

CPTPP Environment Committee

Committee Report

1. The Comprehensive and Progressive Agreement for Trans-Pacific Partnership (CPTPP) Environment Committee (ENV) was held virtually on 15 June 2021 (Tokyo Time). Delegates from the following CPTPP members participated: Australia, Brunei Darussalam, Canada, Chile, Japan, Malaysia, Mexico, New Zealand, Peru, and Singapore. Ms. Yuko Watanabe, Director of International Economic Affairs Division, Ministry of Agriculture, Forestry and Fisheries (MAFF) of Japan, chaired the Committee.

2. The Committee agenda is attached at **ANNEX A**.

3. A summary of the Committee's discussion and any outcomes agreed under the respective agenda items is set out below.

4. AGENDA ITEM 1:

- The Committee adopted the agenda as attached ANNEX A.

5. AGENDA ITEM 2:

- The Committee reviewed the final version for "Procedures for Discussing Submissions and Responses". At the request by some CPTPP Members for a little more time for confirmation, the Committee agreed to extend a brief period for the final confirmation of the document. The Committee eventually established the Procedure set out in ANNEX B through communication via e-mail.
- The Committee discussed a draft "Report on Implementation of Article 20.9", which is to be reported to the CPTPP Commission according to Article 20.9.6. After clarifications and exchange of views, the Committee made some revisions and agreed on finalising the report through email. The final Report is set out in ANNEX C.

6. AGENDA ITEM 3:

- Canada and Mexico reported a summary of *CPTPP Workshop on Combating Illegal Trade of Wildlife Species: Illegal Trade of Turtles and Tortoises*, held virtually on 3-4 March, 2021, underscoring the highlights and takeaways of the activity,

including a plan for a second round of the workshop to be held in 2022.

- Japan introduced its plans for a series of webinar sessions that it is going to organise in the coming months. The planned four sessions will respectively focus on the areas of; prevention of the spread of invasive alien species, conservation and sustainable use of biodiversity, circular economy and resource efficiency, and climate change and decarbonisation. CPTPP Members agreed on regarding these sessions as this year's public sessions set forth in CPTPP Article 20.19.8, provided that live streaming of these sessions is made available to the public.
- The Committee shared experiences on cooperation activities that have been undertaken under other bilateral or regional trade agreements, as agreed in the previous meeting, while referring to the updated list of areas of interest for cooperation.

7. AGENDA ITEM 4:

- The Committee noted that Canada's proposal on "Standard Operating Procedure for Inter-Committee Cooperation" has been shared with Senior Officials for further guidance and discussion.
- Japan reported the state of play of Information management. The Committee shared the view that the website for document management is useful, in particular, to share the Contact Points among CPTPP Members to ensure smooth communication. Committee Members agreed to submit any suggestions to the Chair.
- New Zealand underlined the importance of the review of the fisheries subsidy disciplines under Article 20.16.8. It also reported the state of play of their proposal for "Guidelines for Subsidy Notifications" and expressed their willingness to continue their work on the document. The issue is expected to be discussed in the next meeting of the Committee.
- New Zealand reminded CPTPP Members that the general review of the CPTPP in Article 27.2 will be discussed at the Commission later this year or early next year. Committee Members took note of the possibility of inputs to this process from the Environment Committee.

8. AGENDA ITEM 5:

- While the meeting requirement is biennial, no objection was expressed to the suggestion for the next CPTPP Environment Committee meeting to be held in 2022, hosted by Singapore.

9. PUBLIC SESSION:

- As was agreed by the CPTPP Members under AGENDA ITEM 3, the webinar sessions organised by Japan, which can be summarised as follows, are regarded as this year's public sessions of the Committee.

- Session on international cooperation to prevent the spread of invasive alien species (24 June):

During this session, the participants (representatives from CPTPP Member governments, international organisations and a global shippers' association, as well as invited experts) mutually introduced the relevant efforts being made in preventing the spread of invasive alien species (IAS) through unintentional introduction pathways. The participants broadly shared the view that sea containers cleanliness is a priority to prevent environmental and economic damage caused by IAS and developed a common understanding on the need to further strengthen international cooperation to promote effective measures. The participants agreed to submit the summary of this session to the Secretariat of the Convention on Biological Diversity (CBD), to make a contribution namely to the discussions related to the post-2020 Global Biodiversity Framework at the fifteenth meeting of the Conference of the Parties to the CBD (CBD-COP15).

- Session on conservation and sustainable use of biodiversity (1 July):

During this session, the outline of the recently published "Dasgupta Review" was first introduced, revisiting the importance of sustainable use of natural assets. The participants (representatives from CPTPP Member governments, international organisations and an NGO, as well as invited experts) fruitfully shared the progress of Aichi Biodiversity Targets and the status of policy measures/practices aimed to achieve sustainable management of socio-ecological production landscapes/seascapes, among which was the example of "other effective area-based conservation measures" defined under the CBD. The overview of "Satoyama Initiative" and its related projects was also highlighted in this context.

The participants further discussed the need of a holistic approach, including but not limited to utilising traditional/indigenous knowledge and raising awareness of multi-stakeholders. It was acknowledged that the exchanges of views at this session were very much in line with the discussions towards CBD-COP15 and the UN Food Systems Summit.

- Session on circular economy and resource efficiency (13 July):

During this session, the participants (representatives from CPTPP Member governments and an international organisation, as well as an invited expert) respectively introduced the global state of play regarding circular economy and resource management, and relevant national policies/initiatives in several CPTPP Members including those to reduce plastic waste. The need for developing plans to redesign socio-economic system, based on indicators and governments' collaboration with business sectors and citizens, were underlined there.

The participants shared a common understanding that the implementation of circular economy policies, addressing challenges such as decarbonisation at the same time, is needed for achieving sustainable growth. It was reminded that "World Circular Economy Forum 2021" and "11th Regional 3R and Circular Economy Forum in Asia and the Pacific" were scheduled to take place later this year, to further promote international cooperation in this regard.

- Session on climate change and decarbonization (27 August):

During this session, the participants (representatives from CPTPP Member governments, as well as speakers invited from business associations and academic sector) first shared the overview of global circumstances related to climate change policy, including the efforts made in the context of achieving net-zero emission by 2050. The expectation towards elaboration of rules on carbon pricing was expressed there.

The participants further exchanged their views and coincided in opinion that addressing climate change should be compatible with economic growth, and thus the business sector's continued cooperation based on dialogues between governments and industry is crucial. The importance of technological innovation was also reiterated in this connection. In addition, it was broadly shared by the participants that in introducing decarbonization measures which may affect trade, carbon border adjustment mechanisms in particular, sufficient international/regional consultations are an important component in designing them, while ensuring fair competitive conditions duly taking into account the WTO rules and inputs from the business sector.

ANNEX A

CPTPP Environment Committee

AGENDA	
Date and Time:	15 June 2021, 9:00 am (Tokyo Time)
Venue:	Video-Conference
ITEM 1: Adoption of the Agenda	
ITEM 2:	Public Submissions (Article 20.9) 2.1 Procedures for Discussing Submissions and Responses 2.2 Draft Report on Implementation of Article 20.9
ITEM 3:	Cooperation (Article 20.12) 3.1 Updated List of Areas of Interest for Cooperation 3.2 Cooperation Frameworks
ITEM 4:	Other Issues 4.1 “Standard Operating Procedure for Inter-Committee Cooperation” document 4.2 Information management 4.3 Review of disciplines under Article 20.16.8 Marine Capture Fisheries 4.4 Notifications under Article 20.16.9 Marine Capture Fisheries 4.5 Article 27.2 review on the environment chapter
ITEM 5:	Next meeting
ITEM 6:	Committee Report

ANNEX B

CPTPP Environment Committee

Procedures for Considering Submissions and Responses

Pursuant to Article 20.9.5 of the Comprehensive and Progressive Agreement for Trans-Pacific Partnership (CPTPP), this document establishes procedures for the Environment Committee (the Committee) in discussing submissions and responses referred to it by a Party. The Committee may change these procedures as required in accordance with Paragraphs 1 and 10 of the Rules of Procedure of the Committee.

The Parties note that these procedures differ from the process agreed under the Environment Chapter regarding Environment Consultations established in Article 20.20, and the process of dispute settlement or arbitration governed by Article 20.23.

The Parties further note that if a Party considers raising the same matter of the submissions and responses under Article 20.20, it will inform the Chair of the Committee to avoid duplication and overlapping. Further, it is agreed that submissions and responses will first be considered under these procedures for public submissions.

