



CIVIL SOCIETY DIALOGUE ON THE COMPARATIVE ANALYSIS OF TRADE AND SUSTAINABLE DEVELOPMENT PROVISIONS SUPPORTING THE REVIEW OF THE 15 POINT ACTION PLAN FOR TRADE AND SUSTAINABLE DEVELOPMENT

Date: 26 October 2021

Time: 9:30-11:30

Speakers: Head of Unit, Bilateral relations in Trade and Sustainable Development, Generalised System of Preferences, DG Trade, European Commission

Team Leader, External Research Team for the Comparative Study Supporting the TSD Review (LSE Consulting).

Presentation

The Commission introduced the plan to review the 15 point action plan on trade and sustainable development, and recalled the open public consultation for which the deadline is 31 October 2021.

LSE Consulting gave a presentation of the ongoing work on the study *Comparative Analysis of Trade and Sustainable Development (TSD) Provisions for Identification of Best Practices to Support the TSD Review*. It explained that the focus is to conduct a critical review of sustainable development provisions in seven countries outside of the EU. The consultant summarised the literature review, the analysis of EU agreements already presented in the published inception report, and provided an overview of the approach of the study in seven comparison countries. It presented some preliminary conclusions on the implementation and enforcement provisions in the countries in question. It described the case studies that have been selected, and explained the next steps of research including interviews with experts.

Questions and answers

The European Economic and Social Committee (**EESC**) welcomed the opportunity and the richness of the report. It suggested the additional points in particular on Canada. The EESC welcomed that case studies includes the rapid response mechanism of the US, as an innovation that takes the enforcement to company level. It argued that this example does not exclude cooperation, but that such cooperation is enhanced by the presence of sanctions. The EESC also noted the importance of Domestic Advisory Groups in the EU and called for their involvement in the study. It recalled that the EESC had recently adopted an opinion on the TSD review with an overwhelming majority.

Date: 29-10-2021

The Commission welcomed the EESC opinion. It recalled that there is ongoing engagement with Canada on the early review, including with the domestic advisory groups of both sides.

LSE consulting clarified that mapping out the civil society setups inside the EU is not the primary task of the study.

The International Confederation of European Beet Growers (**CIBE**) asked whether the study would make recommendations to the Commission.

LSE Consulting clarified the study will draw conclusions and identify good practices, but it is not intended to make recommendations.

The European Services Forum (**ESF**) asked the importance of the impact on trade and investment component in US and Canadian agreements. ESF also asked about formal structure for civil society involvement including mechanisms for complaints, noting the unique nature of European Domestic Advisory Groups.

LSE Consulting explained the reflection that will be presented in the study regarding effect-on-trade considerations following the US-Guatemala case study. They confirmed that civil society arrangements in other jurisdictions are less institutionalised than Domestic Advisory Groups in the EU.

The International Federation for Human Rights (**FIDH**) asked about the potential for a human rights clause, and commented that human rights elements could be put forward not just through a threat of suspension of the Agreement, but also by any other appropriate measure. They also asked about the possibility for civil society to trigger a dispute in other jurisdictions.

LSE Consulting commented that the study focus is not identifying shortcomings in the EU system, and it focusses on a comparative analysis on labour and environmental issues on other countries. It will address the public submission system in other jurisdictions.

The Commission confirmed that human rights issues are typically covered outside of the trade part in EU agreements, and recalled other instruments such as the EU global human rights sanction regime. As regards dispute settlements, it noted that the Parties to an international agreement are typically ultimately responsible for the dispute settlement mechanism that it prescribes.

Fern a forest rights organisation, asked about the role of secretariats of multilateral environmental organisations in monitoring environmental commitments in trade and sustainable development.

LSE Consulting and the Commission commented on the role played by the ILO in monitoring the implementation of labour rights.

To conclude, the Commission indicated that the study's interim report will be published soon and that the review is expected to be complete in the first half of 2022.
