

Teacher's Guide

KEY FACTS:

What does CETA stand for?

- The Comprehensive Economic and Trade Agreement.

Who is included?

- It is an agreement between Canada and the European Union, which consists of 28 member states.

What kind of agreement is this?

- It is a comprehensive and progressive free trade agreement, meaning it covers more than just issues of free trade, such as NAFTA. This agreement goes beyond free trade of goods and services and includes chapters on government and public procurement, intellectual property rights, investment, regulatory cooperation, labour mobility, etc. More details are provided below.

What are the main goals of the agreement?

- To reduce and eliminate trade barriers between Canada and the EU, create economic growth, strengthen the economic relationship between Canada and the EU, and create new jobs for both the citizens of Canada and the European Union.¹

BACKGROUND:

In June 2007 the first steps towards the creation of CETA began. It was at the European Union-Canada Summit in Berlin that leaders decided to conduct a study to examine “the costs and benefits of pursuing a closer economic partnership.”² The study found positive outcomes of strengthening trade relations between Canada and the EU and in 2009, in Ottawa, the first round of negotiations in relation to forming an agreement occurred.³ In May of the same year, Canada and the EU officially “announce[d] the launch of trade negotiations.” Between 2010 and 2013 negotiations were held to finalize the parameters of the agreement. Finally, in 2014 at the Canada-

¹ CETA: A progressive trade agreement for a strong middle class,” Government of Canada, last modified March 29, 2017, <http://www.international.gc.ca/gac-amc/campaign-campagne/ceta-aecg/index.aspx?lang=eng>.

² Chronology of events and key milestones,” Government of Canada, last modified February 28, 2017, <http://www.international.gc.ca/trade-commerce/trade-agreements-accords-commerciaux/agr-acc/ceta-aecg/chronology-chronologie.aspx?lang=eng&wbdisable=true>.

³ Ibid.

EU Summit in Ottawa, the completed text of the Agreement was released which concluded the negotiations of the agreement. After this a thorough legal review was undertaken as well as translation of the text into all of the EU official languages.⁴ In October 2016, Canada and the EU signed the agreement. ⁵

Despite being passed by the European Parliament in February 2017, part of the Agreement must still be ratified by the national governments of each of the 28 member states of the EU. This is because CETA is considered a mixed agreement; meaning EU institutions alone cannot pass the Agreement. This will be explained further below. As it stands today, about 98% of the Agreement has been put in place provisionally.

CETA – OVERVIEW

While CETA is a free trade agreement, it goes far beyond addressing issues related to trade in goods and services. This is an unprecedented agreement as it is a very ambitious and broad in scope. It includes “everything from tariffs, to production standards, investment, professional certification” and much more.⁶

First and foremost, once CETA is completely implemented approximately 99% of tariffs will be eliminated. ⁷ In 2017, about 98% of the Agreement was provisionally implemented and by about 2024 the Agreement should come into full force with 99% of tariffs removed.⁸ This will eliminate almost all border taxes and make Canadian goods and services more competitive in the EU market place. The reduction in trade barriers will make Canadian exports more competitive compared to other imported goods within the EU. ⁹ Additionally, CETA also includes parameters to reduce “processing times at the border” in order to make “the movement of goods cheaper, faster, more predictable and efficient.”¹⁰

CETA will also foster increased labour mobility of skilled workers between Canada and the EU, not only through its provision on “temporary entry” to quicken access of Canadian workers into the EU but also through establishing a “streamlined

⁴ Ibid.

⁵ Ibid.

⁶ “Agreement overview,” Government of Canada, last modified December 5, 2016.,
<http://www.international.gc.ca/trade-commerce/trade-agreements-accords-commerciaux/agr-acc/ceta-aecg/overview-apercu.aspx?lang=eng>.

⁷ “Benefits of the Canada-EU Comprehensive Economic and Trade Agreement,” Justin Trudeau, Prime Minister of Canada Webpage, October 30, 2016, <http://pm.gc.ca/eng/news/2016/10/30/benefits-canada-eu-comprehensive-economic-and-trade-agreement>.

⁸ Ibid.

⁹ Ibid.