1. The current Chair of the Committee will serve as the initial recipient of all submissions and responses referred to the Committee by a Party.
2. The Party or Parties, which request to discuss the submissions and responses (the Requestor) in the Committee according to Article 20.9.4, will explain and justify to the Chair the reason for the referral, with reference to the Environment Chapter in particular Article 20.9.2.
3. The Party which is subject of the submissions and responses (the Subject) will receive a copy of the request, including the justification, from the Chair and will be allowed 45 days to respond with additional information related to the request. This response will be submitted to the Chair, as well as to the Requestor.

4. Following receipt of the additional information provided by the Subject, the Requestor may ask the Chair to hold a discussion in the Committee regarding the submissions and responses, and will be allowed 45 days to do so. The Chair will then initiate a process, in consultation with both the Subject and Requestor, that includes promptly circulating the submissions and responses, as well as the justification to the Committee. The Chair may also place the submissions and responses on the agenda for discussion at the next meeting of the Committee.
5. The Committee may decide not to consider a submission if it does not meet the requirements established in Article 20.9.2, or if it determines that, the submissions and responses have no factual basis, or are frivolous, vexatious or duplicative. If the Committee decides not to consider a submission, it should justify the reason or reasons for its decision.
6. In its discussion of any submissions and responses referred to it by a Party, the Committee may:
 - a. Request that the Subject or the Requestor provide any additional information to inform and clarify the discussion.
 - b. Discuss and justify whether the Committee would benefit from the use of experts or existing institutional bodies, as appropriate, in activities such as seeking their advice on any matters raised in the submissions and responses or developing a formal written report based on facts relevant to the submissions and responses. The decision on whether to seek the use of experts or existing institutional bodies will be made by consensus, unless the Committee agrees otherwise, in accordance with Article 20.19.5 and Paragraph 10 of the Rules of Procedure of the Committee.
 - c. Consider the Subject's domestic process in responding to or addressing the issue.
 - d. Discuss whether cooperation with other Parties may assist the Subject in addressing issues raised in any submissions and responses, and recommend such cooperation if appropriate.
7. For greater clarity, nothing in these procedures precludes the Parties from discussing submissions and responses between themselves.

ANNEX C

CPTPP Environment Committee

13th July 2021

Report from the Environment Committee to the Commission on the implementation of Article 20.9 of CPTPP

In accordance with Article 20.9.6, the Environment Committee submits the report to the Commission on the implementation activities under Article 20.9 as follows.

1. Reporting period

From 30th December 2018 (the date of entry into force of CPTPP) to 15th June 2021 (the third meeting of the Committee)

2. Article 20.9.1

Each Party provided for, or is in the process of providing the mechanism for the receipt and consideration of written submissions from persons of that Party regarding its implementation of the Environment chapter. During the reporting period, Parties received no written submissions.

3. Article 20.9.2

Each Party made, or is in the process of making its procedures for the receipt and consideration of written submissions readily accessible and publicly available (ANNEX 1). Parties may take following actions in relation to public submissions, including, but not limited to;

- ✓ Add information and guidelines to facilitate submissions through the Government's Public Inquiries Centre webpage
- ✓ Make best efforts to ensure that all public submissions are adequately addressed, even if received through mechanisms other than the contact point on the website.

4. Article 20.9.3

Each Party notified the other Parties of the entity or entities responsible for receiving and responding to any written submissions referred to in Article 20.9.1. The notified entities are as follows.

Australia: Department of Foreign Affairs and Trade

Canada: Environment and Climate Change Canada

Japan: Ministry of Foreign Affairs

Mexico: Ministry of Economy

New Zealand: Ministry of Foreign Affairs and Trade

Singapore: Ministry of Sustainability and the Environment

Viet Nam: Ministry of Natural Resources and Environment

5. Article 20.9.4

The Committee received no request to discuss submissions since there were no submissions to any Parties.

6. Article 20.9.5

After the discussion of 15th June 2021, the Committee agreed to continue making effort to establish “Procedures for Considering Submissions and Responses” that are referred to it by a Party. The Procedures were eventually established as ANNEX 2 through communication via e-mail.

