



DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES  
KAGAWARAN NG KAPALIGIRAN AT LIKAS NA YAMAN



## MEMORANDUM

TO : All Bureau Directors

The Directors  
Legal Affairs Service  
Climate Change Service

FROM : The Undersecretary  
Policy, Planning and International Affairs

SUBJECT : REQUEST FOR COMMENTS ON THE LATEST TEXT FOR THE TRADE AND SUSTAINABLE DEVELOPMENT (TSD) CHAPTER OF THE PHILIPPINES - UNITED ARAB EMIRATES COMPREHENSIVE ECONOMIC PARTNERSHIP AGREEMENT (PH - UAE CEPA)

DATE : JUL 26 2024

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This is in relation to the recently conducted 2nd round of negotiation of the PH - UAE CEPA held on 8-10 July 2024 at Dusit Thani Manila, Ayala Center, Makati City, and the follow-up virtual intersessional meeting for the Trade and Sustainable Development Working Group (TSD-WG) held on 12 July 2024.

The Philippines and UAE covered the whole TSD chapter. Notable discussion on the side of the environment are as follows:

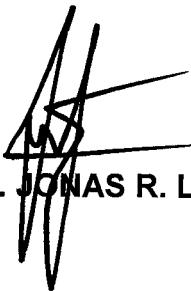
1. The UAE has proposed an alternative language paragraph 3 of Article XX.2 Scope, particularly on environment provision;
2. The Philippines accepted UAE's proposal to delete Article XX.4 and to reflect Article XX.3 as *Levels of Protection*;
3. The text-based negotiation of Article XX. 8 Trade and Biodiversity has been finalized subject to editorial changes. The UAE has accepted the three paragraphs; and
4. UAE proposed to be more generic on the area of cooperation, to be more encompassing.

In this regard, we would like to request your comments and/or concurrence on 1) the proposed alternate language for the scope of environment, as proposed by the UAE, and 2) remaining bracketed texts. For your reference attached as **Annex A** is the matrix of latest TSD Chapter text with corresponding status during the Manila Round, you may also access the same using this link: <https://bit.ly/3XXBLqV>.

MEMO NO. 2024 - 662

We would appreciate receiving the **advance copy of your comments and/or recommendation on or before 31 July 2024** through this email addresses: psddivision@gmail.com and policy@denr.gov.ph. Should we fail to receive comments on the said deadline, please allow us to conclude that the Department concur on the proposed alternate language, and submit the same to DTI and UAE counterparts. Enclosed are the relevant documents for your reference.

For your information and consideration, please.

  
**ATTY. JONAS R. LEONES**

Proposed Article	Comments during the 2 <sup>nd</sup> Round of Negotiation
<b>Article XX.1 Basic Principle</b>	<ul style="list-style-type: none"> <li>• Item 1: Clean</li> <li>• Item 2: Clean</li> <li>• Item 3: <ul style="list-style-type: none"> <li>- UAE to revert on the labor issues. PH (DOLE) clarified that the basis of the cooperation item under article XX. 8 is based on its commitment to green jobs.</li> </ul> </li> <li>• Item 4: <ul style="list-style-type: none"> <li>- PH (DOLE) informed that the intention is to uphold the common aspiration to protect labor as International Labor Organization (ILO) member-states.</li> </ul> </li> <li>• Item 5: <ul style="list-style-type: none"> <li>- Clean. Agreed to delete.</li> <li>- The chapter is non-obligatory including this provision could be counterproductive. This provision is used for exemption provisions.</li> </ul> </li> </ul>
<b>Article XX.2 Scope</b>	<ul style="list-style-type: none"> <li>• Item 1: <ul style="list-style-type: none"> <li>- UAE suggested to delete the phrase "<b><i>adopted and maintained</i></b>" PH is flexible on the proposal.</li> <li>- PH suggested to delete the word "<b><i>the</i></b>" and use "<b><i>by Parties</i></b>" instead.</li> <li>- PH to check wordings from the other Chapters.</li> </ul> </li> <li>• Item 2: <ul style="list-style-type: none"> <li>- UAE to revert on labor provisions.</li> </ul> </li> <li>• Item 3: <ul style="list-style-type: none"> <li>- After the SDG, PH suggested to include UNFCCC and PA, and other MEAs where both are parties.</li> <li>- UAE proposed an alternate language. PH to consult and revert.</li> </ul> </li> </ul> <p><i>Alt language: [UAE: For the purpose of this chapter, "protection of the environment" includes:</i></p> <p><b>(a) the prevention, abatement or control of the release, discharge, or emission of pollutants or environmental contaminants including greenhouse gases;</b></p>

	<p><i>(b) the management of chemicals and waste or the dissemination of information related thereto;</i></p> <p><i>(c) the conservation and protection of wild flora or fauna, including endangered species and their habitats, as well as protected areas; and</i></p> <p><i>(d) the prevention of a danger to life or health from environmental impacts.</i></p>
<b>Article XX.3 Right to Regulate and Levels of Protection</b>	<ul style="list-style-type: none"> <li>• UAE suggested to remove this Article. UAE is cautious about the future consequences of this Article. PH (DOLE) informed that the UAE - India CEPA has similar provisions on the Environment Chapter.</li> <li>• PH suggested to use a non-obligatory language. PH further suggested to delete the first paragraph and retain the third line to the last line to emphasize, <b><i>"that each parties laws and rules provide for a high level of environmental and labor protection among others"</i></b>...</li> <li>• UAE suggested to revise the word <b><i>"improvement"</i></b> to <b><i>"and the importance of improving"</i></b></li> <li>• PH suggested to insert <b><i>"international"</i></b> before standards, principles and agreements</li> <li>• UAE suggested to revise the provisions as follows: <b><i>[UAE: "The Parties recognise the importance of ensuring shall seek to ensure] that its laws, rules, and regulations provide for and encourage high levels of labor protection and environmental protection and conservation, consistent with [PH: international standards, principles and agreements]; [UAE: and the importance of improving] the level of protection provided for in those laws, rules, and regulations".</i></b> PH is flexible to adopt.</li> <li>• UAE suggested to revise the title as <b><i>"Levels of Protection"</i></b>. PH Agreed.</li> </ul>
<b>Article XX.4 Upholding Levels of Protection in the Application and Enforcement of Laws, Rules, Regulations or Standards</b>	<ul style="list-style-type: none"> <li>• UAE proposed to delete the entire provision.</li> </ul>

