’s focus on IPR, notably its recognition of newly emerging threats to IPR, such as cyber-enabled theft.

Commitment Features

The commitment specifies that existing international trade rules must be enforced collaboratively by G7 members and that new rules must be developed in cases where current rules do not adequately provide a level playing field for international trade. Enforcement of international trade rules includes actions taken to align national laws with the current international frameworks regarding trade and intellectual property rights. This is the first part of the commitment, which requires the G7 member to demonstrate that it will work to enforce existing international rules.

The development of new rules refers to actions taken in cooperation with other G7 members or international IPR and trade organizations to modify the current international IPR and trade framework, in order to foster a fairer international trade system. The aforementioned development refer to two areas: 1) addressing “non-market oriented policies and practices” and 2) addressing “inadequate protection of intellectual property rights.” The former refers to market interventions or distortions such as trade barriers and protectionist policies. Actions to address this issue include increasing international trade cooperation and refraining from intentionally placing trade partners at a disadvantage for the sake of trade balance or domestic industry protection. The latter, inadequate protection of intellectual property rights, refer to examples such as forced technology transfer or cyber-enabled theft, as listed in the commitment. These two examples should be given priority consideration when scoring for compliance.

The text of the commitment indicates that the G7 member must demonstrate attempts to engage in both the enforcement of existing rules and the development of new rules to fully comply with the commitment. The first part of the commitment species that the G7 must demonstrate collaborative and engagement with its G7 counterparts in its efforts to enforce existing international rules. This means that the G7 member must demonstrate explicit action with regards to current international rules surrounding trade, notably trade laws facilitated by the World Trade Organization.

In the latter part of the commitment, the G7 member must make progress in developing new rules where previous legal regimes are inadequate, with a specific focus on non-market-oriented policies and practices and inadequate protection of intellectual property rights. Full compliance should be reflected by multiple, in-depth engagements, while “some progress” is defined as minimal or less than strong action in this regard. The G7 member must demonstrate substantive participation in the development of new international rules, through examples such as but not limited to proposing new technical regulations, changes to existing legal regimes, establishing monitoring and evaluation mechanisms and more. Compliance in this part of the commitment will depend on the extent of the G7 member’s progress and contributions.

In order for the G7 member to achieve full compliance score, it must address both aforementioned areas of the commitment. To earn a score of partial compliance, the G7 member must address the former part of the commitment and/or make some progress in the latter part of the commitment. Non-compliance, or a score of −1, refers to G7 members who have acted on neither part of this commitment.

**Scoring Guidelines**

<table>
<thead>
<tr>
<th>Score</th>
<th>Description</th>
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<tbody>
<tr>
<td>−1</td>
<td>The G7 member has NOT worked together to enforce existing international rules NOR developed new rules where needed to foster a truly level playing field, addressing in particular non-market oriented policies and practices, and inadequate protection of intellectual property rights, such as forced technology transfer or cyber-enabled theft.</td>
</tr>
<tr>
<td>0</td>
<td>The G7 member has worked together to enforce existing international rules AND/OR made SOME progress in developing new rules where needed to foster a truly level playing field, addressing in particular non-market oriented policies and practices, and inadequate protection of intellectual property rights, such as forced technology transfer or cyber-enabled theft.</td>
</tr>
<tr>
<td>+1</td>
<td>The G7 member has worked together to enforce existing international rules AND develop new rules where needed to foster a truly level playing field, addressing in particular non-market oriented policies and practices, and inadequate protection of intellectual property rights, such as forced technology transfer or cyber-enabled theft.</td>
</tr>
</tbody>
</table>

**Canada: 0**

Canada has partially complied with its commitment to enforce existing international rules and develop new rules where needed to foster a truly level playing field, addressing in particular non-market oriented policies and practices, and inadequate protection of intellectual property rights, such as forced technology transfer or cyber-enabled theft.

On 30 September 2018, Canada, the United States, and Mexico signed the Canada-United States-Mexico Agreement (CUSMA), ending a year of negotiations and replacing the North-American Free Trade Agreement. According to intellectual property experts, the CUSMA “lengthens the protection on copyright, undermines the ability of governments to enact data localization policies and extends patent protections on drugs in a way that will increase costs for the Canadian health care system.” Furthermore, experts say intellectual property laws will protect incumbent players and stifle new innovators in the future, which puts Canada at a disadvantage.

On 1 December 2018, along with other G20 members, Canada participated in the release of a joint declaration from the Buenos Aires G20 Summit, which took place in Argentina from 30 November 2018 to 1 December 2018. The declaration includes a provision that supports the protection of intellectual property rights.

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On 12 December 2018, International Trade Diversification Minister Jim Carr stated that Canada’s trade relationship with China would carry on despite the arrest of a top Huawei Technologies Inc. executive in Vancouver.476

On 4 April 2019, Foreign Minister Chrystia Freeland cautioned against the idea of reopening a new continental trade pact with the United States and Mexico, stating that it could be a "Pandora's box."477 Minister Freeland also issued a warning that Canada would only move forward on ratifying the USCMA when other countries do, and this decision may change tariffs imposed the United States.478

On 11 April 2019, on the sidelines of the annual spring meetings of the World Bank and the International Monetary Fund, Finance Minister Bill Morneau stated that Canada “continue[s] to advocate for the complete removal of the tariffs,” with the US, and Canada would not accept the replacement of tariffs with quotas, rather preferring a complete removal of trade barriers.479

On 17 May 2019, the U.S. reached a deal with Canada to lift tariffs on steel and aluminum imports. In a joint statement, both countries announced that a 25 per cent tariff on steel imports, and of 10 per cent on aluminum, would end within 48 hours.480

