

## **Trade policy as a tool for the sustainable use of oceans**

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### **Abstract**

Oceans are fundamental for the survival and well-being of people. Nevertheless, human behaviour in marine ecosystems has put oceans at risk. As the United Nations Agenda 2030 points out, the main challenges related to the sustainable use of oceans are increasing pollution, overfishing and loss of biodiversity. This paper discusses how trade policy can serve as a tool for the sustainable use of oceans. First, it provides an introduction to current trends in the world fishing industry and related sustainable development challenges. Subsequently, it describes the ongoing discussions related to fishery subsidies in the WTO. Finally, this paper provides an analysis of the commitments to sustainable fisheries embodied in EU and US FTAs. The conclusion suggests that actions are needed on multilateral, regional and bilateral levels. Negotiations in the WTO are in their final stage. If they are successfully concluded, they will provide an important multilateral framework. The current US approach represented by the USMCA has a larger scope than the EU FTAs as regards the provisions on trade and the sustainable use of oceans. Fishery subsidies, facilitation of free trade in sustainably managed fish products and sustainable management of fisheries have been identified as the key areas where the EU FTAs can be further strengthened.

**Key words:** Trade policy; Free Trade Agreements (FTAs); sustainable fisheries; Illegal, Unreported and Unregulated fishing (IUU); Sustainable Development Goals (SDGs), World Trade Organization (WTO)

### **Introduction**

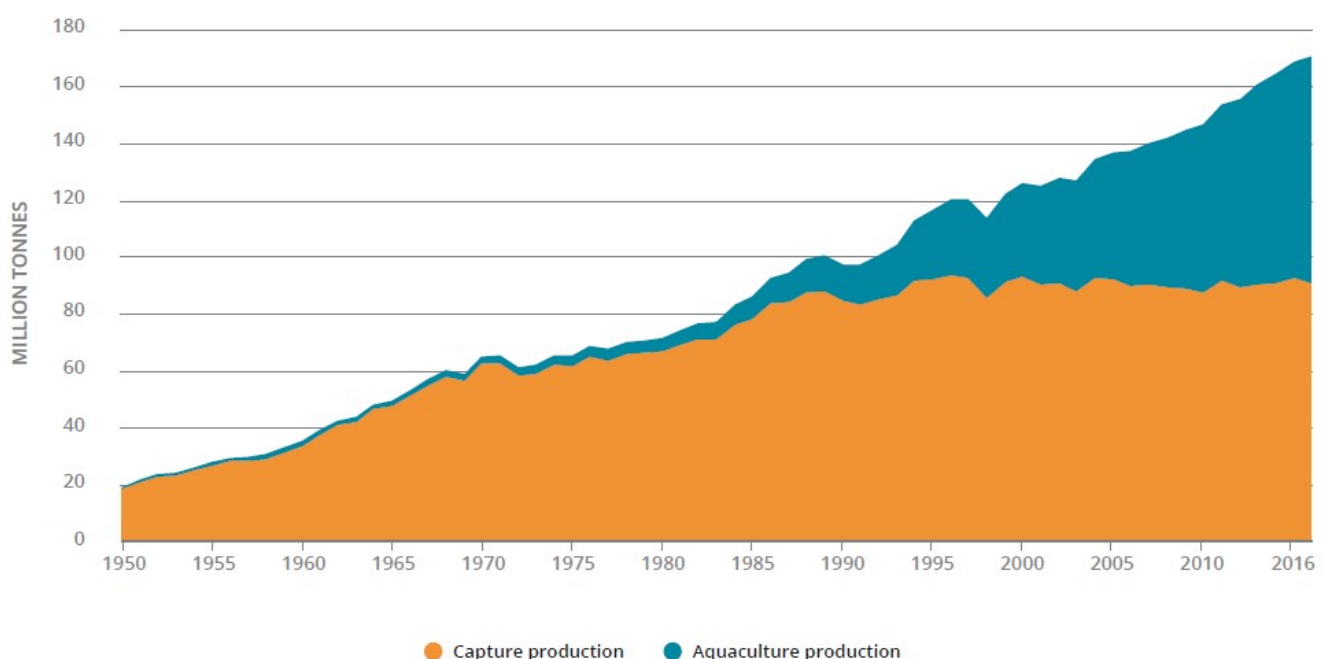
Oceans cover three quarters of the planet, contain 97 % of the Earth's water and serve as the world's largest source of protein. They also provide essential ecosystem services, such as regulation of the global climate, absorption of carbon dioxide and as reservoirs of biodiversity. Fish and fish products are among the most traded food commodities in the world. Over three billion people depend on marine biodiversity for their livelihoods (UN, 2018a). Nevertheless, human intervention in marine ecosystems over recent decades has put the oceans in peril. Recent research by Jones et al. (2018) showed that only 13.2 % of the oceans remain untouched by human influence, with most of those located on the high seas. Coastal waters deteriorate due to pollution and coastal eutrophication. Current levels of marine acidity have increased by 26 % on average since the beginning