CPTPP Party	Information on procedures for public submissions
Australia	<p>Australia is committed to providing a high standard of transparency and consultation with respect to environmental laws.</p> <p style="text-align: center;">Information on how to submit questions or feedback on the CPTPP, including the Environment Chapter is available at https://dfat.gov.au/trade/agreements/in-force/cptpp/outcomes-documents/Pages/cptpp-environment.aspx</p> <p>Submissions relating to issues that are the subject of ongoing judicial or administrative procedures will not be considered.</p>
Canada	<p>Canada will establish procedures for receiving and responding to public submissions—including a contact point, timelines, and an online platform for making submissions publicly available—prior to the next Commission meeting.</p> <p>Canada has substantial experience with setting up public submissions processes on environment through its other progressive trade agreements. This experience ranges from the various institutional mechanisms and procedures established under the North American Commission on Environmental Cooperation (CEC) and the Canada-Chile Commission on Environmental Cooperation to a more streamlined model currently being established for the Trade and Environment Chapter under the Comprehensive Economic Trade Agreement (CETA) between Canada and the European Union.</p> <p>Canada intends to use a streamlined model for the CPTPP, which includes an email account posted on a public website for public submissions. Submissions received from this account will be considered using a standard procedure, which includes appropriate steps and timelines for responses. If appropriate, ECCC may engage independent experts to help in the assessment and consideration of any particular submission.</p>

Japan	<p>The Government Headquarters for the TPP, Cabinet Secretariat (website) (JP) https://www.cas.go.jp/jp/tpp/tppinfo/kyotei/tpp_19_20shou/index.html</p> <p>Ministry of Foreign Affairs of Japan (website) https://www.mofa.go.jp/mofaj/ecm/ep/page25_001773.html</p>
Mexico	<p>Mexico is currently working to create a website for the reception of public submissions. The website will be ready in 2021</p>
New Zealand	<p>The following procedures are available for anyone who is a citizen or resident of New Zealand to make a submission regarding implementation of the Environment chapter</p> <ul style="list-style-type: none"> · Written submissions can be made to the National Contact Point through the Ministry of Foreign Affairs and Trade website: https://www.mfat.govt.nz/ · Written submissions can be made to the Minister for the Environment, Minister for Primary Industries, Minister of Conservation, and Minister for Maori Development or any Associate Minister with a related portfolio. Ministers' contact details are available at: https://www.beehive.govt.nz/ <p>New Zealand's views about the structure and content of a written report to the CPTPP Commission by 31 December 2021 on implementation of Article 20.9 (Public Submissions) are that:</p> <ul style="list-style-type: none"> ☐ the report should be based on written summaries from each Party on submissions received <ul style="list-style-type: none"> ● summaries from each Party should: <ul style="list-style-type: none"> o identify the article or issue to which the submission relates; o provide a brief summary of the nature of each submission; o specify the number of submissions on each article or issue; o describe the nature of the responses; o describe any changes to laws, policies, regulations or practices as a result of submissions; o indicate whether any submissions and responses were referred to the Committee, and if so, what the outcomes were of the Committee's deliberations; and o confirm that the submissions and responses were made public. ● the report should identify any common themes or issues raised in submissions, and note any comments or recommendations made by the Committee.

Singapore	<p>Singapore proposes the following:</p> <ul style="list-style-type: none"> • When referring public submissions to the Committee, the other Party should make clear why this issue requires the attention of the Committee (e.g. show the severity of the issue, show that it has a substantial interest in the matter etc). • Following the referral, the Committee should first agree that the issue being referred to is legitimate and needs to be addressed by the Committee. • Once there is agreement within the Committee, the Committee can then proceed to discuss the submission, focusing on facts relevant to the matter. • Any decision taken by the Committee should be facilitative in focus and taken by consensus unless otherwise agreed to.
Viet Nam	<p>Complaints and denunciations</p> <p>- Inspection: http://www.thanhtra.gov.vn/ct/vbpq/Lists/LawType/View_Detail.aspx</p> <p>- Law on Complaints: http://vanban.chinhphu.vn/portal/page/portal/chinhphu/hethongvanban?class_id=1&page=1&mode=detail&document_id=162374</p> <p>- Law on denuciations: http://vanban.chinhphu.vn/portal/page/portal/chinhphu/hethongvanban?class_id=1&page=1&mode=detail&document_id=162375</p> <p>- Law on Administrative procedures: http://vanban.chinhphu.vn/portal/page/portal/chinhphu/hethongvanban?class_id=1&page=1&mode=detail&document_id=183190</p> <p>- Law on Inspection: http://vanban.chinhphu.vn/portal/page/portal/chinhphu/hethongvanban?class_id=1&page=1&mode=detail&document_id=98567</p> <p>- Law on Reception of Citizens: http://vanban.chinhphu.vn/portal/page/portal/chinhphu/hethongvanban?class_id=1&page=1&mode=detail&document_id=171414</p>

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