PARLIAMENTARY LABOUR PARTY

PLP Briefing

CETA – The Comprehensive Economic and Trade Agreement between the EU and Canada

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TOP LINES

- Liam Fox overrode parliamentary scrutiny by signing CETA in the EU Council – and agreeing to its provisional application – without a debate before Parliament;

- CETA has now been approved by the EU Council and is awaiting the consent of the European Parliament before being sent back to national parliaments for ratification;

- CETA as it stands contravenes the key red lines and principles the Labour Party has set out for progressive trade agreements;

- The European Parliament is due to hold its final vote on CETA on 15 February – Jude Kirton-Darling MEP, who leads on CETA for Labour, has called for its rejection;

- CETA is seen by the Canadian government as the baseline for a future UK-Canada trade agreement – and by Conservative ministers as the model for a UK-EU trade deal;

- The only impact assessment of CETA on a country-by-country basis has projected a net decrease in exports for the UK as a result of the deal, plus the loss of 10,000 jobs;

- Despite stretching to 2,255 pages, CETA does not include a single commitment to support the export interests of small and medium-sized enterprises (SMEs);

- Uniquely among major EU Member States, the UK government has failed to register a single geographical indication in CETA (such as Red Leicester, Cheddar cheese or Melton Mowbray pork pies) to protect British food producers;

- CETA is the first EU trade agreement to include the Investment Court System – a new investor-state dispute settlement (ISDS) mechanism which will give Canadian and US corporations the power to sue governments in a supranational private court;

- The only chapters of CETA not covered by the Investment Court System are the chapters on sustainable development, the environment and labour rights;

- CETA introduces a 'negative list' for services liberalisation, so that it will not be possible to introduce new reservations in future to protect unlisted public services – the UK has failed to list key services such as health, education, post or rail services for protection;

- CETA is designed to be a 'living agreement', with supranational institutions that could undermine national sovereignty and that are free from future parliamentary scrutiny;

- The ETUC has called on all MEPs to reject CETA, just as the TUC and the major Labour-affiliated trade unions have long campaigned against the deal in the UK.

CURRENT STATE OF PLAY

Negotiations between the EU and Canada towards a Comprehensive Economic and Trade Agreement (CETA) began in October 2009, based on a mandate agreed by the EU Council in April 2009 but not made publicly available until December 2015. The CETA negotiations were concluded on 1 August 2014 and the text initialled on 26 September 2014, although internal opposition from within EU Member States prevented it from being signed as it would normally have been at that time. The legal preparation of the agreement (the so-called 'legal scrubbing' process) was concluded in February 2016, and the text was submitted by the European Commission to the EU Council for signature and conclusion on 5 July 2016. The agreement was eventually signed by the EU and Canada on 30 October 2016, together with an emergency 'Joint Interpretative Instrument' that was required to quell a last-minute rebellion by Belgian regional parliaments, led by the Walloons, reflecting the deep public opposition to CETA felt across Europe as a whole.

CETA has now been referred to the European Parliament for its consent to the conclusion of the agreement. According to its current schedule, the European Parliament will vote on whether to give its consent to CETA on 15 February. Provided that the European Parliament gives its consent, the agreement will be officially concluded and the vast majority of it will enter into force under the EU's 'provisional application' rules. The EU Council has set 17 February 2017 as the date on which to notify Canada of the decisions of the EU to implement CETA on a provisional basis. The ratification process will then follow in all EU Member States, according to their respective constitutional requirements.

On 26 October 2016, Liam Fox MP, Secretary of State for International Trade, appeared before the European Scrutiny Committee to explain why the government had failed to give MPs any chance to debate CETA prior to the EU Council meeting at which Fox and other EU Member State representatives agreed to its implementation. As the Committee Chair noted:

> "Overriding scrutiny on an agreement of such evident legal and political importance, given our Standing Orders, before MPs have had an opportunity to debate its content and implications for the UK is a serious matter."

Fox admitted that he had indeed overridden parliamentary scrutiny, claiming that it had been "in the UK's national interest" for him to do so. He reiterated his commitment to holding a parliamentary debate on CETA, ostensibly by November 2016, but as of today's date there has still been no announcement of any debate. This is now extremely urgent, as almost all of CETA will enter into force on a provisional basis once the European Parliament has given its consent next month. The Canadian government has stated its intention to use CETA as the baseline for any future UK-Canada trade agreement, which will be all the easier if the terms of the agreement are already in force.[1] Conservative government ministers have even spoken of CETA as a model for a future UK-EU trade deal.

Whether CETA passes the European Parliament plenary depends on whether Labour's allies in the Progressive Alliance of Socialists and Democrats (the S&D Group) are prepared to unite against the deal, as they effectively hold the deciding votes. Jude Kirton-Darling, who leads for

[1] 'Canada-EU trade deal could survive Brexit in UK, Freeland says', *Bloomberg*, 30 December 2016. https://www.bloomberg.com/news/articles/2016-12-30/canada-eu-trade-deal-could-survive-brexit-in-u-k-freeland-says

Labour on trade issues in the European Parliament, has called on fellow MEPs to reject CETA – her article, written while she is currently on maternity leave, is worth reading in its entirety.[2]

If passed, CETA then needs to be ratified by national and (in some countries) sub-national parliaments in all EU Member States. This process usually takes several years, and it is therefore almost certain that the UK will have ceased to be a member of the EU by the time that CETA is fully ratified. Most legal commentators concur that the UK will not be bound by the terms of CETA after it leaves the EU – although there is a 20-year 'sunset clause' for investor protection that might yet be invoked if the European Commission can overturn the need for ratification of the agreement in national parliaments (see next section).

If ratified, CETA will bring 98.6% of Canadian tariff lines and 98.7% of EU tariff lines down to zero, the vast majority immediately but with tariffs in some more sensitive sectors subject to phased elimination over the next seven years. All tariffs on industrial products and fisheries will be reduced to zero, while duties on 93.8% of EU and 91.7% of Canadian agricultural tariff lines will be eliminated. Some sensitive sectors such as eggs and poultry meat have escaped liberalisation altogether, while preferential access for beef, pork and canned sweetcorn as well as dairy will be limited to tariff rate quotas. The EU succeeded in doubling its quota for cheese exports to Canada, while Canada expanded its quotas for pork and beef exports to the EU many times over. The share of that beef quota that the UK takes in the negotiations as we leave the EU could be particularly damaging to our beef farmers.

LEGAL STATUS

In the face of concerted resistance from EU Member States, the European Commission was forced to submit CETA to the EU Council in July 2016 as a 'mixed' agreement, meaning that both the European institutions and the individual EU Member States share competence over it. CETA therefore has to be ratified by all relevant national and sub-national parliaments in the EU – an eventuality that the European Commission had wished (and would still like) to avoid. EU Trade Commissioner Cecilia Malmström made no secret of her frustration at the political imperative to submit CETA for ratification in all EU Member States when she noted in July:

> "From a strict legal standpoint, the Commission considers this agreement to fall under exclusive EU competence. However, the political situation in the Council is clear, and we understand the need for proposing it as a 'mixed' agreement, in order to allow for a speedy signature."

