

Annex 1: Trade agreements privatising biodiversity outside the WTO as of August 2018

This table shows how so-called free trade agreements (FTAs) negotiated outside the World Trade Organisation (WTO) are used to go beyond global standards towards the privatisation of seeds and try to set new ones.

The 1994 WTO agreement on Trade-Related Aspects of Intellectual Property Rights (TRIPS) was and still is the first global treaty to establish common norms of private property rights over seeds. The goal is to ensure that companies like Bayer or Syngenta, which spend money on plant breeding and genetic modification to bring new seeds to market, can make a profit on those seeds by preventing farmers from re-using them – a bit the way Hollywood or Microsoft try to stop people from copying and sharing films or software. The very notion of “patenting life” is hotly contested and so the WTO agreement is a kind of compromise between governments. It says that countries may exclude both plants and animals (other than micro-organisms) from their patent laws but they must provide some form of intellectual property protection over plant varieties, without specifying how to do that.

FTAs negotiated outside the WTO, especially those initiated by powerful economies in the global North, tend to go much further. They often require countries to (a) patent plants or animals, (b) follow the rules of the Union for the Protection of New Plant Varieties (UPOV) to provide a patent-like system for seeds and/or (c) join the Budapest Treaty on the recognition of deposits of micro-organisms for the purpose of patent protection. These measures give strong monopoly powers to agribusiness corporations at the expense of small and indigenous farming communities. For example, both UPOV and patent laws generally make it illegal for farmers to save, exchange or modify seeds from so-called protected varieties.

This table focuses on “what” must be privatised according to the different trade deals. It does not account for enforcement (seizure of goods, imprisonment, etc), which in many FTAs also goes beyond the norms agreed to at WTO and is becoming a bigger and bigger headache for rural communities. It also doesn't fully reflect the growing tendency, among states, to include indigenous or traditional knowledge within the scope of intellectual property rights.

Most of these agreements are bilateral in nature, but some are unilateral or plurilateral. And while most of them are trade agreements, some are sectoral intellectual property cooperation agreements.

This dataset is a work in progress. All updates made in 2018 have been highlighted in light blue. If there are any additions or corrections you would like to share, please contact us at grain@grain.org. Thank you.

AFRICA & MIDDLE EAST



African Union

- **African Continental Free Trade Agreement | 2018 | under negotiation**

The parties will negotiate an intellectual property chapter and submit legal text for adoption by January 2019.¹

European Free Trade Association²

- **EFTA-Algeria FTA | negotiations on hold**
- **EFTA-Egypt FTA | 2007 | in force**

Egypt is obliged to join UPOV (1978 or 1991 Act) and accede to the Budapest Treaty by 2011. Patents must be provided in “all fields of technology” (“at least” those covered under the TRIPS Agreement).³

- **EFTA-Gulf Cooperation Council⁴ FTA | 2009 | in force**

GCC must conclude negotiations with EFTA on an Annex containing provisions on intellectual property by January 2016.⁵

- **EFTA-Jordan FTA | 2001 | in force**

Jordan must join UPOV and accede to Budapest Treaty by 2006. Jordan must also ensure “adequate and effective patent protection for inventions in all fields of technology on a level similar to that prevailing in the European Patent Convention” which allows the patenting of transgenic plants and animals.⁶

- **EFTA-Lebanon FTA | 2004 | in force**

Lebanon must join UPOV (1978 or 1991 Act) and accede to the Budapest Treaty by 2008.⁷

- **EFTA-Morocco FTA | 2000 | in force**

Morocco must join UPOV and accede to Budapest Treaty by 2000. Morocco must also provide “adequate and effective patent protection for inventions in all fields of technology on a level similar to that prevailing in the European Patent Convention” which allows the patenting of transgenic plants and animals.⁸

- **EFTA-Palestinian Authority FTA | 1998 | in force**

Palestinian Authority must implement the “highest international standards” of IPR protection.⁹

