

*This **POSITION PAPER** sets out and describes the European Union's general approach on "Trade and Sustainable Development" in the TTIP negotiations. It was tabled for discussion with the US in the negotiating round of 19-23 May 2014 and made public on 7 January 2015.*

EU POSITION PAPER

TRADE AND SUSTAINABLE DEVELOPMENT CHAPTER /LABOUR AND ENVIRONMENT: EU Paper outlining key issues and elements for provisions in the TTIP

The EU released its initial position paper on Trade and Sustainable Development ahead of the first round of TTIP negotiations. Building on that paper and on the discussions in rounds held so far, and with a view to facilitating further discussions during the 5th round, this paper outlines in more detail the elements which, from the EU point of view, should be core components of the TTIP chapter on trade and sustainable development, and presents a possible structure for the chapter.

This paper does not represent a legal text proposal. The elements below are not an exhaustive list and without prejudice to further possible elements. The structure of this paper is also without prejudice to any decision on the actual structure of the future legal text.

I. Trade and Sustainable Development - overarching principles

1. Context

This article would set the context for the chapter, building on the recognition by the Parties of sustainable development as a principle endorsed and supported by the international community.

It would therefore refer to key international instruments defining sustainable development as the interplay of three interdependent and mutually reinforcing dimensions: economic, social, and environmental. Examples are: Agenda 21 on Environment and Development of 1992, the Rio Declaration of 1992, the Johannesburg Plan of Implementation on Sustainable Development of 2002, the 2006 Ministerial Declaration of the UN Economic and Social Council on Full Employment and Decent Work, the 1998 ILO Declaration on Fundamental Rights and Principles at Work, the 2008 ILO Declaration on Social Justice for a Fair Globalization, and the Outcome Document of the 2012 Rio+20 UN Conference on Sustainable Development.

2. Objectives

This article would set the objectives of the chapter in terms of:

- 1) the shared desire to develop bilateral trade relations in such a way as to contribute to the overarching objective of sustainable development;
- 2) the goal to promote dialogue and cooperation between the partners to this end;
- 3) the aim to build on this framework, and in the substantive provisions address labour and environmental issues of relevance in a trade context, identified as key elements of a shared approach to trade and sustainable development;

3. Right to regulate and levels of protection

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This article would cover the following key elements:

- 1) recognise and protect each Party's right to regulate its own domestic environmental, and labour, including social, protection at the levels it deems appropriate, in a manner consistent with internationally recognised standards and agreements,
- 2) affirm the aim of each Party to ensure that its domestic environmental and labour, including social, laws and policies provide for and encourage high levels of protection,
- 3) set the objective for each Party to continue to improve those laws and policies and the underlying levels of protection.

II. Trade and Sustainable Development – Labour aspects

1. Multilateral labour standards and agreements

This article would cover the following key elements:

- 1) a statement on the value of the Decent Work Agenda - covering the following 4 pillars: 1) promoting employment, 2) social protection, 3) promoting social dialogue, 4) fundamental principles and rights at work - and how trade can be used to contribute to this end. The notion of decent work is central to the interface between trade and labour and important for building a positive agenda of cooperation: a commitment to consult and cooperate on related topics would follow;
- 2) the commitment by each Party, in accordance with the ILO 1998 Declaration on Fundamental Principles and Rights at Work and its Follow-up, to the respect, promotion, and effective implementation in law and practice of the core labour standards, which are the subject of the ILO fundamental Conventions. The core labour standards would be explicitly listed;
- 3) the commitment of the Parties to other ILO labour standards, in addition to the core ones. In this regard, in the framework of the Decent Work Agenda and the 2008 ILO Declaration on Social Justice for a Fair Globalisation, the article would include provisions with regard to, among others, high standards of health and safety at work and working conditions;
- 4) the commitment to the effective implementation in law and in practice of ILO Conventions ratified by each Party, with a view to complement the obligations concerning the respect of ILO standards, including the core labour standards;
- 5) the continued engagement towards ratification by all ILO Members of non-ratified fundamental ILO Conventions in accordance with the 1998 ILO Declaration on Fundamental Principles and Rights at Work and its Follow-up and the ILO membership, including through cooperative actions such as exchange of information;
- 6) the recognition that the violation of fundamental principles and rights at work cannot be invoked or otherwise used as a legitimate comparative advantage and that labour standards should not be used for protectionist trade purposes.