¹⁰ Ibid.

process for the recognition of foreign qualifications” (meaning Canada and the EU will recognize different professional, academic and skilled qualifications).¹¹

CETA will also open up government procurement. Government procurement refers to foreign governments gaining access to bid on various contracts set forth by national, regional, or municipal governments.¹² Under this provision, foreign governments can submit bids and proposals for different contracts offered by governments in the EU or Canada in areas such as public utilities or public transit.¹³ This will give Canada access to bid on contracts within EU member states, offering Canadian business an unprecedented opportunity.¹⁴

CETA also establishes a framework to strengthen foreign investment and ensures that investors are treated “no less favourably than domestic or other of investors,” meaning that Canadian investors are treated just as equally and fairly in the marketplace as investors originating from the EU states.¹⁵ This is done through creating more detailed regulations and frameworks as well as a revised adjudication process for investors.¹⁶

Ultimately, through the decreased market restrictions and increased investment and labour mobility, CETA aims to “provide a greater choice and lower prices to consumers and create jobs in many sectors on both sides of the Atlantic...”¹⁷ Through increased international cooperation, trade, and access to foreign markets, CETA hopes to strengthen both Canada’s and the EU’s economy through increased integration across a variety of sectors. It is not only focused on the flow of goods and services but also seeks to increase international business cooperation and labour mobility. In eliminating these barriers this new international agreement really works to increase not only the economic and political ties between the EU and Canada, but also to develop stronger business and personal relations as well.

CETA addresses social issues as well, such as environmental standards and workers’ rights.

It is important to note that although CETA seeks to eliminate barriers, there remain certain exceptions, mainly in agriculture. Certain agriculture products even

¹¹Ibid.

¹² Ibid.

¹³ Ibid.

¹⁴ Ibid.

¹⁵ “Agreement overview.”

¹⁶ Ibid.

¹⁷ “Benefits of the Canada-EU Comprehensive Economic and Trade Agreement.”

under CETA will retain some tariffs as they are considered “sensitive” products¹⁸. These products include in pork, beef, and sweet corn in the EU and poultry, dairy, and eggs in Canada.¹⁹

Links to a more detailed outline of the chapters included in CETA are provided in the following section.

CETA is considered a “**mixed agreement**” in the EU. When negotiating international agreements, the EU only retains exclusive competencies in certain policy areas, meaning it has the power to make decisions in some policy areas but not in all. Parts of CETA fall under the competencies of member states (policy areas wherein the EU member states retain control such as investor state dispute settlements and indirect investment) and as such the EU cannot unilaterally implement this agreement. Each national government, as well as some regional authorities, must also ratify parts of the Agreement that fall under member states’ jurisdiction.²⁰

Canadian provinces and territories were invited to the negotiating table to address issues that are under provincial and territorial jurisdiction (such as government procurement), but are not involved in the ratification process, which is completed by the federal government.

Watch: Minister Freeland commenting on the signing of CETA - <http://globalnews.ca/news/3083618/ceta-eu-canada-trade-deal-clears-legal-hurdle-in-eu-parliament/>.

Watch: The signing of CETA - <https://www.youtube.com/watch?v=rylQ5-sSnw8&t=34s>.

ECONOMIC BENEFITS OF CETA/TRADE STATISTICS

- As of 2016, the EU is Canada’s second largest trading partner (the first is the United States)²¹

¹⁸ Crina Viju, “CETA and Geographical Indicators: Why *CETA Policy Briefs Series – Canada-Europe Transatlantic Dialogue*, a Sensitive Issue?” October 2013, http://carleton.ca/ces/wp-content/uploads/CETD_CETA-policy-brief_GIs_Viju.pdf.

¹⁹ Ibid.

²⁰ “CETA explained,” European Commission, last modified January 24, 2017, <http://ec.europa.eu/trade/policy/in-focus/ceta/ceta-explained/>.

²¹ “Countries and regions: Canada,” European Commission, last modified March 28, 2017, <http://ec.europa.eu/trade/policy/countries-and-regions/countries/canada/>.