- **EFTA-Tunisia FTA | 2004 | in force**

Tunisia must join UPOV (1978 or 1991 Act) and accede to the Budapest Treaty by 2010. Tunisia will also do its utmost to accede to all IPR treaties to which EFTA states are party.¹⁰

European Union

- **EU-ACP¹¹ Cotonou Agreement | 2000 | in force**

The parties recognise the need to ensure adequate and effective protection of patents on plant varieties and on biotechnological inventions.¹²



- **EU-ACP post-Cotonou Agreement | under negotiation**

The new agreement, slated to come into force in 2020, “should support the protection and integration of indigenous and local knowledge, as well as intellectual property rights”.¹³

- **EU-Algeria FTA | 2002 | in force**

Algeria shall accede to and implement UPOV (1991 Act) by 2010, although accession can be replaced by implementation of an effective *sui generis* system if both parties agree.¹⁴ Algeria must accede to Budapest Treaty.¹⁵

- **EU-Central Africa¹⁶ EPA | under negotiation**

Only Cameroon signed and ratified an interim EPA which establishes a basis for negotiation of rules on intellectual property rights.¹⁷ These are expected to be modelled on the EU-Caribbean EPA.

- **EU-East African Community¹⁸ EPA | 2007 | initialled**

Under a rendezvous clause of a framework EPA initialled in 2007, but never signed, the EAC member states agreed to further negotiate rules on intellectual property.¹⁹ These are expected to be modelled on the EU-Caribbean EPA .

- **EU-Eastern and Southern Africa²⁰ EPA | 2009 | provisionally applied**

Under a rendezvous clause of an interim EPA signed in 2009 and provisionally applied since 2012, Madagascar, Mauritius, Seychelles and Zimbabwe agreed to further negotiate rules on intellectual property.²¹ These are expected to be modelled on the EU-Caribbean EPA.

- **EU-West Africa²² EPA | 2014 | agreed**

Under a rendezvous clause of an interim EPA concluded in 2014, the parties agreed to further negotiate rules on intellectual property, “including traditional knowledge and genetic resources”.²³ These are expected to be modelled on the EU-Caribbean EPA.

- **EU-Egypt FTA | 2001 | agreed**

Egypt must join UPOV and accede to Budapest Treaty within five years of the agreement’s entry into force.²⁴ This deal is to be expanded, post-2012, by a Deep and Comprehensive Free Trade Agreement through which the EU aims to further “align” intellectual property rules.²⁵

- **EU-GCC FTA | under negotiation**

- **EU-Iran FTA | under negotiation**

- **EU-Jordan FTA | 1997 | in force**

Jordan must join UPOV and accede to Budapest Treaty by 2007.²⁶ This deal is to be expanded, post-2012, by a Deep and Comprehensive Free Trade Agreement through which the EU aims to further “align” intellectual property rules.²⁷

- **EU-Lebanon FTA | 2002 | in force**

Lebanon must join UPOV (1991 Act) and accede to Budapest Treaty by 2008.²⁸

- **EU-Morocco FTA | 2000 | in force**

Morocco must join UPOV (1991 Act) and accede to Budapest Treaty by 2004.²⁹ This deal is to be expanded by a Deep and Comprehensive Free Trade Agreement, currently under negotiation, through which the EU aims to further “align” intellectual property rules.³⁰

- **EU-Palestinian Authority FTA | 1997 | in force**

Palestinian Authority must implement the “highest international standards” of IPR protection.³¹

- **EU-South Africa FTA | 1999 | in force**

South Africa shall ensure adequate and effective protection for patents on biotechnological inventions. South African must also implement “highest international standards” of IPR protection and undertake to go beyond TRIPS standards of IPR protection.³²

- **EU-Southern Africa Development Community³³ EPA | 2014 | concluded**

The SADC states “may consider” entering into negotiations on intellectual property with the EU at a later stage.³⁴