The European Commission is justifiably concerned that CETA will not survive the ratification process in all the national and sub-national parliaments of EU Member States. Belgium's Walloon parliament already rejected CETA in a vote on 14 October 2016 by a margin of 46 to 16, and a number of other parliaments around Europe are likely to reject it too. Malmström has given notice that the European Commission is prepared to deny EU national parliaments their right to ratify CETA by asking the European Court of Justice (CJEU) to declare the agreement to fall under exclusive EU competence only. The CJEU is currently considering a parallel case on the legal status of the EU-Singapore Free Trade Agreement (case A2/2015), which has similar content to

[2] 'Why I would vote against CETA', Jude-Kirton Darling MEP, 21 January 2017. http://www.northeastlabour.eu/why-i-would-vote-against-ceta-0

CETA. The Commission has said that once the CJEU issues its opinion on the Singapore case, "it will be necessary to draw the appropriate conclusions".

If the European Commission succeeds in revoking the status of CETA as a 'mixed agreement' on the basis of a ruling from the CJEU, this would have a particular consequence for the UK. Article 30.9 of CETA includes the 'sunset clause' on investor protection, which states that all investments made prior to any termination of the agreement continue to enjoy its provisions for a period of 20 years thereafter. As long as CETA is implemented on a provisional basis only, this 'sunset clause' is not operational; indeed, the sections on investor protection are the most significant parts to be excluded from provisional application. If the European Commission succeeds in revoking the status of CETA as a 'mixed agreement', however, its terms will no longer be implemented on a provisional basis only, as the agreement will no longer be dependent upon future ratification by national parliaments in EU Member States. The UK will thus find itself bound by the terms of CETA until it ceases to be an EU Member State, and the 'sunset clause' will guarantee Canadian investments in the UK the investor protections of CETA for a further 20 years after the UK leaves the EU.

ECONOMIC IMPACTS

The Conservative government has based its economic case for CETA on a false prediction of the agreement's likely impacts. Using an outdated European Commission projection based on flawed computable general equilibrium (CGE) modelling, the government's repeated claim that CETA might bring the UK economy up to £1.3 billion per year does not correspond to the final level of liberalisation agreed in the negotiations. Instead of commissioning research to identify what producers in this country might experience as a result of CETA, the government has admitted that it simply extrapolated its estimate of UK gains *pro rata* from the EU's supposed overall gains, based on the UK's share of EU GDP.[3] Conservative ministers and senior civil servants have admitted in private that they do not take the estimates provided by CGE modelling seriously; yet the figures produced are still regularly used in defence of CETA and other similar trade agreements.

The only economic analysis of CETA to have examined the specific impacts of the agreement on individual EU Member States was published by a specialist unit of Tufts University in September 2016. The analysis is based not on the old CGE modelling that has proved so ineffective at predicting real world outcomes of trade agreements in the past, but on the UN's more sensitive Global Policy Model (GPM), which is able to capture the distributional effects of trade agreements as well as their overall impacts on growth. This study finds that countries such as France, Germany and Italy will indeed see increases in their exports as a result of CETA. The UK – along with a number of other EU member states – will experience a small but significant decrease in both its exports and its trade balance as a result of CETA.[4]

[3] 'Explanatory Memorandum on European Union Document: Proposal for a Council Decision on the provisional application of the Comprehensive Economic and Trade Agreement between Canada of the one part, and the European Union and its Member States, of the other part', Department for International Trade, July 2016. https://www.parliament.uk/documents/lords-committees/eu-external-affairs-subcommittee/CETA-Canada-EU-trade-deal/CETA-Government-EM-2.pdf

[4] *CETA Without Blinders: How Cutting 'Trade Costs and More' Will Cause Unemployment, Inequality and Welfare Losses*, Tufts University, September 2016. http://www.ase.tufts.edu/gdae/Pubs/wp/16-03CETA.pdf

Unlike the European Commission's CGE modelling, which assumes full employment in its projections and is thus unable to make any statement on labour market impacts, the GPM model employed in the Tufts University study calculates that the EU as a whole stands to lose 200,000 jobs as a direct result of CETA, with around 10,000 workers losing their jobs in the UK alone. The study also projects a decline in wages and a further widening of social inequalities in the UK as a result of CETA.

The charge is commonly made that the new generation of trade deals such as CETA and the now defunct Transatlantic Trade and Investment Partnership (TTIP) are designed overwhelmingly in favour of large corporations and finance capital. CETA is certainly remarkable in its disregard for the interests of small and medium-sized enterprises (SMEs). While TTIP contained a dedicated chapter outlining what support measures the EU and USA would introduce for SMEs, in all the 2,255 pages of CETA text there is not one single commitment to further the export interests of SMEs. There is one line in Chapter 16 of CETA where the parties agree to "recognise the importance of" facilitating SMEs' use of e-commerce, and one line in Chapter 19 where they might in future "consider" initiatives to facilitate SME access to government procurement opportunities. Otherwise the only provision made on behalf of SMEs in CETA is a commitment to consider supplementary rules aimed at reducing the financial impact on any SME investors that decide to make use of the expensive Investment Court System (Article 8.39).

Uniquely among major EU Member States, the Conservative government has failed to protect the interests of British producers in the CETA negotiations. CETA offers protection on the Canadian market for 145 products with geographical indications, at a comparable level to that offered in the EU. While all other major EU Member States listed national products for protection in Annex 20-A of the agreement, the UK government failed to list a single one of the dozens of British products that qualify for protected geographical status. This is an extraordinary oversight, given that the government had managed at least to list Scotch beef, Scotch lamb, Scottish farmed salmon, Welsh beef, Welsh lamb, West Country farmhouse cheddar and both white and blue Stilton for protection in the TTIP agreement between the EU and USA.

LABOUR'S POSITION ON CETA

As it stands, CETA contravenes the key red lines and principles the Labour Party has set out for progressive trade agreements. Labour would have welcomed a comprehensive trade deal with a longstanding ally such as Canada if it had advanced the principles encapsulated in the NEC statement adopted at Conference in September 2016, which committed Labour to a trade and investment policy that:

A. Protects and promotes skilled jobs, human rights and workers' rights based on internationally recognised labour standards;

B. Preserves and enhances existing social, health and environmental regulations and the right of governments to regulate in their public's interest;

C. Upholds the principle of equality before the law, rejecting any privileged status afforded to foreign investors by way of investor-state dispute settlement, special court, arbitration panel or similar mechanism;

D. Safeguards the provision of public services in the public interest and ensures no legislative restriction on public sector ownership or renationalisation;

E. Allows national and local government bodies, when making procurement decisions, to take into account democratically determined public policy objectives;

F. Engages with civil society, is fully transparent and subject to parliamentary scrutiny.

As detailed here, the final CETA agreement contravenes these principles on all fronts.