On 8 June 2019, Finance Minister Jim Carr and Turkish Finance Minister Ruhsar Pekcan signed the Joint Economic and Trade Commission’s (JETCO) memorandum of understanding at the G20 Ministerial Meeting on Trade and Digital Economy held in Tsukuba, Japan. This memorandum was signed with the aim of strengthening bilateral relations between Turkey and Canada in the areas of trade, industry, services and investment.481

On 9 June 2019, on the sidelines of the G20 Ministerial Meeting in Fukuoka, Japan, Finance Minister Bill Morneau stated that U.S. President Donald Trump’s decision not to place tariffs on Mexico over issues of migration clears the path for the U.S.-Mexico-Canada trade agreement to move forward. Minister Morneau further stated that the American decision to cancel steel and aluminum tariffs on Canada has pushed the deal toward ratification.482

Canada has partially complied with its commitment to enforce existing international rules and develop new rules where needed to foster a truly level playing field. Actions were taken to continue to engage in free trade with other nations, despite rising diplomatic tensions with the United States, but issues on developing new rules regarding intellectual property remain.

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Thus, Canada receives a score of 0.

Analyst: Faaris Hussain

France: +1

France has fully complied with its commitment to enforce existing international rules and develop new rules where needed to foster a truly level playing field, addressing in particular non-market oriented policies and practices, and inadequate protection of intellectual property rights, such as forced technology transfer or cyber-enabled theft.

On 25 June 2018, Prime Minister Edouard Philippe met with Chinese Premier Li Keqiang and various industry leaders from manufacturing, energy and finance sectors in Beijing.\footnote{Chinese premier, French PM attend entrepreneur’s symposium, Xinhua (Beijing) 26 June 2018. Access Date: 21 October 2018. http://www.xinhuanet.com/english/2018-06/26/c_137282398.htm} Premier Li credits development in both nations to France and China’s cooperative relationship.\footnote{Chinese premier, French PM attend entrepreneur’s symposium, Xinhua (Beijing) 26 June 2018. Access Date: 21 October 2018. http://www.xinhuanet.com/english/2018-06/26/c_137282398.htm} He stated that their cooperative success has encouraged China to “open its door to the outside world” and promote free trade with the rest of the world. After the meeting, both heads of states pushed for further bilateral cooperation and singled out intellectual property rights (IPR) and technology transfer issues as key concerns that they plan to address.\footnote{Chinese premier, French PM attend entrepreneur’s symposium, Xinhua (Beijing) 26 June 2018. Access Date: 21 October 2018. http://www.xinhuanet.com/english/2018-06/26/c_137282398.htm}


individual choice in professional training, approval of vocational training organizations, and validation of skills belonging to self-employed individuals.\(^492\)

On 24 October 2018, the Ministry of Economy and Finance released a document advising French companies, domestic and abroad, to prepare for the economic and legal implications of a no-deal Brexit.\(^493\) The document provides information regarding a smooth transition for French companies who operate in the United Kingdom or with British partners.\(^494\) The document also outlines how “decree powers will be aimed at priority sectors where the impact of a no-deal Brexit could prove most damaging and will ensure that France-based subsidiaries of UK companies have the legal right to operate.”\(^495\)

On 1 November 2018, Ambassador to China Jean-Maurice Ripert and the German Ambassador to China published a joint article in Chinese business magazine Caixin, in which they urged China to provide a level playing field for European businesses in China.\(^496\) In the article, the ambassadors emphasized that “French and German companies are looking forward to China demonstrating that it will not waver and will deepen its opening-up and reform policy in order to create a level playing field for foreign businesses in China.”\(^497\)

On 26 November 2018, the European Union Energy Commissioner and Iranian nuclear energy chief held a joint press conference regarding the EU-Iran trade deal.\(^498\) After the conference, France and Germany assumed a leadership role in the trade negotiations. A Special Purpose Vehicle (SPV) legal deal was jeopardized due to potential U.S. sanctions.\(^499\) However, France and Germany are prepared to host the SPV together and deter U.S. retaliation. The SPV will only be used initially for smaller-scale trade of agricultural and humanitarian products.\(^500\)

On 1 December 2018, along with other G20 members, France participated in the release of a joint declaration from the Buenos Aires G20 Summit, which took place in Argentina from 30 November


\(^493\) France asks businesses to prepare for ‘no-deal Brexit’, Financial Times (Paris) 24 October 2018. Access Date: 2 November 2018. https://www.ft.com/content/5532d5a4-d6d8-11e8-a854-33d6f82e62f8

\(^494\) France asks businesses to prepare for ‘no-deal Brexit’, Financial Times (Paris) 24 October 2018. Access Date: 2 November 2018. https://www.ft.com/content/5532d5a4-d6d8-11e8-a854-33d6f82e62f8

\(^495\) France asks businesses to prepare for ‘no-deal Brexit’, Financial Times (Paris) 24 October 2018. Access Date: 2 November 2018. https://www.ft.com/content/5532d5a4-d6d8-11e8-a854-33d6f82e62f8

\(^496\) Germany, France urge China to level business playing field, Reuters (Shanghai) 1 November 2018. Access Date: 2 November 2018. https://www.reuters.com/article/us-china-trade-europe/germany-france-urge-china-to-level-business-playing-field-idUSKCN1NX2C1

\(^497\) Germany, France urge China to level business playing field, Reuters (Shanghai) 1 November 2018. Access Date: 2 November 2018. https://www.reuters.com/article/us-china-trade-europe/germany-france-urge-china-to-level-business-playing-field-idUSKCN1NX2C1


2018 to 1 December 2018. The declaration includes a provision that supports the protection of intellectual property rights.501

