

Unclassified

COM/TAD/ENV/JWPTE(2011)43/FINAL

Organisation de Coopération et de Développement Économiques  
Organisation for Economic Co-operation and Development

05-Oct-2012

English - Or. English

TRADE AND AGRICULTURE DIRECTORATE  
ENVIRONMENT DIRECTORATE

**Joint Working Party on Trade and Environment**

**REGIONAL TRADE AGREEMENTS AND THE ENVIRONMENT - DEVELOPMENTS IN 2011**

**OECD Trade and Environment Working Paper N° 2012-1**

**Clive George**

**JT03327871**

Complete document available on OLIS in its original format

*This document and any map included herein are without prejudice to the status of or sovereignty over any territory, to the delimitation of international frontiers and boundaries and to the name of any territory, city or area.*

COM/TAD/ENV/JWPTE(2011)43/FINAL  
Unclassified

English - Or. English

## **Abstract**

This report provides an update on recent developments in the field of Regional Trade Agreements and the environment. Issues arising in the implementation of RTAs with environmental considerations are examined as well as experience in assessing their environmental impacts. It is the fifth update prepared under the aegis of the Joint Working Party on Trade and Environment (JWPTE). The document covers developments over the period from late 2010 to October 2011. It is based on publicly available information.

## **Acknowledgements**

The report was prepared by Clive George (University of Manchester, U.K.) with initial editing lead by Ronald Steenblik (OECD Secretariat). It was discussed by the Joint Working Party on Trade and Environment in December 2011 and cleared for declassification. The authors are grateful to the JWPTE delegates for their comments and suggestions.

This document has been produced with the financial assistance of the European Union. The views expressed herein do not necessarily reflect the official views of the OECD or of the governments of its member countries and can in no way be taken to reflect the official opinion of the European Union.

The report is to be available at the OECD website in English and French at the following URL address: <http://www.oecd.org/trade>.

**JEL classification:** F13, F18, N50, Q56.

**Keywords:** Regional trade agreements, free trade agreements, environmental provisions, trade and environment, trade policy.

**Copyright OECD, 2012.**

**Applications for permission to reproduce or translate all or part of this material should be addressed to: Head of Publications Service, OECD, 2 rue André-Pascal, 75775 Paris Cedex 16, France.**

## TABLE OF CONTENTS

REGIONAL TRADE AGREEMENTS AND THE ENVIRONMENT: DEVELOPMENTS IN 2011 .....	4
1. Background .....	4
2. Overview of recent developments in Regional Trade Agreements .....	4
3. Recent Regional Trade Agreements with substantive environmental content .....	5
3.1. The Free Trade Agreement between the Republic of Chile and the Republic of Turkey .....	5
3.2. The Free Trade Agreement between Chinese Taipei and the Republic of Guatemala .....	6
3.3. The Agreement between Japan and the Republic of Peru for an Economic Partnership .....	6
3.4. The Free Trade Agreement between the EFTA States and Hong Kong, China .....	7
3.5. Free Trade Agreement between the EFTA States and Montenegro .....	7
3.6. The Free Trade Agreement between the Republic of Korea and the Republic of Peru .....	8
4. Recent developments in implementing the environmental provisions of RTAs .....	9
4.1. Australia .....	9
4.2. Canada .....	9
4.3. Chile .....	11
4.4. EU .....	11
4.5. New Zealand .....	12
4.6. Switzerland .....	12
4.7. USA .....	12
5. Recent developments in assessing the impacts of RTAs .....	17
5.1. Ex ante impact assessments .....	17
5.2. Ex-post impact assessments .....	18
6. Regional trade agreements under negotiation .....	19
ANNEX .....	21
ANNEX. SUMMARY TABLES .....	22
REFERENCES .....	29

### Tables

Table A1. Regional trade agreements notified since previous update: overview of environmental provisions .....	22
Table A2. Regional trade agreements referenced in JWPTE updates .....	25
Table A3. Canadian Environmental Assessments of RTAs .....	27
Table A4. US Environmental Reviews of RTAs .....	28
Table A5. EU Sustainability Impact Assessments of RTAs .....	28

### Figures

Figure 1. Regional trade agreements notified to the WTO by date of notification .....	5
---	---

## REGIONAL TRADE AGREEMENTS AND THE ENVIRONMENT: DEVELOPMENTS IN 2011

### 1. Background

Since 2007 the OECD Joint Working Party on Trade and Environment (JWPTE) has been analysing the way in which the increasing number of regional and bilateral trade agreements deal with environmental issues (OECD 2007, 2008a, 2008b). The JWPTE regularly provides updates on environmental provisions in RTAs (OECD 2008c, 2009a, 2010a, 2011a). This is the fifth of these updates, covering developments over the period from late 2010 to October 2011.

Issues related to the implementation of RTAs with environmental provisions have received increasing attention as more agreements are being signed (OECD, 2009b). The JWPTE has organised several regional workshops where experts from both OECD and non-OECD countries have discussed their experience with the negotiation and implementation of environmental provisions in trade agreements. The most recent is the workshop on “Regional Trade Agreements and the Environment: Monitoring Implementation and Assessing Impacts” held 1-2 June 2010 at OECD headquarters in Paris (OECD, 2010b).

This document provides an update on recent developments in environmental provisions in RTAs and is complemented by an examination of issues arising in their implementation and a review of developments in assessing their environmental impacts. It is based on publicly available information.

### 2. Overview of recent developments in Regional Trade Agreements

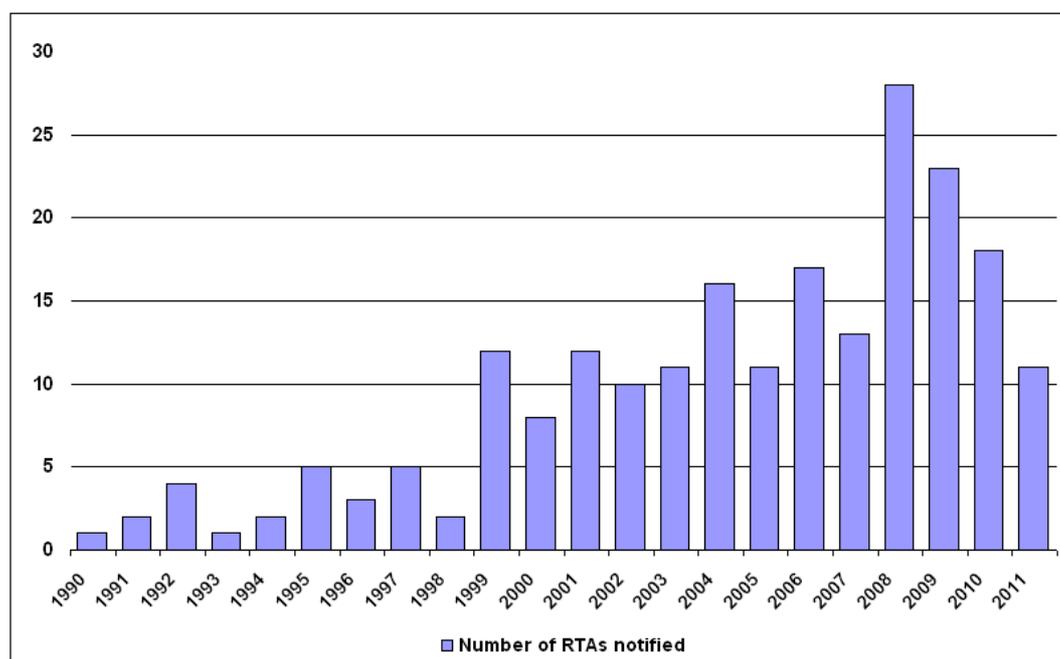
The pace of notification of RTAs to the World Trade Organisation (WTO) continues to be rapid compared with the pre-1999 rate (Figure 1).<sup>1</sup> After a surge in 2008 the rate slowed somewhat in 2009 and 2010, and again in 2011 (with 11 notifications up to September). As of 4 October 2011, some 217 RTAs were in force (counting goods and services together).