2. Freedom of association and right to collective bargaining

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Building on the article on *Multilateral labour standards and agreements*, this article would cover the following key elements:

1) a statement on the value of international instruments on these issues, such as ILO Conventions 87 and 98 and UN instruments (e.g. Universal Declaration of Human Rights, International Covenant on Civil and Political Rights, International Covenant on Economic Social and Cultural Rights);

2) the reaffirmation of the Parties' commitment to shared key principles as internationally defined, such as:

- the protection of the right to form and join trade unions and the effective recognition of the right to collective bargaining,
- inclusive social dialogue and transparent tripartite consultations,
- the right to strike;

3) specific bilateral actions to this end, including:

- promote worldwide implementation of the above-mentioned shared principles,
- promote adherence to, and ratification of, relevant international instruments,
- involve employers and workers representatives in the formulation of domestic labour law and policies,
- ensure effective domestic practices for social dialogue,
- facilitate exchange of best practices between employers' and workers' organisations in the EU and the US,
- share experiences on, and promote, information and consultation of workers,
- facilitate and promote the organisation of employers' and workers' representation.

3. Forced or compulsory labour

Building on the article on *Multilateral labour standards and agreements*, this article would cover the following key elements:

1) a statement on the value of international instruments on these issues, such as ILO Conventions 29 and 105 and UN instruments (e.g. Universal Declaration of Human Rights, International Covenant on Civil and Political Rights, International Covenant on Economic Social and Cultural Rights);

2) the reaffirmation of the Parties' commitment to the shared key principle of the elimination of the use of forced or compulsory labour, as internationally defined;

3) specific bilateral actions to this end, including:

- promote worldwide implementation of the above-mentioned shared principle,
- promote adherence to, and ratification of, relevant international instruments,
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- exchange information and cooperate, as appropriate, on the elimination of forced or compulsory labour, including at the global level, i.a. through the promotion of comprehensive approaches in this regard,
- implement effective measures and policies to eliminate forced or compulsory labour.

4. Child labour

Building on the article on *Multilateral labour standards and agreements*, this article would cover the following key elements:

1) a statement on the value of international instruments on these issues, such as ILO Conventions 138 and 182, UN instruments (e.g. Universal Declaration of Human Rights, International Covenant on Economic Social and Cultural Rights, Declaration of the rights of the child, Convention on the Rights of the Child), or the Brasilia Declaration on Child Labour;

2) the reaffirmation of the Parties' commitment to shared key principles, as internationally defined, such as:

- the elimination of the worst forms of child labour,
- the overarching goal of eradication of all child labour;

3) specific bilateral actions to this end, including:

- promote worldwide implementation of the above-mentioned shared principles,
- promote adherence to, and ratification of, relevant international instruments,
- exchange information and cooperate, as appropriate, on the elimination of the worst forms of child labour, including at the global level, i.a. through the promotion of comprehensive approaches in this regard,
- implement effective measures to protect the child from performing hazardous work,
- promote decent working conditions for children in employment (e.g. age, number of hours, no interference with school work).

5. Non-discrimination in respect of employment and occupation

Building on the article on *Multilateral labour standards and agreements*, this article would cover the following key elements:

1) a statement on the value of international instruments on these issues, such as ILO Conventions 100 and 111 and UN instruments (e.g. Universal Declaration of Human Rights, International Covenant on Civil and Political Rights, International Covenant on Economic Social and Cultural Rights, Convention on the Rights of Persons with Disabilities);

2) the reaffirmation of the Parties' commitment to shared key principles, as internationally defined, such as:

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- ensuring just conditions of work for everyone
- ensure protection against discrimination with regard to all matters concerning all forms of employment and equal remuneration for work of equal value;

3) specific bilateral actions to this end, including:

- promote worldwide implementation of the above-mentioned shared principles,
- promote adherence to, and ratification of, relevant international instruments,
- exchange information and cooperate, as appropriate, on the elimination of discrimination at the work place, including at the global level, i.a. through the promotion of integrated approaches in this regard,
- implement effective measures and policies to ensure equality of conditions of work for everyone including equal employment opportunities,
- share experiences and information on measures to eliminate discrimination in the work place.

6. Cooperation

This article would cover the following key elements:

- 1) the recognition of the importance of working together on trade-related aspects of labour policies,
- 2) the identification of priority areas for joint activities through bilateral and multilateral fora, as well as in third countries.

