

Expert Roundtable: Summary

Environment-related provisions in the EU-Chile Agreement and future negotiations

| Wednesday 7 September 2022 | 16:00 - 18:00 (UK time) | 17:00 - 19:00 (CET time)
| 11:00 – 13:00 (GMT-3 – Chile time)

Chile has signed 31 free trade agreements (FTAs) with 65 economies, representing 88% of global GDP and 65% of global population. The European Union (EU) is Chile's third-largest trade partner. On the contrary to the EU, where sustainable development provisions are an important part of the European trade strategy, Chile has focused on the incorporation of labour provisions within trade agreements. Nevertheless, Chile has addressed the incorporation of environment-related provisions in trade agreements, which provisions have evolved from general reference in preambles, to cooperation activities on the matter, to specific chapters of trade and environment with provisions that promote the protection of the environment, and to the analysis of state-of-the-art discussions in environmental topics.

In this context, the experts participating in the roundtable workshop will discuss the incorporation of environmental commitments in the trade agreements negotiated by Chile, specifically the modernisation of the agreement negotiated by the EU and Chile. In addition, experts will discuss options to work on the drafting of a comprehensive research report to inform future negotiations.

CISDL Trade and Investment Team

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Wednesday 7 September 2022 | 16:00 - 17:30 (CET) | 11:00 – 12:30 (GMT-3)

Venue: Zoom Online Platform

16:00 – 16:10 Welcome and Event Overview

Co-Chairs: Dr. Markus Gehring (Senior Legal Counsel CISDL).

Opening Remarks: Prof. Marie-Claire Cordonier Segger (Senior Director CISDL).

16:10 – 16:20 CISDL Brief on the current EU-Chile Trade Agreement and other Chile agreements

Presentation by Javiera Cáceres Bustamante, Instructor Professor at the University of Chile, of CISDL Brief on the current EU-Chile Trade Agreement Negotiations.

16:20 – 16:40 Environmental Governance in the EU-Chile Agreement and other Chile Agreements

Focus Questions: How does the current approach on trade and environment foster environmental governance and what changes should be made? How the commitments in TSD chapters have evolved? What changes should be made to ameliorate the implementation of international environmental obligations in future agreements? What further additions should be made to combat climate change? How should the climate change NDC permeate the trade agenda?

Co-Chairs: Dr. Markus Gehring (Senior Legal Counsel CISDL) and Prof. Jorge Cabrera (INBio).

Intervenors: Ms. Angélica Romero (SUBREI); Mr. Pierre Leturcq (Europe Jacques Delors); LLM. Pedro Cisterna Gaete (University of Edinburgh, UK); Prof. Tobias Stoll (Universidad de Göttingen, Alemania).

16:40 – 17:00 Dispute Settlement in the EU-Chile Agreement

Focus Questions: Is the present state of Dispute Settlement appropriate for resolving environmental disputes? Should the agreement include the ordinary dispute settlement process for environmental disputes? What recommendations can be derived from this agreement and others for future negotiations?

Co-Chairs: Dr. Markus Gehring (Senior Legal Counsel CISDL) and Prof. Jorge Cabrera (INBio).

Intervenors: Dr. Rodrigo Polanco (WTI, University of Bern, Switzerland); Dr. Gerardo Vidigal (University of Amsterdam, The Netherlands); Dr. Fabiola Wüst (Universidad de Chile, Brazil); Ms. Katherine Connolly (Sidley Austin LLP)

17:00 – 17:20 Potential cross-cutting issues in future agreements

Focus Questions: Should chapters on subsidies provide for specific disciplines or exemptions on 'green' subsidies? What market access instruments should the EU and Chile use to foster the access of green goods? Is it feasible to have particular provisions on carbon pricing or other carbon neutrality tools? How can countries protect biological diversity?

Co-Chairs: Dr. Markus Gehring (Senior Legal Counsel CISDL) and Prof. Jorge Cabrera (INBio).