One of the RTAs notified in 2011 (Chinese Taipei–Guatemala) had already entered into force in 2006. The texts of two others (EU–Korea, and New Zealand–Hong Kong) were released in 2010 and discussed in the previous update. The texts of another three RTAs (EFTA–Hong Kong, EFTA–Montenegro and Japan–Peru) were signed and released in 2011 but have not yet been ratified. Table A1 in the Annex summarises the environmental provisions of these agreements along with those of the other eleven RTAs that have been notified to date in 2011.

In six of the 11 RTAs that entered into force or were signed during the period (EFTA–Albania, EFTA–Colombia, EFTA–Peru, India–Malaysia, Japan–India and Turkey–Jordan), environmental provisions are limited to confirming the general exceptions of GATT Article XX, similar exceptions for particular chapters, unspecified environmental co-operation or a general reference in the Preamble. The other five RTAs listed in Table A1 include more substantive environmental provisions in the agreement itself or in a side-agreement, particularly for environmental co-operation. These are summarised in the following section.

---

<sup>1</sup> A total of 21 RTAs were notified to the WTO between 1957 and 1989. See WTO RTA Database (<http://rtais.wto.org>)

**Figure 1. Regional trade agreements notified to the WTO by date of notification**

Note: Data for 2011 are for the first nine months of the year.

Source: WTO RTA Database (<http://rtais.wto.org>)

### 3. Recent Regional Trade Agreements with substantive environmental content

#### 3.1. *The Free Trade Agreement between the Republic of Chile and the Republic of Turkey*

The Preamble to the Free Trade Agreement between the Republic of Chile and the Republic of Turkey states the Parties' desire to develop their relations in the field of sustainable development and environmental protection and conservation. The agreement includes a general chapter on co-operation, the aims of which include the prevention or reduction of contamination and degradation of natural resources and ecosystems and their rational use, and in which the Parties recognize the importance of strengthening capacity to protect the environment and promote sustainable development in concert with strengthening trade and investment relations between them. Also, the Parties reaffirm their intention to continue to pursue environmental protection, and to fulfil their respective multilateral environment commitments. The Parties agree to endeavour to have their environment laws, regulations, policies and practices in harmony with their international environment commitments; that it is inappropriate to set or use their environmental laws, regulations, policies and practices for trade protectionist purposes; and that it is inappropriate to relax, or fail to enforce or administer, their environment laws and regulations to encourage trade and investment.

The aim of co-operation will be the prevention and/or reduction of contamination and degradation of natural resources and ecosystems, and rational use of the latter; through developing and endorsing special programs and projects dealing, *inter alia*, with the transfer of knowledge and technology related to the environment. Specific topics identified for environmental co-operation include climate change, biodiversity, conservation of natural resources, hazardous chemicals, air quality, water management, waste management, marine and coastal ecological conservation and pollution control, strategic environmental impact assessment, and the improvement of environmental awareness, including environmental education and public participation.

### ***3.2. The Free Trade Agreement between Chinese Taipei and the Republic of Guatemala***

The environmental content of the Free Trade Agreement between Chinese Taipei and the Republic of Guatemala is less ambitious than the more recent agreement between Chinese Taipei and Nicaragua (covered in the previous update). The main text includes trade-related environmental provisions relating to sanitary and phyto-sanitary protection, regulatory standards and investment.

Other environmental provisions in the agreement are limited mainly to a general chapter on co-operation, the specific objectives of which include strengthening co-operation to develop, improve, intensify and diversify environmental management systems, and to encourage co-operation for the protection and improvement of the environment within the territory of the Parties. Commitments cover co-operation on the prevention of environmental degradation, conservation and sustainable use of natural resources, the exchange of information and experience on environmental legislation, the use of economic incentives, the use of environmental measures at different government levels, training, education and joint research, social participation and cleaner production systems. Co-operation in the energy sector includes the promotion of more-efficient energy generation and use, alternative and renewable energy sources, recycling, and energy from waste.

The Parties undertake, whenever appropriate, to make an effort to create opportunities to involve the public in activities undertaken for the implementation of the chapter. In contrast with the agreement between Chinese Taipei and Nicaragua, there are no provisions for overseeing implementation, review, public participation, dispute settlement or finance.

### ***3.3. The Agreement between Japan and the Republic of Peru for an Economic Partnership***

Previous RTAs involving Japan have included reference to environmental protection in particular chapters and have also included the environment as a subject of potential co-operation. The Economic Partnership Agreement between Japan and Peru includes similar provisions in its main text, with additional details specified in two Joint Statements that were signed in parallel, one on Trade and Environment, and the other on Biodiversity, Access to Genetic Resources and Traditional Knowledge.

The Preamble to the main text of the partnership agreement commits the Parties to implement the Economic Partnership Agreement in a manner consistent with environmental protection and conservation. The general exceptions of GATT Article XX and GATS Article XIV are incorporated into and made part of the Agreement, with clarifications confirming that the relevant sub-paragraphs cover the necessary environmental measures for protecting human, animal or plant life or health, and the conservation of living and non-living exhaustible natural resources. A similar clarification is included in the chapter on Government Procurement.

The Joint Statement on Trade and Environment reaffirms the Parties' commitments to the Convention on Biological Diversity and the United Nations Framework Convention on Climate Change, and requires them to work jointly in furthering the objectives of these Conventions. The Parties reiterate their continued intention to work together through bilateral and multilateral channels on sustainable forest management and trade and environment, and to endeavour to promote measures in the areas identified in their Joint Statement on Enhanced Cooperation in Environment and Climate Change Issues signed in 2008.

The Joint Statement on Biodiversity, Access to Genetic Resources and Traditional Knowledge reaffirms the importance of implementing the provisions of the Convention on Biological Diversity that relate to facilitating access to genetic resources for environmentally sound uses, obtaining informed consent prior to accessing genetic resources, fair and equitable sharing of the benefits, and respecting, preserving and maintaining indigenous knowledge. The Parties also commit to seeking ways to share

information that may have a bearing on the patentability of inventions based on genetic resources or on associated traditional knowledge.

### ***3.4. The Free Trade Agreement between the EFTA States and Hong Kong, China***

At the EFTA ministerial meeting in 2010 it was agreed to propose the inclusion of a chapter on commerce and sustainable development in all ongoing and future negotiations on free-trade agreements. The FTA with Hong Kong is the first to have been negotiated after this decision. A chapter on trade and the environment is included in the agreement itself, and a side agreement on labour has been concluded in parallel.

The Preamble to the trade agreement reaffirms the Parties' commitment to pursue the objective of sustainable development, and recalls their rights and obligations under multilateral environmental agreements and the fundamental principles and rights set out in relevant International Labour Organisation Conventions. The general exceptions of GATT Article XX and GATS Article XIV are incorporated into the agreement and are made part of it.

The trade-and-environment chapter recognises the right of each Party to establish its own level of environmental protection, and commits them to encouraging high levels of protection to strive to further improve them. The Parties will faithfully enforce their environmental laws, regulations and standards, and will not weaken, waive or otherwise derogate from them in order to encourage investment or seek a competitive trade advantage. Their commitments to implement Multilateral Environmental Agreements are reaffirmed. Other provisions in the chapter include the promotion of trade and investment beneficial to the environment, and strengthening their co-operation on trade and the environment in appropriate international fora.

Administration of the trade-and-environment chapter is through designated contact points. Any differences are referred for amicable resolution by consultation to the Joint Committee established to supervise and implement the FTA. There is no recourse to the dispute-resolution mechanism of the agreement. A review clause enables review of the objectives of this chapter and the exploration of possible changes in the light of developments in international trade and sustainable development.

### ***3.5. Free Trade Agreement between the EFTA States and Montenegro***

On trade and sustainable development, EFTA has proposed to Montenegro the model provisions of the joint conclusions from the EFTA working groups on trade and environment and labour standards, which were presented to EFTA Ministers at the ministerial conference in Reykjavik on 24 June 2010. Montenegro accepted the chapter on Trade and Sustainable Development proposed by the EFTA. In this chapter, the EFTA States and Montenegro recognize the principle that economic and social development and environmental protection are interdependent elements of sustainable development and mutually supportive. The Parties reaffirm their commitment to promote the development of international and bilateral trade in a manner consistent with sustainable development objectives.