- **EU-Syria FTA | 2004 | agreed**

Syria shall follow the “highest international standards” including, not limited to, the TRIPS Agreement. Syria shall also accede to the Budapest Treaty and the UPOV Convention (1991) within 5 years of applicability of Annex 6. However, Syria may replace accession to UPOV with implementation of an “adequate and effective” system for protection of plant varieties.³⁵

- **EU-Tunisia FTA | 1998 | in force**

Tunisia must join UPOV (1991 Act) and accede to Budapest Treaty by 2002. Tunisia must also implement “highest international standards” of IPR protection.³⁶ This deal is to be expanded, post-2012, by a Deep and Comprehensive Free Trade Agreement through which the EU aims to further “align” intellectual property rules.³⁷

- **EU-Tunisia Deep & Comprehensive FTA | 2018 | under negotiation**

The EU proposes that the parties affirm that they implement UPOV (1991 Act).³⁸

- **EU-West Africa³⁹ EPA | 2014 | agreed**

Under a rendezvous clause, the West African states have agreed to further negotiate rules on intellectual property. These are expected to be modelled on the EU-Caribbean EPA .

United States

- **African Growth & Opportunities Act | 2000 | in force**

US trade benefits to 38 AGOA-eligible countries are unilaterally gauged on extent to which they go beyond TRIPS standards of IPR protection.⁴⁰

- **US-Bahrain FTA | 2004 | in force**

Bahrain must join UPOV upon entry into force and accede to Budapest Treaty within one year of entry into force.⁴¹

- **US-Jordan FTA | 2000 | in force**

Jordan must implement and join UPOV within one year of entry into force and partially implement Budapest Treaty. Jordan may not exclude plants or animals from patent law.⁴²

- **US-Morocco FTA | 2004 | in force**

Morocco must provide patents on plants and animals. Morocco must also ratify UPOV Convention (1991) and Budapest Treaty by 2006.⁴³

- **US-Oman FTA | 2006 | signed**

Oman must join UPOV (1991 Act) and accede to the Budapest Treaty by the time the FTA enters into force. And while it may exclude animals (other than microorganisms) from its patent law, Oman must allow patents on plants.⁴⁴

- **US-Southern African Customs Union⁴⁵ FTA | negotiations suspended**

(The “far reaching” intellectual property provisions of the US proposal were one reason why the talks broke down in 2006. In 2008, the parties signed a Trade and Investment Cooperation Agreement meant to keep discussions going.)

- **US-United Arab Emirates FTA | negotiations suspended**

AMERICAS

European Free Trade Association



- **EFTA-Central America FTA | 2013 | in force**

Costa Rica, Guatemala and Panama must implement the provisions of UPOV (1991 or 1978 Act, depending).⁴⁶ Negotiations with Honduras currently on hold.

- **EFTA-Chile FTA | 2003 | in force**

Chile must join the UPOV Convention (1978 or 1991 Act) by 2007 and accede to the Budapest Treaty by 2009.⁴⁷

- **EFTA-Colombia FTA | 2008 | in force**

Colombia must join the UPOV Convention (1978 or 1991 Act) and accede to the Budapest Treaty by July 2011.⁴⁸



- **EFTA-Mercosur FTA | under negotiation**

- **EFTA-Mexico FTA | 2000 | in force**

Mexico must join UPOV and accede to the Budapest Treaty by 2002.⁴⁹

- **EFTA-Peru FTA | 2008 | in force**

Peru must join the UPOV Convention (1978 or 1991 Act) and accede to the Budapest Treaty by July 2011.⁵⁰

European Union

- **EU-ACP Cotonou Agreement | 2000 | in force**

The parties recognise the need to ensure adequate and effective protection of patents on plant varieties and on biotechnological inventions.⁵¹



- **EU-ACP post-Cotonou Agreement | under negotiation**

The new agreement, slated to come into force in 2020, “should support the protection and integration of indigenous and local knowledge, as well as intellectual property rights”.⁵²

- **EU-Andean Community FTA | 2012 | provisionally applied**

Colombia and Peru shall implement UPOV (1991), including the so-called “farmers’ privilege” (to re-use protected seed while respecting the rights of the breeder).⁵³ (Extension of the agreement to Bolivia and Ecuador being explored.)