<b>Article XX.5 International Labor Standards and Agreements</b>	<ul style="list-style-type: none"> <li>UAE will revert on the inclusion of the specified international labor standards and agreements.</li> </ul>
<b>Article XX.6 Trade and Biodiversity</b>	<ul style="list-style-type: none"> <li>Item 1: <ul style="list-style-type: none"> <li>UAE suggested using British English (i.e. “<b>recognise</b>” instead of “<b>recognize</b>”).</li> <li>UAE suggested to add the phrase “<b>are parties</b>” to be read as “<b>Parties are parties</b>”</li> </ul> </li> <li>Item 2: <ul style="list-style-type: none"> <li>UAE inquired about the rationale behind the inclusion of “digital sequence information”. PH informs that this is in relation to the Nagoya Protocol. UAE Accepted.</li> <li>UAE suggests adding the phrase “<b>agree to</b>” before “<b>cooperate</b>” and add the word “<b>ensuring</b>” after.</li> <li>UAE suggested using British English (i.e “<b>utilisation</b>” instead of “<b>utilization</b>”).</li> <li>UAE suggested to delete “<b>each</b>” and use the word “<b>the</b>” to be read as “<b>the Parties</b>”</li> </ul> </li> <li>Item 3: <ul style="list-style-type: none"> <li>Clean.</li> <li>UAE suggested using the word “<b>agree to</b>” instead of “<b>shall</b>”.</li> </ul> </li> </ul>
<b>Article XX.7 Trade and Climate</b>	<ul style="list-style-type: none"> <li>Clean</li> </ul>
<b>Article XX.8 Cooperation</b>	<ul style="list-style-type: none"> <li>Item 1: <ul style="list-style-type: none"> <li>UAE suggested to use the word “<b>agree to strengthen</b>” instead of “<b>shall strengthen</b>”. PH agreed.</li> </ul> </li> <li>Item 2: <ul style="list-style-type: none"> <li>UAE suggested to delete the word “<b>economic</b>” to cover the three pillars of Sustainable Development such as economic, social and environmental.</li> <li>Both parties agreed to use “<b>financial</b>” instead of “<b>fund</b>”</li> </ul> </li> <li>Item 3: <ul style="list-style-type: none"> <li>On paragraph 3, UAE suggested to delete the word “<b>Economic</b>” before cooperation.</li> <li>UAE proposed to add “<b>environmental</b>” before “conservation” to be read as “<b>environmental conservation</b>”.</li> </ul> </li> </ul>

	<ul style="list-style-type: none"> <li>- UAE proposed to use “<b>Biodiversity</b>” instead of “<b>sustainable use of Biodiversity</b>” to be more encompassing.</li> <li>- UAE also suggested using “<b>Climate Change</b>” instead of “<b>low carbon development and climate resilience</b>”, to be more general as this could include cooperation on mitigation and adaptation measures.</li> <li>- UAE suggested to delete the phrase “<b>issue under the</b>” and just retain the “<b>Sustainable Development Goals</b>”. PH Agreed. UAE also suggested to specify if this refers to environmental protection.</li> <li>• Items 4 and 5: <ul style="list-style-type: none"> <li>- Paragraph 4 and 5, both parties agreed to use “<b>good practices</b>” instead of “<b>best practices</b>”.</li> <li>- On paragraph 4, The Parties [UAE: <b>agree endeavor</b>], PH Accepted.</li> <li>- On paragraph 5, The Parties [UAE: <b>agree to shall</b>], PH Accepted</li> </ul> </li> </ul>
<b>Article XX.9 Implementation and Consultations</b>	<ul style="list-style-type: none"> <li>- Clean</li> </ul>

### **TSD-WG INTERSESSIONAL MEETING**

As part of the ways forward, an intersessional meeting between the PH and the UAE was conducted to discuss the pending article on labor provision held on 12 July 2024 via MS Teams.

Considering that the discussion will only cover the labor provision, the said meeting was co-led by **Mr. Alvin B. Curada**, Director IV, DOLE of the Philippines, and **Ms. Rasha Assem** and **Mr. Abdulrahman AlSharhan** from the Ministry of Human Resources and Emiratisation and **Mr. Christian Pauletto**, Senior Advisor, Office of the Minister of State for Foreign Trade of the UAE.

Both parties agreed not to discuss the closed articles during the Manila round. Below are the highlights during the intersessional meeting with the TSD-WG.

<b>Proposed Article</b>	<b>Comments during the Intersessional Meeting</b>
<b>Article XX.1 Basic Principle</b>	<ul style="list-style-type: none"> <li>• The provision is generally acceptable to UAE, but suggested to use an internationally used language. Hence, on trade-related labor issues, UAE</li> </ul>

