

## Joint Statement

*Canadian and European Union (EU) Domestic Advisory Groups (DAGs), established under the Trade and Sustainable Development (TSD) chapters of the EU-Canada Comprehensive Economic and Trade Agreement (CETA)*

## Introduction

1. Meeting on Tuesday, September 8 and Wednesday September 9, 2020 via transatlantic videoconference, we, the Domestic Advisory Groups (DAGs) of Canada and the European Union (EU), jointly state that:
2. We are pleased to have this second joint meeting of the three CETA DAGs. We have participated in a joint workshop to discuss both the role of the DAGs in monitoring and advising upon CETA implementation and the question of enforceability of the TSD chapters of CETA. We have shared an overview of the work of our respective DAGs since the 2019 joint meeting and look forward to continued fruitful cooperation on joint priorities.
3. The DAGs reiterate their commitment to respect diversity of peoples, including the indigenous peoples, and perspectives within Canada and the EU, work together on common priorities, enhance knowledge about sustainable development provisions in CETA, and promote engagement from a wide range of civil society.
4. The global socio-economic fallout from COVID-19 has damaged economies and caused serious disruptions on the movement and welfare of all peoples, in particular those most vulnerable. It has highlighted the need to have resilient and sustainable social, economic and cultural systems that ensure the highest standards of public services, including health and education, safe workplaces, social rights, and environmental and animal protection.
5. To ensure a post-COVID-19 recovery with resilient supply chains, it is important to have effective mechanisms in trade agreements and trade policy to enforce sustainable development commitments. The crisis has also underlined that there is a need for well-functioning and cohesive public services accessible to all. The EU and Canada should support public service principles<sup>1</sup> and standards in bilateral relations and at the global level.
6. The DAGs are profoundly concerned that the CETA Parties' efforts to reinvigorate their respective economies and trading relations are conducted in a manner that protects the environment, animals, and biodiversity, workers and communities and upholds human rights and Indigenous Peoples' rights.
7. The DAGs believe that CETA constitutes a platform on which the EU and Canada can join efforts to mutually reinforce their sustainable economic recovery, align efforts to address the

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<sup>1</sup> Joint Interpretative Instrument on the Comprehensive Economic and Trade Agreement (CETA) between Canada & the European Union and its Member States:

<https://www.international.gc.ca/trade-commerce/trade-agreements-accords-commerciaux/agr-acc/ceta-aecg/jii-iiic.aspx?lang=eng>

climate and biodiversity crises, and strengthen solidarity, multilateralism and cooperation at all levels.

8. We acknowledge that CETA has the potential to benefit the EU and Canadian economies in terms of inclusive trade, investment, and employment. CETA can provide opportunities to increase sustainable trade of environmental goods and technology for SMEs. The DAGs are particularly keen for trade flows under CETA to be consistent with sustainable development.
9. The TSD review foreseen in the Joint Interpretative Instrument (JII) is a priority for Canadian and EU DAGs. The DAGs are thus eager for the parties to make meaningful, transparent and swift progress towards their sustainable development and TSD review commitments, achieving “effective enforceability of CETA provisions on trade and labour and trade and environment” as indicated in article 10 of the Joint Interpretative Instrument (JII).
10. The DAGs discussed the issue of enforceability of the TSD chapters at our meeting as a matter of highest priority. Debating with experts, we raised the following issues:
  - a) Access to effective enforcement is an indispensable component of meaningful implementation and adherence to these chapters. Rights without remedies undermines the meaning of those rights within CETA.
  - b) The high level of substantive rights under CETA is not matched by an equally high level of effective enforcement, which should include both collaborative activities as well as a dispute resolution process with timely consultations and meaningful remedies that would incentivise parties to achieve full compliance with their commitments and obligations;
  - c) The recent developments in negotiated trade agreements (e.g. the Canada United States Mexico Agreement (CUSMA) and the Comprehensive and Progressive Agreement for Trans-Pacific Partnership (CPTPP) acknowledge the need for effective enforcement of labour and environmental commitments, whether at the national or company level; and
  - d) The presence of effective enforcement mechanisms strengthens the labour and environmental provisions found in any trade agreement, including CETA.

## **Calls**

11. We call on the CETA Parties to expedite and make firm progress on the TSD Early Review, to explore a range of options to strengthen the enforceability of the TSD chapters, and to ensure the involvement and consultation of the EU and Canada DAGs and civil society during this process.
12. We urge the CETA Parties to collaborate in ensuring their efforts to respond to the socio-economic fallout from COVID-19 pandemic by reinvigorating their respective economies and trading relations are conducted in a manner that accords with the highest standards of environmental, labour, human, Indigenous Peoples’ and animal welfare rights, consistent with CETA’s TSD chapters.

13. To be able to continue to fulfil our role of effectively monitoring CETA implementation and providing regular advice to the Parties, we call on the CETA Parties to:

- Continue to provide resources to facilitate regular joint DAG-to-DAG meetings;
- Ensure full transparency about all their activities under CETA relevant to the sustainable development chapters;
- Provide timely and equal access to relevant information and data, including on the progress of the TSD Early Review; and
- Involve civil society more closely when discussing in any CETA implementation committees set by the Parties.

14. The CEDAG and Labour DAG thank the EU DAG and the European Economic and Social Committee for facilitating the organisation of these meetings. The three CETA DAGs remain committed to supporting and assisting the CETA Parties in all efforts associated with responding to the impacts of the COVID-19 crisis and rebuilding more prosperous, just, sustainable and equitable economies and societies.

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