**Online Annex, part 1: USMCA Party’s Approaches to Compliance**

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|  |  | Legalistic approach | | | | Managerial approach | | | | |
| **US PTAs** | | Suspension of benefits if failure to enforce domestic law | Non-jurisdictional mechanism if non-compliance with environmental provisions | DSM applicable if non-compliance  with PTA environmental provisions | Suspension of benefits if noncompliance with PTA environmental provisions | Intergovernmental committee | Technical assistance provided  to another party | Technology transfer in  the field of environment | Commitment to consider  alleged violation | Public participation in the  implementation of agreement |
| NAFTA[[1]](#footnote-1) | 1992 |  |  |  |  |  |  |  |  |  |
| Vietnam | 2000 |  |  |  |  |  |  |  |  |  |
| Jordan | 2000 |  |  |  |  |  |  |  |  |  |
| Singapore | 2003 |  |  |  |  |  |  |  |  |  |
| Chile | 2003 |  |  |  |  |  |  |  |  |  |
| Australia | 2004 |  |  |  |  |  |  |  |  |  |
| Morocco | 2004 |  |  |  |  |  |  |  |  |  |
| CAFTA | 2004 |  |  |  |  |  |  |  |  |  |
| Bahrain | 2004 |  |  |  |  |  |  |  |  |  |
| Oman | 2006 |  |  |  |  |  |  |  |  |  |
| Peru | 2006 |  |  |  |  |  |  |  |  |  |
| Colombia | 2006 |  |  |  |  |  |  |  |  |  |
| Panama | 2007 |  |  |  |  |  |  |  |  |  |
| Korea | 2007 |  |  |  |  |  |  |  |  |  |
| TPP | 2016 |  |  |  |  |  |  |  |  |  |
| USMCA | 2018 |  |  |  |  |  |  |  |  |  |

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|  |  | Legalistic approach | | | | Managerial approach | | | | |
| **Canadian PTAs** | | Suspension of benefits if failure to enforce domestic law | Non-jurisdictional mechanism if non-compliance with environmental provisions | DSM applicable if non-compliance  with PTA environmental provisions | Suspension of benefits if noncompliance with PTA environmental provisions | Intergovernmental committee | Technical assistance provided  to another party | Technology transfer in  the field of environment | Commitment to consider  alleged violation | Public participation in the  implementation of agreement |
| NAFTA | 1992 |  |  |  |  |  |  |  |  |  |
| Chile | 1996 |  |  |  |  |  |  |  |  |  |
| Israel | 1996 |  |  |  |  |  |  |  |  |  |
| Costa Rica | 2001 |  |  |  |  |  |  |  |  |  |
| Colombia | 2008 |  |  |  |  |  |  |  |  |  |
| Peru | 2008 |  |  |  |  |  |  |  |  |  |
| EFTA | 2008 |  |  |  |  |  |  |  |  |  |
| Jordan | 2009 |  |  |  |  |  |  |  |  |  |
| Panama | 2010 |  |  |  |  |  |  |  |  |  |
| Honduras | 2013 |  |  |  |  |  |  |  |  |  |
| Korea | 2014 |  |  |  |  |  |  |  |  |  |
| TPP | 2016 |  |  |  |  |  |  |  |  |  |
| Ukraine | 2016 |  |  |  |  |  |  |  |  |  |
| CETA | 2016 |  |  |  |  |  |  |  |  |  |
| USMCA | 2018 |  |  |  |  |  |  |  |  |  |
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|  |  | Legalistic approach | | | | Managerial approach | | | | |
| **Mexican PTAs** | | Suspension of benefits if failure to enforce domestic law | Non-jurisdictional mechanism if non-compliance with environmental provisions | DSM applicable if non-compliance  with PTA environmental provisions | Suspension of benefits if noncompliance with PTA environmental provisions | Intergovernmental committee | Technical assistance provided  to another party | Technology transfer in  the field of environment | Commitment to consider  alleged violation | Public participation in the  implementation of agreement |
| NAFTA | 1992 |  |  |  |  |  |  |  |  |  |
| Ecuador | 1993 |  |  |  |  |  |  |  |  |  |
| Bolivia | 1994 |  |  |  |  |  |  |  |  |  |
| Costa Rica | 1994 |  |  |  |  |  |  |  |  |  |
| Group of 3 | 1994 |  |  |  |  |  |  |  |  |  |
| ACS[[2]](#footnote-2) | 1994 |  |  |  |  |  |  |  |  |  |
| Nicaragua | 1997 |  |  |  |  |  |  |  |  |  |
| Chile | 1998 |  |  |  |  |  |  |  |  |  |
| LAIA[[3]](#footnote-3) | 1998 |  |  |  |  |  |  |  |  |  |
| Guatemala | 1999 |  |  |  |  |  |  |  |  |  |
| Cuba | 2000 |  |  |  |  |  |  |  |  |  |