On 17 December 2018, France pledged EUR4.5 million in technical assistance and training programmes for developing and least developed countries.502 The funds will be spread over a period of three years from 2018 to 2020, divided between five World Trade Organization programmes.503 The Chairs Programme, which promotes knowledge and understanding of multilateral trade systems through research institutes in developing countries, will receive EUR50,000 annually.504 The Doha Development Agenda Global Trust Fund, aimed at training officials to better implement WTO agreements, will receive EUR400,000 annually.505 The Standards and Trade Development Facility, which helps developing nations implement animal and food safety standards, will benefit from EUR150,000 each year.506 An EUR800,000 contribution will be directed towards the internship programme sponsored by France and Ireland.507 Furthermore, the Trade Facilitation Agreement Facility, which seeks the full implementation of the Trade Facilitation Agreement by all WTO members, will receive an annual contribution of EUR100,000.508

On 13 February 2019, France met with EU representatives to discuss copyright regulations.509 The agreement reached between France and the EU increases the possibility of using copyrighted content for education, research and the preservation of heritage.510 The agreement also allows for cross-border online access to copyrighted content.511 The main directives are to strengthen the security of copyright holders, and improve transparency and control over protected content.512 Small online
businesses that offer Intellectual Property Rights services will benefit from clearer and lightened laws under new regulations.\textsuperscript{513}

On 18 February 2019, French and German officials met to finalize a joint arms export agreement.\textsuperscript{514} The agreement will allow for cooperation for freer trade in areas of defense.\textsuperscript{515} Germany’s strict control over arms exports to third world countries was a shared concern between French and German officials, and Germany is expected to reduce these restrictions after discussions.\textsuperscript{516} The agreement supports both members’ vision for a joint export policy, and follows previously announced joint military projects.\textsuperscript{517} On 23 February 2019, French Economic Minister Bruno Le Maire publicly called on Germany to ease its arms export rules.\textsuperscript{518}

On 21 February 2019, France delayed trade talks with the United States regarding US tariffs on European cars.\textsuperscript{519} While other EU member nations reaffirmed shared concerns regarding potential US trade restrictions on EU auto imports, France expressed reservations.\textsuperscript{520} The main policies discussed during the meeting between EU members were opening agricultural market access to US producers and preventing car export tariffs. France cited the lack of public popularity as a reason for its reservations.\textsuperscript{521}

On 23 March 2019, France adopted a new law (No. 2019-222) reforming and strengthening the organization of its judicial system.\textsuperscript{522} The new mandate will impact social litigation, and brings major implications for Intellectual Property Rights disputes.\textsuperscript{523} From January 2020, the Courts of First Instance and the Civil Courts will be united under a common name — Judicial Courts. Judicial Courts will be responsible for adjudicating several civil and commercial matters.\textsuperscript{524} This new


regulation aims to promote alternative dispute resolution mechanisms of mediation and conciliation, while complying with ethical requirements of transparency and confidentiality.\textsuperscript{525}

On 15 April 2019, France voted in favor of implementing a new EU Copyright Directive.\textsuperscript{526} The new directive amends the legal framework on copyright to suit today’s digital environment, specifically by ensuring adequate protection for authors and artists while furthering possibilities for sharing copyright-protected content.\textsuperscript{527} The directive lays out clear rules regarding the exploitation of out-of-commerce work, rights clearance by video-on-demand platforms and issuing of collective licenses.\textsuperscript{528} In addition, the directive also introduces exceptions to copyright for the purposes of text and data mining, educational learning and the dissemination of cultural heritage.\textsuperscript{529} It is expected that the directive will help establish an accessible marketplace for copyrighted content. Following the publication of the directive, France will have two years to transpose the new regulation.\textsuperscript{530}

France has fully complied with its commitment to enforce existing international rules and develop new rules which help to foster a level playing field by addressing non-market oriented practices and has taken actions to address inadequate protection of intellectual property rights.

Thus, France receives a score of +1.

\textit{Analyst: Srijan Sahu}

\textbf{Germany: +1}

Germany has fully complied with its commitment to enforce existing international rules and develop new rules where needed to foster a truly level playing field, addressing in particular non-market oriented policies and practices, and inadequate protection of intellectual property rights, such as forced technology transfer or cyber-enabled theft.

On 1 November 2018, Ambassador to China Michael Clauss and the French Ambassador to China published a joint article in Chinese business magazine Caixin, in which they urged China to provide a level playing field for European businesses in China.\textsuperscript{531} In the article, the ambassadors emphasized that “French and German companies are looking forward to China demonstrating that it will not


\textsuperscript{531} Germany, France urge China to level business playing field, Reuters (Shanghai) 1 November 2018. Access Date: 2 November 2018. https://www.reuters.com/article/us-china-trade-europe/germany-france-urge-china-to-level-business-playing-field-idUSKCN1N63VP
waver and will deepen its opening-up and reform policy in order to create a level playing field for foreign businesses in China.”

On 26 November 2018, the European Union Energy Commissioner and Iranian nuclear energy chief held a joint press conference regarding the EU-Iran trade deal. After the conference, Germany and France assumed a leadership role in the trade negotiations. A Special Purpose Vehicle (SPV) legal deal was jeopardized due to potential U.S. sanctions. However, Germany and France are prepared to host the SPV together and deter U.S. retaliation. The SPV will only be used initially for small-scale trade of agricultural and humanitarian products.

On 22 November 2018, Germany contributed EUR1.6 million to the United Nations Conference on Trade and Development. The funds will run from November 2018 to December 2020, dedicated to helping African countries increase their knowledge of trade and better address intellectual property rights. German Ambassador Hans-Peter Jugel stated, “This is a big step forward in the economic development of Africa.”