A. JOBS, HUMAN RIGHTS AND WORKERS' RIGHTS

As mentioned earlier, the only impact assessment to have examined the potential labour market impacts of CETA has calculated that the EU as a whole stands to lose 200,000 jobs as a direct result of the agreement, with around 10,000 workers losing their jobs in the UK alone. This finding is consonant with parallel predictions made for the even larger trade agreement TTIP, which under official estimates would have led to the loss of over one million jobs between the EU and USA combined. The Tufts University study also projects a decline in wages and a further widening of social inequalities in the UK as a result of CETA, as well as a negative impact on the national growth rate, leading to the cumulative loss of 0.23% of UK GDP by 2023.

Numerous commentators have remarked on the imbalance between the rights afforded to transnational corporations under CETA and those extended to working people, trade unions and others seeking to uphold human rights, including workers' rights. All the liberalisation commitments in CETA are binding commitments backed up by the double enforcement mechanisms of state-state dispute settlement (Chapter 29) and the new Investment Court System which allows investors to bring their own claims against the host nation (for more on which, see below).

Unlike in some other EU trade agreements, CETA includes no human rights clause allowing for suspension of the agreement in the case of human rights violations by either side.[5] The clauses in CETA Article 22.3 relating to the promotion of decent work or 'best practice' by multinational enterprises are restricted to voluntary initiatives only.

The chapter relating to labour standards in CETA (Chapter 23) is one of the weakest in the modern generation of EU free trade agreements, with less exacting provisions than in previous agreements such as with Korea or Colombia and Peru. Most particularly, there is no enforcement mechanism to hold the parties to abide by the minimal provisions on labour standards that do exist in CETA. Instead, CETA provides for a 'panel of experts' to be convened to investigate any allegations that one or other of the parties have failed to live up to their obligations under the labour chapter, with the aim of producing a report into the problem, to which the parties are then invited to respond. No trade sanctions or financial penalties are provided for in the event of any infringement.

Crucially, labour rights are excluded from the scope of the dispute settlement mechanism detailed in Chapter 29 of CETA. In the event of any adverse report into their labour practices, the parties are merely invited to "endeavour… to identify appropriate measures or, if appropriate, to decide upon a mutually satisfactory action plan". This is the most ineffectual form of words

[5] Human rights are treated separately in the parallel Strategic Partnership Agreement signed by the EU and Canada at the same time as CETA, and thus cannot be enforced by trade sanctions. The text is available here: http://www.international.gc.ca/europe/assets/pdfs/can-eu-spa-text-eng.pdf

available for negotiators to include in a trade agreement, leading the European Trade Union Confederation (ETUC) to conclude that the enforcement of workers' rights remained one of the "most critical issues" on which the final text of the agreement had failed to meet their demands (see more on ETUC opposition, below).

The European Parliament's Committee on Employment and Social Affairs (EMPL) issued its own advisory opinion in December 2016 calling for the rejection of CETA, on the grounds that it had failed to support decent job creation, balanced wage increases or expanded entrepreneurial opportunities – either within the EU or in those countries threatened by the trade-diverting effects of CETA, particularly (in this case) African countries. The Committee on Environment, Public Health and Food Safety (ENVI) voted on 12 January 2017 for the European Parliament to give consent to CETA, due to a split in the S&D Group. However, the Labour MEPs on the committee voted against consenting to the deal.

B. REGULATION IN THE PUBLIC INTEREST

As with other 'new generation' EU trade agreements, and especially the TTIP negotiations, CETA was designed not only to remove any remaining tariff barriers but also to address non-tariff barriers to trade. According to the cost-benefit analysis published by the EU and Canada prior to the launch of CETA negotiations, the removal of non-tariff barriers was expected to account for around 25% of the total gains to be made by both parties in CETA. The joint study noted that previous surveys had found standards-related measures to be a particular issue for business respondents, with Canadian firms highlighting the EU's more stringent health and safety standards as barriers to increased exports from their side, as well as sanitary and phytosanitary measures such as the EU ban on hormone-treated beef and its approval process for genetically modified organisms (GMOs). The study also focused on the EU's new REACH regulations on chemicals as another example of a non-tariff measure identified by Canadian business as a barrier to entry into the EU market.[6]

Canada has been "highly litigious" in its attempts to remove regulatory barriers to Canadian exports via the dispute settlement mechanism of the World Trade Organisation (WTO).[7] Canada has been the complainant in one third of all cases brought under the WTO's provisions for regulation of goods trade, including the high profile cases against the EU on bovine growth hormones and GMOs (both of which the EU fought on the basis of the precautionary principle, and lost). Canada has also attacked the EU ban on seal products, and mounted an unsuccessful challenge to France's ban on asbestos for being a "disproportionate" response to the health risks associated with the material, at a time when Canada was the source of 97% of the world's asbestos production. Canada has already launched attacks on EU pesticides regulation and REACH chemicals regulation, while its intensive lobbying campaign was successful in ensuring the dilution of the EU Fuel Quality Directive so that oil imported from the Canadian tar sands would not be labelled 'highly polluting', despite having a carbon value 23% higher than conventional oil.

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[6] *Assessing the costs and benefits of a closer EU-Canada economic partnership: A Joint Study by the European Commission and the Government of Canada*, October 2008.
http://trade.ec.europa.eu/doclib/docs/2008/october/tradoc_141032.pdf

[7] 'Moving Regulation out of Democratic Reach: Regulatory Cooperation in CETA and its Implications', Ronan O'Brien, Vienna Chamber of Labour, September 2016.
https://emedien.arbeiterkammer.at/viewer/file?pi=AC13316723&file=AC13316723.pdf

The final CETA text includes a dedicated chapter (Chapter 21) on regulatory cooperation, which includes a commitment for both parties to "prevent and eliminate unnecessary barriers to trade and investment" as well as "pursuing regulatory compatibility, recognition of equivalence, and convergence". The question of whether public policy measures are 'necessary' or not has led to some of the most controversial judgements in previous trade disputes, with the application of a 'necessity test' requiring countries to adopt less trade-restrictive measures even if they do not deliver the same regulatory outcome. Similarly, the demand in CETA that the EU and Canada should commit to 'convergence' threatens to bring about a further lowering of EU standards, given that Canada's regulatory regime has drawn closer to that of the USA over the past 20 years and is thus less stringent than its European counterpart in many important areas. The prospect of raising standards or enhancing regulations in the public interest is greatly diminished as a result of the 'chilling effect' of the provisions within CETA Chapter 21.

In addition to the deregulatory provisions already within its text, CETA is designed to be a 'living agreement', in that it provides for a new institutional framework that will continue to oversee the development of standards and regulations on both sides of the Atlantic into the long-term future. The supreme body established under CETA is the Joint Committee, which is tasked with supervising implementation of CETA and has the power to make decisions that are binding on the parties to the agreement (Article 26.3). The Joint Committee also has the power to amend the protocols and annexes to CETA, many of which deal with substantial issues relating to all the major sections of this briefing.