| EFTA | 2000 |  |  |  |  |  |  |  |  |  |
| Israel | 2000 |  |  |  |  |  |  |  |  |  |
| NT[[4]](#footnote-4) | 2000 |  |  |  |  |  |  |  |  |  |
| EC[[5]](#footnote-5) | 2000 |  |  |  |  |  |  |  |  |  |
| Brazil | 2002 |  |  |  |  |  |  |  |  |  |
| MERCOSUR[[6]](#footnote-6) | 2002 |  |  |  |  |  |  |  |  |  |
| Uruguay | 2003 |  |  |  |  |  |  |  |  |  |
| Group of 3[[7]](#footnote-7) | 2004 |  |  |  |  |  |  |  |  |  |
| Japan | 2004 |  |  |  |  |  |  |  |  |  |
| CA[[8]](#footnote-8) | 2011 |  |  |  |  |  |  |  |  |  |
| PA[[9]](#footnote-9) | 2013 |  |  |  |  |  |  |  |  |  |
| Panama | 2014 |  |  |  |  |  |  |  |  |  |
| TPP | 2016 |  |  |  |  |  |  |  |  |  |
| USMCA | 2018 |  |  |  |  |  |  |  |  |  |

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| **Online Annex, part 2: List of NAFTA’s environmental provisions**   |  |  |  | | --- | --- | --- | | **NAFTA environmental provisions** | **Also included in USMCA and/or the ECA** | **Originally only included in the NAAEC and now included in USMCA’s main text** | | Preamble refers to the environment | ▪ |  | | Prevention principle |  |  | | Sovereignty over resources | ▪ | ▪ | | Sovereignty in determining level of environmental protection according to State priorities | ▪ |  | | Sovereignty in the enforcement of environmental measures | ▪ | ▪ | | No extraterritorial enforcement activities | ▪ | ▪ | | No right of action under a Party’s domestic law |  |  | | Recognition of a development gap or of different capabilities | ▪ |  | | Inappropriate to encourage investment by relaxing environmental measures | ▪ |  | | Maintain existing level of environmental protection | ▪ | ▪ | | States should provide for high levels of environmental protection | ▪ | ▪ | | States should enhance, strengthen, improve levels of environmental protection | ▪ |  | | Definition of environmental law | ▪ | ▪ | | Scientific knowledge when conducting environmental risk assessment |  |  | | Public participation in the adoption of environmental measures | ▪ | ▪ | | Publication of environmental laws, regulations and administrative rulings | ▪ | ▪ | | Commitment to monitor the state of the environment |  |  | | Requirement to conduct environmental assessment | ▪ | ▪ | | Commitment to strengthen State’s own capacities in environmental research and science |  |  | | Coherence between the environment and economic activities or development | ▪ |  | | Coherence between the environment and domestic trade and/or investment policies | ▪ | ▪ | | Commitment to enforce domestic environmental measures | ▪ |  | | Specific governmental action for enforcement of environmental measures |  |  | | Private access to remedies, procedural guarantees and appropriate sanctions | ▪ | ▪ | | Commitment to consider alleged violation brought by a citizen | ▪ | ▪ | | Factual report on enforcement of domestic environmental measures | ▪ | ▪ | | Education or public awareness on environmental matters | ▪ | ▪ | | Promotion of voluntary measures | ▪ | ▪ | | Economic instruments | ▪ | ▪ | | Conduct joint scientific research |  |  | | Specific means to conduct scientific cooperation on environmental matters | ▪ | ▪ | | Joint environmental assessment and study or monitoring of environmental concerns | ▪ | ▪ | | Specific means to exchange information on environmental matters | ▪ | ▪ | | Provision of information when taking measures to protect the environment | ▪ |  | | Communication between customs authorities on offenses related to environmental protection | ▪ | ▪ | | Harmonization of environmental measures | ▪ |  | | Harmonization of non-environmental measures not to be used as an obstacle to environmental protection |  |  | | Prohibit the export to the other Party of environmentally harmful goods whose use or import is prohibited within that Party’s territory |  |  | | General exceptions for trade in goods: life (or health) of animal and/or plant | ▪ |  | | General exceptions for trade in goods: conservation