- **EU-Canada FTA (CETA) | 2016 | agreed**

The parties must “promote and reinforce” the protection of plant varieties on the basis of UPOV (1991 Act).⁵⁴

- **EU-Caribbean⁵⁵ EPA | 2008 | in force**

Obliges the Caribbean states to accede to the Budapest Treaty and to consider acceding to UPOV (1991 Act). Commits the parties to further develop legal protection of traditional knowledge and genetic resources within the frame of patent law.⁵⁶



- **EU-Mercosur⁵⁷ FTA | under negotiation**

According to leaked negotiating drafts, the EU is pushing that all parties implement the provisions of UPOV 1991.⁵⁸

- **EU-Mexico FTA | 2000 | in force**

Mexico must accede to Budapest Treaty within three years of entry into force. Mexico shall also provide “highest international standards” of IPR protection.⁵⁹



- **EU-Mexico FTA | 2018 | under negotiation**

According to the EU, it has been agreed in principle that all parties will implement UPOV (1991 Act).⁶⁰

- **EU-US FTA | negotiations suspended**

Japan

- **Japan-Chile FTA | 2007 | in force**

Chile must join UPOV (1991) by 2009.⁶¹

- **Japan-Colombia FTA | under negotiation**

United States

- **Andean Trade Promotion and Drug Eradication Act | 2002 | in force**

US trade benefits to Bolivia, Ecuador, Colombia and Peru unilaterally gauged on extent to which they go beyond TRIPS standards of IPR protection.⁶²

- **Free Trade Area of the Americas | negotiations suspended**

US negotiating position is “no exclusions” for plants or animals from patent law. Actual negotiating text contains many proposals to enforce UPOV, patent plants and animals and put traditional knowledge under IPR regimes.⁶³

- **North America Free Trade Agreement | 1994 | in force**

Mexico must implement and join UPOV within two years of entry into force.⁶⁴

- **US-Caribbean Basin Trade Partnership Act | 2000 | in force**

US trade benefits for up to 24 eligible countries unilaterally gauged on extent to which they go beyond TRIPS standards of IPR protection.⁶⁵

- **US-Chile FTA | 2003 | in force**

Chile must join UPOV (1991 Act) and provide patents on any invention in any field of technology without exception. “Each Party will undertake reasonable efforts... to develop and propose legislation within 4 years from the entry into force of this Agreement that makes available patent protection for plants that are new, involve an inventive step, and are capable of industrial application”.⁶⁶

- **US-Colombia FTA | 2006 | in force**

Colombia must join UPOV (1991 Act) by 2008 or entry into force, whichever later, and accede to the Budapest Treaty. Colombia must also make “all reasonable efforts” to provide patents on plants. Once it does, it cannot reverse this policy.⁶⁷

- **US-Dominican Republic-Central America FTA | 2004 | in force**

Costa Rica, Dominican Republic, El Salvador, Guatemala, Honduras and Nicaragua must join UPOV (1991 Act) or provide patents on plants. Those that do not provide patents on plants by the time of the agreement’s entry into force must make “all reasonable efforts” to do so. Once they do, they must maintain that policy.⁶⁸

- **US-Ecuador FTA | negotiations suspended**

- **US-Ecuador IPR Agreement | 1993 | signed but not in force**

Ecuador must conform with UPOV if it does not grant patents on plant varieties.⁶⁹

- **US-Nicaragua IPR Agreement | 1998 | in force**

Nicaragua must join UPOV. Nicaragua may not exclude plants or animals from patent law.⁷⁰