Intervenors: Amb. Alejandro Jara (former WTO DDG, former Ambassador of Chile to the WTO); Mr. Andrés Rebolledo (former Chilean Energy Minister); Prof. Pilar Moraga (Law Faculty, University of Chile, CR2 Center for Climate and Resilience Research).; Prof. Ilaria Espa (Università della Svizzera italiana).

17:20 – 17:30 Last Round of Remarks

Co-Chairs: Dr. Markus Gehring (Senior Legal Counsel CISDL).

Closing Remarks: Prof. Dorotea López (Director, Institute of International Studies, University of Chile)

Online Moderator:

Freedom-Kai Phillips, Operations Director CISDL, PhD Candidate, University of Cambridge

Rapporteurs and Graduate Students Observers:

Marios Tokas, Trade and Investment Program Manager-Associate Fellow (CISDL) - Teaching Assistant (IHEID).

Mr. Ignacio Sánchez, Student Master's Degree in International Strategy and Trade Policy and LLB, University of Chile.

Experts Biographies:

PROF. JORGE CABRERA

Prof. Jorge Cabrera: Professor of Environmental Law, Postgraduate Program On Environmental, Agricultural and of Biodiversity Law, University of Costa Rica. Currently legal adviser of the National Biodiversity Institute (INBio) and international consultant in the area of Intellectual property and biodiversity, biotechnology and biosafety, access to genetic resources and benefit sharing and environmental law. Formerly a tutor of the distance courses on intellectual property of WIPO. Member of the Public Interest Intellectual Property Association (PIIPA), a network of IPR lawyers helping developing countries institutions, of the World Union of Agricultural Law Professors (UMAU), the National Academy of Environmental and Agricultural Law (Vice-president), the National Academy of Environmental Law, and the IUCN Commission on Environmental Law among others

MS. JAVIERA CÁCERES

Javiera Cáceres holds a Master's Degree in International Strategy and Trade Policy (University of Chile) and a Bachelor Degree in English Literature and Linguistics (Catholic University of Chile). Javiera Cáceres is a Faculty member at the Institute of International Studies of the University of Chile (Instructor), an international consultant on international trade and development, and Research Fellow at CISDL. Javiera Cáceres has worked as consultant for the Inter-American Development Bank, Chilean Undersecretariat of International Economic Affairs, and ProChile, among others. Ms Cáceres works in international trade and sustainable development, trade and gender, and intellectual property issues.

MS. KATHERINE CONNOLLY

Ms. Katherine Connolly holds an LL. B from the University of Sidney and a LL.M from the University of Amsterdam. Katherine is a senior managing associate at Sidley Austin LLP. She counsels and represents clients on all aspects of international trade law, with a particular focus on WTO law and WTO dispute settlement. Her recent work includes a focus on "Trade and Sustainable Development" chapters in Free Trade Agreements. She also has a background in investment treaty arbitration and public international law.

LL.M PEDRO CISTERNAS GAETE

Pedro Cisterna holds a Law degree from Universidad de Concepcion, and he holds an LL.M in Global Environment and Climate Change Law from the University of Edinburgh. Pedro is undertaking his PhD in Law at the University of Edinburgh. Pedro is a member of the Global Network of Human Rights and the Environment and the Global Network of Peer Reviewers on Climate Litigation, where he is the Special Rapporteur on the Inter-American System of Human Rights. In addition, Pedro is



collaborating with Nuestra America Verde to coordinate a legal response from Latin America to international climate conferences and Rumbo Colectivo.

PROF. MARIE-CLAIRE CORDONIER SEGGER

Professor Dr Marie-Claire Cordonier Segger, is a distinguished professor, scholar and expert jurist in law and governance on sustainable development. She serves as Senior Director of the CISDL in a pro bono academic capacity, where she mentors CISDL lawyers and fellows, and guides new international legal scholarship and education. She is also a Full Professor of Law (part-time) at the University of Waterloo and Fellow of the Balsillie School of International Affairs in Canada; and Fellow and Advisor of the Centre for Energy, Environment and Natural Resources Governance (CEENRG) and Affiliated Fellow of the Lauterpacht Centre for International Law (LCIL) in the University of Cambridge. Her current research focuses on law and governance regimes related to climate change; natural resources and biodiversity management; investment, trade and the green economy; among other emerging sustainable development challenges. She received the 2016 international *Justitia Regnorum Fundamentum* Award for her leadership on behalf of future generations, among other international awards and honours.

PROF. ILARIA ESPA

Dr. Ilaria Espa is Assistant Professor of International Economic Law at USI Lugano, Senior Research Fellow and Lecturer at the WTI and at the University of Milan. Ilaria is an elected member of the Committees of the International Law Association (ILA) on the 'Role of International Law in Sustainable Natural Resources Management for Development' and 'Sustainable Development and the Green Economy in International Trade Law', and a Lead Counsel at the Centre for International Sustainable Development Law (CISDL) Natural Resources Program. Ilaria holds a PhD in International Law and Economics from the Department of Legal Studies of Bocconi University and was awarded a Marie Curie fellowship from the European Commission for her post-doctoral studies at the WTI.

DR. MARKUS GEHRING

Dr. Markus Gehring serves as a Jean Monnet Chair in Sustainable Development Law with the Centre. He is a University Lecturer in the Faculty of Law, University of Cambridge and a Fellow in Law at Hughes Hall. He is also a Founding Fellow of the Cambridge Centre for Environment, Energy and Natural Resources Governance (CEENRG) and a Fellow of the Lauterpacht Centre for International Law (LCIL). Before joining Cambridge Law, he was a Lecturer in International and European Law at the Centre of International Studies, Department of Political Science and International Studies (POLIS) and Fellow in Law at Cambridge University (Robinson College).

AMB. ALEJANDRO JARA

Ambassador Alejandro Jara is a lawyer, former Deputy Director General of the WTO. he was a diplomat of the Chilean Foreign Service until 2005, leading important trade negotiations such as the Uruguay Round, the Chile-Canada Free Trade Agreement (FTA), Chile's Economic Complementation Agreements with MERCOSUR, Mexico and others. He was also Ambassador of Chile to the WTO, General Director of International Economic Relations and Senior Official to APEC.

MR. PIERRE LETURCQ

Pierre Leturq holds a Master's degree in Private Law from the Jean-Moulin University of Lyon, a Master's degree in Public Law obtained at the Humboldt University in Berlin (Erasmus) and a Master's degree in Legal History from the Jean-Moulin University of Lyon. Pierre is a Senior Policy Analyst for the Global Challenges and SDGs for the Institute for European Environmental Policy. Pierre has co-authored with Pascal Lamy and Geneviève Pons a series of policy papers on how to "green" the EU's trade policy. Pierre works on trade and sustainability.

PROF. DOROTEA LÓPEZ

Professor Dorotea López is Director and Professor at the Institute of International Studies of the University of Chile. She holds a BA in Economics from ITAM, Mexico, a MPhil in Economics from Cambridge University and a Ph.D. in Social Science from the University of Chile. Prior to join the University she served in the Chilean Directorate of International Economic Affairs, the Mexican Economy Secretariat and the Bank of Mexico. Her main research areas are trade policy and trade in services. She holds the Chilean WTO Chair and is part of the Chilean Foreign Policy Forum.

PROF. PILAR MORAGA

Professor Pilar Moraga is deputy director of the Center for Climate Science and Resilience (CR)². Professor Moraga is a lawyer from the University of Chile, Master in International and Community Law from the Université Lille-II (France) and Doctor of Law from the same house of studies. She is a professor in the Department of Economic Law.

DR. RODRIGO POLANCO

Rodrigo Polanco holds a Ph. D. in Law (University of Bern), a Bachelor and Master's degrees in Law (University of Chile) and an LL.M in International Legal Studies (New York University). Dr. Polanco is a professor, senior researcher and academic coordinator at the World Trade Institute (WTI) of the University of Bern. Dr. Polanco is a legal advisor to the Swiss Institute of Comparative Law, visiting professor at the University of Chile, at the University of Lucerna, at the Pontificia Universidad Católica del Perú and at the Externado de Colombia University. Dr. Polanco is a co-founder and member of the board of the Environmental Prosecutor's Office (FIMA). Dr. Polanco works in international investment, trade, and environmental law.

MR. ANDRÉS REBOLLEDO

Andrés Rebolledo is a former Minister of Energy in Chile and former Director of the Economic Directorate of the Foreign Ministry. Andrés is an economist from the University of Chile, with postgraduate studies in International Economics and Economic Development at Universidad Complutense de Madrid, Spain. Andrés was ambassador of Chile in Uruguay and permanent representative of the country before the ALADI; and senior consultant of the Inter-American Development Bank (IDB), in Washington, United States.

MS. ANGÉLICA ROMERO

Angélica Romero is in charge of the Department of Inclusive Trade of the Undersecretary for International Economic Relations (SUBREI). Previously, Angélica was General Director(s) of Multilateral Economic Affairs at SUBREI and Head of the Department of Energy, Commerce and Sustainable Development at DIRECON. Angélica is an environmental and natural resources engineer and holds a master's degree in Public Policy from the University of Chile.

ADV. IGNACIO SÁNCHEZ

Adv. Ignacio Sánchez holds an LL.B, Specialization Diploma in Trade Policy, and Master (c) in International Strategy and Trade Policy, University of Chile. He works as Policy Officer at Latin American and Caribbean Top-Level Domains (LACTLD), and as Editorial Assistant at the Institute of International Studies of the Universidad de Chile. He has completed the "Training for International Negotiations on Climate Change", certified by EUROCLIMA+ (European Union) and the Ministry of Environment (Chile). He has also worked in different research projects on intellectual property, transparency in foreign policy and regional energy policy, as well as in the coordination of different academic programs at the University of Chile.

PROF. PETER-TOBIAS STOLL

Professor Peter-Tobias Stoll holds the Jean Monnet Chair for European Union and Global Sustainable Development through Law and is a Professor for Public and Public International Law and at the University of Göttingen. He co-directs the Institute for International Law and European Law and heads the Department for International Economic and Environmental Law. Further, he serves as one of the Directors of the Institute for Agricultural Law at Faculty and as the German Director of the Sino-German Institute for Legal Studies of the Universities of Nanjing and Göttingen at Nanjing University. His research focus is on international and European economic and environmental law.

ADV. MARIOS TOKAS

Adv. Marios Tokas is an Associate Fellow, Programme Manager for Trade and Investment at CISDL. Marios is pursuing his Master's in International Law at the Graduate Institute of International and Development Studies. He holds an LL.M in public international law and an LLB from the University of Athens. He currently works for Arbitrator Intelligence. He has previously worked for the International Institute for Sustainable Development in the field of International Investment and Trade Law and for a Boutique Law Firm specializing in Competition Law in Athens. His research interests are WTO Law, International Investment Law and International Treaty Interpretation.

DR. GERALDO VIDIGAL

Dr. Geraldo Vidigal is Assistant Professor at the University of Amsterdam, where he coordinates the LL.M. in International Trade and Investment Law. He holds a PhD in Law from the University of Cambridge, a Master's in International Law from the Sorbonne Law School and a Bachelor's in Law

from the University of São Paulo. Prior to coming to Amsterdam, he worked as a Dispute Settlement Lawyer at the World Trade Organization (Legal Affairs Division). He is the Managing Editor of Legal Issues of Economic Integration (Kluwer) and, since 2018, integrates the WTO's indicative roster of dispute settlement panelists.

DR. FABIOLA WÜST

Fabiola Wüst holds a Ph. D. in Law (University of Sao Paulo). She is a lawyer and has a Master in Law, mention in International Relations (Federal University of Santa Catarina). Dr. Wüst is Assistant Professor at the Institute of International Studies, University of Chile, and visiting professor at the Universities Mayor (Chile); Sao Paulo and Passo Fundo (Brazil). Prof. Wüst worked as consultant for the Federation of Industries of Sao Paulo, and the Rice Institute and the Federation of Trade in Goods, Services and Tourism of Rio Grande do Sul, Brazil. Dr. Wüst works in international law, intellectual property, among others.