of the Industrial Revolution in the 19th century (UN, 2018b). Due to overfishing and the impact of climate change the global fish stock is in decline.

Overall population growth and the associated intensification of the global fishing industry puts increasing pressure on the ocean's ecosystems. The percentage of fish stocks fished at biologically unsustainable levels increased from 10 % in 1974 to 33 % in 2015, with the largest surges in the 1970s and the 1980s. The total number of fishing vessels in the world in 2016 was estimated at 4.6 million and the fleet in Asia was the largest (FAO, 2018). Fishing fleets that today use long lines and nets stretching out 30 miles threaten the fish species targeted for harvest, as well as numerous other species caught unintentionally, known as “by-catch” (Joyner and Tyler, 2010).

Figure 1 shows the world capture fisheries and aquaculture production between 1950 and 2016 in millions of tonnes. Capture production grew rapidly from about 19 million tonnes in 1950 to more than 67 million tonnes in 1980. Since the 1980s world capture fishery production has been relatively stable, however aquaculture production has been steadily increasing. In 2016 global fish production peaked at 171 million tonnes, with capture fisheries representing 53 % of the total amount and aquaculture production representing the remaining 47 %. Nonetheless, it must be emphasised that the official data on capture fisheries does not take into account the illegal, unreported and unregulated fishing (IUU) that, according to estimates by the Food and Agricultural Organization (FAO) (2018b), constitutes up to 26 million tonnes of fish caught annually.

**Figure 1:** World capture fisheries and aquaculture production in millions of tonnes between 1950–2016 (Source: FAO, 2018a)



Promotion of the sustainable use and conservation of oceans has been in the spotlight of policymakers for many years. Nevertheless, promoting the sustainable management of fisheries worldwide remains a challenge, despite various ‘international fishery instruments’ being in place. Among the most important binding rules are the United Nations Convention on the Law of the Sea (UNCLOS), the United Nations Fish Stocks Agreement (UNFSA) and the Food and Agriculture Organization Compliance Agreement. Furthermore, voluntary instruments adopted by the FAO along with additional regional environmental agreements have created a fragmented institutional system (IASS, 2017; Young, 2000).

Adoption of the United Nations 2030 Agenda for Sustainable Development marked the sustainable use of the oceans as one of the key development challenges in the contemporary era. The Sustainable Development Goal (SDG) 14 calls upon nations to “conserve and sustainably use the oceans, seas and marine resources for sustainable development”. This goal touches upon issues which include reduction in marine pollution, protection of marine and coastal ecosystems, decrease in ocean acidification, regulation of IUU and the prohibition of certain fishery subsidies that contribute to IUU etc. (see Table 1). However, one fundamental challenge to achieving these goals is the transboundary nature of marine resources, and therefore this requires collective and coordinated action by the international community (IASS, 2017).