²¹ “EU-Canada Comprehensive Economic and Trade Agreement (CETA) Fact Sheet,” European

- Canada is the EU's 12th largest trade partner²²
- Canada imports about 35 billion Euros worth of goods (as of 2016)²³
- The EU's largest goods export to Canada is machinery, followed closely by transport equipment²⁴
- The EU's largest services export to Canada is related to travel²⁵
- See Figures 1, 2, 3 and 4 regarding trade stats
- CETA opens up the 2.7 trillion dollar market of government procurement in the EU to Canadian businesses²⁶
- Makes Canadian goods and services more competitive in the EU due to the elimination of tariffs, and does the same for EU goods and services in Canada
- Lowers prices on goods and services to consumers
- Encourages foreign direct investment from the EU into Canadian markets and vice versa
- Widens consumer's choice of goods
- It will make it easier for professionals in Canada to work in the EU and vice versa
- It is estimated that Canadian exports to the EU will increase by over 20% as a result of this agreement²⁷
- It is also estimated that the agreement will increase Canadian's annual income by \$1000 and create almost 80,000 jobs.²⁸
- It is estimated that this agreement will "boost Canada's income by \$12 million annually"²⁹

Following are some graphs that depict various aspects of the trade relationship between the EU and Canada. Already, we can see an increase in the trade relationship between the EU and Canada.

²² Ibid.

²³ "EU-Canada Comprehensive Economic and Trade Agreement (CETA) Fact Sheet," European Commission, September 2017, http://trade.ec.europa.eu/doclib/docs/2017/september/tradoc_156064.pdf.

²⁴ Ibid.

²⁵ Ibid.

²⁶ "How CETA Will Benefit Ontario," Government of Canada, accessed August 16, 2018, http://www.international.gc.ca/trade-agreements-accords-commerciaux/assets/pdfs/ceta-aecg/provincial_ON_eng.pdf, 9.

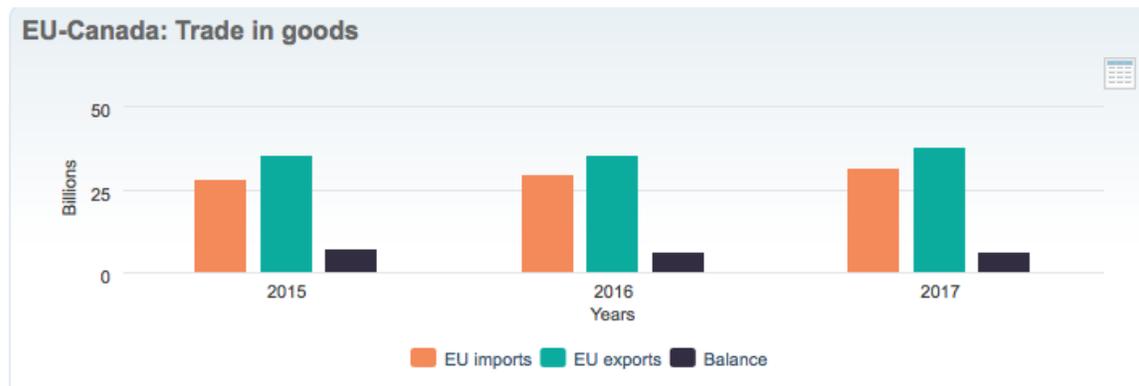
²⁷ Wilhelm Schöllmann and Massimo Sibona. "EU-Canada Comprehensive Economic and Trade Agreement," European Parliament Briefing, January 2016, [http://www.europarl.europa.eu/RegData/etudes/BRIE/2016/573929/EPRS_BRI\(2016\)573929_EN.pdf](http://www.europarl.europa.eu/RegData/etudes/BRIE/2016/573929/EPRS_BRI(2016)573929_EN.pdf).

²⁸ "How CETA Will Benefit Ontario," 1.

²⁹ Ibid.

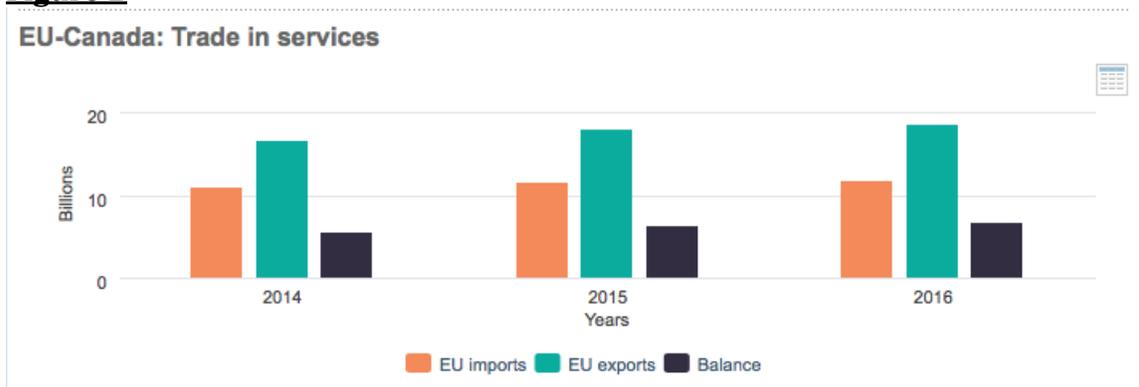
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Figure 1