	suggested to delete the term trade - related, to be read as “ <b>cooperation on labor protection and environment issues</b> ”...
<b>Article XX.2 Scope</b>	<ul style="list-style-type: none"> <li>• The provision is acceptable to the UAE, as this only recalls and reaffirms ILO and other labor conventions.</li> <li>• Item 3: <ul style="list-style-type: none"> <li>- DENR to submit written comments if the alternate language is acceptable to the Philippines.</li> </ul> </li> </ul>
<b>Article XX.3 Levels of Protection</b>	<ul style="list-style-type: none"> <li>• The proposed alternate language and editorial changes made during Manila Round are also acceptable to the UAE.</li> </ul>
<b>Article XX.5 International Labor Standards and Agreements</b>	<ul style="list-style-type: none"> <li>• Item 1: <ul style="list-style-type: none"> <li>- UAE suggested deleting the obligation and changing it to commitments, add “<b>at work</b>” after “<b>fundamental rights</b>”</li> </ul> </li> <li>• UAE also suggested deleting items a- e.</li> <li>• Item 2: <ul style="list-style-type: none"> <li>- UAE suggested to delete the phrase “<b>under the Ministerial Declaration of the UN Economic and Social Council on Full Employment and Decent Work of 2006</b>”</li> </ul> </li> <li>• Item 3: <ul style="list-style-type: none"> <li>- Acceptable with UAE.</li> </ul> </li> <li>• Item 4: <ul style="list-style-type: none"> <li>- UAE suggested to omit “<b>social dialogue</b>” and full stop in social protection. PH to consult and revert. If this has not been agreed by the PH, this will remain bracketed.</li> </ul> </li> <li>• Item 5: <ul style="list-style-type: none"> <li>- Acceptable with UAE.</li> </ul> </li> </ul>
<b>Article XX.6 Trade and Biodiversity</b>	<ul style="list-style-type: none"> <li>• Items 1, 2 and 3: <ul style="list-style-type: none"> <li>- UAE is okay, considering that it does not involve labor related provisions.</li> </ul> </li> </ul>
<b>Article XX.8 Cooperation</b>	<ul style="list-style-type: none"> <li>• Item 3: <ul style="list-style-type: none"> <li>- UAE also suggested to delete “<b>labor law compliance</b>” and change to “<b>labor protection</b>”</li> <li>- Retain green jobs.</li> </ul> </li> </ul>

<b>Summary of Discussions (SOD)</b>	<ul style="list-style-type: none"> <li>• On suggestion of the Philippines to revise the SOD to incorporate the discussion during the intersessional meeting. UAE informed that the SOD should only be revised and adopted during the negotiating round and not during the intersessional meeting. Accordingly, UAE only requested the Philippines to provide a clean text.</li> </ul>
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## ACTION REQUESTED

Please be informed that the 3rd round of negotiation is scheduled at the end of August 2024. In this regard, attached is the draft memorandum requesting comments and inputs from the DENR concerned Offices on the latest draft TSD Chapter text incorporating the additional comments during the intersessional meeting, for your consideration and signature, Sir.



DR. NORALENE M. UY, EnP.

**cc:** *The Directors*  
*Biodiversity Management Bureau*  
*Climate Change Service*  
*Ecosystems Research and Development Bureau*  
*Environmental Management Bureau*  
*Forest Management Bureau*  
*Land Management Bureau*  
*Legal Affairs Service*  
*Mines and Geosciences Bureau*

**ANNEX A**

**2<sup>ND</sup> NEGOTIATION ROUND OF THE PH-UAE CEPA  
TRADE AND SUSTAINABLE DEVELOPMENT CHAPTER**

		<b>STATUS 1<sup>ST</sup> NEGOTIATION</b>	<b>STATUS 2<sup>ND</sup> ROUND OF NEGOTIATION AND INTERSESSIONAL MEETING</b>	<b>DENR COMMENTS/INPUTS POST NEGOTIATION ROUND (Please state your Office/s)</b>
<b>TSD CHAPTER TEXT AS OF JULY 12, 2024</b>				
<b>PREAMBULAR STATEMENT</b>			DENR to revert	
[PH: REAFFIRMING their commitment to pursue the objective of sustainable development and recognising the importance of coherence and mutual supportiveness of trade, environment and labour policies in this respect;]				
<b>ARTICLE XX.1 BASIC PRINCIPLES</b>			UAE generally accept the Article XX.1	
1. The Parties reaffirm their commitments to the Rio Declaration on Environment and Development of 1992, 2030 Agenda for Sustainable Development, and the ILO Declaration on Fundamental Principles and Rights at Work and its Follow-up of 1998 and other bilateral and multilateral environmental and labor agreements and international instruments where both are parties.	Clean	Clean	Clean	
2. The Parties reaffirm their commitment to promote the development of international trade and investment in a way that contributes to the objectives of sustainable development goals.	Clean	Clean	Clean	
3. [PH: The Parties recognise that the economic, social and environmental dimension of sustainable development are interdependent and mutually reinforcing. They further recognise the benefits of cooperation on trade-related labor and environmental issues as part of a global approach to trade and sustainable development.]	UAE to revert	UAE suggested to use British English  UAE suggested to use an internationally recognized language and delete the term "trade-related"		
4. The Parties share a common aspiration to promote high standards of environmental and [PH: labor protection] in line with each Party's needs, capabilities and national circumstances, and according to each Party's laws and	Remaining bracket on labor protection	UAE Accept.		