**Table 1:** Targets of Sustainable Development Goal 14 (Source: UN 2018a)

Targets	SDG 14: Conserve and sustainably use the oceans, seas and marine resources for sustainable development
14.1	By 2025, prevent and significantly reduce <b>marine pollution of</b> all kinds.
14.2	By 2020, sustainably manage and protect <b>marine and coastal ecosystems</b> to avoid significant adverse impacts.
14.3	Minimize and address the impacts of <b>ocean acidification</b> .
14.4	By 2020, effectively regulate harvesting and <b>end overfishing</b> , illegal, unreported and unregulated fishing and destructive fishing practices.
14.5	By 2020, conserve at least <b>10 % of coastal and marine areas</b> .
14.6	By 2020, prohibit certain forms of <b>fisheries subsidies</b> which contribute to overcapacity and overfishing, eliminate subsidies that contribute to illegal, unreported and unregulated fishing.
14.7	By 2030, increase the economic benefits to <b>Small Island developing States</b> and <b>least developed countries</b> from the sustainable use of marine resources.
14.A	Increase scientific knowledge, develop research capacity and transfer marine technology to developing countries.
14.B	Provide access for <b>small-scale artisanal fishers</b> to marine resources and markets.
14.C	Effectively implement <b>UNCLOS</b> , which provides the legal framework for the conservation and sustainable use of oceans and their resources.

The growth of the international trade in fish and related products over recent decades has been accelerated by globalisation and the removal of trade barriers, mainly through regional trade agreements. In 1976 the trade in fish and fish products was worth USD 8 billion, while in 2016 the total trade volume soared to USD 143 billion (FAO, 2018a). Trade policy is an important factor influencing the dynamics of the fish market. Free trade agreements (FTAs) can therefore serve as a tool to promote a sustainable trade in fish. Many bilateral FTAs contain specific provisions related to the promotion of sustainable fisheries. EU and US FTAs can serve as an example. Furthermore, at the multilateral level, the members of the World Trade Organisation (WTO) are currently negotiating an agreement to prohibit subsidies to IUU. This paper discusses how trade policy can serve as a tool for the sustainable use of oceans. First, it describes the current discussions related to the negotiations on fishery subsidies in the WTO. Subsequently, it provides an analysis of the commitments to sustainable fisheries embodied in EU and US FTAs.

### **The WTO negotiations on fishery subsidies**

Fishery subsidies come in various forms, including direct cash grants, tax breaks, loan guarantees etc. They are applied for different purposes, such as capacity and production support as well as reduction of fishing fleets (UNEP, 2008). Although data vary, it has been estimated that fishery subsidies amounted to about USD 35 billion in 2009. Although some of those subsidies supported responsible fishing practices, harmful subsidies that contributed to overfishing constitute the highest category at over USD 20 billion. Fuel subsidies constitute the largest part of the total subsidy amount, followed by subsidies for management and subsidies for ports and harbours. Subsidies provided by developed countries were much larger (65 %) than those provided by developing countries (35 %). Asia is the largest subsidizing region, followed by Europe and North America. Japan provides the highest amount of subsidies, followed by the United States and China (Sumaila et al., 2016).

It is estimated that IUU fishing constitutes up to 26 million tonnes annually, valued at roughly USD 23 billion (FAO, 2018b). Illegal fishing takes place when fishing vessels operate in violation of the law. This can happen in areas over which nations exercise jurisdiction, namely their Exclusive Economic Zones (EEZ), which are always under the jurisdiction of individual nations and their laws. It can also occur on the high seas, where fisheries are regulated by international standards and regional fishery management organisations (RFMOs). Unreported fishing refers to fishing activities that have not been reported (or have been misreported) to the relevant national authority or RFMO. Unregulated fishing concerns the operation of vessels without a nationality or those flying the flag of a country not party to the respective RFMO, or in a manner that is not consistent with or contravenes fishery management measures. The IPOA needs national implementation in order to be effective, therefore its operation requires national plans for action on IUU fishing (FAO, 2001).

Concerning subsidies to IUU, this undesirable practice attracted international attention in the late 1990s, mainly due to the intensification of the fishing industry. As national resources became increasingly scarce, fishing vessels started operating in international waters. Consequently there was a growing urgent need to fight against illegal fishing activities (Schmidt, 2018). As a result, there have been several international initiatives, most importantly the first global treaty to combat IUU fishing: The Agreement on Port State Measures to Prevent, Deter and Eliminate Illegal, Unreported and Unregulated Fishing<sup>2</sup> (Desierto, 2017). Considering the role of the WTO in the protection of the environment in general, it has been frequently subject to much adverse publicity for preferring free trade over the environment (Waincymer, 1998). In spite of this general negative perception, the WTO will soon have the opportunity to significantly contribute to the protection of the environment.