of natural resources | ▪ |  | | Right to prepare, elaborate, adopt or apply TBT measures related to the environment | ▪ |  | | Right to derogate from the regular adoption procedure of a TBT measure in case of emergency | ▪ |  | | General exception for investment | ▪ |  | | Specific exception for establishment | ▪ |  | | Specific exception for performance requirements |  |  | | Exclusion of environmentally harmful inventions from patentability | ▪ |  | | General exception for procurement | ▪ |  | | General exceptions for services: life (or health) of animal and/or plant | ▪ |  | | Other environmental restrictions related to a specific sector of services | ▪ |  | | SPS measures and the environment | ▪ |  | | Technical assistance, training or capacity-building provided to another Party | ▪ | ▪ | | Emergency assistance in case of natural disaster |  |  | | Other norms on disasters | ▪ | ▪ | | Seas and oceans | ▪ | ▪ | | Management of transboundary waterways | ▪ | ▪ | | Endangered species and their illegal trade | ▪ | ▪ | | Invasive or alien species | ▪ | ▪ | | Protected areas, parks and natural reserves | ▪ | ▪ | | Air pollution | ▪ | ▪ | | Environmental standards on vehicles | ▪ |  | | Hazardous waste | ▪ |  | | Pesticides, fertilizers, toxic or hazardous products and chemicals | ▪ |  | | Contact point on environmental matters | ▪ |  | | Commitment to communicate the decisions or recommendations of joint environmental institutions | ▪ | ▪ | | Public participation in the implementation of the agreement | ▪ | ▪ | | Creation of an intergovernmental committee | ▪ |  | | Establishment of an international secretariat to administer environmental norms of the treaty |  |  | | Environmental experts for State-State dispute over failure to enforce environmental measures or other environmental provisions of the trade agreement | ▪ | ▪ | | Environmental report in State-State dispute over failure to enforce environmental measures or other environmental provisions of the trade agreement | ▪ | ▪ | | Environmental report in State-State dispute over trade provisions of the trade agreement |  |  | | Environmental report in investor-State dispute |  |  | | Non-jurisdictional mechanism for failure to enforce domestic environmental law |  |  | | Monetary enforcement assessments for failure to enforce domestic environmental law |  |  | | Suspension of benefits in case of failure to enforce domestic environmental law or to pay |  |  | | Non-jurisdictional DSM for environmental provisions | ▪ | ▪ | | General DSM applying to environmental provisions | ▪ |  | | General suspension of benefits applying to environmental provisions | ▪ |  | | Exclusion of multilateral environmental agreements’ DSM |  |  | | Implementation Stockholm declaration of 1972 |  |  | | Implementation Rio declaration of 1992 |  |  | | Implementation of other agreements related to the environment | ▪ |  | | Prevalence of CITES |  |  | | Prevalence of Montreal Protocol |  |  | | Prevalence of Basel Convention |  |  | | Prevalence of other agreements related to the environment |  |  | | Other references to other institutions related to the environment | ▪ |  | | International standards or risk assessments carried out by international organizations should be used or taken into account when designing environmental measures | ▪ |  | | Party should use methods of risk assessment developed by international organizations |  |  | |  |  |  |  |  |  |  |  |  |  |

1. The tables start with NAFTA because half of the provisions examined didn’t exist in the trade regime before 1992. [↑](#footnote-ref-1)
2. Association of Caribbean States [↑](#footnote-ref-2)
3. Latin American Integration Association (Cuba accession) [↑](#footnote-ref-3)
4. Northern Triangle [↑](#footnote-ref-4)
5. European Communities [↑](#footnote-ref-5)
6. Auto Agreement [↑](#footnote-ref-6)
7. Auto Agreement [↑](#footnote-ref-7)
8. Central America [↑](#footnote-ref-8)
9. Pacific Alliance [↑](#footnote-ref-9)