CETA further establishes a Regulatory Cooperation Forum as a specialised committee informing the Joint Committee on issues of regulation, with the power to propose draft decisions for adoption by the Joint Committee, if it sees fit. This is the forum in which the most controversial regulatory business of CETA will be handled over the coming years, including the discussion of issues raised in consultations with business entities, and it is able to invite interested parties from outside government to participate in its meetings. Despite being such a significant body, there are no transparency requirements to ensure the Regulatory Cooperation Forum's procedures are open to public or parliamentary scrutiny. Indeed, the Regulatory Cooperation Forum is free to adopt its own terms of reference, procedures and work plan (CETA Article 21.6).

MPs from all parties underlined the importance of maintaining parliamentary sovereignty over the domestic regulatory process during the debate on TTIP held in the House of Commons on 10 December 2015. As TTIP was also designed as a 'living agreement', with an institutional framework parallel to that in CETA, MPs returned repeatedly to the danger of allowing greater private sector influence over the domestic regulatory agenda by means of new supranational bodies created in trade and investment treaties. Interestingly, even Peter Lilley MP cautioned against "creating a self-perpetuating international bureaucracy and handing to it powers that are largely out of the control of elected representatives and too much under the influence of corporate lobbying."

While this briefing focuses largely on the impact of CETA's provisions on the European side, Canada is also set to experience negative effects in its attempts to regulate in the public interest. The EU was keen to advance its companies' interests in the CETA negotiations on patent terms and data protection for pharmaceutical products, given that pharmaceuticals are the EU's largest export to Canada, accounting for 17% of total exports. The EU succeeded in extracting concessions from Canada in CETA's intellectual property chapter, amending Canada's patent regime so as to delay the introduction of generic equivalents to the market by up to two years

more, and locking in the generous eight-year data protection period already afforded to companies seeking authorisation for their pharmaceutical products on the Canadian market. As a result, CETA will add a further $850 million to $1.6 billion each year to the high sums that Canada's health system already spends on pharmaceuticals.

C. INVESTMENT COURT SYSTEM (ICS)

The Labour Party has consistently expressed its opposition to the introduction of investor-state dispute settlement (ISDS) powers in the new generation of free trade deals such as CETA and TTIP. Whether in the form of arbitration panels or a special court system, the extension of privileged powers to foreign investors over and above those granted to domestic companies or private citizens is an unacceptable breach of the fundamental principle of equality before the law. Labour MEPs have long argued against ISDS in debates within the European Parliament, and the European Commission's refusal to remove ISDS from TTIP was one of the central considerations that led to the rejection of that agreement by the Labour Party in 2016. As the S&D Group – of which the Labour Party is a member – stated in its March 2015 position paper: "It is not reconcilable with the rule of law, that investors get a legal forum outside well-functioning judicial systems of the parties through a trade agreement."[8]

The negative impacts of ISDS have been well explored in analyses of the 700 cases that are known to have been brought against host nations under already existing bilateral, sectoral and regional investment-related agreements. The granting of special powers to foreign investors to challenge public policy measures in their own privileged judicial system has led to vast awards in many cases, and there is a growing recognition of the 'chilling effect' that fear of exposure to ISDS can engender in governments that would otherwise be embarking on new regulatory activity. In contrast to the historical record, where the vast majority of ISDS cases were brought against countries of the Global South, a growing proportion of the most recent cases have been brought against industrialised countries, including many against EU Member States.[9]

The official sustainability impact assessment on CETA carried out for the European Commission at the start of the negotiations included a recommendation against including any ISDS mechanism in CETA, in that foreign investors should have confidence in the domestic judicial systems of Europe or Canada to obtain redress for any torts suffered, backed up by the state-state dispute settlement system to be included in CETA.[10]

Mindful of the rising level of opposition to the inclusion of these unique powers for foreign investors in the new generation of EU trade and investment agreements, the European Commission launched a public consultation on ISDS in 2014. The consultation met with a record response from across Europe, with over 97% of the 150,000 respondents rejecting the

[8] 'S&D Position Paper on Investor-state dispute settlement mechanisms in ongoing trade negotiations', Progressive Alliance of Socialists and Democrats, 4 March 2015. http://www.socialistsanddemocrats.eu/sites/default/files/position_paper_investor_state_dispute_settlement_ISDS_en_150304.pdf

[9] 'Investor-State Dispute Settlement: Review of developments in 2015', UNCTAD, June 2016. http://investmentpolicyhub.unctad.org/Publications/Details/144

[10] *A Trade SIA Relating to the Negotiation of a Comprehensive Economic and Trade Agreement (CETA) Between the EU and Canada*, Final Report, Development Solutions Europe, June 2011. http://trade.ec.europa.eu/doclib/docs/2011/september/tradoc_148201.pdf

introduction of ISDS in any form. Over a third of responses came from UK citizens, who represented the largest single national group of respondents to the consultation.[11]

In the wake of the public consultation, EU Trade Commissioner Cecilia Malmström admitted that ISDS had become "the most toxic acronym in Europe".[12] Rather than acceding to the demand to remove ISDS from the new generation of trade agreements, the acronym was changed. In place of the *ad hoc* arbitration tribunals that have traditionally constituted the ISDS system, Malmström launched a proposal towards a new Investment Court System (ICS) that would provide for foreign investors to be able to sue host nations on a more secure footing than before. In the Joint Interpretative Instrument to CETA issued in October 2016, the EU and Canada gave notice of their intention to expand this still further into a permanent system available to foreign investors from other countries, in the form of a Multilateral Investment Court.

The ICS proposal included a number of positive procedural changes to the original ISDS model featured in CETA, so that the final version provides for increased transparency, an appellate mechanism and a roster of judges to be governed by a code of conduct. It also prevents shell or 'mail box' companies from taking advantage of ISDS powers. Yet the essential features of ISDS are preserved and reinforced in the ICS model, notably the sweeping powers granted to foreign investors to challenge host nations for infringing their right to 'fair and equitable treatment'. In applying this obligation, arbitration tribunals established under CETA are encouraged to take into account the 'legitimate expectations' of foreign investors, thus allowing companies to sue host nations for any change in the regulatory environment that might frustrate those expectations. This is the widest possible invitation to multinational companies and their legal teams to challenge public policy measures not to their liking.

Similarly, the investment chapter of CETA enshrines the obligation on host governments not to adopt any measure that could have an effect equivalent to the 'indirect expropriation' of a foreign investor's property. This provision extends the rights of foreign investors far beyond the customary understanding of expropriation in domestic law, and has given rise to some of the most damaging interpretations in ISDS cases. CETA also makes explicit that this power goes beyond simply challenging government policy on grounds of discrimination: Annex 8-A of CETA confirms that non-discriminatory measures to protect public health or the environment could be considered instances of indirect expropriation in certain circumstances.

