

GARCIA LOPEZ BERGES Victor (TRADE)

From: [Art 4.10](TRADE)
Sent: 15 April 2013 09:54
To: GARCIA BERCERO Ignacio (TRADE); [Art 4.10](TRADE); [Art 4.10](TRADE); [Art 4.10](TRADE);
 LEVIE Damien (TRADE); [Art 4.10](TRADE); [Art 4.10](TRADE); [Art 4.10](TRADE-EXT); [Art 4.10](TRADE);
Subject: FW: Transatlantic Trade and Investment Partnership - invitation for IPR meeting
Attachments: EU-USA HLWG - IPR_ECPA input.docx

From: [Att 4.10]@ecpa.eu
Sent: Monday, April 15, 2013 9:25 AM
To: [Att 4.10] (TRADE)
Cc: JESSEN Anders (TRADE); [Att 4.10] (TRADE); [Att 4.10] (TRADE); [Att 4.10] (TRADE); [Att 4.10] (EEAS-WASHINGTON); [Att 4.10] (TRADE)
Subject: RE: Transatlantic Trade and Investment Partnership - invitation for IPR meeting

Dear [nt 4.16]

Many thanks for the opportunity to submit our industry's position on IPR in light of the HLWG.

Please find attached ECPA's submission. It reflects to joint position of ECPA and our sister organization in the United States, Croplife America.

Many thanks for considering our issues and looking forward to meeting you on Wednesday.

Best regards,

[Art 4.16]

{ Art 4.10 }
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European
Crop Protection

ECPA - the European Crop Protection Association, aisbl
6 Avenue E. Van Nieuwenhuysse - 1160 Brussels - Belgium

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www.ecpa.eu | Pesticide Information blog | ECPA on Facebook |
www.illegaipesticides.eu

 before printing this email, think about the environment

From: Anders.JESSEN@ec.europa.eu
Sent: vrijdag 22 maart 2013 17:21
Cc: Anders.JESSEN@ec.europa.eu; [Anders.JESSEN@ec.europa.eu]; [Anders.JESSEN@ec.europa.eu]; [Anders.JESSEN@ec.europa.eu]; [Anders.JESSEN@ec.europa.eu]; [Anders.JESSEN@ec.europa.eu]
Subject: Transatlantic Trade and Investment Partnership - invitation for IPR meeting

Dear Sirs,

On 13 February 2013 – following a recommendation by the High Level Working Group on Growth and Jobs - the EU and US have agreed to initiate the internal procedures necessary to launch negotiations on a Transatlantic Trade and Investment Partnership (TTIP). In this framework, we intend to consult intellectual property rights stakeholders, in order to assess their matters of interest in this area and to define what may be the future scope of an IPR chapter.

For this purpose, we are organising a meeting, which will take place in Brussels on 17 April 2013, between 15.00 and 17.00. The location will be the Berlaymont Building, room Cinema, at the Rondpoint Schuman, 1049 Bruxelles.

For security reasons regarding access to the building, please send to [At 4.16] @ec.europa.eu by 12 April c.o.b. the following information about each participant:

- Name;
- Date of birth;
- Nationality.

In its recommendation the High Level Working Group stipulated the following regarding IPR:

"Both the EU and the United States are committed to maintaining and promoting a high level of intellectual property protection, including enforcement, and to cooperating extensively. The two sides will sustain and enhance their work on IPR issues. The HLWG recommends that both sides explore opportunities to address a limited number of significant IPR issues of interest to either side, without prejudice to the outcome."

We are aware that a number of associations and companies have already provided initial comments in the framework of the public consultation process, however, we believe that this will be a good opportunity to have a more focussed and in-depth discussion about IPR issues. To make the meeting as useful as possible we propose that you take advantage of the time between now and the meeting to identify if there are any issues that could be adequately and efficiently, but also realistically, addressed in this kind of negotiation process that is intended to be relatively time limited (around 2 years).

It is clear that proposals which are shared by both EU and US stakeholders are particularly welcome. This is however without prejudice of our interest to hear also about matters of particular interest for the EU. Alternatively or as a complement to your presence, we also welcome written submissions, to be submitted until the date of the meeting.

Thank you in advance for your participation,

[At 4.16]
Deputy Head of Unit



European Commission

DG TRADE

Unit B.3

CHAR

B-1049 Brussels/Belgium

+ [At 4.16]

[At 4.16]

@ec.europa.eu

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The European Crop Protection Association (ECPA) is pleased to submit our industry's position on Intellectual Property for the Transatlantic Trade and Investment Partnership. Our input reflects the position of ECPA and Croplife America (CLA).

Both ECPA and CLA welcome and support the continued coordination between the United States (US) and the European Union (EU) on Intellectual Property Rights.

ECPA is the voice of the Crop Protection Industry in Europe, with a clear focus on the research and development of innovative crop protection solutions. The membership includes a wide range of corporate entities and industry associations involved in chemical crop protection throughout Europe. ECPA has 19 member companies and over 25 national crop protection associations in the EU and other countries within the wider European area.

CLA is the not-for-profit national trade organization representing the nation's developers, manufacturers, formulators and distributors of plant science solutions for agriculture and pest management in the US. Our member companies produce, sell and distribute virtually all the crop protection technology products used by American farmers.

ECPA and Croplife America have also presented their joint position at the EU-US High Level Regulatory Cooperation Forum.

1. Protection of Intellectual Property

Regulatory data protection is one of the essential elements for stimulating investment in research and development of agricultural crop protection products. This protection provides benefits to all stakeholders – from farmers to consumers – ultimately contributing to the economic development of industrialized and developing countries alike. The requirement to protect data from disclosure and “unfair commercial use” is recognized under Article 39 of the World Trade Organization's (WTO's) Agreement on Trade-Related Aspects of Intellectual Property Rights (TRIPS).

Intellectual property can be protected in a number of specific ways well recognized and regulated under national and international laws. Aside from patents, pesticide regulatory authorities have direct responsibility under corresponding national legislation for protection information claimed as Confidential Business Information (CBI). Furthermore, strong national pesticide legislation prohibits use of regulatory data belonging to one company from being used by another company to support a product registration for a reasonable period of time, unless the data owner is compensated appropriately. It is critical that industry and regulatory authorities work together to safeguard regulatory data, especially CBI. Regulatory authorities must be properly trained, in order to take affirmative steps to safeguard data against unfair commercial use.

It is important that EU and US continue to promote minimum standards of 10 years for protecting regulatory data, and protection of CBI through Free Trade Agreements with other countries, where protection of regulatory data is sub-optimal. These include Mexico, New Zealand, Argentina, India, and Paraguay. We hope that the Trans-Pacific Partnership (TPP), now under negotiation, will raise the standard to 10 years for some of these countries.

Steps that the EU and US should consider:

- Ensure a common approach in free trade negotiations with all countries to promote a minimum 10 year standard for the protection of regulatory data;
- A common framework for the protection of CBI to be included in a Free Trade Agreement between the EU and US.;
- Provide training to regulatory authorities to ensure protection of regulatory data against unfair commercial use; and
- Ensure that Article 39 of TRIPS is enforced in all WTO member countries.

Brussels, 15 April 2013