The issue of fishery subsidies was added to the WTO agenda in 2001 at the Doha Ministerial Conference. Four years later at the Hong Kong Ministerial Conference the mandate on fishery subsidies was further elaborated on with a call for “prohibiting certain forms of fishery subsidies that contribute to overcapacity and overfishing”. The text of the negotiations was released in 2007 and contained a list of prohibited subsidies as well as details of special and differential treatment (SDT) for small-scale fishing. After a break, the negotiations were re-launched in 2015 when a broad range of textual proposals was discussed. Despite their efforts at the 11th Ministerial Conference in Buenos Aires in 2017, the WTO Members were unable to reach a decision on binding rules regarding fishery subsidies. This disappointing result was openly admitted to in the final remarks of the European Commissioner for Trade, Cecilia Malmström: “The sad reality is that we did not even agree to stop subsidising illegal fishing.” (European Commission, 2017). The Ministerial decision from Buenos Aires nevertheless confirms the aim “to continue to engage constructively in negotiations concerning fishery subsidies, with a view to adopting, by the 12th Ministerial Conference in 2019, an agreement on comprehensive and effective regulations” which deliver on SDG 14.6<sup>3</sup> (WTO, 2018 a, b).

During 2018, the negotiators made steady progress, with several proposals on the table, and by the 7th December members completed streamlining their negotiating texts into a single document (WTO 2018a). Currently, WTO members have put together a 2019 roadmap to be followed. At the 14th December meeting of the Negotiating Group on Rules the heads of the WTO member delegations confirmed their commitment to intensifying negotiations on fishery subsidies in order to meet the end of 2019 target for an agreement (WTO. 2018c).

What actually are the key issues? Principally, the definition of a subsidy and how it can be measured is crucial. The rules should delicately demarcate subsidies that enhance production from subsidies that can help in sustainable development (Bahety, Mukiibi, 2017). Another challenging definition concerns “small-scale” fishing that might be subject to the subsidy exception. Will the definition of small scale fishing be based on set criteria,



such as vessel length, or will it be defined according to national laws? Another important question relates to special and differential treatment (SDT), which is one of the basic principles of the WTO system. Its scope under this framework remains divisive, although it is generally agreed that developing countries deserve special consideration. Several proposals were submitted regarding obligatory notification of subsidies and transparency. In general, compliance with existing WTO notification obligations is low and is subject to frequent criticism, particularly from the US. In seeking improvement in the notification process, some members may face various resource challenges. This could particularly be the case with the least developed countries, as there are concerns over the lack of personal and financial capacities. At least, in this respect, technical assistance and additional funding should help with the collection and notification of fishery subsidy-related information (Appleton, 2018).

If there is enough progress and support among WTO members, binding multilateral rules in the form of a stand-alone agreement or an annex to the WTO Agreement on Subsidies and Countervailing Measures could be adopted. Nevertheless, such a uniform set of multilateral rules runs the risk of being too ambiguous and there are probably numerous loopholes which can be used to escape enforceable obligations. Another possibility could be to fast-track a plurilateral agreement within or without the formal WTO framework. Such an agreement would only have any legal standing for the participating parties. Bartels and Morgandi (2018) further consider that a ministerial decision/declaration adopted at a ministerial conference or the adoption of modified individual scheduled commitments could be two additional legal options for implementation. In all scenarios a new WTO set of rules in this area could prove a novel and useful addition to the toolbox of measures to combat IUU fishing.

### **Current practices embedded in the EU and the US Free Trade Agreements**

This section elaborates on trade policy tools which promote the sustainable use of oceans under Free Trade Agreements (FTAs). Between 1947 and 2016 more than 800 FTAs were signed, most of them since 1990 (Bertelsmann Stiftung, 2018). FTAs are international agreements between countries in which they liberalise trade for each other but not for the rest of the world. FTAs open up markets by removing tariff and non-tariff barriers. Increasingly, a new generation of complex FTAs also regulates the relationship between trade and sustainable development, mostly concerning labour and environmental issues. This reflects the growing calls from civil society for FTAs to better address wider societal concerns (OECD, 2017). The following pages analyse the existing commitments in the EU and US FTAs which relate to the sustainable use of oceans.