TSD CHAPTER TEXT AS OF JULY 12, 2024	STATUS 1ST NEGOTIATION	STATUS 2ND ROUND OF NEGOTIATION AND INTERSESSIONAL MEETING	DENR COMMENTS/INPUTS POST NEGOTIATION ROUND (Please state your Office's)
regulations; and to uphold these in the context of sustainable development.			
5. [PH: The Parties agree that the provisions of this Chapter shall not be used in a manner that would constitute a disguised restriction on trade or investment between Parties.]	PH accepted UAE's proposal to delete this item	Deleted	
<b>ARTICLE XX.2 SCOPE</b>			
1. Except as otherwise provided in this Chapter, this Chapter shall apply to measures [PH: adopted or maintained] by [PH: the] Parties affecting trade and investment-related aspects of labor and environmental issues.	PH accepted editorial changes of UAE	Delete "maintained and Adopted" "by Parties" instead of the Parties	
2. [PH: The reference to labor in this Chapter includes the issues relevant to the ILO Declaration on Fundamental Principles and Rights at Work and its Follow-up of 1998 and the ILO Decent Work Agenda.]	UAE to revert	The provision is acceptable to the UAE, as this only recalls and reaffirms ILO and other labor conventions.	
3. The reference to the environment in this Chapter includes the issues relevant to the Rio Declaration on Environment and Development of 1992, [UAE: the] 2030 Agenda for Sustainable Development [PH: UNFCCC, Paris Agreement] and other Multilateral Environmental Agreements (MEAs) where both are Parties, [UAE: including climate change], as well as general principles and customary norms of international environmental law.]	UAE to revert	UAE suggested alternate language as follows:  For the purpose of this chapter, "protection of the environment" includes:  (a) the prevention, abatement or control of the release, discharge, or emission of pollutants or environmental contaminants including greenhouse gases; (b) the management of chemicals and waste or the dissemination of information related thereto; (c) the conservation and protection of wild flora or fauna, including endangered species and their habitats, as well as protected areas; and	

TSD CHAPTER TEXT AS OF JULY 12, 2024	1 <sup>ST</sup> NEGOTIATION	STATUS 2ND ROUND OF NEGOTIATION AND INTERSESSIONAL MEETING	DENR COMMENTS/INPUTS POST NEGOTIATION ROUND (Please state your Office/s)
		(d) the prevention of a danger to life or health from environmental impacts.	<b>DENR to revert and provide written comments/concurrence.</b>
<b>ARTICLE XX.3 RIGHT TO REGULATE AND LEVELS OF PROTECTION</b>	UAE to consult and revert	Following the modification in the provision of this Article, UAE proposed to revise the title as "Levels of Protection". PH Accepted.	
1. Recognising the sovereign right of each Party to establish its own levels of domestic, labor protection, and environmental protection and conservation and to adopt or modify accordingly its relevant laws, rules, and regulations, each Party shall seek to ensure that its laws, rules, and regulators provide for and encourage high levels of labor protection and environmental protection and conservation, consistent with standards, principles and agreements referred to in Article XX.5 (International Labor Standards and Agreements) and Article XX.6 [(Multilateral Environmental Agreements] and Environmental Principles)) and improve the level of protection provided for in those laws, rules, and regulations;]	Clean. Both agreed to the recent text below:  <i>The Parties recognise the importance of ensuring that laws, rules, and regulations provide for and encourage high levels of labor protection and environmental protection and conservation, consistent with international standards, principles, and agreements; and the importance of improving the level of protection provided for in those laws, rules, and regulations.</i>		
<b>ARTICLE XX.4 UPHOLDING LEVELS OF PROTECTION IN THE APPLICATION AND ENFORCEMENT OF LAWS, RULES, REGULATIONS OR STANDARDS</b>	UAE to consult and revert	Both agreed to delete	
1. A Party shall not fail to effectively enforce its labor and environmental laws, rules, regulations and standards in a manner affecting trade or investment between the Parties. 2. Without prejudice to paragraph 1, Article XX.3 (Right to Regulate and Levels of Protection) of this Chapter, a Party shall not:			

TSD CHAPTER TEXT AS OF JULY 12, 2024	1 <sup>ST</sup> NEGOTIATION STATUS	2ND ROUND OF NEGOTIATION AND INTERSESSIONAL MEETING	DENR COMMENTS/INPUTS POST NEGOTIATION ROUND (Please state your Office/s)
<p>a.—weaken or diminish the level of environmental and labor protection provided by their respective laws, rules, regulations and standards in order to encourage investment from another Party or to seek or enhance a competitive trade advantage of producers or service providers operating in its territory; or</p> <p>b.—waive or otherwise derogate from, or offer to waive or otherwise derogate from, such laws, rules, regulations and standards in order to encourage investment from another Party or to seek or enhance a competitive trade advantage of producers or service providers operating in its territory.</p> <p>3.—Nothing in this Chapter shall be construed to empower a Party's authorities to undertake environmental law enforcement activities in the territory of the other Party.]</p>			
	<p><b>ARTICLE XX.5</b></p> <p><b>INTERNATIONAL LABOR STANDARDS AND AGREEMENTS</b></p>	<p>UAE to consult and revert back</p>	<p>Discussed during the Intersessional meeting, most provisions are clean and subject to editorial changes. Remaining bracket is item 4.</p>
	<p>1. [PH: The Parties recall the obligations deriving from membership in the ILO and the ILO Declaration on Fundamental Principles and Rights at Work and its Follow-up, adopted in 1998, to respect, to promote and realize the principles concerning the fundamental rights at work—namely:</p> <p>a.) freedom of association and the effective recognition of the right to collective bargaining;</p> <p>b.) the elimination of all forms of forced or compulsory labor;</p>		

TSD CHAPTER TEXT AS OF JULY 12, 2024	STATUS 1ST NEGOTIATION	STATUS 2ND ROUND OF NEGOTIATION AND INTERSESSIONAL MEETING	DENR COMMENTS/INPUTS POST NEGOTIATION ROUND (Please state your Office(s))
<p>c.) the effective abolition of child labor;</p> <p>d.) the elimination of discrimination in respect of employment and occupation; and</p> <p>e.) a safe and healthy working environment.</p>			
<p>2. The Parties reaffirm their commitment, under the Ministerial Declaration of the UN Economic and Social Council on Full Employment and Decent Work of 2006, to recognise full and productive employment and decent work for all as a key element of sustainable development for all countries and as a priority objective of international cooperation and to promote the development of international trade and investment in a way that is conducive to full and productive employment and decent work for all.</p>			
<p>3. The Parties reaffirm that, as set out in the ILO Declaration on Social Justice for a Fair Globalization adopted by the International Labor Conference at its 97th session in 2008, the violation of fundamental principles and rights at work shall not be invoked or otherwise used as a legitimate comparative advantage.]</p>	<p>4. The Parties recognise that transitions to [UAE: clean economies a green economy] [UAE: are] an opportunity to foster decent work, and in that context, intend to take actions that promote employment creation, labor rights, social protection, and social dialogue.</p>	<p>PH accepts UAE's proposal to change "clean economy" to "green economy"</p>	<p>UAE suggested to delete the term "social dialogue". PH to revert back.</p>
<p>5. The Parties recognise the importance of taking into account the employment impact of policies related to [UAE: clean green economy transitions].</p>	<p><b>ARTICLE XX.6</b> <b>TRADE AND BIODIVERSITY</b></p>	<p>UAE to propose a more general language. PH to wait for UAE's counterproposal but is amenable to keep Para 1 and delete Para 2 and 3.</p>	<p>Clean. PH accepted the editorial changes as proposed by the UAE.</p>