As we can see from Figure 1, EU exports to Canada between 2015 and 2017 have already increased. In 2015 the EU exported 35.1 billion Euros worth of goods to Canada. In 2017 this figure increased to 37.7 billion Euros worth of goods exported from the EU to Canada. We can also see an increase in the amount of goods Canada has exported to the EU. In 2015 Canada exported 28 billion Euros to the EU, rising to 31.4 billion Euros in 2017.

Figure 2

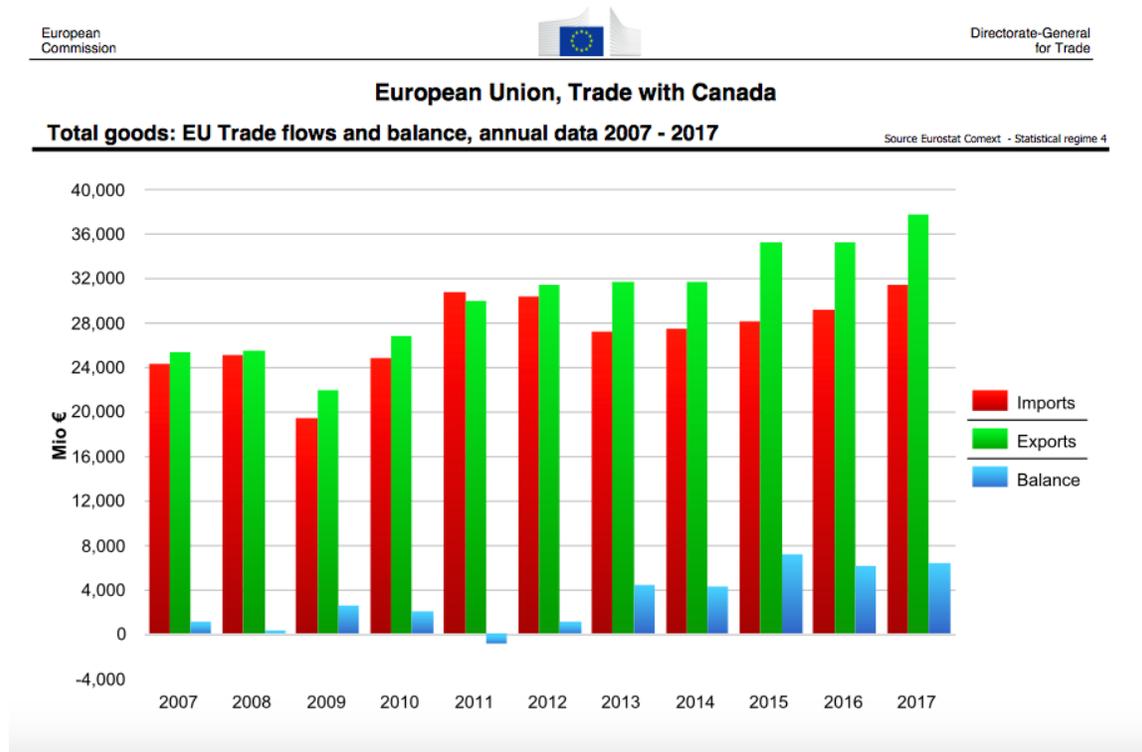


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We see a similar pattern in the case of trade in services between the EU and Canada. In 2014, the EU exported 16.6 billion Euros worth of services to Canada and in 2016 this figure rose to 18.5 billion Euros in services. The same goes for Canada where, in 2014 Canada exported 11 billion Euros worth of services to the EU and in 2016 Canada exported 11.8 billion Euros of services to the EU.

³⁰ Graphs taken from: <http://ec.europa.eu/trade/policy/countries-and-regions/countries/canada/>.

Figure 3



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Figure 3 reiterates the increased level of trade between the EU and Canada, with the red depicting EU imports of Canada goods, and the green depicting EU exports to Canada.

To see a table that shows the EU's trade partners go to: http://trade.ec.europa.eu/doclib/docs/2006/september/tradoc_122530.04.2018.pdf

CHAPTER BREAKDOWN

All chapters are hyperlinked to a short summary of each chapter.

- [1. General Definitions and Initial Provisions](#)
- [2. National Treatment and Market Access for Goods](#)
[Protocol I: Rules of Origin and Origin Procedures](#)
- [3. Trade Remedies](#)

³¹ European Commission, "European Union, Trade in Good with Canada," *Directorate-General for Trade*, April 16, 2018, http://trade.ec.europa.eu/doclib/docs/2006/september/tradoc_113363.pdf.

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- [4. Technical Barriers to Trade](#)
- [5. Sanitary and Phytosanitary Measures](#)
- [6. Customs and Trade Facilitation](#)
- [7. Subsidies](#)
- [8. Investment](#)
- [9. Cross-Border Trade in Services](#)
- [10. Temporary Entry and Stay Of Natural Persons For Business Purposes](#)
- [11. Mutual Recognition of Professional Qualifications](#)
- [12. Domestic Regulation](#)
- [13. Financial Services](#)
- [14. International Maritime Transport Services](#)
- [15. Telecommunications](#)
- [16. Electronic Commerce](#)
- [17. Competition Policy](#)
- [18. State Enterprises, Monopolies and Enterprises Granted Special Rights or Privileges](#)
- [19. Government Procurement](#)
- [20. Intellectual Property](#)
- [21. Regulatory Cooperation](#)
- [22. Trade and Sustainable Development](#)
- [23. Trade and Labour](#)
- [24. Trade and Environment](#)
- [25. Bilateral Cooperation and Dialogues](#)
- [26. Administrative and Institutional Provisions](#)
- [27. Transparency](#)
- [28. Exceptions](#)
- [29. Dispute Settlement](#)
- [30. Final Provisions](#)
- [Protocol II: Mutual Acceptance of the Results of Conformity Assessment](#)
- [Protocol III: Good Manufacturing Practices for Pharmaceutical Products](#)

Additionally, a simplified and shorter version of chapter breakdowns can be found here: <http://ec.europa.eu/trade/policy/in-focus/ceta/ceta-chapter-by-chapter/>.

OBSTACLES

Despite the various economic benefits that CETA will bring for individual Canadians and Canadian businesses, there have been some opposition to this agreement. In particular, Canadian dairy farmers have expressed strong concerns

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over CETA. CETA would partially open up the Canadian market to EU cheese and dairy imports. As such, Canadian dairy producers are worried about the increased competition. Dairy and cheese producers fear that they will lose some of their domestic market and will be unable to compete with EU goods.³² Dairy farmers in Canada do not receive government subsidies, in comparison to their EU counterparts which also makes EU products more competitive.³³ The Canadian dairy farmers are however, protected by supply management.

Supply management in Canada has three main pillars to protect specific sectors: poultry, dairy, and eggs.³⁴ The first pillar is a quota system. Each province has an allotted quota for each commodity which they cannot go over.³⁵ Each producer (ex. cheese producer) also holds a quota dictating how much he or she can produce to ensure the market does not become over saturated.³⁶ This is to help prevent an overproduction of the commodity within Canadian markets. Second, a minimum price is guaranteed for the products.³⁷ This again serves to help protect producers. Lastly, supply management in Canada also entails high tariffs on foreign imports.³⁸ (ex. prior to CETA all European cheese would have had high tariffs making them more expensive in the Canadian market). However, with CETA it allows for a certain amount of cheese to be imported at lower tariffs up until a certain quota point, once over the import quota of cheese higher tariffs will be applied. The lower tariffs caused worry amongst Canadian dairy and cheese producers. European agricultural goods would also be more competitive as the EU has a Common Agricultural Policy, which provides economic support to farmers and dairy producers.³⁹ CAP provides various supports for farmers in different fields, which includes dairy producers. An important aspect of CAP is the direct income support it provides to farmers. In response to this growing concern, the Government of Canada has held consultations with members of The Dairy Farmers of Canada and other individuals from the dairy sector. As a result of these consultations the Government of Canada has devised two programs

³² Julie Ireton, "Dairy farmers weigh pros, cons of EU-Canada trade deal," *CBC*, October 28, 2016, accessed March 15, 2017. <http://www.cbc.ca/news/canada/ottawa/dairy-farmers-canada-eu-ceta-1.3824487>.

³³ Ibid.; "Agriculture and Rural Development," European Commission, accessed September 24, 2018, https://ec.europa.eu/agriculture/cap-funding/funding-opportunities_en.

³⁴ John Paul Tasker, "How Canada's supply management system works," *CBC*, June 16, 2018, accessed August 15, 2018. <https://www.cbc.ca/news/politics/canada-supply-management-explainer-1.4708341>

³⁵ Ibid.

³⁶ Ibid.

³⁷ Ibid.

³⁸ Ibid.

³⁹ European Commission, "The Common Agricultural Policy at a Glance," accessed August 15, 2018, https://ec.europa.eu/info/food-farming-fisheries/key-policies/common-agricultural-policy/cap-glance_en.

committing \$350 million dollars to the dairy sector during the transition period. These programs are aimed to help Canadian farmers update their technology to become more innovative and competitive as well as to assist dairy producers diversify their products.⁴⁰

Another obstacle in ratification on the Canadian side was with the pharmaceutical sector. Under CETA pharmaceutical patents are extended “by up to two years” which would delay consumer access to more affordable generic versions of pharmaceuticals.⁴¹ This remains a contentious issue in Canada, with reports in 2018 estimating that this provision in CETA could cost the Canadian federal government “\$270 million a year” and also “cost provincial drug plans ...\$214 million a year.”⁴²

The last major obstacle in Canada in regards to CETA was the issue of government procurement contracts in Ontario. Government procurement refers to foreign governments gaining access to bid on various contracts set forth by national, regional, or municipal governments.⁴³ Under this provision, foreign governments can submit bids and proposals for different contracts offered by governments in the EU or Canada in areas such as public utilities or public transit.⁴⁴ Under CETA, EU companies are allowed to bid on government contracts in Canada. While CETA allows for Canadian companies to also bid on contracts within the EU, this chapter caused a lot of debate and backlash in Canada as there was opposition to letting foreign companies bid on Canadian government procurement contracts. Despite criticisms, this chapter remains in CETA. EU government procurement market is “worth about \$2.7 trillion annually,” providing new opportunities for Canadian businesses abroad.⁴⁵

In the EU, an obstacle in the signing of CETA was opposition from the Belgium region Wallonia. Wallonia, a region with approximately 3.6 million inhabitants, stalled CETA signature. Politicians in Wallonia were at first hesitant to sign the

⁴⁰ “Government Of Canada Invests In Dairy Sector In Anticipation Of CETA,” Agriculture and Agri-Food Canada, *News Release*, November 10, 2016, <https://www.canada.ca/en/agriculture-agri-food/news/2016/11/government-canada-invests-dairy-sector-anticipation-ceta.html>.

⁴¹ Janyce McGregor, “Canada-EU trade deal: Costs for new drugs may rise, but not for years,” *CBC*, December 1, 2016, accessed August 15, 2018. <https://www.cbc.ca/news/politics/ceta-pharmaceutical-ip-drug-costs-1.3867862>.

⁴² Kyle Duggan, “Drug patent extensions under CETA could cost feds \$270M a year: PBO,” *iPolitics*, April 26, 2018, accessed August 15, 2018, <https://ipolitics.ca/2018/04/26/drug-patent-extensions-under-ceta-could-cost-feds-270m-a-year-pbo/>.

⁴³ “Benefits of the Canada-EU Comprehensive Economic and Trade Agreement.”

⁴⁴ *Ibid.*

⁴⁵ “How CETA Will Benefit Ontario,” 9.

agreement because they feared it “would undermine labour, environment and consumer standards” and also impact “the region’s dairy farmers.”⁴⁶ While the government in Wallonia did stall the signature, ultimately they did pass the agreement. The Walloon parliament saw the economic benefits of the comprehensive trade deal and they were also successful in establishing “that Belgium would be able to go to the European Court of Justice whether a system of investor-state tribunals were compatible with EU law,” meaning that there would be a further investigation into whether the investor state dispute tribunals that were originally included in CETA would be reevaluated to ensure that it was not in violation of EU law.⁴⁷ Walloon government saw this approval to have the European Court of Justice review the investor state dispute clause to ensure it was not against EU law as a major win.

There was also the issue with Romanian and Bulgarian visas. Canada had required that Romanian and Bulgarian citizens have a visa to travel to Canada, while all other EU countries did not require a visa. Bulgaria and Romania indicated that they would veto CETA if these restrictions were not be lifted as it made them “second-class EU citizens.”⁴⁸ This was a major issue as under EU policy countries that are allowed to travel to EU member states without a visa (such as Canadian citizens) must also “allow for visa-free travel for all EU nationals” to their country.⁴⁹ Canada did in fact comply with EU policy and drop the visa requirement for Romanian and Bulgarian nationals.

Once CETA was sign, it received consent in the European Parliament on February 15, 2017 and Royal Assent of the Canadian Parliament on May 16, 2017. Additionally, 9 EU member states have ratified the agreement up to this moment (August, 2018).

An important obstacle in CETA ratification on the EU side is backlash in Western Europe regarding the Investor-State Dispute Settlement. Investor-state dispute settlements are not uncommon in trade deals. They often include the presence of tribunals, which allow companies to essentially sue various levels of governments for

⁴⁶ The Associated Press, “Belgium reaches deal to back EU-Canada trade agreement,” *CBC*, October 27, 2016, accessed March 15, 2017, <http://www.cbc.ca/news/politics/belgium-canada-eu-trade-deal-1.3823624>; Barrie McKenna, “What’s Wallonia’s deal? A primer on its role in CETA’s crisis,” *The Globe and Mail*, October 24, 2016, accessed August 15, 2018, <https://www.theglobeandmail.com/report-on-business/international-business/european-business/explainer-ceta-wallonia-europe-and-canada/article32489554/>.

⁴⁷ Jennifer Rankin, “Belgian politicians drop opposition to EU-Canada trade deal,” *The Guardian*, October 27, 2016, accessed August 16, 2018, <https://www.theguardian.com/world/2016/oct/27/belgium-reaches-deal-with-wallonia-over-eu-canada-trade-agreement>.

⁴⁸ Janyce McGregor, “Canada prepares to lift Romanian visa rules to smooth way for EU trade deal,” *CBC*, July 6, 2018, accessed August 15, 2018, <https://www.cbc.ca/news/politics/romania-bulgaria-visas-european-commission-mccallum-july-1.3665356>.

⁴⁹ *Ibid.*

damages where “local regulations interfere with their economic expectations.”⁵⁰ While ISDS are found in trade deals they can become problematic as it gives companies the ability to seek damages from governments. Due to growing concern, CETA instead includes an Investment-Court system.⁵¹ This system is more public, is not “based on temporary tribunals,” has independent judges that are appointed by the EU and Canada” and are committed to transparency.⁵² Additionally, this new system seeks to “limit the grounds on which an investor can challenge a State” and “prevent public bodies from being forced to change legislation or pay damages.”⁵³ These changes were implemented to ensure that the democratic nature of government is still upheld and ensure that private company interests do not control states.

Additional Resources:

Follow this link to an interactive map and info-graphic, which breaks down EU-Canada trade relations: <http://ec.europa.eu/trade/policy/in-focus/ceta/ceta-in-your-town/>. You can click on different European cities, towns and countries to learn more about the specific trade relations and view the major exporting partners of each area. It is a very useful visual aid for students and provides clear statistical information.

For more information and statistics regarding Canada and EU trade please see: http://trade.ec.europa.eu/doclib/docs/2006/september/tradoc_113363.pdf.

To learn more about procedures of EU trade negotiations please see: http://trade.ec.europa.eu/doclib/docs/2012/june/tradoc_149616.pdf.

⁵⁰ Michael Geist, “The devil’s in CETA’s details, specifically on dispute settlement,” *The Globe and Mail*, October 25, 2016, accessed August 17, 2018, <https://www.theglobeandmail.com/report-on-business/rob-commentary/the-devils-in-cetas-details-specifically-on-dispute-settlement/article32492826/>.

⁵¹ “CETA Explained.”

⁵² Ibid.

⁵³ Ibid.

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