On 1 December 2018, along with other G20 members, Germany participated in the release of a joint declaration from the Buenos Aires G20 Summit, which took place in Argentina from 30 November 2018 to 1 December 2018. The declaration includes a provision that supports the protection of intellectual property rights.

On 5 December 2018, Germany agreed to a EUR1 million grant to the Doha Development Agenda Global Trust Fund. World Trade Organization (WTO) Deputy Director-General Yonov Frederick Agah met with Germany’s WTO Ambassador Walter Werner to confirm the contribution. The financial assistance is designed to help developing nations adhere to WTO agreements and enhance

541 Germany gives EUR1 million to enhance developing countries’ participation in world trade, World Trade Organization (Geneva) 5 December 2018. Access Date: 8 December 2018. https://www.wto.org/english/news_e/pres18_e/pr827_e.htm
their participation in global trade.\textsuperscript{542} This recent grant will finance training workshops for officials in developing countries and least-developed countries.\textsuperscript{543}

On 4 February 2019, during a joint news conference with Japanese Prime Minister Shinzo Abe, German Chancellor Angela Merkel urged Britain to avoid a no-deal Brexit and pledged to maintain free trade commitments.\textsuperscript{544} Officials from the two countries also discussed rising protectionism, bilateral security and the exchange of classified information. Merkel pledged to work together with Japan and use free trade to curb the influence of impending Brexit.\textsuperscript{545}

On 21 March 2019, Germany adopted a new law on the protection of business secrets, in line with EU Directive (2016/943).\textsuperscript{546} The new law is named GeschGehG, and it will come into force from 26 April 2019, making Germany one of the last EU Member States to implement this EU mandate.\textsuperscript{547} The new law offers a legal definition of what constitutes a trade secret, defined as information that is not easily accessible or generally known, information that has economic value, information for which security provisions are made and information that has legitimate incentives for the owner to protect.\textsuperscript{548} In addition, the law details a catalog of prohibition and authorization facts, allows for reverse engineering and regulates whistleblowing.\textsuperscript{549} While Germany’s GeschGehG act differs from the EU Directive in certain aspects, it establishes homogenous protection for trade secrets.\textsuperscript{550} It is expected that businesses will face more difficulties in protecting trade secrets due to stringent requirements for protection measures.\textsuperscript{551}

\textsuperscript{542} Germany gives EUR1 million to enhance developing countries’ participation in world trade, World Trade Organization (Geneva) 5 December 2018. Access Date: 8 December 2018. https://www.wto.org/english/news_e/pres18_e/pr827_e.htm

\textsuperscript{543} Germany gives EUR1 million to enhance developing countries’ participation in world trade, World Trade Organization (Geneva) 5 December 2018. Access Date: 8 December 2018. https://www.wto.org/english/news_e/pres18_e/pr827_e.htm


On 5 May 2019, Economic Minister Peter Altmaier declared Germany’s commitment to cooperating with Japan and promoting free trade and reform of the WTO.\textsuperscript{552} In an interview leading up to a G20 ministerial meeting, Altmaier stressed Japan’s importance as a trading partner and emphasized Germany’s intention to lower trade tariffs and strengthen the WTO.\textsuperscript{553} Altmaier added that the recent economic partnership agreement between the two members signals a clear intention to fight protectionism.\textsuperscript{554}

On 15 April 2019, Germany voted in favor of implementing a new EU Copyright Directive.\textsuperscript{555} The new directive amends the legal framework on copyright to suit today’s digital environment, specifically by ensuring adequate protection for authors and artists while furthering possibilities for sharing copyright-protected content.\textsuperscript{556} The directive lays out clear rules regarding the exploitation of out-of-commerce work, rights clearance by video-on-demand platforms and issuing of collective licenses.\textsuperscript{557} In addition, the directive also introduces exceptions to copyright for the purposes of text and data mining, educational learning and the dissemination of cultural heritage.\textsuperscript{558} It is expected that the directive will help establish an accessible marketplace for copyrighted content. Following the publication of the directive, Germany will have two years to transpose the new regulation.\textsuperscript{559}

Germany has supported efforts to enforce existing international rules and develop new rules which help to foster a level playing field by addressing non-market oriented practices and has taken actions to address inadequate protection of intellectual property rights.

Thus, Germany receives a score of +1.

\textit{Analyst: Srijan Sahu}

\textbf{Italy: +1}

Italy has fully complied with its commitment to enforce existing international rules and develop new rules where needed to foster a truly level playing field, addressing in particular non-market oriented policies and practices, and inadequate protection of intellectual property rights, such as forced technology transfer or cyber-enabled theft.


On 20 June 2018, the Organisation for Economic Co-operation and Development (OECD) issued a press release stating that Italy will be working with the OECD to reduce losses to gross domestic product and infringements of intellectual property rights caused by the trade of counterfeit Italian goods. 560 According to the OECD, losses are estimated to reach EUR32 billion as a result of infringed Italian trademarks trade, which will be coupled with losses of 2.3% of the total number of employees in the manufacturing sector and losses in public revenue. 561

On 13 July 2018, Deputy Prime Minister Luigi Di Maio announced that Italy will not be ratifying the Canada–European Union Comprehensive Economic and Trade Agreement. 562 This agreement includes provisions to improve intellectual property rights in the European Union and Canada. 563

On 22 November 2018, Foreign Minister Moawero Milanesi met with Iranian Foreign Minister Mohammad Javad Zarif in Rome to discuss European measures such as the “Special Purpose Vehicle” to protect trade between Iran and the EU in the event of U.S. sanctions following the American withdrawal from the Joint Comprehensive Plan of Action. 564 These talks promised continued and improved economic cooperation between Italy and Iran. 565

