**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**

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| **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  |  |  |

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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)