

# Not a Done Deal: European countries oppose CETA



by Brent Patterson

The Council of Canadians has been fighting to stop the Canada–European Union Comprehensive Economic and Trade Agreement (CETA) since a Canada–EU joint study making the case for negotiations was released in October 2008. Almost seven years later, where does the deal stand and what is the likelihood we can defeat it?

The nine formal rounds of negotiations for the deal were completed in October 2011, followed by several meetings to address various outstanding issues, the announcement of a deal in principle in October 2013, and the release of the text at a Canada–EU summit in Ottawa in September 2014. Almost six months later, the deal is still undergoing a “legal scrub” and translation into the 24 official and working languages of the European Union. It is expected that the 28 national legislatures of the European Union could begin voting on it by January 2016 and that the European Parliament could vote on its ratification about a year from now, around April 2016.

In Canada, more than 50 communities, including Toronto, Victoria, Sackville and Hamilton, have called for a municipal exclusion from the agreement. There is an opportunity now to go back to those cities to ask them to take further action against CETA. Unfortunately, cities are considered to be “creatures of the provinces” and all of the provinces and territories – except for Newfoundland and Labrador at this point – have agreed to the deal. Newfoundland and Labrador withdrew

from the deal over a dispute with the Harper government concerning a \$400 million fisheries fund related to the loss of minimum processing requirements under the deal.

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Federally, the Conservatives continue to push for CETA, the Liberals support the deal, the NDP is engaging in a consultation process to determine its position, and the Greens oppose it. The New Democrats have expressed their concern about the investor-state dispute settlement (ISDS) provision in CETA, and have told European leaders that they should not ratify a deal that includes it. In Canada, however, the New Democrats continue to insist that it’s only one aspect of an overall deal. Still, given the deal is not likely to be ratified in Europe before the October 19 federal election, the ratification here will fall to the next government.

In Europe, there is significantly more official opposition to the deal. Both the German and the French governments – the largest and second largest economies respectively in Europe – have stated that CETA should be re-opened and the ISDS provision should be amended. While these governments

call for various options, including an investment court to replace the role of private arbitration tribunals rather than the complete removal of the provision, the Canadian government refuses to negotiate this matter.

The newly elected Syriza government of Greece has also promised to veto the United States–European Union Transatlantic Trade and Investment Partnership (TTIP), which is similar in nature to CETA. As an opposition party they also clearly expressed their rejection of CETA. Council of Canadians National Chairperson Maude Barlow has written the Greek government asking them to veto CETA.

And in the European Parliament, the top issues of concern appear to be the investor-state provision, concern that the deal could open Europe to genetically modified foods, the weakening of European standards through regulatory convergence, and, given opposition to TTIP, the degree to which U.S. corporations with offices in Canada could use CETA as a proxy TTIP. If the various parties that oppose the ISDS provision hold firm, it is plausible that CETA could be rejected in a ratification vote in the 751-member assembly.

As we enter what will likely be the last year of our fight against CETA, there is reason to be hopeful that together we’ll be able to stop this “free trade” agreement.

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