On 1 December 2018, along with other G20 members, Italy participated in the release of a joint declaration from the Buenos Aires G20 summit, which took place in Argentina from 30 November 2018 to 1 December 2018. The declaration includes a provision that supports the protection of intellectual property rights. 566

On 4 December 2018, Undersecretary for Foreign Affairs Manlio di Stefano announced in an interview that Italy has created a task force to increase trade between Italy and Asia, focusing on China and Japan. 567 This endeavour encompasses economic agreements and seeks to foster new solid political ties. 568

On 26 February 2019, Deputy Minister of Economic Development Michele Geraci and Indian Commerce and Industry Minister Suresh Prabhu co-chaired the 20th India-Italy Joint Commission

for Economic Cooperation meeting held in New Delhi.\textsuperscript{369} The purpose of the meeting was to facilitate dialogue and enhance cooperation between the two countries on economic issues.\textsuperscript{370}

On 21 March 2019, a memorandum of intent was signed between Deputy Prime Minister Luigi Di Maio and Chinese President Xi Jinping during President Xi’s visit to Rome.\textsuperscript{371} This deal formalizes Italy’s role as a member of the Economic Silk Road and The Initiative for a Maritime Silk Road for the 21\textsuperscript{st} Century.\textsuperscript{372}

Italy has supported efforts to enforce existing international rules and develop new rules which help to foster a level playing field by addressing the inadequate protection of intellectual property rights. Italy has also taken actions to address non-market oriented policies and practices. Thus, Italy receives a score of +1.

\textit{Analyst: Stacy Chen}

\section*{Japan: +1}

Japan has fully complied with its commitment to enforce existing international rules and develop new rules where needed to foster a truly level playing field, addressing in particular non-market oriented policies and practices, and inadequate protection of intellectual property rights, such as forced technology transfer or cyber-enabled theft.

On 25 October 2018, Prime Minister Shinzo Abe met with Chinese leaders in Beijing for talks aimed at improving bilateral relations.\textsuperscript{573} At the talks, Chinese Premier Li Keqiang announced that China and Japan will “forge ahead opening-up, make market regulation fairer, strictly protect intellectual property rights and create a market-oriented, law-based and international business environment.”\textsuperscript{574}

On 30 October 2018, Minister of Economy, Trade, and Industry Hiroshige Seko held a meeting with German Federal Minister for Economic Affairs and Energy Peter Altmaier, where they signed the Japan-Germany Joint Declaration of Intent on economic policy and economic cooperation. This agreement covers cooperation in additional fields such as trade policies, space exploration, start-ups, and energy.\textsuperscript{575}

On 1 December 2018, along with other G20 members, Japan participated in the release of a joint declaration from the Buenos Aires G20 Summit, which took place in Argentina from 30 November

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2018 to 1 December 2018. The declaration includes a provision that supports the protection of intellectual property rights.576

On 3 December 2018, the Ministry of Economy, Trade and Industry issued a press statement announcing that on 6 December 2018, Deputy Minister for Foreign Affairs Kazuyuki Yamazaki, Chinese Vice Minister of Commerce Wang Shouwen, and Korean Deputy Minister for Trade Negotiations of the Ministry of Trade, Industry and Energy Yoo Myung Hee will meet in Beijing, China to attend the 14th round of negotiations for a Free Trade Agreement between Japan, China, and Korea.577

On 7 January 2019, the International Organization for Standardization approved the establishment of a committee for the development of international standards for the sharing economy, in response to a proposal raised by Japan.578 Led by Japan, the committee’s aim is to issue new international standards.579

On 25 January 2019, Minister of Economy, Trade and Industry Hiroshige Seko attended and co-chaired an Informal Meeting of Ministers on the World Trade Organization E-commerce Initiative.580 Following the meeting, 76 WTO members, including Japan, issued a joint statement confirming their intention to commence WTO negotiations on “trade-related aspects of electronic commerce.”581

On 1 February 2019, the EU-Japan Economic Partnership Agreement came into force, opening the biggest free-trade zone in the world.582 The deal will remove roughly EUR1 billion in tariffs.583

On 19 February 2019, the Ministry of Economy, Trade and Industry announced that the Japan Patent Office and the Intellectual Property of Viet Nam will “double the number of patent applications that Vietnam will accept via the Patent Prosecution Highway Program between Japan and Vietnam.”584

On 9 April 2019, the Ministry of Economy, Trade, and Industry decided to extend its ban on all trade with the Democratic People’s Republic of Korea. This ban will be in effect from 14 April 2019 to 13 April 2021.

On 10 May 2019, Japan appealed to the WTO for consultations with the government of India. Japan raised the issue of India’s imposition of excessive tariff increases on information and communications technology since 2014.

Japan has supported efforts to enforce existing international rules and develop new rules which help to foster a level playing field by addressing the inadequate protection of intellectual property rights. Japan has also taken actions to address non-market-oriented policies and practices. Thus, Japan receives a score of +1.

**Analyst: Stacy Chen**

**United Kingdom: 0**

The United Kingdom has partially complied with its commitment to enforce existing international rules and develop new rules where needed to foster a truly level playing field, addressing in particular non-market oriented policies and practices, and inadequate protection of intellectual property rights, such as forced technology transfer or cyber-enabled theft.

On 12 October 2018, the Department for Exiting the European Union admitted in a report that “existing agreements that deliver 12 percent of the UK’s total trade will be lost if there is a no-deal Brexit.” This is because “trade agreements enjoyed with scores of other countries, through EU membership, will ‘cease to apply’” once the UK leaves the EU.