Possible such areas include, for instance, cooperation in relevant international fora working on trade and labour issues, strengthening multilateral governance for trade and labour issues by supporting cooperation with and within the ILO, promotion of the respect of core labour standards and of ILO Conventions worldwide, exchange of views and experiences on the consultation of workers, living wages, atypical employment, and social protection, analysis of the trade impact of labour regulations, norms and standards, as well as the labour impacts of trade and investment rules.

III. Trade and Sustainable Development – Environmental aspects

1. Multilateral environmental governance

This article would include the following key elements:

- 1) the recognition of the value of global environmental governance and rules, including Multilateral Environmental Agreements, to tackle environmental challenges of common concern;
- 2) a statement on the need to enhance the mutual supportiveness between trade and environment policies, rules and measures;
- 3) the commitment by each Party to the effective implementation in its domestic laws and practices of the multilateral environmental agreements to which it is a party;

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- 4) the objective to strive towards further ratification of MEAs and cooperate in this regard, including through exchanging information on advancement in this regard and supporting each other's full participation in, including membership to, MEAs, international bodies, and processes;
- 5) the engagement by the Parties to consult and cooperate with each other, as appropriate with respect to trade-related environmental issues of mutual interest.
- 6) the recognition that nothing in the Agreement should prevent either Party from adopting or maintaining measures to implement the multilateral environmental agreements to which it is a party, provided that such measures are not applied in a manner that would constitute a means of arbitrary or unjustifiable discrimination between the Parties or a disguised restriction on trade.

2. Climate change and green goods and services

Building on the article on *Multilateral environmental governance*, this article would cover the following key elements:

- 1) the reaffirmation of the commitment of the Parties to the UN Framework Convention on Climate Change (UNFCCC), and to reach its ultimate objective in a manner consistent with its principles and provisions;
- 2) the commitment to work together towards the adoption in Paris in 2015 of a protocol, another legal instrument or an agreed outcome with legal force under the UNFCCC applicable to all Parties, and for it to come into effect and be implemented from 2020, to strengthen the multilateral, rules-based regime;
- 3) the engagement of the Parties to strengthen their cooperation on trade-related aspects of the current and future international climate change regime, as well as means to promote low-carbon technologies and energy efficiency;
- 4) the shared objective of the Parties to facilitate and promote trade and investment in environmental goods and services, such as renewable energy goods and related services and energy efficient products and services, including through addressing non-tariff barriers related to such goods and services, the adoption of policy frameworks conducive to the deployment of best available technologies, and through the promotion of standards that respond to environmental, climate, and economic needs.

3. Protection, sustainable management and use of biological diversity and natural resources

Building on the article on *Multilateral environmental governance*, this article would cover the following key elements:

- 1) recognising the importance of ensuring the conservation of biological diversity and natural resources and the need to use them in a sustainable way as a key element for the achievement of sustainable development;

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- 2) reaffirming the Parties' commitment to conserve biological diversity and to use it sustainably, in accordance with relevant international instruments to which they are party;
- 3) adopt measures to promote the conservation and sustainable use of biological diversity;
- 4) promoting trade in natural resource-based products obtained through a sustainable use of biological resources, contributing to the conservation of biodiversity, and produced in accordance with domestic laws and with relevant international instruments;
- 5) exchanging information on actions on trade in natural resource-based products and wild fauna and flora aimed at halting the loss of biological diversity and reducing pressures on biodiversity;
- 6) exchange information regarding the mapping and assessment as well as the valuation of ecosystems and their services, and on the integration of such values in reporting and accounting systems;
- 7) exchange information on the role of trade in the introduction and spread of invasive alien species and on trade-related preventive measures, as well as explore the potential for coordinated measures;
- 8) cooperating at the regional and global levels with the aim of promoting the conservation of biological diversity and its sustainable use, including through the protection of endangered species, habitats, and genetic diversity, the restoration of ecosystems, and the elimination or the reduction of negative environmental impacts resulting from the use of living and non-living natural resources or of ecosystems, ecosystem services, the promotion of positive incentives for the protection of biodiversity, and cooperation on access to and the fair and equitable sharing of the benefits arising from the utilisation of genetic resources.