#### ***EU Free Trade Agreements***

Among many changes to the Common Commercial Policy, the inclusion of EU external action principles as a non-trade objective for the EU's trade policy is becoming increasingly important. These principles have great practical value in the orientation of this policy. Ar-

article 21 of the Treaty on the Function of the EU provides that the EU shall work to ‘help develop international measures to preserve and improve the quality of the environment and the sustainable management of global natural resources’, so the provision underlines the importance of environmental goals as non-trade objectives (Dimopoulos, 2010, 164). They subsequently serve as guiding principles when drafting proposals under trade and investment negotiations.

Modern EU FTAs contain rules on trade and sustainable development in order to ensure that trade with partner countries goes hand in hand with the principles of inclusive and sustainable development. In 2011 the FTA with South Korea with the first Trade and Sustainable Development (TSD) chapter became the blueprint for EU FTAs. Under the TSD chapters, the EU and its trading partner countries are obliged to adopt major international labour and environmental principles and to implement them effectively. As regards the implementation of these provisions, the EU promotes co-operation between the parties involved, and civil society also has an important role to play. The resolution of disputes between contracting parties is based on governmental consultations. This is a major difference to the US approach that includes the possibility of using trade sanctions in cases of non-compliance with the agreed-upon commitments (Hradilova, Svoboda, 2018).

The EU TSD chapters contain a wide range of environmental standards, including a commitment to effectively implement the multilateral environmental agreements (MEAs) which have contracting parties signed. One specific article is dedicated to fisheries and aquaculture products. In 2013 the FTA between the EU, Peru and Colombia was the first to have such an article on trade with fisheries products within the TSD chapter.<sup>4</sup> The most recent EU FTAs promote the trade and sustainable management of living marine resources and aquaculture products.<sup>5</sup> The parties involved agree to adhere to international treaties dealing with conservation and sustainable management of fisheries, particularly the UNCLOS and FAO instruments. Next, these parties commit to the promotion of sustainable aquaculture and to an exchange of information on all new measures relating to the management of living marine resources and fishery products that may have an impact on trade. Finally, the contracting parties shall cooperate with relevant Regional Fisheries Management Organizations (RFMOs) and actively engage in the fight against IUU. They should implement policies which exclude products from the IUU trade. This is a logical development as the EU currently plays an active role in six tuna RFMOs and 11 non-tuna RFMOs. Furthermore, the cooperation between the EU and relevant RFMOs has recently come to the attention of the European Parliament. In its resolution, the European Parliament calls on the Commission to have an active approach in RFMOs (European Parliament, 2016). These provisions are summarized in table 2.

**Table 2:** Provisions related to the sustainable use of oceans in the EU FTAs

Nature of commitment	Description
International treaties	UNCLOS, FAO
Sustainable aquaculture	Promote development of sustainable aquaculture
Living marine resources and fisheries products	Exchange information on measures that may have an impact on trade
IUU fishing	Actively fight against IUU, exchange of information, exclude products from the IUU trade
Cooperation with RFMOs	Enforce management measures, implement Catch Documentation and Certification Schemes

### **US Free Trade Agreements**

As far as sustainable development is concerned, the US FTAs have similar dynamics to those of the EU. Each of the US FTAs negotiated since the North American Free Trade Agreement (NAFTA) in 1994 contains chapters dedicated to the issues of labour and the environment. The Trans-Pacific Partnership's (TPP) chapter on the environment was a further development in this area as it prohibits fishery subsidies that support activities which negatively affect overfished stocks, as well as subsidies that support IUU fishing.<sup>6</sup> The recently negotiated United States–Mexico–Canada Agreement (USMCA), which will replace the former NAFTA, followed the TPP approach and is considered to be the FTA with the most ambitious and comprehensive chapter on the environment (USTR, 2018a).<sup>7</sup> The USMCA gives an insight into the current direction of the US trade policy in relation to environmental issues, therefore it has been selected as a case study for the purposes of this paper.

In September 2018 the US, Mexico and Canada agreed to modernize the 24 year-old NAFTA and transform it into a 21<sup>st</sup> century, high-standard agreement. The deal was signed in November 2018 on the margins of the G20 meeting in Buenos Aires. However, the USMCA has to be ratified by all three countries in order to come fully into force. The environmental chapter in the USMCA contains a wide range of environmental obligations. As regards implementation and enforcement, there is a specific mechanism for co-operation and a system of governmental consultations. In cases of disputes on environmental matters, there is an option to activate the general State-to-State Dispute Settlement as the last resort. A decision of the panel may lead to the imposition of trade sanctions on the non-compliant party (USTR, 2018b).