On 16 October 2018, the government published guidelines for its approach to a “no deal” Brexit scenario with regards to UK intellectual property rights, covering “four key areas: trademarks and designs, patents, copyright and exhaustion of IP rights.”

On 18 October 2018, Secretary of State for International Trade Liam Fox pulled out of a business conference in Saudi Arabia “amid concern over the disappearance of the journalist Jamal Khashoggi.” Government officials stated that he “had decided it was not ‘the right time’ and urged Saudi leaders to conduct a ‘credible’ investigation into Mr. Khashoggi’s apparent death.”

On 1 December 2018, along with other G20 members, the UK participated in the release of a joint declaration from the Buenos Aires G20 Summit, which took place in Argentina from 30 November to 1 December 2018.
On 11 February 2019, the Department of International Trade signed a trade continuity agreement with Switzerland, which would guarantee post-Brexit continuity of various trade benefits currently offered through EU trade deals. The department is also working to secure continuity agreements with various other countries whose mutual trade benefits would be lost post-Brexit.

On 8 June 2019, International Trade Secretary Liam Fox stated that “the UK is one of the strongest defenders of the international rules-based system and we will continue to champion a strong, forward-looking approach to reform the World Trade Organization.” He added that it is one of the UK’s priorities to address “global trade tensions, seeking a resolution to issues around the WTO Appellate Body, and making real progress on digital trade rules that are fit for the 21st century.”

On 10 June 2019, the UK and Korea signed a trade continuity agreement that seeks to maintain existing trade arrangements after Brexit. The agreement is roughly in line with the terms of the existing Korea-EU Free-Trade Agreement.

The UK has taken actions to address non-market issues, aiming to foster a level international playing field. However, no quantifiable actions have been taken to address issues of intellectual property rights.

Thus, the United Kingdom receives a score of 0.

**United States: -1**

The United States has failed to comply with its commitment to enforce existing international rules and develop new rules where needed to foster a truly level playing field, addressing in particular non-market oriented policies and practices, and inadequate protection of intellectual property rights, such as forced technology transfer or cyber-enabled theft.

On 17 September 2018, President Donald Trump announced that the U.S. will impose tariffs on 10 percent of Chinese goods, amounting to approximately USD200 billion, in response to China’s unfair practices and policies pertaining to technology transfer, intellectual property, cybersecurity, and...
innovation. President Trump stated that if China does not adopt fairer policies, the U.S. will impose further tariffs on up to 25 percent of Chinese goods by 1 January 2019.

On 30 September 2018, the U.S. signed a trilateral trade agreement with Mexico and Canada titled the Canada-United States-Mexico Agreement (CUSMA). CUSMA seeks to replace the North American Free Trade Agreement (NAFTA) by providing mutually beneficial terms of trade, expanding regional trade and production, growing small and medium-sized enterprises, and strengthening the overall economic relationship between the signatory countries. Also included in the agreement are provisions pertaining to the modernization of intellectual property rights between the signatories. The agreement expands the terms of copyrights from the 50-year length initially enforced through NAFTA to 70 years after the life of the author. Additionally, the CUSMA extends the protection of pharmaceutical drugs from generic competition for up to five years. The CUSMA also contains a clause that requires Canada to notify the signatories of any trade negotiations if it pursues further trade relations with non-market economies. In the event that a signatory country enters into a free trade agreement with a non-market economy, other CUSMA signatories may terminate the trilateral agreement with six-month prior notice, and replace the CUSMA with a bilateral agreement between the remaining two signatories.

On 5 November 2018, the U.S. reinstated sanctions on Iran that were previously removed per the Joint Comprehensive Plan of Action (JCPOA), also known as the Iran Nuclear Deal. The nuclear deal was initially agreed upon by the United States, United Kingdom, France, Russia, China, Germany and the European Union in 2015. JCPOA intended to impose restrictions on Iran’s nuclear program, and accordingly relax certain sanctions imposed upon the Iranian economy.

reinstatement of sanctions comes several months following the withdrawal of the United States from the JCPOA and its targeting of Iran’s oil exports, shipping, and banking sector.\textsuperscript{608}

On 9 November 2018, U.S. Treasury Secretary Steven Mnuchin and Chinese Vice Premier Liu He discussed the potential of further bilateral negotiations regarding China’s policies and practices of technology transfer, intellectual property, cybersecurity, and innovation. This meeting preceded the scheduled meeting between President Donald Trump and Chinese President Xi Jinping during the G20 Summit in Buenos Aires in late November.\textsuperscript{609}

On 20 November 2018, the Office of the US Trade Representative released an updated report on Section 301 of the 1974 Trade Act with respect to China’s policies and practices towards technology transfer, intellectual property, cybersecurity, and innovation. In the report, the Office of the Trade Representative states that China violates Section 301 of U.S. intellectual property rights, insofar as it systematically invests in and acquires American property, companies and assets through Chinese companies. This obtained technology and intellectual property are then transferred to other Chinese companies. Moreover, the report states that China engages in unauthorized intrusions into the networks of U.S. companies to obtain classified commercial and trading knowledge.\textsuperscript{610} The report also refers to the White House National Cyber Strategy from September 2001, which claims that “China engaged in cyber-enabled economic espionage and trillions of dollars of intellectual property theft.”\textsuperscript{611} The report claims that despite repeated attempts by the U.S. to engage China with regards to its trade practices, China denies these claims and continues with its current policies.