In the provisions of the chapter relating to environmental aspects in particular, the Parties shall endeavor to provide and encourage high levels of environmental protection into their national legislation and undertake to implement this effectively in accordance with multilateral environmental agreements that are applicable and in compliance with environmental principles to which they have acceded.

The Parties further undertake not to waive or lower the level of environmental protection and labour standards set by their national legislation with the sole aim to attract investment or gain competitive advantage commercially. The Parties shall additionally endeavour to facilitate and promote trade in goods

and services and investment favourable to environment and sustainable development, and to strengthen their cooperation on sustainable development in relevant international fora.

At the institutional level, the FTA Joint Committee is empowered to address and discuss all of the provisions covered by the Trade and Sustainable Development chapter and, at the request of a Party, to conduct consultations. In addition, specific contact points are provided. In case of dispute concerning the interpretation and application of the chapter, the parties may resort to consultations under the dispute settlement provisions, but not to the arbitration procedure. A review clause enables review of the objectives of this chapter and the exploration of possible changes in the light of developments in international trade and sustainable development.

### ***3.6. The Free Trade Agreement between the Republic of Korea and the Republic of Peru***

The FTA between the republics of Korea and Peru is a comprehensive agreement similar to that established between Korea and the EU. It includes extensive chapters on the environment and on labour as well environmental provisions in the Preamble and several other chapters.

The Preamble commits the Parties to implement the agreement in a manner consistent with environmental protection and conservation and the protection of basic human and fundamental rights and to promote sustainable development. A chapter on general exceptions incorporates Article XX of GATT and Article XIV of GATS (along with their interpretative notes) into the agreement in relation to the chapters on Market Access for Goods, Rules of Origin, Customs Administration and Trade Facilitation, Sanitary and Phytosanitary Measures, Technical Barriers to Trade, Trade Remedies, Investment, Cross-border Trade in Services, Temporary Entry for Business Persons, Telecommunications and Electronic Commerce. Specific environmental provisions are also included in the chapters on technical barriers to trade, investment, financial services, government procurement and intellectual property rights.

The provisions of the environmental chapter include a commitment to comply with obligations under the multilateral environmental agreements to which both Parties are party. The right to regulate is confirmed, but each party is required to strive to ensure that its laws and policies provide for and encourage high levels of environmental protection, and strive to continue to improve its level of protection. The Parties agree not to weaken or otherwise derogate from the environmental protection provided by their laws and regulations in order to encourage trade or investment. They agree to identify a list of environmental goods and services of mutual interest, and to facilitate trade and foreign direct investment in these goods and services. The Parties are required to endeavour to create conditions to facilitate access to genetic resources for environmentally sound uses, and agree to exchange views and information on the conservation and sustainable use of biological diversity. Under their international commitments on climate change, the Parties agree to promote joint measures to limit or reduce adverse effects.

An Annex to the environment chapter sets out an indicative list of areas of co-operation. These include: exchanges of views on the positive and negative environmental impacts of the agreement, and on ways to enhance, prevent, or mitigate them; co-operation in international fora responsible for the environmental aspects of trade and sustainable development; exchange of information and co-operation on private and public certification and labelling schemes; exchange of views on the trade impact of environmental regulations, norms, and standards; co-operation on trade-related aspects of biological diversity; co-operation on trade-related aspects of MEAs; exchange of views on the relationship between MEAs and international trade rules; prevention and management of environmental disasters; good

environmental practices; and environmental education. The Parties agree to identify priority areas for co-operative activities and to prepare a work program.

Responsibility for supervising and facilitating the implementation and application of the environment chapter is assigned to an Environmental Affairs Council, meeting within a year of the date of entry into force of the agreement and thereafter as necessary. The Parties commit to strive to review, monitor, and assess positive and negative environmental impacts of implementation of the agreement.

Further provisions on environmental co-operation are included in a general chapter on co-operation, covering fisheries and aquaculture, tourism, forestry, energy, minerals and agriculture. Responsibility for overseeing implementation is assigned to a Committee on Co-operation.

The environment and labour chapters both include provisions for consultation at the request of either party, and for convening the relevant Council for resolution of any differences. There is no recourse to the Agreement's dispute-settlement mechanism for the provisions of either chapter, or for those of the general chapter on co-operation.

#### **4. Recent developments in implementing the environmental provisions of RTAs**

The 2010 update (OECD, 2011a) reviewed the implementation provisions in a number of RTAs involving the USA, Canada, New Zealand and the EU. Of the five RTAs reviewed in this update only one (between Korea and Peru) establishes a comparable implementation mechanism, broadly similar to that in the first of the EU's new generation RTAs, between the EU and Korea. One (between EFTA and Hong Kong) refers to designated contact points for the environment chapter, and to the resolution of any differences by the Joint Committee responsible for supervising the trade agreement. Another (between Chile and Turkey) includes a provision that the overall Joint Committee of the FTA, which is responsible for the administration of the Agreement, shall ensure its proper implementation, including the Chapter on co-operation as well the environment cooperation provisions. The other two RTAs (between Chinese Taipei and Guatemala, and between Japan and Peru) include no specific mechanism for implementing their environmental provisions. None of the five RTAs includes specific provisions for funding of implementation, which has been found to be an important element in other RTAs (OECD, 2011b).

Progress in implementing the environmental provisions of a number of existing RTAs is summarised below:

##### **4.1. Australia**

- Implementation of Australia's environmental co-operation agreements is the responsibility of the Australian Agency for International Development (AusAID). Current environmental co-operation activities include: assistance with adaptation to climate change in the Pacific islands, the Caribbean and the Mekong region; reducing deforestation and forest degradation in Indonesia and Papua New Guinea; support for building the resilience to climate change of productive coastal ecosystems in the Coral Triangle countries of Indonesia, the Philippines, Malaysia, East Timor, Papua New Guinea and the Solomon Islands (through reducing over-fishing, maintaining habitats and addressing destructive fishing practices).

##### **4.2. Canada**

- Legislation to implement Canada's free-trade agreements with Jordan and Panama was tabled on November 15, 2011, for consideration by Parliament.

- The FTA and parallel Agreements between Canada and Colombia entered into force on August 15, 2011, and notification was provided to the WTO on October 7, 2011. In this context, Environment Canada is engaging with Colombia to begin the implementation of the parallel Environment Agreement. A unique feature of the Canada-Colombia agreement is the establishment of yearly reporting on human rights implications of the FTA and parallel agreements. Work on the environmental implications is ongoing.
- Negotiations for a FTA between Canada and Honduras, including a parallel Environmental Co-operation Agreement, were completed on August 12, 2011. The agreements are now undergoing legal review.
- In 2011, ten projects will have been implemented on environmental co-operation in the context of the FTAs with Chile and Peru. In the past year Canada has had a strong focus on improving cost-effectiveness and the reporting of results. Three interesting lessons have been learned to help achieve cost effectiveness:
  - Leveraging in-kind participation and partnership from academia and partner agencies, or contributions of equipment (e.g., helicopter time);
  - Co-ordinating efforts with partners with similar interests, which can lead to back-to-back workshops or the scheduling of annual meetings;
  - Sponsoring the participation of officials from partner countries to already established international events (e.g., an international environmental enforcement network conference, a multinational bird banding network meeting and training).
- Project themes for Chile and Peru include: restoration of degraded ecosystems; migratory species, biodiversity and conservation; integrated chemicals management; information management; contaminated sites.
- A policy-level workshop on environment assessment was held with CARICOM member states in Barbados in March 2011. Officials from Environment Canada and the Canadian Environmental Assessment Agency provided training. Funding was provided through the Canadian International Development Agency's Canada-Americas Trade-Related Technical Assistance program, and the CARICOM Secretariat served as an important implementing partner for a portion of the funding.
- Recent developments under the North American Agreement on Environmental Cooperation (NAAEC) include:
  - The ministerial-level Council of the Commission for Environmental Cooperation (CEC) began implementing its "2010-2015 Strategic Plan", which identifies three trilateral environmental priorities: Healthy Communities and Ecosystems; Climate Change – Low-Carbon Economy; and Greening the Economy of North America.
  - As part of planned governance changes, and in line with the Strategic Plan, a 2011-2012 Operational Plan with a more streamlined program of trilateral co-operative work has been approved. With fewer, but more effective projects than in previous years, the new Operational Plan will allow Parties to deliver results on Council's new environmental priorities.