- **US-Panama FTA | 2006 | in force**

Panama must join UPOV (1991 Act) by 2010 or entry into force, whichever later, and accede to the Budapest Treaty. Panama must also make “all reasonable efforts” to provide patents on plants. Once it does, it cannot reverse this policy.⁷¹

- **US-Peru FTA | 2005 | in force**

Peru must join UPOV (1991 Act) by 2008 or entry into force, whichever later, and accede to the Budapest Treaty. Peru must also make “all reasonable efforts” to provide patents on plants. Once it does, it cannot reverse this policy.⁷²

- **US-Trinidad & Tobago IPR Agreement | 1994 | in force**

Trinidad & Tobago must implement and make best effort to join UPOV.⁷³

ASIA & PACIFIC

Australia

- **Regional Comprehensive Economic Partnership | under negotiation**

The latest leaked drafts (Oct 2015) show Japan and South Korea proposing that all RCEP members must endeavour to join UPOV 1991 and the Budapest Treaty. Australia wants all RCEP countries to be obliged to join both. In addition, all three governments demand that RCEP members at least adopt legislation on plant varieties that is consistent with UPOV 91.⁷⁴

Eurasian Economic Union⁷⁵

- **EEU-Vietnam | 2017 | in force**

All parties shall endeavour to join and implement UPOV (1991 Act).⁷⁶

European Free Trade Association

- **EFTA-China FTA | study to be launched**
- **EFTA-Hong Kong FTA | 2011 | in force**

Hong Kong must implement UPOV (1978 or 1991 Act) and the Budapest Treaty.⁷⁷

- **EFTA-India FTA | under negotiation**
- **EFTA-Indonesia FTA | under negotiation**
- **EFTA-Korea FTA | 2005 | signed**

Korea is obliged to patent plants and animals.⁷⁸

- **EFTA-Malaysia FTA | under negotiation**
- **EFTA-Philippines FTA | 2016 | signed**

The Philippines must implement a diluted form of UPOV 1991 protection for seed companies in line with its national law and consider joining by 2019.⁷⁹ The Philippines must also join Budapest.

- **EFTA-Russia, Belarus and Kazakhstan FTA | negotiations on hold**
- **EFTA-Thailand FTA | negotiations on hold**
- **EFTA-Vietnam FTA | under negotiation**
- **Norway-China FTA | under negotiation**

European Union

- **EU-ACP Cotonou Agreement | 2000 | in force**

The parties recognise the need to ensure adequate and effective protection of patents on plant varieties and on biotechnological inventions.⁸⁰

- **EU-ACP post-Cotonou Agreement | under negotiation**

The new agreement, slated to come into force in 2020, "should support the protection and integration of indigenous and local knowledge, as well as intellectual property rights".⁸¹

- **EU-ASEAN⁸² FTA | under negotiation**
- **EU-Australia FTA | under negotiation**

EU proposes that all parties must implement UPOV (1991 Act).⁸³

- **EU-Bangladesh Cooperation Agreement | 2001 | in force**

Bangladesh must endeavour to join UPOV (1991 Act) and to accede to the Budapest Treaty by 2006.⁸⁴

- **EU-India FTA | under negotiation**

Leaks of negotiating drafts show the parties seeking agreement on providing protection for plant varieties as per their respective domestic laws.⁸⁵

- **EU-Indonesia FTA | under negotiation**

The EU proposes that all parties implement UPOV (1991 Act).⁸⁶

- **EU-Japan FTA | signed**

All parties must join UPOV (1991 Act) and acceded to the Budapest Treaty.

- **EU-Korea Trade and Cooperation Agreement | 2001 | in force**

Korea shall make efforts to accede as soon as practicable to the UPOV Convention (1991 Act) and to the Budapest Treaty.⁸⁷

- **EU-Korea FTA | 2011 | in force**

Korea shall comply with UPOV (1991).⁸⁸

- **EU-Malaysia FTA | under negotiation**
- **EU-New Zealand FTA | under negotiation**

EU proposes that all parties must implement UPOV (1991 Act).⁸⁹

- **EU-Pacific⁹⁰ EPA | under negotiation**
- **EU-Singapore EPA | 2013 | initialled**

The parties reaffirm their commitment to UPOV 1991, including the so-called “farmers’ privilege” (to re-use protected seed while respecting the rights of the breeder).⁹¹

- **EU-Sri Lanka Cooperation Agreement | 1995 | in force**

Sri Lanka shall implement the “highest international standards” of IPR protection.⁹²

- **EU-Thailand FTA | under negotiation**
- **EU-Vietnam FTA | under negotiation**

Japan

- **Comprehensive and Progressive Trans-Pacific Partnership⁹³ | 2018 | signed**

All parties are obliged to join UPOV (1991 Act) and the Budapest Treaty by the time the CPTPP comes into force for them. Parties may exclude from patentability plants and animals other than micro-organisms, but each party confirms that patents are available for inventions derived from plants. In addition, the parties recognise the relevance of intellectual property systems to traditional knowledge and encourage the codification of such knowledge in databases which may be used in assessing patent applications.⁹⁴

- **Japan-Brunei FTA | 2007 | in force**

Brunei shall endeavour to become party to UPOV and the Budapest Treaty.⁹⁵

- **Japan-Malaysia FTA | 2005 | in force**

Malaysia must “recognise the importance of protecting new plant varieties in a manner consistent with internationally harmonised system. For this purpose, [Malaysia] shall ensure that rights relating to new plant varieties are adequately protected.”⁹⁶

- **Japan-Thailand FTA | 2007 | in force**

Thailand shall “recognise the importance of protecting new varieties of plants in a manner based on international standards. For this purpose, [Thailand] shall ensure that rights relating to new varieties of plants are adequately protected.” Furthermore, Thailand “shall ensure that any [Japanese patent] application shall not be rejected solely on the grounds that the subject matter claimed in the application is related to a naturally occurring micro-organism.”⁹⁷

- **Japan-Indonesia FTA | 2007 | in force**

Indonesia shall comply with and endeavour to join UPOV (1991).⁹⁸

- **Japan-Vietnam FTA | 2011 | in force**

Vietnam shall endeavour to provide intellectual property protection for all plant species in accordance with UPOV (1991).⁹⁹

- **Regional Comprehensive Economic Partnership | under negotiation**

The latest leaked drafts (Oct 2015) show Japan and South Korea proposing that all RCEP members must endeavour to join UPOV 1991 and the Budapest Treaty. Australia wants all RCEP countries to be obliged to join both. In addition, all three governments demand that RCEP members at least adopt legislation on plant varieties that is consistent with UPOV 91.¹⁰⁰

South Korea

Regional Comprehensive Economic Partnership | under negotiation

The latest leaked drafts (Oct 2015) show Japan and South Korea proposing that all RCEP members must endeavour to join UPOV 1991 and the Budapest Treaty. Australia wants all RCEP countries to be obliged to join both. In addition, all three governments demand that RCEP members at least adopt legislation on plant varieties that is consistent with UPOV 91.¹⁰¹

Switzerland

- **Switzerland-China FTA | 2013 | in force**

China, a member of UPOV 1978, has agreed to implement many provisions of UPOV 1991 without having to accede to it. These concern an expanded scope of protection for the breeder and UPOV 1991's highly restrictive version of the so-called farmers' privilege.¹⁰² In addition, China agreed to extend the list of species for which it would grant plant variety protection by 2016.¹⁰³

- **Switzerland-Viet Nam IPR Agreement | 1999 | in force**

Viet Nam must join UPOV (1991 Act) by 2002.¹⁰⁴

United States

- **US-Cambodia IPR Agreement | 1996 | in force**

Cambodia must join UPOV.¹⁰⁵

- **US-Korea FTA | 2007 | in force**

Korea must join both UPOV (1991) and the Budapest Treaty, and may not exclude plants, plant varieties or animals from patent protection.¹⁰⁶

- **US-Korea IPR Agreement | 1986 | in force**

Korea must join Budapest Treaty.¹⁰⁷

- **US-Laos BTA | 2003 | in force**

Laos must join UPOV (1978 or 1991 Act) "without delay". Laos must also provide patents for inventions in all fields of technology, without exclusion for plants or animals.¹⁰⁸

- **US-Malaysia FTA | under negotiation**

- **US-Mongolia TRA | 1991 | in force**

No exclusions for plants or animals from patent law permitted.¹⁰⁹

- **US-Singapore FTA | 2003 | in force**

Singapore must join UPOV (1991 Act) within six months of entry into force or by end 2003, whichever sooner. Singapore must also allow patents on all forms of plants and animals ("each Party may exclude inventions from patentability only as defined in Articles 27.2 and 27.3(a) of the TRIPS Agreement").¹¹⁰

- **US-Sri Lanka IPR Agreement | 1991 | in force**

No exclusions for plants and animals from patent law permitted.¹¹¹

- **US-Thailand FTA | under negotiation**

- **US-Viet Nam BTA | 2000 | in force**

Viet Nam must implement and make best effort to join UPOV. Viet Nam must also provide patent protection on all forms of plants and animals that are not varieties, as well as on inventions that encompass more than one variety.¹¹²

EUROPE

European Free Trade Association

- **EFTA-Bosnia and Herzegovina FTA | 2013 | signed but not in force**

Bosnia and Herzegovina must join the UPOV Convention (1991 Act) by end of 2013.¹¹³

- **EFTA-Macedonia FTA | 2000 | in force**

Macedonia must join the Budapest Treaty by 2001 and the UPOV Convention by 2002.¹¹⁴

- **EFTA-Montenegro FTA | 2011 | in force**

Montenegro must join the UPOV Convention (1991 Act) by end of 2012.¹¹⁵

- **EFTA-Serbia FTA | 2009 | in force**

Serbia must join the UPOV Convention (1991 Act) by end of 2010.¹¹⁶

European Union

- **EU-Macedonia FTA | 2004 | in force**

Macedonia must join the UPOV Convention (1991 Act) by end 2009.¹¹⁷

- **EU-Moldova FTA | 2014 | under provisional application**

Moldova must implement the UPOV Convention, noting the optional “farmers’ privilege” (to re-use protected seed while respecting the rights of the breeder).¹¹⁸

United States

- **EU-US FTA | negotiations suspended**

Notes:

1. Decision on the draft agreement establishing an African Continental Free Trade Area, March 2018, https://au.int/sites/default/files/decisions/34055-ext_assembly_dec_1x_e26_march.pdf
2. Composed of Iceland, Norway, Switzerland and Liechtenstein.
3. EFTA-Egypt Free Trade Agreement, 2007, Art 23 <http://secretariat.efta.int/Web/ExternalRelations/PartnerCountries/EG/EG%20%28Folder%29/EG-FTA.pdf> and Annex V, http://secretariat.efta.int/Web/ExternalRelations/PartnerCountries/EG%20%28Folder%29/Annexes/EG_FTA_Annex_V.pdf
4. Gulf Cooperation Council: Bahrain, Kuwait, Oman, Qatar, Saudi Arabia, United Arab Emirates.
5. Free trade agreement between the EFTA States and the Member States of the Co-operation Council for the Arab States of the Gulf, <http://www.efta.int/media/documents/legal-texts/free-trade-relations/gulf-cooperation-council-GCC/EFTA-GCC%20Free%20Trade%20Agreement.pdf> [Art 5.1.6]
6. EFTA-Jordan Free Trade Agreement, Art 17, http://secretariat.efta.int/Web/ExternalRelations/PartnerCountries/Jordan/JO/JO_FTA.pdf and Annex VI, http://secretariat.efta.int/Web/ExternalRelations/PartnerCountries/JO/Annexes/10-Annex_VI.pdf
7. Free Trade Agreement EFTA - Republic of Lebanon, Annex V, http://secretariat.efta.int/Web/ExternalRelations/PartnerCountries/LB/LB_RUAP/annexes/LB_Annex_V.pdf
8. EFTA-Morocco Free Trade Agreement. http://secretariat.efta.int/Web/ExternalRelations/PartnerCountries/Morocco/MA/MA_FTA_EN.pdf [Art 16] and http://secretariat.efta.int/Web/ExternalRelations/PartnerCountries/MA/Annexes/14-Annex_V.pdf [Annex V]
9. Interim Agreement between the EFTA States and the PLO for the Benefit of the Palestinian Authority. http://secretariat.efta.int/Web/ExternalRelations/PartnerCountries/Palestinian_Authority/PLO/PLO_FTA.pdf [Art 15]
10. Free Trade Agreement between the States of the European Free Trade Association and the Republic of Tunisia, 17 December 2004, Annex V. http://secretariat.efta.int/Web/ExternalRelations/PartnerCountries/TN/TN_RUAP_EN/TN%20annexes%20and%20protocols%20%28English%29/TN_FTA_Annex_V.pdf
11. African, Caribbean and Pacific group of states. See <http://www.acp.int/>.
12. Partnership Agreement between the African, Caribbean and Pacific States and the European Community and its Member States, CE/TFN/GEN/23-OR, ACP/00/0371/00, 8.2.00. http://www.bilaterals.org/article.php3?id_article=27 [Art 45]
13. ACP negotiating mandate for a post-Cotonou partnership agreement with the European Union, adopted on 30 May 2018, <http://bilaterals.org/?eu-acp-post-cotonou-agreement>
14. Euro-Mediterranean Agreement establishing an Association between the European Community and its Member States, of the one part, and the People’s Democratic Republic of Algeria, of the other part – Annexes 1 to 6 and Protocols Nos 1 to 7, Council of the European Union, Brussels, 12 April 2002, 6786/02 ADD1 AL1, Annex 6, Art 3 http://www.bilaterals.org/article.php3?id_article=413
15. Ibid, Annex 6, Art 1.
16. Cameroon, Chad, Congo, Equatorial Guinea, Gabon and São Tomé and Príncipe
17. Interim Agreement with a view to an Economic Partnership Agreement between the European Community and its Member States, of the one part, and the Central Africa Party, of the other part, 15 January 2009, <http://eur-lex.europa.eu/legal-content/EN/TXT/HTML/?uri=OJ:L:2009:057:FULL&from=EN> [Art 3 and Chpt 3]
18. Burundi, Kenya, Rwanda, Tanzania, Uganda
19. Agreement Establishing a Framework for an Economic Partnership Agreement between the European Community and its Member States, on the one part, and the East African Community Partner States on the other part, 2007, http://trade.ec.europa.eu/doclib/docs/2010/february/tradoc_145792.pdf [Art 37]
20. Comoros, Democratic Republic of Congo, Djibouti, Eritrea, Ethiopia, Madagascar, Malawi, Mauritius, Seychelles, Sudan, Zambia and Zimbabwe

21. Interim Agreement establishing a framework for an Economic Partnership Agreement between the Eastern and Southern Africa States, on the one part, and the European Community and its Member States, on the other part, August 2009, <http://eur-lex.europa.eu/legal-content/EN/ALL/?uri=OJ:L:2012:111:TOC> [Art 53]
22. Benin, Burkina Faso, Cape Verde, Côte d'Ivoire, Gambia, Ghana, Guinea, Guinea-Bissau, Liberia, Mauritania, Mali, Niger, Nigeria, Senegal, Sierra Leone and Togo.
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