4. Trade in endangered species of wild fauna and flora

Building on the article on *Multilateral environmental governance*, this article would cover the following key elements:

- 1) reconfirm the commitment of the Parties to the Convention on International Trade and Endangered Species of Wild Fauna and Flora (CITES) and other relevant instruments concerning trade and environment to which they are parties, and to promote and support them;
- 2) adopt, maintain, and effectively implement laws and other measures to fulfil obligations under CITES and other relevant instruments to which they are parties;
- 3) promote the inclusion in the Appendices to the CITES of animal and plant species where, in accordance with criteria agreed within CITES, the conservation status of those species is considered at risk because of international trade;
- 4) undertake, where relevant, domestic efforts complementary to CITES e.g. regulating trade in additional endangered species;

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- 5) affirm the importance of combating illegal trade in wild fauna and flora, which undermine efforts to conserve and sustainably manage wild fauna and flora, distort legal trade in these products, and reduce the economic, social, and environmental value of natural resources;
- 6) adopt and implement effective measures to combat illegal trade in wild fauna and flora, such as monitoring and enforcement measures, and awareness-raising actions;
- 7) strengthen cooperation with interested stakeholders and non-governmental entities to enhance the effective implementation of measures to combat illegal trade in wild fauna and flora, including by awareness-raising actions;
- 8) enhance monitoring, law enforcement cooperation and information sharing related to combating illegal trade in wild fauna and flora, for example by strengthening new law enforcement networks;
- 9) cooperate internationally to combat wildlife trafficking in wild fauna and flora.

5. Sustainable management of forests and trade in forest products

Building on the article on *Multilateral environmental governance*, this article would cover the following key elements:

- 1) recognition of the importance of ensuring the conservation and the sustainable management of forests and of forests' contribution to the Parties' economic, environmental and social objectives.
- 2) encouraging trade in timber and derived products from sustainably managed forests, harvested in accordance with the domestic legislation of the country of harvest; exchanging information on measures to promote the consumption of timber and timber products from such forests and, where relevant, cooperate to developing such measures;
- 3) adopting measures to promote the conservation of forest cover and combat illegal logging and related trade, including with respect to third countries, as appropriate;
- 4) exchanging information on actions for improving forest governance and where relevant cooperating to maximise the impact and ensure the mutual supportiveness of their respective policies aiming at excluding illegally harvested timber and timber products from trade flows;
- 5) promoting the inclusion in the Appendices to the CITES of tree species where, in accordance with criteria agreed within CITES, the conservation status of those species is considered at risk because of international trade; and
- 6) cooperating at the regional and the global levels with the aim of promoting the conservation of forest cover and the sustainable management of all types of forests.

6. Trade and sustainable management of fisheries and aquaculture products

Building on the article on *Multilateral environmental governance*, this article would cover the following key elements:

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General

- 1) recognise the importance of the marine fisheries sector and the need to ensuring the conservation, management of fish stocks and marine ecosystems through sustainable fishing as well as to promote sustainable and responsible aquaculture;
- 2) recognise that inadequate fisheries management, illegal unreported and unregulated (IUU) fishing have significant negative impacts on development and the environment.

Fisheries management

- 1) comply with conservation and management measures and sustainable exploitation of marine living resources as defined in the main UN and FAO instruments relating to these issues.
- 2) adhere to the principles of the United Nations Agreement on the Conservation and Management of Straddling Fish Stocks and Highly Migratory Fish Stocks, the FAO Agreement to Promote Compliance with International Conservation and Management Measures by Fishing Vessels on the High Seas, the FAO Agreement on Port State Measures to Prevent, Deter and Eliminate IUU and the FAO Code of Conduct for Responsible Fisheries,
- 3) promote further ratification of the relevant international instruments;
- 4) comply with conservation and management measures adopted by RFMOs to which they are members, strive to act consistently with relevant conservation and management measures adopted by RFMOs of which the party is not a member so as not to undermine those measures and to promote the sustainable exploitation of marine living resources;
- 5) cooperate with and within Regional Fisheries Management Organisations as widely as possible with the aim of achieving good fisheries governance and sustainable fisheries including through effective control, monitoring and enforcement of the RFMOs' control and management measures
- 6) work together towards the establishment of multilateral catch documentation and certification systems, including electronic schemes;
- 7) promote the use of International Maritime Organisation numbers in order to enhance transparency of fleets and traceability of fishing vessels;

IUU Fishing

- 1) recognise the importance of concerted action to address IUU fishing, as reflected in relevant regional and international instruments, including the 2001 International Plan of Action to Prevent, Deter, and Eliminate IUU Fishing, the 2009 Agreement on Port State measures to Prevent, Deter, and Eliminate IUU Fishing, and instruments establishing and adopted by Regional Fisheries Management Organisations (RFMOs);
- 2) commit to improve cooperation to address IUU fishing, including with and through relevant international organisations;
- 3) to support efforts to combat IUU fishing and to exclude IUU products from trade flows, commit to:

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- introduce and implement effective measures to combat IUU fishing,
- support monitoring, control, surveillance and enforcement systems to deter vessels flying its flag and its persons from engaging in IUU fishing activities;
- implement port state measures;
- implement Catch Documentation or Certification Schemes established by RFMOs, of which it is a member, for trade of fish and fish products;
- cooperate bilaterally, and internationally to support the implementation of measures to combat IUU fishing, including on the establishment of multilateral catch documentation schemes.
- cooperate with the other Party and with third parties to identify needs and build capacity that would support the implementation of measures to combat IUU fishing, and collaborate on outreach to third countries whose vessels engage in IUU fishing;

Aquaculture

1) Promote the development of sustainable and responsible aquaculture, taking into account its economic, social and environmental aspects, including with regard to the implementation of the objectives and principles contained in the FAO Code of Conduct for Responsible Fisheries.

NB: Further thematic provisions may be added at a later stage, on areas such as waste, chemicals, etc.

7. Cooperation

This article would include the following key elements:

- 1) the recognition of the importance of working together on trade-related aspects of environmental policies,
- 2) the identification of priority areas of cooperation, also reflecting the commitments above.

This includes, i.a.:

- cooperation at the bilateral, regional and global levels as well as in third countries, with the aim of promoting the conservation and sustainable use of biological diversity including matters related to genetic resources, wildlife, forestry, fisheries, and natural resources, as well as addressing climate change, desertification and land degradation, facilitating trade in environmental goods, services and technologies, addressing linkages between health and environment, marine issues including oceans, strategies and policies to promote trade contribution to green economy, including eco-innovation, and promoting participation in relevant international instruments;
- cooperation and information sharing on global enforcement of international commitments in these areas, including risk management.

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8. Waste and Chemicals

Building on the article on *Multilateral environmental governance*, this article would cover the following key elements:

- 1) a statement on the value of international instruments and processes on these issues;
- 2) a commitment to achieve the sound management of chemicals throughout their life cycle and of hazardous waste in ways that lead to prevention or minimisation of significant adverse effects on human health and the environment, as an essential contribution to all three dimensions of sustainable development;
- 3) recognition of the importance of waste management for the protection of human health and the environment and resource efficiency, a commitment by the Parties to exchange information and co-operate in order to:
 - promote the prevention and environmentally sound management of all types of waste including in third countries;
 - combat illegal shipments of all types of waste including to and from third countries.
- 4) a statement to emphasise the multidimensional aspects of the sound management of chemicals and waste, including trade, which requires collaborative multi-sectoral participation,
- 5) actions to promote active multi-stakeholder involvement, with particular emphasis on the special responsibility of industry;
- 6) a commitment to co-operate at an international level to promote the effective sound management of chemicals and waste, and to foster specifically consideration of common objectives for the protection of health and the environment based on existing and future scientific data;

IV. Trade and Sustainable Development – horizontal issues

1. Upholding levels of protection

This article would include the following key elements:

- 1) the recognition that it is inappropriate to attract trade or investment by weakening or reducing the levels of protection embodied in domestic environmental or labour laws;
- 2) the commitment by each Party not to waive or derogate, or offer to do so, from the domestic environmental and labour laws it has set, in a manner that affects, or with a view to encouraging, trade or investment;
- 3) the commitment by each Party not to fail, through a sustained or recurring course of action or inaction, to effectively enforce the domestic environmental and labour laws it has set, in a manner that affects, or with a view to encouraging, trade or investment.

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2. Transparency and public awareness

This article would include the following key elements:

- 1) the recognition of the importance of engaging in a due process of transparency with regard to measures aimed at labour conditions or environmental protection which may have an impact on trade and vice-versa;
- 2) the commitment by each Party to ensure opportunities for public participation, awareness, and consultation in trade-related environmental and labour issues, and ensure that stakeholders, particularly non-state actors, including social partners, can be informed about, and provide views and inputs on, the development, introduction, and application of measures in this regard.

3. Good administrative practices

This article would include the following key elements:

- 1) the commitment by the Parties to take into account available scientific and technical information as well as relevant international guidelines and principles, including on risk management, when preparing and implementing measures aimed at protecting the environment or working conditions which may have an impact on trade or investment;
- 2) the commitment by the Parties to review and assess the effects of the agreement on sustainable development objectives after its entry into force, building on each side's practices and participative processes.

