

Brussels/Berlin/Vienna/Bucharest/Madrid/Dublin/Lisbon – 9 January 2017

Re: Call to support ENVI Draft Opinion on the EU-Canada Comprehensive Economic and Trade Agreement (CETA)

Dear Members of the Committee on Environment, Public Health and Food Safety,
Dear Substitute Members,

Please accept our best wishes for the new year. We are a group of civil society organisations writing because 2017 begins with a critical decision in the hands of the European Parliament that will impact the lives of European citizens for years to come: the CETA vote. Your Committee's opinion on CETA will be a crucial signal to Europeans as to whether Members of the European Parliament are fully aware how CETA can be detrimental to the EU's environmental goals.

We believe that CETA may undermine EU environmental and public health standards in the following areas in particular:

- On high standards of environmental protectionⁱ

CETA's environmental provisions cannot be enforced through trade sanctions or financial penalties if they are violated. Victims of environmental abuse cannot bring a claim in a similar manner. Future environment and climate policies cannot be sufficiently exempted, but will have to comply with CETA.

- On the precautionary principle and endocrine disrupting chemicals (EDCs)ⁱⁱ

European legislation on EDCs is under threat from CETA's regulatory cooperation provisions because Canada considers EU regulations on EDCs a trade disruptor, rather than health protection. The EU generally takes a more precautionary approach to chemical safety than Canada does. In order to take account of trade interests of Canada and the US, the EU Commission has recently been shown to have sacrificed the precautionary principle in its proposal for criteria to identify EDCs.

- On REACHⁱⁱⁱ

The Canadian government voiced criticism of the EU's ambitious chemicals regulation REACH at the WTO's TBT Committee over 20 times between 2003 and 2011. CETA's technical barriers to trade chapter (TBT) will provide an even simpler and more direct way for such complaints to be expressed and acted upon.

- On animal welfare^{iv}

CETA liberalises trade in animal products without ensuring these products meet EU animal welfare standards which are far stronger than the mainly voluntary standards in Canada. The meek Article 21(4)(s) requirement to exchange information on animal welfare does nothing to stop trade-offs between economic goals and animal welfare protection.

- On strict GMO laws^v

CETA supports a cooperation mechanism with the objective of revising and harmonising GMO rules in a way that would lower current EU standards.

- On hormone-free meat production^{vi} and antimicrobial resistance^{vii}

CETA does not prevent Canada from challenging the EU's hormone legislation. The

Commission's unilateral declaration reiterating the ban on hormones for growth promotion in farm animals provides no legal guarantee against future weakening of this standard. Furthermore, greater quotas for Canadian meat is likely to increase the risks of antimicrobial resistance given its rampant use in meat production.

- On agriculture and food labelling^{viii}

European producers, particularly pork and beef producers, are likely to be undercut by cheap imports. The EU's meat labelling scheme could well be challenged by Canada, following Canada's WTO victory which led to the repeal of the U.S. Country of Origin Labeling law. CETA's regulatory cooperation agenda will favour industrial agriculture interests and threatens to undermine the precautionary principle and the existing and future EU standards on critical issues such as food safety, the farm to fork approach, animal welfare and agricultural greenhouse gas emissions.

We further believe that the following EU policy areas may suffer from a regulatory chill or a direct threat from the investor protection provisions of ICS (International Court System).

- Climate protection: green energy transition, decarbonisation efforts and Paris targets^{ix}

CETA's provisions on investment protection, coupled with its weak protection of the environment, may undermine or have a regulatory chill impact on future sustainable climate and energy policy, such as efforts to stop fossil fuel-based energy production and to promote decarbonisation. Its provisions therefore threaten any EU measures needed to reach the goals of the 2015 Paris Agreement.

- Mining,^x fracking and other extractive activities^{xi}

The extractive industry is prolific in launching arbitration lawsuits. Over 50% of global mining companies are based in Canada. The most recent example is the Canadian 'Gabriel Resources' company's action to sue Romania for not approving Europe's largest gold mine project. Based on the 44 legal cases for which data are available, mining companies have sued governments for a total of EUR 50.3 (USD 53) billion. If CETA's investment chapter goes into effect, Canadian mining companies will be able to threaten and file similar lawsuits in all 28 Member States.