MPs from across the House were quick to denounce ICS as a transparent rebranding of ISDS during the TTIP debate held in the House of Commons on 10 December 2015. The ICS proposal has also been rejected by the European Association of Judges (representing 44 national associations) and the German Magistrates Association. Over 100 legal scholars from across major European universities issued a strongly worded statement in October 2016 warning that the inclusion of such powers in CETA would undermine not only the rule of law but also the democratic principles on which the nation state is founded. A group of Canadian lawyers with direct experience of the negative impacts of ISDS published a letter in October 2016 explaining how the ICS variant had failed to address the key issues with ISDS, notably "the undermining of democratic regulation, the special privileging of foreign investors, the lack of judicial

[11] 'Online public consultation on investment protection and investor-to-state dispute settlement (ISDS) in the Transatlantic Trade and Investment Partnership Agreement (TTIP)', European Commission, January 2015. http://trade.ec.europa.eu/doclib/docs/2015/january/tradoc_153044.pdf

[12] 'ISDS: The most toxic acronym in Europe', *Politico*, 17 September 2015. http://www.politico.eu/article/isds-the-most-toxic-acronym-in-europe/

independence and procedural fairness in the adjudicative process, and the lack of respect for domestic courts and domestic institutions".[13]

The negative impact of exposing the UK to ISDS challenge in CETA is far greater than would be the case if the power were being granted to Canadian companies alone. Around 80% of the 13,000 US companies that currently operate in the UK have subsidiaries operating in Canada through which they will be able to bring ISDS claims via the new ICS mechanism. This means that 10,000 US firms will gain the right under CETA to sue the UK taxpayer for any new social, environmental or public health regulations that might harm their bottom line in future, opening the door to the wave of ISDS cases that the UK government was warned about in the report it commissioned into this issue from the London School of Economics in 2013. That report made clear that providing US investors with ISDS rights would bring no benefits to the UK economy, but would incur "considerable" monetary costs to the UK taxpayer – as well as significant political costs.[14]

D. PUBLIC SERVICES, INCLUDING THE NHS

CETA is the most far-reaching of all the EU's bilateral or multilateral services trade deals to date, in that it is the first in which the EU has accepted a 'negative list' approach to the scheduling of its liberalisation commitments. Under the negative list approach, all service sectors that are not explicitly exempted from liberalisation are *de facto* included (the 'list it or lose it' model). The use of this method in CETA marks a significant departure from the use of the 'positive list' approach inherited from the WTO's General Agreement on Trade in Services (GATS) and adopted in previous EU trade agreements, where only those service sectors actively listed for inclusion are subject to the rules and disciplines of the agreement. The use of the negative list in CETA represented a major victory for industry lobbyists keen to expand the extent of liberalisation in trading partners and within the EU itself.

The services chapter of CETA (Chapter 9) contains a number of disciplines that restrict the ability of countries to regulate their service sectors in the public interest. In addition to the 'most favoured nation' and national treatment rules inherited from GATS, the market access disciplines of Article 9.6 prohibit countries from limiting the number of companies operating in any service sector, irrespective of whether they are foreign or domestic. The text states that any closing down of a market by introducing "numerical quotas, monopolies, exclusive service suppliers or the requirement of an economic needs test" is prohibited under CETA, as is any restriction on the size of the market itself.

In addition, Article 9.7 of CETA introduces the 'standstill' and 'ratchet' mechanisms which prevent countries from reversing liberalisation commitments already made in their service sectors, whether now or in the future. The 'standstill' clause serves to lock in the existing level of market liberalisation, as it states that only already existing non-conforming measures listed in Annex I of CETA are exempt from the agreement's market access, 'most favoured nation' and national

[13] 'An open letter to the Parliament of Wallonia and Belgian voters on the proposed CETA and its foreign investor protection system', 17 October 2016. https://gusvanharten.files.wordpress.com/2016/10/canadian-academics-open-letter-on-the-ceta-and-wallonia.pdf

[14] 'Costs and Benefits of an EU-USA Investment Protection Treaty', London School of Economics, April 2013. https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/260380/bis-13-1284-costs-and-benefits-of-an-eu-usa-investment-protection-treaty.pdf

treatment rules (i.e. governments are not permitted to introduce any reforms that could reverse the level of market liberalisation now registered in CETA). The 'ratchet' clause goes even further, in that governments are only allowed to introduce new reforms to their service sectors if those reforms liberalise the market still further (i.e. future governments will not have the right to reverse any liberalisation measures that might be introduced in years to come).

As noted, Annex I allows countries to list existing non-conforming measures that enjoy some protection from the disciplines of CETA, but these are vulnerable to the standstill and ratchet mechanisms. Annex II is a stronger protection in that it permits countries to protect service sectors into the future by allowing for the introduction of reforms that would otherwise contravene CETA rules. Annex II reservations are thus not subject to the standstill or ratchet clauses, but offer a greater degree of freedom for future governments to intervene and reverse liberalisation reforms in the sectors listed if they are found to be damaging or democratically unacceptable.

The UK has entered Annex I reservations in CETA relating to certain aspects of legal services; veterinary services; merchant shipping registration requirements; and energy exploration on the UK Continental Shelf. The UK has entered Annex II reservations for cross-border auditing services; manpower planning for doctors in the NHS; privately funded ambulance services and residential health facilities services other than hospital services; the cross-border supply of health-related professional services by suppliers not physically present in the UK; and privately funded social services other than services relating to convalescent and rest houses and old people's homes.

There is, as a result of this, real confusion as to whether CETA represents a threat to the core services of the NHS, given that they are not listed in the UK's Annex II reservations. In view of the level of public and parliamentary concern, the following provides a step-by-step explanation of this complex issue:

1. Health services, medical services (including midwifery and physiotherapy) and dental services are all included as sectors covered by CETA. The final text of the agreement demonstrates this unequivocally, as shown in the EU's schedules of commitments.[15]

2. While health services are included in CETA, some commentators have argued that the NHS could still be protected by a safeguard for services supplied 'in the exercise of governmental authority' that has been carried over from the original 1994 text of GATS. Yet this safeguard is not in fact designed to protect public services, as it only covers services that are supplied neither on a commercial basis nor in competition with any other service supplier. The European Commission has confirmed that public health services such as the NHS do not qualify for this protection.[16]

3. European negotiators introduced another clause into service trade agreements to the effect that 'public utilities' in the EU might still be subject to public monopoly, or to exclusive rights granted to private operators. This clause has also been included as an EU-wide reservation in Annex II of CETA. According to internal EU documents, however, the

[15] See EU liberalisation commitments in the Annexes to CETA (document 10973/16 ADD 14). http://data.consilium.europa.eu/doc/document/ST-10973-2016-ADD-14/en/pdf

[16] 'Commission proposal for the modernisation of the treatment of public services in EU trade agreements', European Commission, October 2011.