4. Promoting trade and investment for sustainable development

This article would include the following key elements:

- 1) a statement about the importance of mutual supportiveness between all the components of sustainable development, as well as of policy coherence between trade policies on the one hand and employment, social, and environmental policies on the other;
- 2) an indication of efforts by both Parties for enhancing positive synergies between trade and investment practices and the objectives of sustainable development. This includes, for example, the recognition of the potential of flexible and voluntary mechanisms in this regard and the intention of the Parties to promote the uptake of initiatives on trade in goods that respond to sustainability considerations, with regard to both production and public and private consumption, including those that are subject of voluntary public and private sustainability assurance schemes such as eco-labelling or fair and ethical trade.

5. Corporate Social Responsibility (CSR)

This article would include the following key elements:

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- 1) the recognition of the positive contribution that CSR practices can play towards strengthening the contribution of trade and investment to labour and environmental protection;
- 2) the commitment by the Parties to promote the uptake of CSR by companies and by governments, in particular with regard to the role of internationally recognised principles and guidelines on CSR, such as the OECD Guidelines for Multinational Enterprises, the UN Global Compact, the ISO 26000 Guidance Standard on Social Responsibility, the ILO Tripartite Declaration on Multinational Enterprises, the UN Guiding Principles on Business and Human Rights;
- 3) areas for cooperation in this field at multilateral, bilateral, and third countries level;
- 4) a statement on the fact that CSR practices are additional to sound labour and environmental laws whose respect is a pre-requisite for CSR.

V. Trade and Sustainable Development – institutional aspects

1. Institutional framework

This article would include the following key elements:

- 1) the establishment of a contact point within each Party's administration for regular contacts with the other Party for all issues related to the implementation of the chapter;
- 2) the establishment of a dedicated government-to-government joint body, made up of senior officials from each side's relevant administrations, which would meet regularly to oversee and monitor the implementation of the chapter and promote activities to further implement its shared objectives, for instance through decisions and recommendations;
- 3) the indication of the timeline for meetings of the government-to-government joint body, as well as its different formations (labour, environment, cross-cutting etc.), working procedures, and participants.

2. Civil society engagement

This article would include the following key elements:

- 1) the establishment of domestic advisory bodies, made up of relevant independent, balanced and representative stakeholders, which would provide views and advice to their own Party on issues relating to the chapter, including on their own (individual or joint) initiative;
- 2) the establishment of a dedicated joint platform, including members of both sides' domestic advisory groups, for open dialogue among stakeholders on both sides;
- 3) modalities for interaction with the government-to-government joint body, in its various formations, overseeing the implementation of the chapter, providing views and opinions in this regard.

3. Governmental consultations

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This article would include the following key elements:

- 1) the establishment of a dedicated procedure to deal with disagreements or controversies on any matters arising under the chapter;
- 2) procedures and timelines for dialogue among officials of the Parties, as the first level of governmental consultation,
- 3) in cases where this does not lead to a mutually satisfactory solution, procedures and timelines for consideration of the matter by the government-to-government joint body overseeing the implementation of the chapter;
- 4) the commitment by the Parties to make every attempt to arrive at a mutually satisfactory resolution of the matter;
- 5) the possibility for governments to seek external views and expertise during the consultations, including through the mechanisms foreseen for civil society engagement, as well as with regard to relevant international organisations or bodies;
- 6) an obligation on transparency concerning any resolution reached through governmental consultations.

4. Panel of experts

This article would include the following key elements:

- 1) the establishment of timelines and procedures for a Party to request to convene a panel of independent experts to examine the issue and issue a report, relying on the relevant procedural elements foreseen under the general Dispute Settlement chapter of the Agreement, while providing for differentiation as needed (e.g. with regard to the specific expertise of the experts, the nature of their report, the follow-up...);
- 2) the establishment of criteria for the set up of a roster of individuals who are willing and able to serve as experts in panel procedures under this chapter;
- 3) the general terms of reference for the panel of experts;
- 4) the possibility for the panel to seek external views and expertise, including through the mechanisms foreseen for civil society engagement, as well as with regard to relevant international organisations or bodies;
- 5) a commitment by the Parties to follow up on the report of the panel in order to reach a resolution of the matter;
- 6) an obligation on transparency concerning the report of the panel, as well as its follow-up by the Parties, including through the involvement of the mechanisms foreseen for civil society engagement.