- Public health laws^{xii}

CETA has the potential to undermine public health by opening the door for businesses to challenge public health laws that are perceived as barriers to trade and limiting policy choices for social, health, education and water services which all fall under the rubric of "Services of General Interest."

In conclusion:

The Committee on Employment and Social Affairs voted in December to reject the current CETA agreement, having found that it will not further EU objectives in employment and social policy.

We call on the Committee of Environment and Public Health to do likewise and to support the Rapporteur's draft opinion to reject the current CETA text which is likely to work against key principles of the EU's environmental and public health policies.

Sincerely,

Greenpeace; Eurogroup for Animals; European Environmental Bureau; Corporate Europe

Observatory; Global 2000, Austria; Irish Congress of Trade Unions, ICTU, Ireland; Aitec, France; Mining Watch Romania; Alburnus Maior - Rosia Montana, Romania; De-clic.ro Community, Romania; Ecologistas en Acción, Spain; IATP Europe, Germany; PowerShift, Germany; Attac Spain; Confederación Intersindical, Spain; Campaña No al TTIP, CETA, TiSA, Spain; Entrepueblos/Entrepobles/ Entrepobos/Herriarte, Spain; ZERO - Associação Sistema Terrestre Sustentável, Portugal; An Cláioimh Glas, Ireland; An Taisce, The National Trust of Ireland; Attac Ireland; Coomhola Salmon Trust, Ireland; Comhlámh, Ireland; Environmental Pillar, Ireland; Green Foundation Ireland; International Small Business Alliance, Ireland; Irish Cattle and Sheep Farmers Association, ICOSA, Ireland; People's Movement / Gluaiseacht an Phobal, Ireland; Sustainable Water Action Network Ireland, SWAN, Ireland; The Technical Engineering and Electrical Union, Ireland

i See <https://corporateeurope.org/sites/default/files/attachments/great-ceta-swindle.pdf> and also <http://www.sierraclub.org/compass/2016/10/corporate-bias-investor-state-dispute-settlement-threatens-environmental-protection>.

ii See <https://www.euractiv.com/section/health-consumers/news/new-endocrine-disruptor-rules-address-your-trade-concerns-eu-tells-us-canada/> and note the exchange of letters between Mr. La Via and Commissioner Andriukaitis on the subject: https://www.libre-echange.info/IMG/pdf/la_via_to_andriukaitis_-_edcs_ls_opinion_sept_2016.pdf.

iii See <http://www.ciel.org/wp-content/uploads/2016/10/CIEL-letter-to-Mr.-Magnette.pdf>.

iv See <http://eurogroub.cluster020.hosting.ovh.net/wp-content/uploads/CETA-Animal-Welfare-Briefing-1.pdf> and CETA's threat to agricultural markets and food quality. In Making Sense of CETA <https://www.policyalternatives.ca/publications/reports/making-sense-ceta-2016>.

v See <http://www.iatp.org/ceta-selling-off-the-farm>.

vi See <https://corporateeurope.org/sites/default/files/attachments/great-ceta-swindle.pdf>

and supra v.

vii See <http://epha.org/the-unhealthy-side-effects-of-ceta/>.

viii See supra v and <http://canadians.org/sites/default/files/publications/report-ceta-food-safety-english.pdf>.

ix See Free trade or climate protection? Energy and climate policy-related threats posed by CETA in Making Sense of CETA <https://www.policyalternatives.ca/publications/reports/making-sense-ceta-2016> and <https://www.transportenvironment.org/publications/ceta-and-environment-gold-standard-planet-or-big-business>.

x See http://www.euractiv.com/section/climate-environment/opinion/ciolos-failure-to-save-rosia-montana-disappointed-many-romanians/?nl_ref=28014051 and <http://www.international.gc.ca/trade-agreements-accords-commerciaux/topics-domaines/other-autre/csr-strat-rse.aspx?lang=eng> and <http://www.forumue.de/silence-is-golden/> and <http://corporateeurope.org/sites/default/files/trading-away-democracy.pdf>.

xi <https://www.tni.org/en/publication/signing-away-sovereignty>.

xii See supra vii.