TSD CHAPTER TEXT AS OF JULY 12, 2024	1 <sup>ST</sup> NEGOTIATION STATUS	2ND ROUND OF NEGOTIATION AND INTERSESSIONAL MEETING STATUS	DENR COMMENTS/INPUTS POST NEGOTIATION ROUND (Please state your Office(s))
<p>1. The Parties recognise the importance of the conservation and sustainable use of biological diversity, as well as the ecosystem services it provides, and their key role in achieving sustainable development consistent with the Convention on Biological Diversity (CBD), the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES), and other relevant international instruments to which both Parties are parties, and the decisions adopted thereunder.</p> <p>2. The Parties shall agree to cooperate in ensuring <del>ensure</del> the fair and equitable sharing of benefits arising out of the utilisation of genetic resources and digital sequence information on genetic resources, and facilitating access to genetic resources within their respective national jurisdictions, consistent with each Party's international obligations.</p> <p>3. The Parties shall agree to cooperate combatting the illegal take of, and illegal trade in, wild fauna and flora, including parts and derivatives thereof, and acknowledge that this trade undermines efforts to conserve and sustainably manage those natural resources, has social and cultural consequences, distorts legal trade wild fauna and flora, and reduces the economic and environmental value of these natural resources.]</p>			
<p><b>ARTICLE XX7</b> <b>TRADE AND CLIMATE</b></p> <p>1. The Parties recognise the importance of taking urgent action and explore partnerships on adaptation, loss and damage, mitigation, and means of implementation, and the role of trade in pursuing this objective, consistent with the UN Framework Convention on Climate Change (UNFCCC), the Paris Agreement and with climate-related MEAs, international instruments, general</p>	<p>Clean</p>	<p>Clean</p>	

TSD CHAPTER TEXT AS OF JULY 12, 2024	STATUS 1 <sup>ST</sup> NEGOTIATION	STATUS 2ND ROUND OF NEGOTIATION AND INTERSESSIONAL MEETING	DENR COMMENTS/INPUTS POST NEGOTIATION ROUND (Please state your Office/s)
principles and customary norms of international environmental law, including but not limited to common but differentiated responsibilities and respective capabilities.			
	<b>ARTICLE XX.8</b> <b>COOPERATION</b>	<p>There is a proposal from the UAE to include this Article in the Economic Cooperation Chapter. PH propose to maintain in the TSD Chapter</p>	<p>Clean subject to editorial changes.</p>
	<p>1. The Parties shall agree to strengthen their cooperation on trade and investment related labor and environmental issues of mutual interest in relevant bilateral, regional and multilateral fora in which they participate.</p> <p>2. The Parties may engage in economic cooperation activities consistent with Article XX.1 Basic Principle of this Chapter, subject to availability of financial funds and human resources.</p> <p>3. Economic Cooperation may be undertaken through ways and means considered appropriate by the Parties and may cover topics related to the following areas:</p> <ul style="list-style-type: none"> <li>- environmental conservation;</li> <li>- Conservation-and-sustainable-use-of biodiversity;</li> <li>- Blue Economy;</li> <li>- Green Economy,</li> <li>- Low-carbon-development-and-Climate Resilience Change;</li> <li>- labor laws-compliance-protection;</li> <li>- green jobs;</li> <li>- issues-under-the Sustainable Development Goals; and</li> <li>- any other areas as mutually agreed by the Parties.</li> </ul> <p>4. The Parties agree <del>endeavor</del> to exchange information on good best practices and establish a mechanism to promote and facilitate trade and investment in environmental sustainability and social inclusion.</p>	<p>Both parties agreed to delete the word economic to be more encompassing and cover the three pillar of SDG (economic, social and environment)</p> <p>UAE suggested to be generic on the areas of cooperation as follows:</p> <ul style="list-style-type: none"> <li>- environmental conservation.</li> <li>- biodiversity</li> <li>- climate change</li> <li>- sustainable development goals</li> </ul> <p>UAE also suggested to delete "labor law compliance" and change to "labor protection"</p>	<p>Both agreed to use "good practices" instead of "best practices".</p>



<b>TSD CHAPTER TEXT AS OF JULY 12, 2024</b>	<b>STATUS 1<sup>ST</sup> NEGOTIATION</b>	<b>2ND ROUND OF NEGOTIATION AND INTERSESSIONAL MEETING</b>	<b>DENR COMMENTS/INPUTS POST NEGOTIATION ROUND (Please state your Office/s)</b>
5. The Parties shall agree to collaborate by sharing or receiving information about good best practices on methodologies that consider decent work and quality jobs, and communities impacted by transition and climate change which may include by means of impact assessment.		Both agreed to use "good practices" instead of "best practices".	
6. Each Party <del>The</del> Parties shall designate its <del>the</del> focal point, which shall serve as points of contact for the purpose of implementing this Chapter.		PH propose to transfer the designation of focal points under the Article XX.8 subject to the discussion on the Article XX. 9	Clean. PH accepted the editorial changes of UAE.
<b>ARTICLE XX.9</b>			
<b>Non-Application of Dispute Settlement</b>			
Dispute settlement in this Agreement shall not apply to any matter arising under this Chapter.	Clean	Clean	

**THE 2<sup>nd</sup> ROUND OF NEGOTIATIONS  
REPUBLIC OF THE PHILIPPINES - UNITED ARAB EMIRATES  
COMPREHENSIVE ECONOMIC PARTNERSHIP AGREEMENT**

**Manila, 08 - 10 July 2024**



**Working Group on Trade and Sustainable Development Chapter**

**Summary of Discussions**

The Working Group on Trade and Sustainable Development Chapter (TSD) met on July 8, 2024, during the 2<sup>nd</sup> round of negotiations of UAE Philippines Comprehensive Economic Partnership Agreement (CEPA) to discuss the draft text of the Chapter.