European Commission's own legal team has acknowledged that the 'public utilities' exemption offers no protection for a government seeking to reverse a future privatisation, in that any renationalisation would still be a market access restriction inconsistent with a country's liberalisation commitments, triggering the formal requirements of notification and compensation to all affected trading partners and investors.[17]

4. Individual EU Member States were able to register their own national reservations in CETA in order to compensate for the lack of protection for health services at the European level. The German government took out a comprehensive Annex II reservation to ensure that all its health and social services would be fully protected from the threat of market liberalisation under CETA. The UK government, as noted, has entered a number of specific Annex II reservations relating to privately funded health and social services, as well as manpower planning for NHS doctors, but has failed to protect the core functions of the NHS.

5. The NHS will be exposed to ISDS cases via the new Investment Court System in CETA. For the first time, Canadian corporations will be able to bypass domestic courts and sue the UK for damages as a result of policy changes that might adversely affect their profits. With 80% of US firms operating in the UK also having offices in Canada, private US health providers will also be able to use the new court system to challenge any new laws or regulations that might restrict their future earnings. Under similar rules, Slovakia lost a multi-million dollar case to Dutch insurance company Achmea when an incoming government reversed a highly unpopular privatisation of health insurance in the 2000s.

The sustainability impact assessment carried out for the European Commission at the start of the CETA negotiations raised a particular concern about the dangers of exposing public services to the possibility of ISDS challenge. In addition to the recommendation noted earlier against including any ISDS mechanism in CETA, the final assessment report included a specific warning (T35 on p438) that health and education services should be exempted from ISDS rules in CETA via a specific exception. This recommendation was not taken up in the negotiations or in the legal scrubbing that delivered the final CETA text.

E. GOVERNMENT PROCUREMENT

CETA includes substantial commitments to liberalisation of government procurement regimes on both sides of the Atlantic. European businesses, in particular, have been granted unprecedented access not only to federal but also to provincial and municipal procurement opportunities in Canada. Chapter 19 of CETA sets out the rules on government procurement, while its many annexes detail the full extent of coverage across government entities, goods and services, including the thresholds above which the rules apply.

[17] 'Reflections paper on services of general interest in bilateral FTAs (applicable to both positive and negative lists)', European Commission, February 2011; 'Commission proposal for the modernisation of the treatment of public services in EU trade agreements', European Commission, October 2011.

CETA includes no provisions to make the procurement of goods and services from foreign companies conditional upon collective bargaining agreements, local job creation or other performance requirements. Instead of using CETA as an opportunity to raise standards of government procurement in both the EU and Canada, the negotiators have restricted the ability of government bodies to use their tendering powers to develop local economies or undertake affirmative action in support of marginalised groups. Any local employment conditions that could be interpreted as discriminating against foreign providers will be vulnerable to challenge through CETA's dispute settlement mechanisms. In addition, Article 19.4 bans all government entities from using 'offsets' in procuring goods or services covered by CETA, an 'offset' being defined as:

> any condition or undertaking that encourages local development or improves a Party's balance-of-payments accounts, such as the use of domestic content, the licensing of technology, investment, counter-trade and similar action or requirement.

Article 19.9 of CETA does contain a specific provision that permits procuring entities to include technical specifications in their tenders to promote the conservation of natural resources or protect the environment, but not to advance social standards or labour rights.

The Joint Interpretative Instrument to CETA issued in October 2016 confirmed that CETA restricts the right of national or local governments to include environmental, social or labour-related criteria in their procurement tenders, even if they are designed to advance democratically determined public policy objectives. According to the Joint Interpretative Instrument, any use of such criteria that might be an "unnecessary obstacle" to international trade would be actionable under CETA. Adjudication on what is or is not 'necessary' to advance public policy objectives is left to arbitrators to determine on the basis of trade law. Past experience has shown how inadequate a protection this is.

F. TRANSPARENCY

The European Commission received its mandate for the CETA negotiations from the EU Council in April 2009. That mandate was not made public until December 2015, over a year after the negotiations had finished. No MPs or MEPs were allowed access to any of the texts while CETA was under negotiation, nor were there any reading rooms comparable to those that have been opened for access to the text of TTIP. Even the transparency that has been extended to parliamentarians in the EU-US negotiations was denied in the EU-Canada talks.

One consequence of this secrecy is that parliamentarians at both the European and national levels are now presented with CETA on a 'take it or leave it' basis. The lack of ability to propose any amendments to the text stands in marked contrast to the legislative process in the UK parliament, where specialised committees are required to scrutinise and amend legislation at every stage. CETA has been negotiated entirely behind closed doors by unelected officials and the text now presented to the European Parliament and to national parliaments for rubber stamping as a *fait accompli*.

There are no transparency provisions relating to public or parliamentary oversight in CETA itself, which is of particular concern given that CETA is a 'living agreement' and many of the most controversial discussions have been postponed so that they can be handled by the new institutional framework established by the agreement, centred on the Joint Committee and its specialised committees. As noted above, these committees are free to set their own terms of

reference and procedures, without regard to public or parliamentary oversight. The transparency chapter of CETA (Chapter 27) and the transparency provisions in other parts of the agreement relate overwhelmingly to the parties' duty to maintain open processes for the benefit of business, not to democratic accountability or control.

TRADE UNION OPPOSITION TO CETA

Trade union bodies across Europe have been part of the mass public opposition to CETA that has grown in intensity as more people have learned of its potential impacts. The following are the most directly relevant to the Labour Party.

ETUC

The European Trade Union Confederation (ETUC) has traditionally been supportive of much of the EU's free trade agenda, and has worked closely with the Canadian Labour Congress over the past six years with the aim of exercising a positive influence over the outcome of the CETA negotiations. In light of the European Commission's refusal to take on board its recommendations, the ETUC adopted a policy of opposition to CETA at its Paris Congress in September 2015, and has now called on MEPs to decline their consent to CETA when it comes to the vote in the European Parliament. The ETUC Executive Committee affirmed this position in December 2016, drawing on the parallel decision of the European Parliament's Committee on Employment and Social Affairs (EMPL) to recommend rejection of CETA.[18]

TUC

The TUC has called for the rejection of CETA, following the adoption of a composite motion expressing outright opposition to both TTIP and CETA at the TUC Congress of 2014. The TUC sent a letter to the Secretary of State for International Trade, Liam Fox, on 21 September 2016 expressing the trade union movement's concerns, particularly the "threat to sovereignty, public services and labour standards of the EU-Canada Comprehensive Economic and Trade Agreement (CETA)" and called on the UK government not to support the ratification or provisional application of CETA. The TUC letter warned of a "particularly stark" threat to the UK government's control over public services, and note that CETA contained inadequate measures to enforce labour standards. The letter concluded:

> "We are also concerned that CETA would set a bad standard for any future trade deal negotiated between the EU and UK. As described above, a CETA-style deal would give trading partners the power to overturn UK laws, harm public services and set lower standards."[19]

[18] 'ETUC assessment on the EU-Canada Comprehensive Economic and Trade Agreement (CETA)', statement approved at the Executive Committee, 14-15 December 2016. https://www.etuc.org/sites/www.etuc.org/files/document/files/07-en-statement_-_etuc_assessment_on_ceta_-_final.pdf

