



March 13, 2025

Global Affairs Canada

CPTPP Consultations
Global Affairs Canada
Indo-Pacific Trade Policy Division
125 Sussex Drive
Ottawa, ON K1N 0G2

Sent by email to: Cptpp-ptpgp.consultations@international.gc.ca

Re: Consultation by Global Affairs Canada on the proposed accession of Costa Rica to the Comprehensive and Progressive Agreement for Transpacific Partnership.

The above mentioned consultation by Global Affairs Canada seeks views on the accession of Costa Rica to the Comprehensive and Progressive Agreement for Trans Pacific Partnership.

The Canadian Environmental Law Association has had a longstanding interest in the intersection of trade and the environment. Prior interventions by CELA have sought to ensure strong environmental protection under any bilateral or multilateral trade agreements that Canada enters. CELA also has a longstanding interest in ensuring members of the public can participate meaningfully in decisions by governments that affect the environment.

The Canadian Environmental Law Association provides brief comments as follows:

1. The existing Canada – Costa-Rica Trade Agreement, in force since 2002, along with the Environmental Cooperation Agreement between the two parties has been in effect for over two decades. We were unable to find copies of the most recent – or any – reports from the Committee on the Environmental Cooperation Agreement thereunder on any websites maintained by the Government of Canada, even though we could find reference to that Committee meeting as recently as at least 2022, and even though it has an obligation to publish annual reports.

Recommendation: Canada should make reports as to results and experience under the existing Canada – Costa-Rica Trade Agreement and the ECA more transparent and accessible to Canadians.

2. Global Affairs Canada describes the existing Canada – Cost-Rica Trade Agreement as a “first generation” trade agreement. CELA notes that under that current bilateral agreement, there is no “Investor – State” provision in effect in trade with Costa Rica under the current bilateral agreement with Canada, and therefore, fortunately, no risk of private industry taking action against the national governments for alleged harm based on regulatory action. We have seen such inappropriate action in response to legitimate regulation by Canada under other Investor State provisions such as the former NAFTA and we oppose their continued inclusion in any bilateral or multi-lateral trade agreements to which Canada is a party. However there is such an Investment Chapter in the CPTPP. We urge the government of Canada to press for the removal of the Investor-State chapter in its 2025 review of Canada’s participation in the CPTPP.

Recommendation: During the review of the current CPTPP and Canada’s participation therein, Canada should press for the removal of the Investment Chapter in the CPTPP.

3. The Gazette posting and current consultation <https://international.canada.ca/en/global-affairs/consultations/trade/2025-02-15> is brief and does not discuss the environmental benefit or the environmental challenges that may arise, if any, from the accession of Costa-Rica to the CPTPP. Nor does it state what the effect would be on the current bilateral Trade Agreement with Costa-Rica and the accompanying Environmental Cooperation Agreement. CELA recommends that Global Affairs Canada should provide more public analysis of these issues to the public in soliciting feedback on this proposal.

Recommendation: Canada should analyse and publish the results of its analysis on the environmental benefits or challenges from the proposed accession of Costa Rica to the CPTPP, and solicit further feedback from the public.

Recommendation: Canada should address the question of the impact of the proposed accession by Costa Rica to the CPTPP on the existing bilateral trade agreement, if any, and solicit further feedback from the public.

All of which is submitted by

Canadian Environmental Law Association



Per
Theresa A. McClenaghan
Executive Director and Counsel