The Trade and Sustainable Development working group Meeting was co-chaired partly by **Fatima Al Habshi**, Head of International Climate Change Affairs Ministry of Climate Change and Environment, and partly by **Christian Pauletto**, Senior Advisor, Office of the Minister of State for Foreign Tradeof the UAE, and **Noralene M. Uy**, Assistant Secretary of the Department of Environment and Natural Resources and **Alvin B. Curada**, Director IV, Department of Labor and Employment, Philippines.

**Agenda Item 1: Negotiation on Text of TSD Chapter**

1. The UAE expressed its interest to include only areas of cooperation in the trade and sustainable chapter.
2. The Philippines and UAE conducted conceptual and text-based discussions of the Trade and Sustainable Development Chapter. Both the Philippines and UAE shared their respective views and positions on the pending articles that were raised during the 1st round of the negotiation;
3. The Philippines and UAE covered the whole chapter, except for labor provisions. The Philippines accepted UAE's proposal to merge Article XX.3 and Article XX.4 and to reflect the following:

“The Parties recognise the importance of ensuring that laws, rules, and regulations provide for and encourage high levels of labor protection and environmental protection and conservation,

consistent with international standards, principles and agreements, and the importance of improving the level of protection provided for in those laws, rules, and regulations.”

4. Both Parties agreed to have a non-binding language; and
5. The UAE and Philippines agreed to consult internally and revert on pending articles such as Article XX.5 on international standards and agreements.

**Agenda Item 2: Conclusion and Ways forward:**

1. Both parties agreed to consult and revert via email and, *if necessary*, conduct intersessional meetings to finalize the chapter text;
2. UAE will conduct further discussion and revert to labor provisions. UAE is set to schedule another meeting with the Philippine negotiating team on 12 July 2024; and
3. Philippines will conduct further discussion and return to the alternate language proposed by the UAE. The Philippines will also prepare an alternative proposal on Article XX.5 on international standards and agreements to be presented during the intersessional meeting.

**Working group leads and participants:**

Philippines	UAE
Working Group Leads	
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<b>Alvin B. Curada</b> Director IV Department of Labor and Employment bwc@dole.gov.ph	<b>Christian Pauletto</b> Senior Advisor MinOffice of the Minister of State for Foreign Trade cpauletto@economy.ae
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The Philippines provides these text proposals without prejudice to its position in negotiations and reserves the right to complement these proposals at a later stage, and to propose additions, amendments, and deletions to provisions during the course of the negotiations

PH COUNTER DRAFT  
12 July 2024

## **CHAPTER XX**

### **Trade and Sustainable Development**

## **Article XX.1**

### **Basic Principles**

1. The Parties reaffirm their commitments to the Rio Declaration on Environment and Development of 1992, 2030 Agenda for Sustainable Development, and the ILO Declaration on Fundamental Principles and Rights at Work and its Follow-up of 1998 and other bilateral and multilateral environmental and labor agreements and international instruments where both are parties.
  2. The Parties reaffirm their commitment to promote the development of international trade and investment in a way that contributes to the objectives of sustainable development goals.
  3. The Parties recognise that the economic, social and environmental dimension of sustainable development are interdependent and mutually reinforcing. They further recognize the benefits of cooperation on labor protection and environmental issues as part of a global approach to trade and sustainable development.
  4. The Parties share a common aspiration to promote high standards of environmental and labor protection in line with each Party's needs, capabilities and national circumstances, and according to each Party's laws and regulations; and to uphold these in the context of sustainable development.

## **Article XX.2 Scope**

1. Except as otherwise provided in this Chapter, this Chapter shall apply to measures by Parties affecting trade and investment-related aspects of labor and environmental issues.
  2. The reference to labor in this Chapter includes the issues relevant to the ILO Declaration on Fundamental Principles and Rights at Work and its Follow-up of 1998 and the ILO Decent Work Agenda.
  - 3.
  4. The reference to the environment in this Chapter includes the issues relevant to the Rio Declaration on Environment and Development of 1992, [UAE: the] 2030 Agenda for Sustainable Development [PH: UNFCCC, Paris Agreement] and other Multilateral Environmental Agreements (MEAs) where both are Parties, [UAE: including climate change], as well as general principles and customary norms of international environmental law.]

*Alt language:* [UAE: For the purpose of this chapter, "protection of the environment" includes:

**Commented [1]:** PH and UAE to revert but agreed to include the Paris Agreement.

- (a) the prevention, abatement or control of the release, discharge, or emission of pollutants or environmental contaminants including greenhouse gases;
  - (b) the management of chemicals and waste or the dissemination of information related thereto;
  - (c) the conservation and protection of wild flora or fauna, including endangered species and their habitats, as well as protected areas; and
  - (d) the prevention of a danger to life or health from environmental impacts.