[19] 'TUC letter to International Trade Secretary Liam Fox calling for him to oppose CETA', 21 September 2016. https://www.tuc.org.uk/international-issues/trade/tuc-letter-international-trade-secretary-liam-fox-calling-him-oppose-ceta

UNITE

Unite adopted a resolution expressing outright opposition to TTIP at its 2014 policy conference, and soon expanded that to include CETA as well. In its February 2015 statement on new generation trade agreements issued in conjunction with the United Steelworkers under the banner of 'Workers Uniting', Unite stated that it:

> "supports the International Trade Union Confederation, many of the global union federations and our unions in Britain, the US, Canada and Ireland currently taking a principled stand against TTIP, TPP, CETA and the other new generation free trade agreements."[20]

Unite General Secretary Len McCluskey issued a statement in support of Labour's NEC statement on international trade adopted at the 2016 Party Conference, in which he condemned free trade deals TTIP, CETA and TiSA (the Trade in Services Agreement) for having "at their heart the locking in of irreversible privatisation and the deregulation of employment and human rights and environmental and occupational health and safety standards". Writing in the conference *Yellow Pages,* he noted:

> "The European Commission and Canada are in a mad scramble to get the CETA treaty signed as soon as possible – they claim they have reformed away the problem issues, but nothing could be further from the truth… Changing the name of the corporate courts from ISDS to ICS should not fool us – these courts will not give citizens or unions the right to challenge the multinationals. TTIP, CETA and TiSA will not allow us to 'take back control' – they will hand sovereignty to the corporate sector."[21]

UNISON

UNISON has consistently opposed the new generation of trade deals as a result of the threat posed by such agreements to public services. In its March 2015 briefing on TTIP, CETA and TiSA, UNISON focused in particular on the threat from the 'negative list' approach to services scheduling adopted in CETA:

> "This means that all services are open to market liberalisation unless a specific reservation is entered which has to be done on a service-by-service basis, and in some cases, on a country-by-country basis. Experience from other trade agreements shows that the negative list approach leads to the creeping liberalisation of public services as negotiators have failed to include sufficiently watertight exclusions.
>
> "Using a negative list also means a 'ratchet-clause' can be included in relation to market liberalisation. This means that even if a reservation is included in a treaty for a particular service, if a country then decides to liberalise the market for this service they are then obliged to maintain that level of market liberalisation and cannot reverse it. A 'ratchet-

[20] 'Workers Uniting Steering Committee statement on new generation trade agreements', 12 February 2015. http://www.unitetheunion.org/how-we-help/list-of-sectors/manufacturing/manufacturingnews/workers-uniting-steering-committee-statement-on-new-generation-trade-agreements/

[21] 'Breath of fresh air on trade deals', Len McCluskey, *Yellow Pages*, 27 September 2016. http://home.freeuk.com/clpd/2016Tuesday.pdf

clause' locks in liberalisation and privatisation and would prevent bringing services back in-house."[22]

GMB

GMB has been vocal in its opposition to CETA, and has intervened at the European and UK levels to counter the European Commission's market liberalisation agenda. Its regular newsletter on EU and Global Trade Agreements noted that 'serious concerns' remained on a number of fronts as CETA was being prepared for ratification in the second half of 2016:

> "GMB continues to have serious concerns about the EU-Canada (CETA) free trade agreement, which after years of delays is expected to go for full and final ratification by the end of this year. Negotiators tried to appeal to public opposition by re-opening and updating the investment chapter but, although the deal now no longer contains the dangerous Investor-State Dispute Settlement (ISDS) clause, it has been replaced by the just as controversial Investor Court System (ICS), which still guarantees undue rights and privileges for corporate investors."[23]

KEY LABOUR QUOTES

Jude Kirton-Darling MEP, Labour trade lead in the European Parliament, 21 January 2017[24]

"Trade agreements are supposed to be about jobs and growth, but CETA isn't… The real motivation behind CETA is not about increasing trade to boost the economy. It is about setting global standards. Labour MEPs, who I have led on these negotiations, have focused on three key areas: public services, labour and environmental standards and investment protection.

"CETA is the first EU agreement negotiated according to a negative list for services. This means that everything not explicitly excluded is deemed to be included (as opposed to a positive list, where only the committed services need to be mentioned and everything else is excluded). This is a delicate method, one that has long been opposed by European social democrats because it is extremely risky: if public services are not all excluded in an absolutely watertight way, then all sorts of unintended consequences can ensue - including not being able to renationalise specific services that may have been privatised…

"Turning to labour and the environment, I can only regret that CETA is a massive lost opportunity. Relevant provisions in the agreement are all aspirational, when trade deals should be used to enforce concrete progress. The only recourse for workers and their unions or NGOs in case of violation of international labour of environmental commitments are virtually powerless consultative committees, with no possibility for sanction…

"The bottom line for me is that we should not support a trade deal if it's a bad deal. CETA is risky for public services, weakens the rule of law and is not good enough for workers and the

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[22] 'TTIP, CETA and TISA – what you need to know about EU trade agreements', UNISON, March 2015. https://www.unison.org.uk/content/uploads/2015/02/On-line-Catalogue229952.pdf

[23] 'Serious concerns remain as CETA deal nears completion', *EU and Global Trade Agreements*, July 2016. http://www.gmb.org.uk/assets/media/gmbbrussels/GMB%20briefing%20n.4%20on%20EU%20and%20global%20trade%20agreements%20%20(June%202016).pdf

[24] http://www.northeastlabour.eu/why-i-would-vote-against-ceta-0

environment. That's why I would have voted against it if I could [*Jude can't because she is on maternity leave*] and urge those who will be able to do so to reject CETA."

Barry Gardiner MP, Shadow International Trade Secretary, 8 January 2017[25]

"Labour is clear in that we support free trade. We want to minimise the barriers that stop us exporting. We want to create jobs and economic growth and free trade can help us do that.

"But we are principled free traders. We want to preserve and enhance social and environmental standards and protections. We want to use trade to increase equality as well as wealth. We will not allow supra-national courts to paralyse or overturn legislation to protect the public good or public services like the NHS. These are the red lines that the Labour Party will be insisting upon not just for CETA but in all of our future trade agreements."

Barry Gardiner MP, Shadow International Trade Secretary, 27 October 2016[26]

"This government have held CETA to be a model of the type of trade agreement they would wish to see for the UK, and yet they have utterly failed to bring the terms of the agreement to Parliament for debate prior to their approving its go ahead.

"This sits ill with Tory ministers that say we are leaving the EU in order to regain our parliamentary sovereignty, and who are content to see an independent commercial settlement procedure set up under this agreement that bypasses the UK's judicial systems.

"The courts that CETA proposes elevate international corporations to the status of nation states. They have the effect of preventing governments from passing legislation in the public interest where they might be deemed to damage companies' prospective profits. This means that CETA could stop a future UK government from banning fracking on land in the UK."