On 30 November 2018, President Trump, along with Canadian Prime Minister Justin Trudeau and Mexican President Enrique Pena Nieto, formally signed the CUSMA at the G20 Summit in Buenos Aires.\textsuperscript{612}

On 1 December 2018, along with the other G20 members, the US participated in the release of a joint declaration from the Buenos Aires G20 Summit, which took place in Argentina from 30 November 2018 to 1 December 2018. The declaration includes a provision that supports the protection of intellectual property rights.\textsuperscript{613}

On 1 December 2018, President Trump and Chinese President Xi Jinping held a private meeting at the G20 Summit in Buenos Aires, during which they agreed that the U.S. will not raise tariffs on Chinese goods from 10 percent to 25 percent on 1 January 2019. Instead, the U.S. will maintain its current tariffs for a period of 90 days. During the 90-day period, the U.S. and China will engage in negotiations pertaining to China’s technology transfer, intellectual property protection, cybersecurity,
and agriculture. If the two countries are unable to reach an agreement by the end of the 90-day period, the U.S. will then raise tariffs on Chinese goods from 10 percent to 25 percent.614

On 24 December 2018, President Trump announced that the U.S. will delay a scheduled increase of tariffs on USD200 billion of Chinese exports.615 The delay was enacted on the good faith of the American president that China and the U.S. will be able to achieve a comprehensive and bilateral trade deal. President Trump stated that he may conduct final-stage negotiations with President Xi in the future.616

On 31 January 2019, President Trump engaged in trade discussions with U.S. Trade Representative Robert Lighthizer and Chinese Vice Premier Liu He in Washington DC. President Trump stated that the talks went well, but a final conclusion would not be reached until President Trump and President Xi meet once more.617

On 14 February 2019, ministerial-level talks resumed between the U.S. and China over a period of two days. No conclusions were reached from the meetings.618

On 1 March 2019, President Trump requested that China immediately remove all existing tariffs on U.S. agricultural exports. The request was made following progress during the previous round of talks between President Trump and President Xi.619

On 1 March 2019, the Trade Representative of the U.S. at the WTO released a report declaring that the U.S. would continue to oppose practices enforced by the WTO that are deemed unfair. In particular, the report states that the trade policy of the U.S. will not be further influenced by the WTO. The US will further disallow the WTO Appellate Body to allegedly “force” the U.S. to engage in a “straightjacket of obligations.”620 The report also defended the US’ steel and aluminum tariffs on the basis of national security.621

On 9 May 2019, the U.S. held trade discussions with China in Washington DC. Ultimately, the two countries failed to reach a definitive agreement during this round of negotiations.622

On 10 May 2019, the U.S. raised tariffs from 10 per cent to 25 per cent on USD200 billion worth of Chinese imports.623 This increase of tariffs comes in response to failed trade talks held between China and the U.S. in Washington DC on 9 May 2019.624

On 17 May 2019, the U.S. announced that it had reached separate agreements with Canada and Mexico to suspend the tariffs imposed by the American government on steel and aluminum imports.625 The suspension of tariffs would come into effect on 19 May 2019.626

On 30 May 2019, President Trump announced that the U.S. would impose a 5 per cent tariff on all Mexican imports as of 10 June 2019.627 The President stated that tariffs were imposed in response to Central and South American migrants travelling through Mexico into the U.S. and the subsequent inaction of the Mexican government in addressing the issue.628 The tariffs will increase by 5 per cent every following month until October 2019, when the rate will freeze at 25 per cent.629

On 4 June 2019, President Trump stated that in future trade talks with the UK, the National Health Service (NHS) should be a part of the negotiations in a post-Brexit deal.630 Trump soon rescinded his comments, claiming that he did not see the NHS as a part of any future trade discussions with the UK.631

On 7 June 2019, President Trump announced that the U.S. and Mexico reached a deal regarding immigration and security; all tariffs henceforth would be suspended.632

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On 7 June 2019, the U.S. announced a new round of sanctions against Iran’s petrochemical industry. The tariffs were imposed in response to Iran’s continued support of the Islamic Revolutionary Guard Corps (IRGC).633

On 10 June 2019, President Trump announced that the U.S. and Mexico reached an undisclosed agreement under the CUSMA, specifically pertaining to immigration and security. President Trump stated that said agreement is awaiting ratification by the Mexican government. He further asserted that if the undisclosed agreement failed to be ratified, the U.S. would reinstate the tariffs it previously sought to impose by 10 June.634

On 10 June 2019, President Trump stated that the U.S. would impose further tariffs on Chinese imports if the two countries failed to reach a new trade agreement during the G20 summit in Osaka later in June.635 President Trump stated that he expects to hold talks with President Xi during the summit meeting, although China neither confirmed nor denied the possibility of a meeting between the two leaders.636

The United States has failed to comply with its commitment to support efforts to develop new rules, which help to foster a level playing field by addressing the inadequate protection of intellectual property rights. While the signing of the CUSMA agreement notably includes the modernisation of the protection of intellectual property rights, bilateral talks with China have resulted in protectionist measures that this commitment was designed to address.

Thus, the United States receives a score of −1.

Analyst: Alyssa Atef

European Union: +1

The European Union has fully complied with its commitment to enforce existing international rules and develop new rules where needed to foster a truly level playing field, addressing in particular non-market oriented policies and practices, and inadequate protection of intellectual property rights, such as forced technology transfer or cyber-enabled theft.

On 19 October 2018, the European Commission implemented the EU-Vietnam trade and investment agreement.637 This joint agreement seeks to strengthen the economic relationship between the EU and Vietnam by expanding trade and investment between the parties, reducing trade barriers and improving transparency in international trade.638 The agreement includes measures such as but not limited to: the opportunity for EU companies to place bids for public contracts with


Vietnamese procurement markets, the removal of over 99 percent of all tariffs, the implementation of international environmental agreements and other sustainable development agreements, and the opening of the Vietnamese market for EU companies. Modestly, the pact includes provisions regarding intellectual property rights, which seeks to protect and enforce intellectual property rights in a way that promotes technological innovation and the dissemination of technological information. The agreement’s provisions pertaining to intellectual property rights provide extended protection and strong enforcement measures, such as the comprehensive protection of EU-produced goods and technology from illegal duplication in Vietnam.