The Philippines provides these text proposals without prejudice to its position in negotiations and reserves the right to complement these proposals at a later stage, and to propose additions, amendments, and deletions to provisions during the course of the negotiations

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### **Article XX.3 Levels of Protection**

- 54 1. The Parties recognise the importance of ensuring that laws, rules, and regulations provide for and  
55 encourage high levels of labor protection and environmental protection and conservation,  
56 consistent with international standards, principles, and agreements; and the importance of  
57 improving the level of protection provided for in those laws, rules, and regulations.

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### **Article XX.4 International Labor Standards and Agreements**

- 61 1. The Parties recall the commitments deriving from membership in the ILO and the ILO Declaration  
62 on Fundamental Principles and Rights at Work and its Follow-up, adopted in 1998, to respect the  
63 principles concerning the fundamental rights at work.  
64  
65 2. The Parties reaffirm their commitment to recognize full and productive employment and decent  
66 work for all as a key element of sustainable development for all countries and as a priority objective  
67 of international cooperation and to promote the development of international trade and investment  
68 in a way that is conducive to full and productive employment and decent work for all.  
69  
70 3. The Parties reaffirm that, as set out in the ILO Declaration on Social Justice for a Fair Globalization  
71 adopted by the International Labor Conference at its 97th session in 2008, the violation of  
72 fundamental principles and rights at work shall not be invoked or otherwise used as a legitimate  
73 comparative advantage.  
74  
75 4. The Parties recognize that transitions to a green economy is an opportunity to foster decent work,  
76 and in that context, intend to take actions that promote employment creation, labor rights, social  
77 protection. and [UAE: social dialogue].  
78  
79 5. The Parties recognize the importance of taking into account the employment impact of policies  
80 related to green economy transitions.  
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### **Article XX.6 Trade and Biodiversity**

- 86 1. The Parties recognise the importance of the conservation and sustainable use of biological diversity,  
87 as well as the ecosystem services it provides, and their key role in achieving sustainable  
88 development consistent with the Convention on Biological Diversity (CBD), the Convention on  
89 International Trade in Endangered Species of Wild Fauna and Flora (CITES), and other relevant  
90 international instruments to which both Parties are parties, and the decisions adopted thereunder.  
91  
92 2. The Parties agree to cooperate in ensuring the fair and equitable sharing of benefits arising out of  
93 the utilisation of genetic resources and digital sequence information on genetic resources, and  
94 facilitating access to genetic resources within their respective national jurisdictions, consistent with  
95 the Parties international obligations.  
96

The Philippines provides these text proposals without prejudice to its position in negotiations and reserves the right to complement these proposals at a later stage, and to propose additions, amendments, and deletions to provisions during the course of the negotiations

PH COUNTER DRAFT

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- 97 3. The Parties agree to cooperate combating the illegal take of, and illegal trade in, wild fauna and  
98 flora, including parts and derivatives thereof, and acknowledge that this trade undermines efforts  
99 to conserve and sustainably manage those natural resources, has social and cultural consequences,  
100 distorts legal trade wild fauna and flora, and reduces the economic and environmental value of  
101 these natural resources.

102 **Article XX.7**  
103 **Trade and Climate**

- 104 1. The Parties recognise the importance of taking urgent action and explore partnerships on  
105 adaptation, loss and damage, mitigation, and means of implementation, and the role of trade in  
106 pursuing this objective, consistent with the UN Framework Convention on Climate Change  
107 (UNFCCC), the Paris Agreement and with climate-related MEAs, international instruments,  
108 general principles and customary norms of international environmental law, including but not  
109 limited to common but differentiated responsibilities and respective capabilities.

110 **Article XX.8**  
111 **Cooperation**

112 **Commented [2]:** UAE will consider if the whole Article  
113 shall be here or in Economic Cooperation Chapter.  
114 PH propose to maintain the Cooperation Article.

- 115 1. The Parties agree to strengthen their cooperation on trade and investment related labor and  
116 environmental issues of mutual interest in relevant bilateral, regional and multilateral fora in which  
117 they participate.
- 118 2. The Parties may engage in cooperation consistent with Article XX.1 Basic Principle of this Chapter,  
119 subject to availability of financial and human resources.
- 120 3. Cooperation may be undertaken through ways and means considered appropriate by the Parties and  
121 may cover topics related to the following areas:  
122 - environmental conservation;  
123 - biodiversity;  
124 - blue economy;  
125 - green economy;  
126 - climate change;  
127 - labor protection;  
128 - green jobs;  
129 - sustainable development goals; and  
130 - any other areas as mutually agreed by the Parties.
- 131 **Commented [3]:** UAE suggested to specify if  
132 environmental protection
- 133 4. The Parties agree to exchange information on good practices and establish a mechanism to promote  
134 and facilitate trade and investment in environmental sustainability and social inclusion.
- 135 5. The Parties agree to collaborate by sharing or receiving information about good practices on  
136 methodologies that consider decent work and quality jobs, and communities impacted by transition  
137 and climate change which may include by means of impact assessment.

The Philippines provides these text proposals without prejudice to its position in negotiations and reserves the right to complement these proposals at a later stage, and to propose additions, amendments, and deletions to provisions during the course of the negotiations

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143     6. Each Party shall designate its focal point, which shall serve as point of contact for the purpose of  
144       implementing this Chapter.

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**Article XX.9**  
**Non-Application of Dispute Settlement**

Dispute settlement in this Agreement shall not apply to any matter arising under this Chapter.

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19 July 2024

(Please refer to the *Distribution List*)

Dear Sirs/Mesdames:

We would like to invite you to the **2<sup>nd</sup> Round of Negotiations for the Comprehensive Economic Partnership Agreement (CEPA) between the Philippines and the United Arab Emirates (UAE), which will be held in Dusit Thani, Makati City, on 8 – 10 July 2024.** The 2nd round of CEPA negotiations aims to convene all relevant working groups<sup>1</sup> with the view to substantially conclude the text-based discussions and commence market-access negotiations in goods, services and rules of origin. Please refer to the program for your reference. Three slots are allotted to lead agencies. Other support agencies can confirm a maximum of 2 representatives. Kindly accomplish the PH delegation list before 3 July 2024. Only the officials and representatives confirmed in the delegation list will be allowed to attend the negotiating round.