- The Council has also recently established a new community-funding program, the North American Partnership for Environmental Community Action (NAPECA), to build partnerships to improve environmental conditions at the community, local and regional levels. Under this five-year grant program, which has an initial two-year investment of USD 1.4 million, citizens, not-for-profit organizations, academics, indigenous and Tribal groups and other community associations will be funded for innovative community projects that directly support the Commission’s objectives and lead to results that can improve environmental outcomes throughout North America. Projects are expected to begin in January 2012.
- Finally, officials from the three countries are working to modernize and improve the Submissions on Enforcement Matters citizen-submission process, an innovative vehicle for citizen advocacy in environmental enforcement in the three countries, to ensure it is efficient, effective and serves the interests of all stakeholders. Officials are working closely with the CEC Secretariat and the Joint Public Advisory Committee.

#### **4.3. Chile**

- Coordination of the implementation process of the environmental cooperation aspects of trade agreements is a shared responsibility. In some cases is the Ministry for the Environment is responsible and for others the Ministry of Foreign Affairs.
- Cooperation projects in the environmental area cover a wide range of sectors. Their aim is: 1) to improve the implementation of Multilateral Environmental Agreements (MEAs); 2) to deal with transboundary issues; 3) to deal with local issues; and 4) to integrate the private sector/academia/civil society in the process, among others.

#### **4.4. EU**

- Responsibility for implementing the environmental co-operation provisions of the EU’s agreements rests with its Directorate-General for Development and Cooperation (EuropeAid), which was formed in January 2011 through a merger of the EuropeAid Cooperation Office (AIDCO) with the Directorate General for Development and Relations with ACP States (DG DEV). Additional co-operation activities are undertaken through the development-assistance programmes of individual Member States.
- The nine intervention areas of the EuropeAid programme include Environment and Sustainable Management of Natural Resources, and Trade and Regional Integration. The Trade and Regional Integration area includes Aid for Trade, and the co-operation activities of Europe’s Economic Partnership Agreements with trading partners. The main objectives in the Environment area are to help countries address environmental challenges as part of their development process, and implement their obligations under multilateral environmental agreements.
- Recent programmes in the environment area have included: environmental management for the recuperation of land in desertification areas in Bolivia; improved access to good-quality water supplies in Tanzania; and the development of more resource-efficient products and services and the promotion of sustainable consumption patterns in Asian countries.
- The EU's Economic Partnership Agreement (EPA) with CARIFORUM, a group of 15 Caribbean States, includes a comprehensive chapter on environment. Both regions have provisionally applied the EPA, including this chapter, since the end of 2008. The EPA also establishes a new

CARIFORUM-EU Consultative Committee which the Parties can consult on environmental and social issues. The Committee comprises representatives of business, academia and civil society.

#### ***4.5. New Zealand***

- New Zealand's environmental co-operation agreements are implemented through the Ministry for the Environment. Recent activities have included: joint partnership to develop community participation in water quality management in Thailand and New Zealand; cooperation with Chile on a freshwater ecosystems programme and technical cooperation on renewable energy development (including marine energy).

#### ***4.6. Switzerland***

- Since June 2010, Switzerland and respectively EFTA have proposed in a systematic manner to all their free trade partners to include a chapter on trade and sustainable development. The free trade agreement with Hong Kong, China is the first to be concluded after that date. The agreement includes a chapter on trade and environment, and an agreement on labour standards was signed in parallel. The agreement with Montenegro model includes the EFTA model Chapter on Trade and Sustainable Development, which deals with both environmental aspects and those relating to labour standards.
- Switzerland has also conducted cooperation activities, including in the environmental field, with some of its free trade partners through the inclusion of chapters dedicated to cooperation. Cooperation activities undertaken by Switzerland in the field of environment have included setting up centers of expertise to advise and support companies wishing to develop environmentally friendly and energy-efficient production activities (Cleaner Production Centres). These cooperation projects are directly related to Switzerland's free trade agreements, e.g. with Egypt (in progress), Jordan (completed) and Tunisia (in progress). Additionally, a cooperation project in the field of organic certification has been completed with Lebanon and one is in progress with Ukraine. Other cooperation activities are about to be established with Peru and Colombia as part of the UNCTAD biotrade initiative, to develop a project for sustainable use and commercial promotion of this sector. A cooperation project in the field of organic farming in partnership with the Research Institute of Organic Agriculture (FiBL) is about to be established with Colombia.

#### ***4.7. USA***

- The CAFTA-DR Environmental Affairs Council (EAC) met in Washington in January 2011 to discuss implementation of the CAFTA-DR Environment Chapter of the Dominican Republic – Central America – United States Environmental Cooperation Agreement. As part of its meeting, the EAC held a comprehensive public session with approximately 150 participants. The Sub-Committee on Forest Sector Governance met again in July 2011 to review Peru's new forestry and wildlife law.
- The United States – Peru EAC, Environmental Cooperation Commission, and Sub-Committee on Forest Sector Governance met in April 2011 to review implementation of the Environment Chapter and Forest Sector Governance Annex of the United States – Peru Trade Promotion Agreement and to approve a new Work Program for implementing the United States – Peru Environmental Cooperation Agreement.

- Officials from the United States and Sultanate of Oman met in May 2011 and reached agreement in principle on a new Plan of Action for implementing the Memorandum of Understanding on Environmental Cooperation between the Government of the United States and the Government of the Sultanate of Oman.
- From December 2010 to September 2011, the CAFTA-DR Secretariat for Environmental Matters (SEM) received six new submissions from four countries. For more information, please see the SEM website <http://www.saa-sem.org/index.php/us>.
- Since December 2010, the United States has started or planned a number of new environmental co-operation projects with its trade agreement partners:

#### *CAFTA-DR Regional Programs*

A number of programs have been undertaken throughout the CAFTA-DR region, including:

##### Public Participation

- Initiating a new small-grants competition to engage small NGOs in increasing public participation in environmental decision-making country-specific grant programmes.
- Sharing best practices on public participation in protected area management.

##### Cleaner Production

- Increasing cleaner production and energy-efficiency practices and technologies in Honduras by providing one-on-one technical assistance to SMEs, partnering with sectoral associations, and disseminating best practices.
- Developing a regional network of universities, Cleaner Production Centers, and private sector entities to share cleaner production best-practices, improve higher education in this area, and work directly with small and medium-sized enterprises to implement cleaner production and energy efficiency practices.

#### *Peru*

The U.S. Forest Service has worked with the Government of Peru (GOP) on implementing a number of projects related to forest sector governance, with an emphasis on ecosystem management, institutional strengthening, information management and capacity building. Recent activities include:

- Assisted in the design and piloting of the Permanent Production Forest Inventory
- Improved the identification and classification of CITES-listed species
- Designed population studies for Spanish cedar and big leaf mahogany
- Provided support to the GOP's process for prior consultation with indigenous communities for its Forestry Law, which was signed by President Garcia in July

- Assisted in the ongoing design of the natural resource management organizations of regional governments under the legislation of decentralization and the new Forestry Law, as well as the institutional design of the national Forest Service (SERFOR)
- Completed the business mapping and design phase of the four-year process of creating a National Forest Information System.

### *Jordan*

The United States has continued its partnership with Jordan in a numbers of areas including: (1) access to potable water and management of water and waste-water; (2) protected area management and sustainable tourism; and (3) improvement of environmental regulation compliance and enforcement.

Some accomplishments include:

#### Water

- Constructing six major water/wastewater treatment facilities and networks, improving water and wastewater treatment services for 80% of the population
- Increasing potable water supplies by 10% over the past decade
- Providing technical assistance for the completion and adoption of Jordan's 2009 National Water Strategy
- Promoting water sector reform through creation of new autonomous water companies in two major cities
- Establishing new water sector units to better monitor/protect groundwater resources, promote demand-side management, enhance management of financial resources, and assess water quality
- Engaging civil society institutions throughout Jordan in training, raising awareness, and dispersing small loans; awarded 172 grants to poor communities to alleviate water shortages.