On 25 November 2018, leaders of the EU and United Kingdom approved an agreement that will continue the protection of EU trademarks, community designs, and plant varieties in the UK, following the exit of the UK from the EU. Under the agreement, trademark renewal dates, design rights for goods and services in the UK, and filing dates of trademarks will be maintained as per the regulations established by the EU. The UK will also honour the protection of unregistered community designs for three years following its exit from the EU. Finally, the UK will apply EU law to pending applications for supplementary protection certificates that pertain to the patent rights of pharmaceutical products and agrochemicals.

On 1 December 2018, along with the other G20 members, the EU participated in the release of a joint declaration from the Buenos Aires G20 Summit, which took place in Argentina from 30 November 2018 to 1 December 2018. The declaration includes a provision that supports the protection of intellectual property rights.

On 10 December 2018, the EU’s Special Committee on Agriculture confirmed that an agreement was reached on 27 November 2018 between the Austrian Presidency of the Council and the European Parliamentary representatives. The agreement pertains to regulation of the labelling of spirit drinks and their protection through geographical indications (GIs). Notably, the agreement contains a provision that ensures the enhanced protection of GIs by allowing for seven additional years of protection in comparison to the equivalent World Trade Organization (WTO) agreement on intellectual property rights. The agreement thus aligns the spirit drink sector with the provisions outlined in the Lisbon Treaty and Common Market Organisation regulation.

On 13 December 2018, the European Parliament approved the EU-Japan Economic Partnership Agreement, creating the world’s largest free trade area. This agreement will eliminate over 97 percent of export duties currently in place once it comes into effect in 2019. The EPA contains several key provisions, including the removal of Japanese duties on certain types of cheeses and wines imported

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from Europe and the expansion of beef exports from the EU into Japan. This agreement also allows EU companies to access procurement markets of 54 large Japanese cities. In particular, it will protect the names of products sold from their region of origin through the implementation of GIs.646

On 20 December 2018, the EU revised its initial case to the WTO in opposition of China’s forced technology transfers.647 The revisions challenge Chinese laws that regulate the approval of investments made in the sectors of biotechnology and electric fields, as well as the approval of joint ventures across sectors.648 The EU alleges that such regulations restrict the economic and contractual freedom of investments and technology transfers operating in China.649

On 1 February 2019, the Economic Partnership Agreement between Japan and the EU came into effect, eliminating roughly EUR1 billion in tariffs.650

On 11 February 2019, the EU initiated a procedure to temporarily halt Cambodia’s access to EU markets, initially implemented through the Everything But Arms (EBA) Act. Per the act, developing countries are granted the ability to pay few or no duties on exports to the EU in an effort to help developing countries grow economically. The agreement, however, stipulates that in the event of “serious and systemic violation of principles” by the developing country, the EU may suspend its trade preferences. Thus, the EU initiated a mechanism to suspend trade preferences for Cambodia given its stance that Cambodia has committed human rights violations over the past eighteen months. In doing so, the EU intends to bring Cambodia more closely aligned with its core United Nations and International Labor Organization obligations.651

On 13 February 2019, the European Parliament ratified trade and investment agreements and the Partnership and Cooperation Agreement between the EU and Singapore.652 Most notably, the trade agreement includes the following provisions: the elimination of customs duties, the removal of technical and non-tariff barriers to trade, improved customs cooperation, protection of intellectual property, expanded services and further economic opportunities for consumers and EU and Singapore businesses, and dedication to sustainable development.653

On 22 February 2019, a mission of the European Commission and the European External Action Service (EEAS) evaluated the status of human rights and labour conditions in Myanmar under the

mandate of the EBA Act. Following recent developments in Myanmar, the EU mission visited the country to determine the status of internally displaced persons and refugees, access to humanitarian aid, discrimination and hate speech, labour rights, media freedom, cooperation with the UN, and criminal law procedures. The mission to the EU and EEAS engaged in discussions with the government of Myanmar, Minister of International Cooperation, Minister of Information, Chief Minister and State Government in Rakhine, and Speaker of the Rakhine State Assembly. Additionally, the mission conducted visits to a Rohingya camp and met with Rakhine and Hindu communities in Myanmar. The mission also met with the Myanmar Press Council, activists, trade unions, and business organizations in Myanmar. Finally, the mission held talks with UN representatives including the UN High Commissioner for Refugees, UN Development Programme and the ILO. The European Commission and EEAS will thus evaluate findings to determine Myanmar’s eligibility for continued trade preferences.

On 28 March 2019, the EU welcomed a decision made by the WTO in support of the EU’s stance that the U.S. must comply with WTO measures with regards to Boeing. According to the EU, the U.S. has illegally funded Boeing for a long period of time by providing them with a large number of grants. This allowed for Boeing to produce air crafts at a much cheaper price, to the detriment of Airbus market opportunities. The EU strongly condemned this practice and issued a ruling against the U.S. in 2012.

On 15 April 2019, the European Commission announced that the EU would engage in trade talks with the U.S. regarding conformity assessments and the removal of tariffs on industrial goods. The talks are scheduled to take place between U.S. President Donald Trump and the President of the European Commission Jean-Claude Juncker in July 2019.
The EU has supported efforts to enforce existing international rules and develop new rules which help to foster a level playing field by addressing the inadequate protection of intellectual property rights. It has also addressed non-market policies and practices.

Thus, the EU receives a score of +1.

*Analyst: Alyssa Atef*