

To:
European Commission
DG Trade (Unit E1) and DG GROW (Unit A4)
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Subject: no regulatory cooperation activities on chemicals and pesticides in the Regulatory Cooperation Forum (RCF) under CETA

Dear Sir/Madam,

We are writing you to express our deep concern about the Commission's call for proposals for regulatory cooperation activities under CETA and its potential negative impact on environmental protection in Europe. We would urge you not to engage in any form of regulatory cooperation in the area of chemicals regulation in the context of CETA, in particular for pesticides, biocides, and more generally the regulation of endocrine disruptors as well as chemical-related products regulations (toys, food contact materials, cosmetics, etc.).

Canada and the EU have a very different approach towards the regulation of chemicals. Studies have shown that Canada is far behind the United States, the European Union, or Australia concerning environmental policies and laws, whether on air or water quality, pesticides and harmful substances, climate change or biodiversity.¹ On pesticides, Canada still allows 46 active agents that have long been banned in other countries. The maximum residual limits for pesticides authorized in food products are much less restrictive in Canada, even, in some cases, less restrictive than those of the *Codex Alimentarius*. Another example is Canada's assessment of phthalates, which are severely restricted and considered dangerous in the EU but considered safe for most uses in Canada.

Canada has complained about the EU's regulatory approach in the WTO's TBT Committee on several occasions in the past. On 17 November of last year, Canada stated in the WTO it was 'dismayed' because of the European Parliament's position on identifying endocrine disruptors in the area of plant protection products.² The RCF will give Canada and Canadian

¹ David R. Boyd, "Cleaner, Greener, Healthier: A Prescription for Stronger Canadian Environmental Laws and Policies", UBC Press, 2015

² European Union — Revised proposal for the categorization of compounds as endocrine disruptors of 19 February 2013 by DG Environment statement by Canada to the TBT committee, 8-9 November 2017 (G/TBT/W457), available at https://docs.wto.org/dol2fe/Pages/FE_Search/FE_S_S009-DP.aspx?language=E&CatalogueIdList=240746,240560,240263,240165,240078,240073,239699,239

business yet another forum to put pressure on the successful implementation of EU chemicals and pesticides rules and on the capacity of the EU to address the remaining legislative gaps.

Furthermore, regulatory cooperation on environmental issues in the context of a trade agreement with the explicit objective of trade facilitation is not the right place to engage on the public interest issues that environmental exposure to pesticides and chemicals raises. Regulatory cooperation should take place in international environmental fora where all parties are committed to achieving a high level of environmental protection.

We therefore urge you to avoid any commitment, including commitment to have discussions before the adoption of new chemical restrictions or decisions, which would restrain the freedom of EU authorities to:

- Determine the level of environmental and health protection from harmful substances that EU law has to provide in accordance with European values and its core legal principles including the obligation to aim to a high level of health and environmental protection and the precautionary principle;
- Set up information tracking systems and other obligations requiring companies to provide information on the chemicals they manufacture/use or that the products they manufacture/sell contain, aiming at achieving full traceability of the chemical content of products and substances.

We hope that the Union remains fully committed to the successful implementation of chemicals laws, in particular of the pesticides regulation. No discussion on these issues in the RCF contributes to putting Union citizens and the environment first and avoids undue business influence.

Thank you for your consideration.

Yours faithfully,

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