John McDonnell MP, Shadow Chancellor, 26 September 2016[27]

"There will be no more support for TTIP or any other trade deal that promotes deregulation and privatisation, here or across Europe. And we'll make sure any future government has the power to intervene in our economy in the interests of the whole country."

Barry Gardiner MP, Shadow International Trade Secretary, 26 September 2016[28]

"The Tories' vision of trade is all about deregulation. They want Free Trade Agreements, like TTIP and CETA, that undermine labour standards and environmental protections; that give foreign investors special rights to undermine our laws, by-passing our courts and claiming compensation

[25] http://labourlist.org/2017/01/barry-gardiner-the-worrying-lessons-from-ttip-must-be-remember-for-all-future-trade-agreements/
[26] http://press.labour.org.uk/post/152380177139/barry-gardiner-reaction-to-the-approval-of-the
[27] http://press.labour.org.uk/post/150957354109/our-economy-is-failing-on-productivity-because-the
[28] http://press.labour.org.uk/post/150956603954/a-future-labour-government-will-ban-fracking

from our country because we have the cheek to pass laws to protect the public that might damage their future profits.

"What sort of sovereignty is this? Every law made to improve your children's environment or extend our workplace equality challenged by a foreign business? If TTIP existed in Dickens' day we might still be sending children up chimneys.

"It's time to wake up to the irony, that the very people who claim to be fighting for our sovereignty are in fact doing most to undermine it."

Jeremy Corbyn MP, Leader of the Opposition, 2 June 2016[29]

"So today we give this pledge, as it stands, we too would reject TTIP – and veto it in Government."

CETA TIMELINE

17 Oct 2008	EU and Canada publish cost-benefit study of closer economic relations
27 Apr 2009	EU Council approves CETA negotiating mandate
6 May 2009	EU and Canada announce launch of CETA negotiations, Prague
10 June 2009	First meeting on CETA negotiations, Montréal
19-23 Oct 2009	First round of formal CETA negotiations, Ottawa
08 Jun 2011	European Parliament adopts advisory resolution on CETA
18 Oct 2013	EU and Canada announce 'agreement in principle' on CETA
05 Aug 2014	EU and Canada announce completion of first full text of CETA
10 Sep 2014	TUC Congress adopts resolution in opposition to CETA, Liverpool
26 Sep 2014	CETA text initialled at EU-Canada summit, Ottawa, and first published
29 Sep 2015	ETUC Congress adopts policy of opposition to CETA, Paris
15 Dec 2015	EU Council agrees to declassify and publish CETA negotiating mandate
29 Feb 2016	New, legally revised CETA text published, incorporating ICS
05 Jul 2016	European Commission refers CETA to EU Council for approval
24 Oct 2016	Belgium declares itself unable to sign CETA due to regional opposition
27 Oct 2016	Belgian regional parliaments endorse national signature of CETA
27 Oct 2016	Final text of Joint Interpretative Instrument published
28 Oct 2016	EU Council signs and approves provisional application of CETA
30 Oct 2016	EU and Canada sign CETA at rescheduled EU-Canada summit, Brussels

[29] http://press.labour.org.uk/post/145299237434/jeremy-corbyn-mp-leader-of-the-labour-party

08 Dec 2016	European Parliament employment committee (EMPL) rejects CETA
15 Dec 2016	ETUC calls on MEPs to decline consent to CETA
12 Jan 2017	European Parliament environment committee (ENVI) backs CETA
21 Jan 2017	Labour lead Jude Kirton-Darling calls on fellow MEPs to reject CETA
15 Feb 2017	European Parliament plenary vote on CETA, Strasbourg

FURTHER READING

CETA Without Blinders: How Cutting 'Trade Costs and More' Will Cause Unemployment, Inequality and Welfare Losses, Tufts University, September 2016.
http://www.ase.tufts.edu/gdae/Pubs/wp/16-03CETA.pdf

Making Sense of CETA: An analysis of the final text of the Canada-European Union Comprehensive Economic and Trade Agreement, 2nd edition, September 2016.
https://www.tni.org/files/publication-downloads/making-sense-of-ceta_22092016.pdf

Trading Away Democracy: How CETA's investor protection rules could result in a boom of investor claims against Canada and the EU, 2nd edition, September 2016.
https://www.tni.org/files/publication-downloads/ceta-trading_away_democracy-2016en.pdf

The Comprehensive Economic and Trade Agreement between the EU and Canada: threatening to do more harm than good to SMEs, Schöpflin Stiftung, July 2016.
http://projekt-more.eu/wp-content/uploads/2016/09/2016-08-29-CETA-and-SMEs_EN_SchSt.pdf

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http://www.epsu.org/sites/default/files/article/files/Working%20Paper_HSS%20in%20CETA%2BTTIP_1604.pdf

Regulatory Cooperation under CETA: Implications for Environmental Policies, Ecologic, November 2016.
http://ecologic.eu/sites/files/publication/2016/2586-regulatorische-kooperation-greenpeace-ceta.pdf

The Planned Regulatory Cooperation between the European Union and Canada and the USA according to the CETA and TTIP drafts, Vienna Chamber of Labour, June 2015.
https://media.arbeiterkammer.at/wien/PDF/studien/Regualtory_Coop_Stoll_EN_WEB_Juni2015_neu.pdf

CETA Briefing, TUC, August 2015.
https://www.tuc.org.uk/sites/default/files/TUC%20CETA%20briefing%20for%20web.pdf

Stakeholder, parliamentary and third country concerns about the EU-Canada Comprehensive Trade and Economic Agreement (CETA), European Parliament, December 2014.
http://www.europarl.europa.eu/RegData/etudes/IDAN/2014/536428/EXPO_IDA(2014)536428_EN.pdf

The following statement was adopted at the 2016 Labour Party Conference:

NEC STATEMENT ON INTERNATIONAL TRADE

Conference welcomes the contribution that trade and investment can make to jobs, innovation and sustainable low-carbon growth in the UK and around the world.

Conference recognises the importance of a progressive trade policy that ensures the benefits of globalisation are equitably shared; but notes that the Conservative government is attempting to secure trade agreements that could damage UK companies, threaten workers' rights and even undermine parliamentary sovereignty itself.

Conference welcomes the Party's development of a progressive UK trade and investment policy as the basis for campaigns in opposition and for implementation by a future Labour government that:

- Protects and promotes skilled jobs, human rights and workers' rights based on internationally recognised labour standards;
- Preserves and enhances existing social, health and environmental regulations and the right of governments to regulate in their public's interest;
- Upholds the principle of equality before the law, rejecting any privileged status afforded to foreign investors by way of investor-state dispute settlement, special court, arbitration panel or similar mechanism;
- Safeguards the provision of public services in the public interest and ensures no legislative restriction on public sector ownership or renationalisation;
- Allows national and local government bodies, when making procurement decisions, to take into account democratically determined public policy objectives;
- Engages with civil society, is fully transparent and subject to parliamentary scrutiny.

Liverpool, September 2016