In line with the preparations for the 2<sup>nd</sup> round of negotiations, we would also like to invite you and your appropriate representatives to the following:

Meeting	Schedule	Meeting details
Stakeholder Consultation on the PH-UAE CEPA	28 June 9:30 – 11:30 AM	<a href="https://zoom.us/meeting/register/tJ0vcO2trzgtE9ZkY6NUbvc6ISM7e6jDE5K6">https://zoom.us/meeting/register/tJ0vcO2trzgtE9ZkY6NUbvc6ISM7e6jDE5K6</a>
PH Delegation Meeting	28 June 2:00 – 5:00 PM	<a href="https://zoom.us/j/99748563459">https://zoom.us/j/99748563459</a>

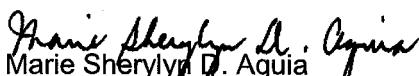
As practiced, we kindly request the working group leads to provide a report/overview of the progress made and issues in the various chapters/annexes under their purview at the PH delegation meeting using the template for reporting.

We convey our appreciation to the leads of the working groups for undertaking the necessary intersessional work under their technical working group with their UAE counterparts. We request that the leads continue to apprise the CEPA Secretariat of the updates. For reference, the Summary of Discussions from the 1<sup>st</sup> Round of Negations may be accessed in this folder.

For questions and other concerns, kindly reach out to the PH-UAE CEPA Secretariat ([bitr\\_ue@dti.gov.ph](mailto:bitr_ue@dti.gov.ph)) or through Ms. Vicky Quitiquit at [VictoriaQuitiquit@dti.gov.ph](mailto:VictoriaQuitiquit@dti.gov.ph) or 09178821186.

Thank you for your continued support and cooperation.

Very truly yours,

  
 Marie Sherylyn D. Aquia  
 Director

DTS. No. IN00339965

<sup>1</sup> Trade in Goods, Rules of Origin, SPS, TBT, Trade Remedies, Customs Procedure and Trade Facilitation, Trade in Services, Professional Services, Financial Services, Telecommunication Services, Movement of Natural Persons, Digital Trade, Investments, IP, GP, Competition, Trade and Sustainable Development, and LII. MSME and EcoTech to convene intersessionally.

#### BUREAU OF INTERNATIONAL TRADE RELATIONS

**PH Delegation Meeting for the  
2<sup>nd</sup> Round of Negotiations for the Comprehensive Economic Partnership Agreement (CEPA)  
between the Philippines and the United Arab Emirates (UAE)**  
**8-10 July 2024**

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**2nd Round of Negotiations for the Philippines-United Arab Emirates  
Comprehensive Economic Partnership Agreement (CEPA)**  
**8-10 July 2024, Dusit Thani Manila, Makati City**

Provisional Program

DAY 1: 8 July, Monday						
0900-1000	Opening Plenary					
1000-1300	Trade in Goods	Rules of Origin	Sanitary and Phytosanitary	Trade in Services	Investments	Government Procurement
1300-1430	Lunch Break					Legal & Institutional Issues
1430-1900	Trade in Goods	Rules of Origin	Sanitary and Phytosanitary	Trade in Services	Investments	Government Procurement
DAY 2: 9 July, Tuesday						
0900-1200	Trade in Goods	Rules of Origin	Technical Barriers to Trade	Movement of Natural Persons	Digital Trade	Intellectual Property
1200-1330	Lunch Break					Legal & Institutional Issues
1330-1900	Trade in Goods	Rules of Origin	Technical Barriers to Trade	Financial Services	Digital Trade	Intellectual Property
Day 3: 10 July, Wednesday						
0900-1200	Trade Remedies	Rules of Origin	Customs Procedures & Trade Facilitation	Professional Services	Competition	Trade & Sustainable Development
1200-1330	Lunch Break					Legal & Institutional Issues
1330-1800	Trade Remedies	Rules of Origin	Customs Procedures & Trade Facilitation	Telecommunications Services	Competition	Trade & Sustainable Development
1800-1900	Closing Plenary					Legal & Institutional Issues

Declaration I

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Trade in Goods	Rudolph Jay	D.	Velasco	Foreign Trade Service Officer	Department of Trade and Industry
Trade in Goods	Rudolph Jay	Juliana	Miguelito	CIC Chief Tariff Specialist	Department of Trade and Industry
Trade in Goods	Nicole Poulin		Fulante	Senior Tariff Specialist	Tariff Commission
Trade in Goods	Ramon Cisco		Syndrome	Senior Tariff Specialist	Tariff Commission
Trade in Goods	Blanca Pearl	Rodriguez	Osvaldo	Director	Department of Trade and Industry
Trade in Goods, Rules of Origin	Ma. Panelyn	Alijandro	Gaining	State Counsel IV	Department of Justice
Trade in Goods, Trade in Services, Digital Trade	Carl Francis Nichole	Executive	Ang	Trade-Industry Development Specialist	Department of Trade and Industry
Trade in Goods, Trade in Services, Digital Trade	Alfa Zarah	B.		Intelligence Officer	Department of Finance
Trade in Goods, Trade in Services, Digital Trade	Leilani	S.	Lakandili	Intelligence Officer	Department of Finance
Trade in Goods, Trade in Services, Digital Trade	Dale Eileen	M	Napao	Assistant Secretary	Department of Finance
Trade in Goods, Trade in Services, Digital Trade	Dianne	P	Mulgatapang	Executive Assistant IV	Department of Finance
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Trade in Services	Irma	V	Merza	Division Chief	Philippine Overseas and Domestic Construction Board
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Trade in Services	Jenny Rose	Zapanta	Fanninal	State Counsel III	Construction Industry Authority or the Philippines
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