#### Protected Area Management and Sustainable Tourism

- Training over 70 rangers, guides and other employees
- Enhancing the care of animals in Petra Archaeological Park
- Strengthening wildlife and natural landscape preservation practices
- Producing Arab-language tools for the development of signage and maps in reserves
- Identifying areas for education of youth and tourists for future cultural learning projects.

#### Environmental Regulation

- Delivering numerous training sessions on conducting inspections, investigating environmental crimes and litigating environmental cases

- Assisting Jordan’s Ministry of Environment in creating a comprehensive plan for the rehabilitation of the Russeifah phosphate mining area
- Assisting in developing and implementing a national inspection action plan for industrial activities in Jordan.”

### *Chile*

In Chile, the United States and Chile have expanded existing co-operation projects and initiated implementation of new projects, including:

#### Sharing Best Practices

- Working together with the Government of Chile and the Chilean judiciary on effectively enforcing environmental laws and adjudicating related cases.
- Exchanging information on best practices on environmental education in the formal and informal sectors.

#### Water Resources

- Collaborating to improve understanding of water resources and glaciers and implement effective strategies for improved hydrological monitoring.
- Working together to reduce the impact of disease on aquaculture and improve disease detection and response.

#### Cleaner Production

- Promoting the adoption of cleaner production practices and techniques in small and medium-size enterprises in the olive oil sector.

#### Protected Area Management

- Sharing best practices and technical expertise with Chile in relation to the creation of its new Biodiversity and Protected Area Service.
- Established a Sister Parks Agreement between Francisco Coloane and Glacier Bay.
- Sharing information on best practices on the management of integrated marine and terrestrial protected areas in the region.

#### Public Participation

- Promoting public participation in environmental decision-making and the enforcement of environmental laws.

### *Morocco*

Implementation of a number of co-operation projects with Morocco has continued, including:

#### Sharing Best Practices

- Developing environmental indicators and a system for environmental data sharing and compilation.
- Improving existing environmental enforcement and compliance mechanisms.

#### Sustainable Tourism and Cleaner Production

- Supporting Morocco's efforts to develop sustainable tourism to conserve unique natural and cultural resources and promote enhanced livelihoods.
- Supporting participation in an ongoing project to create a regional sustainable consumption-and-production roundtable.

#### Biodiversity

- Phasing out the use of drift nets to reduce by-catch.
- Protecting national forests.
- Countering over-grazing.
- CITES enforcement training

#### Public Participation

- Promoting public participation in environmental decision-making, enforcement and environmental education.
- Conducting outreach on environmental themes tied to informing, educating and reaching out to youth and civil society.

#### *Oman*

Implementation of a number of co-operation projects with Oman has continued, including:

##### Institutional and Policy Strengthening

- Working together with the Ministry of Environment and Climate Affairs to update air-pollution regulations, the law on Protecting the Environment and Preventing Pollution, and similar laws and regulations.

##### Disaster Preparedness

- Sharing information on best practices on disaster preparedness and management through an exchange of visits by technical experts and delegations from both sides to discuss the Incident Command System.

### Biodiversity Conservation and Protected Areas Management

- Strengthening the management of coastal protected areas through implementation of new or existing management plans, and training for park rangers and staff.
- Assessing options for the development of a natural-resource management curriculum to provide sustainable educational and training opportunities.
- Supporting Omani participation in Conservation Fellowships to provide in-depth field training programs on topics related to protected areas management.
- Working with local fishers, civil society, and the government on assessing and reducing sea-turtle bycatch.

### Sustainable Tourism

- Supporting Oman’s efforts to develop sustainable tourism with a focus on three sites that are important for both tourism and sea-turtle conservation.

### Public Participation

- Increasing women’s awareness of environmental issues and their engagement with Shura Council members on local environmental problems
- Supporting efforts of key non-governmental organizations to engage and educate the public about the management of protected areas, endangered species conservation, and sustainable tourism.

## 5. Recent developments in assessing the impacts of RTAs

### 5.1. *Ex ante* impact assessments

As discussed in the 2010 update, Canada, the United States and the EU have all committed to undertaking ex-ante assessments of the impacts of proposed RTAs. The impact assessments (IA) that have been carried out to date in these programmes are listed in Tables A3, A4 and A5 of the Annex.

Only one assessment has been completed since the previous update: the Sustainability Impact Assessment (SIA) of the proposed Comprehensive Economic and Trade Agreement (CETA) between the EU and Canada (Kirkpatrick et al., 2011). As in the EU’s other SIAs, the assessment examined economic, social and environmental issues in both Parties and in other countries likely to be affected. Consultations with stakeholders were a key part of the study, through a dedicated website, email and phone updates, civil society meetings in Brussels and a workshop in Canada. More than 350 civil-society organisations, trade associations, academic institutions and government agencies were contacted, whose contributions and concerns were evaluated within the study in a depth and breadth according to their appropriateness and relevance and the frequency of being mentioned by stakeholders. Four scenarios were examined, all assuming full liberalisation of industrial products, ranging from limited liberalisation of agriculture and less ambitious liberalisation of services, to full liberalisation of agriculture and ambitious liberalisation of services.

The economic impacts and associated changes in production were evaluated using a computable general equilibrium (CGE) model. The results indicated an overall gain in economic welfare ranging from

0.02% to 0.03% of GDP in the EU, and from 0.18% to 0.36% of GDP in Canada. This would be accompanied by a welfare loss of about 0.01% of GDP in the USA, in Least Developed Countries (LDCs), and in non-LDC countries in Africa, the Caribbean and the Pacific (whose trade preferences with the EU would be eroded). Depending on the level of ambition in specific details of the agreement, Canada could realise significant gains from improvements in access to the EU market for beef and pork products, with a likely negative impact on production and employment in the EU. Likewise, EU dairy producers could experience significant gains if tariffs were fully removed in Canada, with likely decreases in production and employment in the Canadian dairy sector. Other social impacts predicted were relatively minor.

The assessment noted potentially significant environmental impacts (including increased GHG emissions and loss of boreal forest) if the agreement were to lead to significant increases in Foreign Direct Investment from the EU in Canada's oil sands and mining industries. However, the study concluded that although the Investment Chapter of the agreement may stimulate capital flows, it was, by itself, much less likely to increase FDI flows. The study also identified a small increase in GHG emissions from increased transport between Canada and the EU, which would be at least partially offset by a decrease in land transport between Canada and the United States.

Alongside many specific recommendations for mitigation and enhancement, the SIA study recommended the inclusion of a Trade and Sustainable Development Chapter in CETA, and within that chapter the creation of an effective monitoring body.

## ***5.2. Ex-post impact assessments***

Ex-post assessments of the environmental effects of the North American Free Trade Agreement (NAFTA) have been undertaken since 2000 through a series of seminars organised by the Commission for Environmental Co-operation (CEC) under the North American Agreement on Environmental Co-operation (NAAEC).

Work continued in 2011 to implement the 2009 Governance Proposal, pursuant to which Council directed the Parties and Secretariat officials to "renew, revitalize and refocus" the 17 year old organization. For example, a biennial rather than annual Operational Plan with a more streamlined program of trilateral co-operative projects was developed to reduce operational costs and increase impacts of results; officials from the three countries are working to modernize and improve the Submissions on Environment Matters citizen-submission process; and, the Secretariat has worked to reprioritize and increase the transparency of its expenditures.

In 2009, the United States Government Accountability Office (GAO) issued a report that assessed, among other things, progress through FTAs in strengthening partners' capacity to improve and enforce their environmental laws. GAO focused on Jordan, Chile, Morocco, and Singapore. The GAO found that all of these countries had made progress in improving and enforcing their environmental laws, but that a couple of the countries still were experiencing problems.

Since 2007, the Organization of American States has been monitoring progress of the FTA-related environmental cooperation agenda in the CAFTA-DR countries. The OAS issued its first evaluation report in September 2009 and its second report in January 2011. The reports are available on the OAS website at <http://www.oas.org/dsd/EnvironmentLaw/CAFTA-DR/DefaultCLP.htm>.

In late 2010, the United States Department of State hired a consultant to develop and implement a plan for monitoring certain aspects of its trade-related environmental cooperation programs. The Department expects that the consultant's work will establish a foundation for reporting on short, medium, and long-term results of such cooperation programs.

The EU proposes to include an ex post monitoring and consultative mechanism in its RTAs, incorporating a third-party monitoring system to assess implementation of agreed commitments, mechanisms to ensure civil society and stakeholders' participation, and transparency requirements. Once agreed with EU negotiating partners, such chapters would provide a basis to discuss and, where needed, address the impacts of trade in environmentally sensitive goods. An ex-post evaluation of the EU-Chile FTA is currently ongoing.

## 6. Regional trade agreements under negotiation

Recent developments among pending RTAs with environmental provisions include:

- In 2011 Canada and the EU completed the ninth round of negotiations toward a Comprehensive Economic and Trade Agreement (CETA). Significant progress was made in several key areas. Discussions are continuing intersessionally.
- In November 2011, a third round of negotiations for a free-trade agreement between Canada and Ukraine was held in Ottawa. The Environment Group met for the first time, and good progress was made with negotiations. Canada also held its first round of negotiations with Morocco in October 2011.
- Canada is currently working with Japan on a Joint Study on the possibility of a Canada-Japan Economic Partnership Agreement
- A first round of negotiations between Canada and Costa Rica to modernize their existing FTA which entered into force in 2002 and includes parallel Environmental and Labour Cooperation Agreements, took place in November 2011.
- There was a third round of negotiations between Canada and CARICOM (the Caribbean Community) in April in Ottawa. Official negotiations on environment and labour have yet to take place, although Canada was able to present its approach during the plenary session.
- Canada is also negotiating Foreign Investments Protection Agreements (FIPAs) with a number of countries. Typically, FIPAs include a hortatory provision not to derogate from environment laws in order to attract investments.
- The EU-Japan Summit agreed on 28 May 2011 to begin the process for negotiations for a Deep and Comprehensive Free Trade Agreement (DCFTA), addressing all issues of shared interest to both sides.
- The current status of the EU's ongoing trade negotiations is available at: [http://trade.ec.europa.eu/doclib/docs/2006/december/tradoc\\_118238.pdf](http://trade.ec.europa.eu/doclib/docs/2006/december/tradoc_118238.pdf)
- On November 12, 2011, the Leaders of the nine Trans-Pacific Partnership countries – Australia, Brunei Darussalam, Chile, Malaysia, New Zealand, Peru, Singapore, Vietnam, and the United States – announced the achievement of the broad outlines of an ambitious, 21st-century Trans-Pacific Partnership (TPP) agreement that will enhance trade and investment among the TPP partner countries, promote innovation, economic growth and development, and support the creation and retention of jobs. President Obama along with the other eight TPP leaders agreed to seek to finalize an agreement in the coming year. Specifically on environment, the TPP partners agreed that “A meaningful outcome on environment will ensure that the agreement appropriately addresses important trade and environment challenges and enhances the mutual supportiveness of

trade and environment. The TPP countries share the view that the environment text should include effective provisions on trade-related issues that would help to reinforce environmental protection and are discussing an effective institutional arrangement to oversee implementation and a specific cooperation framework for addressing capacity building needs. They also are discussing proposals on new issues, such as marine fisheries and other conservation issues, biodiversity, invasive alien species, climate change, and environmental goods and services.

- New Zealand is currently engaged in bilateral negotiations for free-trade agreements with India, the Republic of Korea, the Customs Union of Russia, Kazakhstan and Belarus.
- Five rounds of the New Zealand – India FTA negotiations have been held to date. These include ongoing discussions on trade and the environment, notwithstanding differences in perspectives on this issue between the parties. New Zealand has been able to share its experiences of negotiating environmental outcomes in its previous FTAs and the value that such outcomes bring to relationships between FTA partners.
- Two rounds of negotiations have been held between New Zealand and the Customs Union of Russia, Kazakhstan and Belarus. The focus in these early rounds has been primarily on market access for goods, rules of origin, and sanitary and phyto-sanitary measures, with other areas discussed in an exploratory way, including the environment.
- EFTA is in ongoing negotiations with Bosnia and Herzegovina, the Central American States (Costa Rica, Guatemala, Honduras and Panama), India, Indonesia and the Customs Union of Belarus, Kazakhstan and Russia. All negotiations include discussions on trade-related and investment-related aspects of labour and environmental issues.
- Switzerland is negotiating a bilateral FTA with China, including expert discussions on issues of environmental and labour standards.
- Turkey is currently negotiating Free Trade Agreements with Gulf Cooperation Council (on hold), MERCOSUR, Ukraine, Libya, Seychelles, Faroe Islands, Republic of Korea, Cameroon, Malaysia, Democratic Republic of Congo, Ecuador, Colombia and Moldova. With Korea environmental issues are being negotiated under the Part on Trade and Sustainable Development, where agreement has been reached on the affirmation of the significance of Multilateral Environmental Agreements and Articles on exchange of information and cooperation on environmental issues. With Malaysia environmental issues are being addressed in a chapter on Economic and Technical Cooperation, covering global and local cooperation. With Ecuador environmental issues are being addressed under a separate Chapter, which includes reference to international conventions on environment, climate change and sustainable development, and cooperation between the Parties on environmental issues.

**ANNEX**

Table A1. Trade agreements notified since previous update: overview of environmental provisions

Table A2. Regional Trade Agreements referenced in JWPTE updates

Table A3. Canadian Environmental Assessments of RTAs

Table A4. US Environmental Reviews of RTAs

Table A5. EU Sustainability Impact Assessments of RTAs

## ANNEX. SUMMARY TABLES

Table A1. Regional trade agreements notified since previous update: overview of environmental provisions

Trade Agreement	Date of notif.	Date of entry into force	Reference to Environmental considerations	Environmental co-operation and capacity building	Public participation	Dispute-settlement mechanisms	Ex-ante/ex-post assessments	Reference to specific environmental issues	Other implementation issues	Official text
Chinese Taipei - Guatemala	11-Jul-2011	01-Jul-2006	Preamble, standards, SPS, investment, derogation from environmental law, general exceptions	Included in general chapter on co-operation	-	-	-	-	-	<a href="http://eweb.trade.gov.tw/kmi.asp?xduurl=kmif.asp&amp;cat=CAT4032">http://eweb.trade.gov.tw/kmi.asp?xduurl=kmif.asp&amp;cat=CAT4032</a>
Canada-Colombia	7-Oct-2011	15-Aug-2011	General, environment chapter, parallel environment agreement	In environment agreement	Chapter on transparency	Environment and labour chapters excluded	Ex ante environmental assessment carried out	Biological diversity	-	<a href="http://www.international.gc.ca/trade-agreements-accords-commerciaux/agr-acc/andean-andin/can-colombia-colombie.aspx?view=d">http://www.international.gc.ca/trade-agreements-accords-commerciaux/agr-acc/andean-andin/can-colombia-colombie.aspx?view=d</a>
EFTA - Albania	07-Feb-2011	01-Nov-2010	Preamble, investment	-	-	-	-	-	-	<a href="http://www.efta.int/free-trade/free-trade-agreements/albania.aspx">http://www.efta.int/free-trade/free-trade-agreements/albania.aspx</a>
EFTA - Colombia	14-Sep-2011	01-Jul-2011	Preamble, patents, government procurement	-	-	-	-	-	-	<a href="http://www.efta.int/~media/Documents/legal-texts/free-trade-relations/columbia/EFTA-Colombia%20Free">http://www.efta.int/~media/Documents/legal-texts/free-trade-relations/columbia/EFTA-Colombia%20Free</a>