Concerning the sustainable use of oceans, the USMCA elaborates on a number of topics, including ship pollution, marine litter, marine wild capture fisheries, sustainable fisher-



ies, conservation of marine species, fisheries subsidies and IUU (see the table 3). First, the article on the protection of the marine environment from *ship pollution* sets a framework for cooperation on the prevention of various categories of ship pollution and highlights the role of civil society in the development and implementation of measures to prevent such pollution. Second, action must be taken on the prevention of *marine litter*, including plastic litter and microplastics. This also involves addressing the issues of land and sea-based pollution, promoting waste management infrastructure etc. Third, the article on *marine wild capture fisheries* facilitates trade in sustainably managed and legally harvested fish and fish products (excluding aquaculture). These products shall not be subjected to unjustified barriers to trade. If restrictive trade measure are adopted, they must be based on scientific evidence, aimed at conservation objectives and implemented after consultation with the other contracting party.

Fourth, the article on *sustainable fisheries management* refers to international instruments such as UNCLOS and FAO conventions. It also touches upon issues such as the prevention of overfishing through the enforcement of catch limits, a reduction in by-catch through the regulation of harvesting methods and the prevention of the use of poisons and explosives for commercial fishing. In addition, there is also a reference to the prohibition of shark finning, which is the act of removing the fins from a shark and discarding the rest of the shark (while it is still alive). Fifth, the article on *conservation of marine species* elaborates on the protection of sharks, sea turtles, seabirds and marine mammals. Such measures involve the publication of impact assessment studies, data collection and a reduction in by-catch. Under this provision the killing of great whales for commercial purposes is prohibited unless authorized in a multilateral treaty. Sixth, the article on *fishery subsidies* refers to the elimination of all subsidies that contribute to IUU, overfishing and overcapacity. These provisions are complemented with transparency disciplines, requiring contracting parties to notify of any subsidies relevant to the article. Finally, according to the provision concerning IUU fishing contracting parties will support international efforts to combat IUU and deter trade in IUU products (USTR, 2018b). This brief overview shows the strong political commitment of USMCA contracting parties to the elimination of IUU. In a practical manner, their novel approach could serve as a model for TSD chapters in other FTAs.

**Table 3:** Provisions related to the sustainable use of oceans in the USMCA

Nature of commitment	Description
<b>Ship pollution</b>	Implement international conventions, encourage public participation, co-operate on accidental pollution, routine pollution, emissions from ships, the development of technologies etc.
<b>Marine litter</b>	Prevent and reduce marine litter, co-operate at other international fora (land and sea-based pollution, waste management infrastructure, action on abandoned fishing gear)
<b>Marine wild capture fisheries</b>	Facilitate free trade in sustainably managed and legally harvested fish products, cooperation with RFMOs
<b>Sustainable fisheries management</b>	Prevent overfishing, reduce by-catch, prevent the use of poisons and explosives, prohibit finning, apply international instruments
<b>Conservation of marine species</b>	Protect sharks, sea turtles, seabirds and marine mammals, impact assessments, data collection, reduction of by-catch, prohibition of killing great whales for commercial purposes
<b>Fisheries subsidies</b>	Eliminate subsidies related to IUU and overfishing, transparency
<b>IUU fishing</b>	Combat IUU, deter trade in IUU products, implement port state measures, monitor enforcement schemes, vessel documentation schemes, cooperation with RFMOs, develop publicly available registry data of fishing vessels

## Discussion

The EU and US FTAs deal with trade and the sustainable use of oceans. More specifically, EU FTAs and the USMCA contain specific provisions dealing with the fight against IUU fishing, the implementation of international treaties such as the UNCLOS, FAO conventions and cooperation with the RFMOs. While the US FTAs focus more on sustainable wild capture fisheries, some EU FTAs also promote the development of sustainable aquaculture.