## COM/TAD/ENV/JWPTE(2011)43/FINAL

Trade Agreement	Date of notif.	Date of entry into force	Reference to Environmental considerations	Environmental co-operation and capacity building	Public participation	Dispute-settlement mechanisms	Ex-ante/ex-post assessments	Reference to specific environmental issues	Other implementation issues	Official text
										%20Trade%20Agreement%20EN.pdf
EFTA - Hong Kong, China	signed 21-Jun-2011 but not yet ratified	-	SD in Preamble, Chapter on trade and environment, side agreement on labour, right to regulate	Co-operation in International Fora, environmental goods, services and technologies	-	-	-	MEAs, environmental goods and services	-	<a href="http://www.efta.int/free-trade/free-trade-agreements/hong-kong.aspx">http://www.efta.int/free-trade/free-trade-agreements/hong-kong.aspx</a>
EFTA - Peru	30-Jun-2011	01-Jul-2011	Preamble, patents, government procurement	-	-	-	-	-	-	<a href="http://www.efta.int/~media/Documents/legal-texts/free-trade-relations/peru/EFTA-Peru%20Free%20Trade%20Agreement%20EN.pdf">http://www.efta.int/~media/Documents/legal-texts/free-trade-relations/peru/EFTA-Peru%20Free%20Trade%20Agreement%20EN.pdf</a>
EU - Korea, Rep.	07-Jul-2011	01-Jul-2011	SD in Preamble and objectives, Chapter on SD	covered in an Annex	in SD chapter	in SD chapter	ex ante SIA carried out, commitment to review, monitor and assess ex post	MEAs, Environmental Goods and Services, levels of protection	Committee on trade and SD	<a href="http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2011:127:0006:1343:EN:PDF">http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2011:127:0006:1343:EN:PDF</a>
India - Malaysia	06-Sep-2011	01-Jul-2011	general exceptions, investment	-	-	-	-	-	-	<a href="http://www.commerce.nic.in/trade/IMCECA/title.pdf">http://www.commerce.nic.in/trade/IMCECA/title.pdf</a>
Japan - India	14-Sep-2011	01-Aug-2011	Preamble	Environment identified as one of the fields in a general chapter on co-operation	-	-	-	-	-	<a href="http://www.mofa.go.jp/region/asia-paci/india/epa201102/pdfs/ijcepa_ba_e.pdf">http://www.mofa.go.jp/region/asia-paci/india/epa201102/pdfs/ijcepa_ba_e.pdf</a>
Japan - Peru	signed 31-May-2011 but not yet	-	Preamble, general exceptions, government	Included in Joint Statement	-	-	-	MEAs, sustainable forest management, access to genetic	-	<a href="http://www.mofa.go.jp/region/latin/peru/joint1105_env.html">http://www.mofa.go.jp/region/latin/peru/joint1105_env.html</a>

## COM/TAD/ENV/JWPTE(2011)43/FINAL

Trade Agreement	Date of notif.	Date of entry into force	Reference to Environmental considerations	Environmental co-operation and capacity building	Public participation	Dispute-settlement mechanisms	Ex-ante/ex-post assessments	Reference to specific environmental issues	Other implementation issues	Official text
	ratified		procurement, separate Joint Statement on Trade and Environment					resources		
New Zealand - Hong Kong, China	03-Jan-2011	01-Jan-2011	SD in Preamble, separate environmental co-operation agreement, general exceptions	Regulatory co-operation in main text, Environmental Co-operation Agreement	Optional	Consultation and negotiation	-	air and water quality, waste, chemicals	regular meetings of the parties	<a href="http://www.mfat.govt.nz/downloads/trade-agreement/hongkong/NZ-HK%20CEP-final-copy1.pdf">http://www.mfat.govt.nz/downloads/trade-agreement/hongkong/NZ-HK%20CEP-final-copy1.pdf</a>
Peru - Korea, Rep.	09-Aug-2011	01-Aug-2011	Preamble, investment, chapter on labour, chapter on environment, general exceptions	Chapter on co-operation, Annex on environmental co-operation	-	consultation, resolution by Environmental or Labour Affairs Council	commitment to strive to review, monitor, and assess impacts of implementation	Access to genetic resources, MEAs, biodiversity, climate change environmental goods and services, enforcement of environmental law	Labour Affairs Council, Environmental Affairs Council	<a href="http://www.fta.go.kr/new/pds/fta_korea/peru/eng.pdf">http://www.fta.go.kr/new/pds/fta_korea/peru/eng.pdf</a>
Turkey - Chile	25-Feb-2011	01-Mar-2011	Preamble, general exceptions	Environment included in general chapter on co-operation	-	-	-	Climate change, biodiversity, hazardous chemicals, air, water, waste, sea, environmental awareness	Joint Committee may decide to establish sub-committees or working groups	<a href="http://www.direcon.gob.cl/sites/rc.direcon.cl/files/bibliotecas/TLC_CHILE_TURQUIA_English.pdf">http://www.direcon.gob.cl/sites/rc.direcon.cl/files/bibliotecas/TLC_CHILE_TURQUIA_English.pdf</a>
Turkey - Jordan	07-Mar-2011	01-Mar-2011	General exceptions for protection of health and life of humans, animals or plants	-	-	-	-	-	-	<a href="http://www.mit.gov.jo/portals/0/JO%20EN%20Agreement%20Text.pdf">http://www.mit.gov.jo/portals/0/JO%20EN%20Agreement%20Text.pdf</a>
U.S.-Korea	signed	15-Mar-	throughout,	in Environment	Article	binding	yes	yes	Environmental	<a href="http://www.ustr.gov">http://www.ustr.gov</a>

Trade Agreement	Date of notif.	Date of entry into force	Reference to Environmental considerations	Environmental co-operation and capacity building	Public participation	Dispute-settlement mechanisms	Ex-ante/ex-post assessments	Reference to specific environmental issues	Other implementation issues	Official text
	11-Feb-2011	2011	including an Environment Chapter	Chapter, and in a separate Environmental Cooperation Agreement (ECA)	20.7	dispute settlement including for environmental commitments, Article 20.9			Affairs Council	/trade-agreements/free-trade-agreements/korus-fta/final-text
U.S.-Colombia	signed into US law 21-Oct-2011	-	throughout, including an Environment Chapter	in Environment Chapter, and in a separate Environmental Cooperation Agreement (ECA)	Article 20.7	binding dispute settlement including for environmental commitments	yes	yes	-	<a href="http://www.ustr.gov/trade-agreements/free-trade-agreements/colombia-fta/final-text">http://www.ustr.gov/trade-agreements/free-trade-agreements/colombia-fta/final-text</a>
U.S.-Panama	signed into US law 21-Oct-2011	-	throughout, including an Environment Chapter	in Environment Chapter, and in a separate Environmental Cooperation Agreement (ECA)	Article 17.7	binding dispute settlement including for environmental commitments	yes	yes	-	<a href="http://www.ustr.gov/trade-agreements/free-trade-agreements/panama-tpa/final-text">http://www.ustr.gov/trade-agreements/free-trade-agreements/panama-tpa/final-text</a>

Table A2. Regional trade agreements referenced in JWPTE updates

Trade agreement	Date of entry into force	Update for 2008	Update for 2009	Update for 2010	Update for 2011 (this report)
Australia-Chile	06/03/09	x	x		
Australia-New-Zealand-ASEAN	01/01/10		x		
ASEAN-India	01/01/10			x	
ASEAN-Korea	01/01/10(G) 01/05/09(S)			x	
Canada-Colombia	15/08/11	x	x		x
Canada-EFTA	01/07/09	x	x		
Canada-Jordan	-	x	x		
Canada-Peru	01/08/09	x	x		
Chile-Colombia	08/05/09		x		
Chile-Turkey	-		x		
Chile Panama	07/03/08	x			
Chile-India	17/08/07			x	
China-Peru	01/03/10		x		
China-Singapore	01/01/09		x		
China-Pakistan	01/01/07(G) 10/10/09(S)			x	
EFTA-Albania	01/11/10		x		x
EFTA-Colombia	01/07/11				x
EFTA-Hong Kong, China	-				x
EFTA-Peru	01/07/11				x
EFTA-Serbia	01/10/10		x		
EU-Cameroon	01/10/09		x		
EU-CARIFORUM	01/11/08	x	x		
EU-Côte d'Ivoire	01/01/09		x		
EU-Korea	01/07/11			x	x
EU-Montenegro	01/01/08(G) 01/05/10(S)			x	
EU-Serbia	01/02/10			x	
India-Korea	01/01/10			x	
India-Malaysia	01/07/11				x
India-MERCOSUR	01/06/09			x	
India-Nepal	27/10/09			x	
Japan-Philippines	11/12/08		x		
Japan-Switzerland	01/09/09		x		
Japan-Vietnam	01/10/09		x		
Japan ASEAN	01/12/08	x			
Japan-Brunei	31/07/08	x			
Japan-Indonesia	01/07/08	x			
Japan-India	01/08/11				x
Japan-Peru	-				x
New-Zealand-Malaysia	01/08/10		x		
New-Zealand-Philippines	01/10/09		x		
New Zealand China	01/10/08	x			
New Zealand-Hong Kong (China)	01/01/11			x	x
Panama-Costa Rica	23/11/08		x		
Panama-Honduras	09/01/09			x	

Trade agreement	Date of entry into force	Update for 2008	Update for 2009	Update for 2010	Update for 2011 (this report)
Pakistan Malaysia	01/01/08	x			
Peru-Singapore	01/08/09	x	x		
Peru-Korea	01/08/11				x
Chinese Taipei-El Salvador Honduras	01/01/08	x			
Chinese Taipei-Guatemala	01/07/06				x
Chinese Taipei-Nicaragua	01/01/08			x	
Turkey-Georgia	01/11/08		x		
Turkey-Montenegro	01/03/10		x		
Turkey-Albania	01/05/08	x			
Turkey-Serbia	01/09/10			x	
Turkey-Chile	01/03/11				x
Turkey-Jordan	01/03/11				x
US-Oman	01/01/09	x	x		
US-Peru	01/02/09	x	x		
US-Korea	15/03/12				x
US-Colombia	TBA				x
US-Panama	TBA				x

Table A3. Canadian Environmental Assessments of RTAs

Country	Status	Date
Singapore	initial	before 2005
Central America Four (CA4)	initial	before 2005
Free Trade Area of the America (FTAA)	initial	before 2005
Korea	initial	Sep 2007
China FIPA initial	initial	Mar 2008
Chile government procurement chapter	final	Jun 2008
Caricom	initial	Dec 2008
Dominican Republic	initial	Dec 2008
India	initial	Jan 2009
Bahrain	initial	Feb 2010
Jordan	initial	Feb 2010
Panama	initial	Feb 2009
Madagascar	final	Mar 2009
Colombia and Peru	final	Apr 2009
Kuwait	initial	Apr 2010

Source: <http://www.international.gc.ca/trade-agreements-accords-commerciaux/env/>,  
<http://www.international.gc.ca/consultations/closed-anterieures.aspx>

**Table A4. US Environmental Reviews of RTAs**

<b>Country</b>	<b>Status</b>	<b>Date</b>
Jordan	final	Dec 02
Chile	final	Jun 03
Singapore	final	Jun 03
Australia	final	Jul 04
Morocco	final	Jul 04
Bahrain	final	Sep 04
CAFTA-DR	final	Feb 05
UAE	interim	May 05
Thailand	interim	Nov 05
Oman	final	Jun 06
Peru	final	Oct 07
Panama	final	Sep 11
Korea	interim	Sep 11
Colombia	final	Sep 11

Source: <http://www.ustr.gov/trade-topics/environment/environmental-reviews>

**Table A5. EU Sustainability Impact Assessments of RTAs**

<b>Country</b>	<b>Status</b>	<b>Date</b>
Chile	final	December 2002
Gulf Co-operation Council (GCC)	final	May 2004
Africa Caribbean Pacific (ACP)	final	October 2006
Euro-Mediterranean Free Trade Area (EMFTA)	final	November 2007
Ukraine	final	December 2007
Korea	final	June 2008
China	final	August 2008
MERCOSUR	final	March 2009
India	final	May 2009
ASEAN	final	June 2009
Central America	final	September 2009
ANDEAN	final	October 2009
Libya	final	October 2009
Canada	final	June 2011

Source: <http://ec.europa.eu/trade/analysis/sustainability-impact-assessments/assessments/>

## REFERENCES

- CEC (2004), “Report of the Ten-year Review and Assessment Committee to the Council of the Commission for environmental Cooperation”, Montreal. Available at: [www.cec.org/Storage/79/7287\\_TRAC-Report2004\\_en.pdf](http://www.cec.org/Storage/79/7287_TRAC-Report2004_en.pdf).
- Commission of the European Communities (2005), Impact Assessment, 2005 Enlargement Strategy Paper, COM(2005)561, Brussels.
- Commission of the European Communities (2007), Impact Assessment, Global Europe: a Stronger Partnership to Deliver Market Access for European Exporters, SEC(2007) 452/3, Brussels.
- European Commission (2010), Communication on Trade, Growth and World Affairs, COM(2010)612, Brussels.
- GAO (2009), International trade: Report to the Chairman, Committee on Finance, U.S. Senate, United States Government Accountability Office, Washington DC.
- Kirkpatrick, Colin, Selim Raihan, Adam Bleser, Dan Prud’homme, Karel Mayrand, Jean-Frédéric Morin, Hector Pollitt, Leonith Hinojosa, and Michael Williams (2011, June), “A Trade SIA Relating to the Negotiation of a Comprehensive Economic and Trade Agreement (CETA) between the EU and Canada: Final Report”, Report No. Trade 20/B3/B06, Impact Assessment Research Centre at Institution of Development Policy and Management, University of Manchester.
- OAS (2009) First Evaluation Report: Monitoring Progress of the Environmental Cooperation Agenda in the CAFTA-DR Countries, Organization of American States, Washington DC.
- OAS (2011), Second Evaluation Report: Monitoring Progress of the Environmental Cooperation Agenda in the CAFTA-DR Countries, Organization of American States, Washington DC.
- OECD (2007), *Environment and Regional Trade Agreements*, Paris, France.
- OECD (2008a), “Trade and Environment at the OECD: Key Issues since 1991” [[COM/TAD/ENV/JWPTE\(2007\)38/FINAL](#)], OECD Trade and Environment Working Paper 2008-01, Paris, France.
- OECD (2008b), “Checklist for Negotiators of Environmental Provisions in Regional Trade Agreements” [[COM/TAD/ENV/JWPTE\(2007\)35/FINAL](#)], OECD Trade and Environment Working Paper 2008-02, Paris, France.
- OECD (2008c), “Update on Environment and Regional Trade Agreements: Developments in 2007” [[COM/TAD/ENV/JWPTE/RD\(2007\)40/FINAL](#)], Paris, France.
- OECD (2009a), “Environment and Regional Trade Agreements: Developments in 2008” [[COM/TAD/ENV/JWPTE\(2008\)41/FINAL](#)], OECD Trade and Environment Working Paper 2009-1, Paris, France.
- OECD (2009b), “Implementation of Environmental Provisions in Regional Trade Agreements: A Framework for Evaluation” [[COM/TAD/ENV/JWPTE\(2009\)4/REV2](#)], Paris, France.

COM/TAD/ENV/JWPTE(2011)43/FINAL

OECD (2010a), “Environment and Regional Trade Agreements: Developments in 2009”  
[COM/TAD/ENV/JWPTE(2009)23/FINAL], OECD Trade and Environment Working Paper 2010-1, Paris, France.

OECD (2010b), “Report of the June 2010 OECD Workshop on Regional Trade Agreement and the Environment: Monitoring Implementation and Assessing Impacts”,  
[COM/TAD/ENV/JWPTE(2010)48/FINAL], Paris, France.

OECD (2011a), “Environment and Regional Trade Agreements: Developments in 2010”, OECD Trade and Environment Working Paper 2011/01, Paris, France.

OECD (2011b), “Regional Trade Agreements and the Environment: Monitoring Implementation and Assessing Impacts”, OECD Trade and Environment Working Paper 2011/02, Paris, France.