Generally speaking, the scope of the USMCA is much broader as it encompasses novel disciplines. This particularly concerns provisions on fishery subsidies, marine wild capture fisheries and trade facilitation in sustainably managed fish products, and it elaborates on provisions for sustainable fishery management, the conservation of marine species, marine litter and ship pollution. Considering the current challenges related to sustainable fisheries and the protection of the marine ecosystem, the EU trade policy should adapt to a fast-changing world. In this respect, the EU should consider strengthening its TSD chapters, mainly in relation to the provisions on fishery subsidies, the facilitation of free trade in sustainably managed fish products and elaborated sustainable fishery management.

In addition, the USMCA provides an advanced approach to the conservation of marine species. In contrast to the EU FTAs, the USMCA also refers to the prohibition on killing great whales for commercial purposes. Whaling was a broadly discussed issue during the negotiations of the EU-Japan Economic Partnership Agreement that was signed in July 2018.<sup>8</sup> The European Commission explained that whaling and trade in whale meat are banned in the EU, therefore the issue does not fall under the EU trade policy and cannot be regulated under EU FTAs.<sup>9</sup> The Commission emphasised that the EU addresses whaling in a multilateral and bilateral manner and closely works with its partners on the International Whaling Commission (IWC) that has imposed a moratorium on whaling (European Commission, 2017). However, in December 2018 Japan announced its withdrawal from the IWC in a bid to resume commercial whaling in July 2019 (Osaki, 2018). These recent developments may shed new light on discussions regarding the possible reassessment of the EU position towards including a provision on a commercial whaling in future FTAs.

## Conclusion

Careful management of the world's oceans is a fundamental aspect of a sustainable future. The SDGs emphasise the need for action on issues such as the reduction in marine pollution, the protection of marine and coastal ecosystems, the regulation of IUU, the prohibition of certain fishery subsidies that contribute to IUU etc. It is therefore clear that trade policy has a major role to play in achieving these goals. The dynamics analysed in this paper show various synergies toward the development of the sustainable governance of oceans through the use of trade policy tools under the WTO framework, and

as part of bilateral or regional free trade agreements. In the multilateral context, negotiations on IUU received strong support from virtually all WTO Members and talks are progressing in this area, despite numerous economic and legal challenges. If successfully concluded, new disciplines will provide not only a set of rules to fight against IUU, they will also change the perception of the WTO, which has been criticized in the past for not taking into account environmental concerns. The 'greening of trade law' can have a surprising but welcome result (Messenger, 2017). Moreover, for many commentators as well as members, the negotiations are considered to be a 'Litmus Test' for the WTO's negotiating ability, which has been brought into question over the last decade.

This paper provided an analysis of current commitments related to trade and the sustainable use of oceans in the EU and US FTAs. Considering that FTAs should lead to the global upgrading of regulations and standards for the environment, including ocean governance, the paper compared the recently concluded EU FTAs with the new United States–Mexico–Canada Agreement (USMCA). The results imply that the scope of the USMCA is much broader than the current EU FTAs and it encompasses a number of new disciplines that are relevant from the perspective of meeting the SDGs. As a consequence, the EU should consider strengthening its TSD chapters, mainly in relation to provisions on fishery subsidies, the facilitation of free trade in sustainably managed fish products and sustainable fishery management disciplines. Furthermore, another issue of increasing importance is the need for an advanced approach to the conservation of marine species.

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## Notes

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<sup>2</sup> Adopted in 2009 and came into force on 5 June 2016.

<sup>3</sup> The wording of the SDG 14.6 specifically refers to ongoing negotiations at the WTO (see the table 1).

<sup>4</sup> Ecuador joined this regional FTA in 2017.

<sup>5</sup> See for example article 13.9 of the TSD Chapter in the EU-Vietnam trade and investment agreement, article 12.8 of the TSD Chapter in the EU-Singapore trade and investment agreement, article 16.8 of the TSD Chapter in the EU-Japan FTA or article 24.11 of EU-Canada FTA (CETA).

<sup>6</sup>The provisions were preserved in the Comprehensive and Progressive Agreement for Trans-Pacific Partnership (CPTPP) signed on March 8, 2018, without the participation of the United States.

<sup>7</sup>However, the USMCA is being criticized for not enough ambition in case of trade and climate change issues as there is no reference to the Paris Agreement (IISD, 2018).

<sup>8</sup>The EU-Japan FTA should be effective in February 2019 (European Commission, 2019).

<sup>9</sup>The EU FTAs contain only indirect reference to trade with whale meat through reference on implementation of the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES).