

EU trade with Latin America and the Caribbean

Overview and figures



IN-DEPTH ANALYSIS

This publication provides an overview of trade relations between the EU and Latin American and Caribbean countries and groupings. The EU has concluded fully fledged agreements with two Latin American groupings (Cariforum and the Central America group), a multiparty trade agreement with three members of the Andean Community (Colombia, Ecuador, and Peru), and bilateral agreements with Chile and Mexico. It is currently also modernising its agreement with Mexico and intends soon to start negotiations on modernising its agreement with Chile. The EU has also concluded framework agreements with Mercosur and its individual members (Argentina, Brazil, Paraguay, and Uruguay). The agreement with the former will be replaced, once the on-going negotiations on an EU-Mercosur association agreement have been completed. This publication provides recent data on trade relations between the EU and Latin American and Caribbean countries and groupings, compares the agreements governing trade relations that have already been concluded, and analyses the reasons behind the ongoing and planned negotiations on the EU-Mercosur, EU-Mexico and EU-Chile agreements.

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EXECUTIVE SUMMARY

The EU maintains close cooperation and political dialogue with Latin America and the Caribbean (LAC) on account of its historical, cultural and economic ties with the region. The 33 countries forming the Community of Latin American and Caribbean States (CELAC) are jointly the EU's fifth largest trading partner.

Since the 1990s, the EU has pursued a strategy of promoting sub-regional integration initiatives within LAC and bi-regional integration between the EU and the then existing four sub-regional LAC groupings (the Andean Community of Nations (CAN), Cariforum, the Central America group, and Mercosur) as well as bilateral integration with Chile and Mexico. This has resulted in a number of agreements governing trade relations, including fully fledged agreements with two sub-regional groupings (Cariforum and Central America), a multiparty free trade agreement with three countries of the Andean Community (Colombia, Ecuador, and Peru; Bolivia may join at a later stage) and bilateral agreements with Mexico and Chile. In addition, the EU has an inter-regional framework agreement with Mercosur as well as bilateral framework agreements with its founding members (Argentina, Brazil, Paraguay, and Uruguay). Since 1999, the EU and Mercosur (excluding Venezuela) have been negotiating a fully fledged bi-regional agreement governing trade relations. Negotiations have gained momentum since 2016, with both parties aiming at a political agreement by the end of 2017.

Alongside the ongoing EU-Mercosur negotiations, the EU is also in the process of modernising its 2000 Global Agreement with Mexico (ongoing negotiations) and its 2003 association agreement with Chile (preparatory phase). The trade pillars of these agreements are less comprehensive and advanced in terms of liberalisation compared with recently negotiated trade agreements such as the EU-Canada Comprehensive Economic and Trade Agreement (CETA). They lack among other things specific provisions on sustainable development (which are covered in softer political dialogue frameworks) and have limited WTO+ provisions on intellectual property rights (IPR), services, investment, public procurement and regulatory provisions.

In July 2017, the European Parliament also gave its consent to the conclusion of the EU-Cuba Political Dialogue and Cooperation Agreement (PDCA). It constitutes an initial legal and institutional framework to normalise EU-Cuba ties and may provide a stepping stone to a more ambitious trade agreement in the future.

Overall, the EU's agreements governing trade relations with Latin America and the Caribbean differ considerably in terms of coverage and methodology, depending on the time at which they were concluded and the context of the negotiations.

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List of main acronyms used

ALBA: Bolivarian Alliance for the Peoples of our America

APEC: Asia-Pacific Economic Cooperation

BIT: Bilateral investment treaty

CAFTA-DR: Dominican Republic – Central America Free Trade Agreement

CAN: Andean Community of Nations

CARICOM: Caribbean Community

Cariforum: Caribbean Forum of African, Caribbean and Pacific States

CELAC: Community of Latin American and Caribbean States

CETA: Comprehensive Economic and Trade Agreement

CJEU: Court of Justice of the European Union

EFTA: European Free Trade Association **EPA:** Economic partnership agreement

Euro-Latin American Parliamentary Assembly

FDI: Foreign direct investment

FTA: Free trade agreement

FTAA: Free Trade Area of the Americas

GATS: General Agreement on Trade in Services

GI: Geographical indication

GSP: Generalised scheme of preferences

ICS: Investment court system

IPR: Intellectual property rights

LAC: Latin America and the Caribbean

Mercosur: Common Market of the South

MFN: Most-favoured nation

NAFTA: North American Free Trade Agreement

OECD: Organisation for Economic Co-operation and Development

PDCA: Political Dialogue and Cooperation Agreement (EU-Cuba)

PTA: Preferential trade agreement

SME: Small and medium-sized enterprise

SPS: Sanitary and phytosanitaryTBT: Technical barriers to tradeTPP: Trans-Pacific Partnership

TRIPS: Trade-related aspects of intellectual property rights

TSD: Trade and sustainable development

TTIP: Transatlantic Trade and Investment Partnership

WTO: World Trade Organization

1. Overview of EU trade relations with sub-regional groupings and individual countries in Latin America and the Caribbean

The EU maintains close cooperation and political dialogue with Latin America and the Caribbean (LAC) given its historical, cultural and economic ties with the region. Biregional EU-LAC summits as an intergovernmental mechanism for political dialogue began in 1999 and, since 2013 have been held every two years, with the 33-member-strong Community of Latin American and Caribbean States (CELAC) as the EU's counterpart.¹

In 2006, meanwhile, the Euro-Latin American Parliamentary Assembly (EuroLat) was formed to be the parliamentary dimension of the bi-regional strategic partnership.² The current President of the European Parliament, Antonio Tajani, has reaffirmed on various occasions, including at the 2017 EuroLat Parliamentary Assembly, that enhancing EU-LAC relations is one of the priorities of his presidency.³

Since the 1990s, the EU has pursued an ambitious strategy of promoting sub-regional integration initiatives within LAC and bi-regional integration between the EU and the then existing four sub-regional groupings (the Andean Community of Nations (CAN), Cariforum, the Central America group, and Mercosur) as well as bilateral integration with Chile and Mexico. This strategy was rolled out at a time when the United States of America (USA) was leading negotiations for the North American Free Trade Agreement (NAFTA) with Canada and Mexico, concluded in 1992, and the Free Trade Area of the Americas (FTAA) which stalled in 2005. The EU strategy has also aimed to balance the dominant US footprint in LAC and to ensure EU market access to the region. In the mid-2000s several Latin American countries experienced major political shifts to left-wing governments seeking socialist alternatives to the free trade approach. As a result the EU's regional integration strategy for LAC did not develop as coherently as originally expected.

As of September 2017, the EU has nevertheless concluded fully fledged agreements as part of interregional association agreements – including political dialogue, cooperation and a trade pillar – with two LAC groupings (Cariforum and the Central America group). It has also concluded a multiparty trade agreement with three countries of the Andean Community (Colombia, Ecuador, and Peru), which Bolivia may join in the future, and bilateral agreements governing trade relations⁵ with Mexico and Chile. Furthermore, an EU-Mercosur interregional framework agreement has been in place since 1999, which is intended to be replaced by an association agreement once ongoing negotiations are

¹ Brendan O'Boyle, Explainer: What Is CELAC?, Americas Society/Council of the Americas, 27 January 2015.

EuroLat is a joint multilateral parliamentary assembly composed of 150 members, 75 from the European Parliament and 75 from the Latin American component, including Parlatino (Latin-American Parliament), Parlandino (Andean Parliament), Parlacen (Central American Parliament), Parlasur (Mercosur Parliament), the Mexican Congress, and the Chilean Congress, the <u>Euro-Latin American Parliamentary Assembly (EuroLat)</u>, and the European Parliament.

³ European Parliament President speech at the formal sitting of the EuroLat Parliamentary Assembly to mark the 60th anniversary of the signing of the Treaty of Rome, 23 May 2017.

⁴ Emanuele Pollio, <u>What Kind of Interregionalism?</u> The EU-Mercosur Relationship within the Emerging 'Transatlantic Triangle', Bruges Regional Integration & Global Governance Papers, 3/2010.

In this publication, the term 'agreement governing trade relations' signifies that the agreement at issue encompasses various areas of cooperation, including trade relations. If an agreement only governs trade relations, it will be referred to as a 'trade agreement'.

concluded. Finally, the EU has bilateral framework agreements with Mercosur's founding members Argentina, Brazil, Paraguay, and Uruguay.⁶

Since the mid-1990s, the EU's market share in LAC trade has decreased significantly. Whereas in 1990 the EU accounted for 24.8 % of LAC trade, in 2011 its share had shrunk to 13.7 %. This is the result of a combination of major geopolitical and policy shifts and the impact of the financial crisis. Key developments include: (i) the rise of emerging markets, notably China, and their increasing prominence as new players in LAC; and (ii) the creation in 2011 of the Pacific Alliance, a new very dynamic Latin American subregional integration initiative founded by the Pacific Rim countries Chile, Colombia, Mexico and Peru, which share a strong interest in engaging with dynamic Asian markets.

In 2015, total EU-CELAC trade in goods amounted to €213.2 billion, which corresponds to 6.1 % of EU trade. ¹⁰ This figure is down from a peak of €228.7 billion in 2012. ¹¹ The EU runs a trade surplus with the region, with EU exports (€117.4 billion) exceeding EU imports (€95.9 billion). Collectively, CELAC is the EU's fifth largest trading partner. ¹²

Table 1 – EU trade with LAC groups/states and ranking of LAC's trade partners in 2016

LAC countries/sub-		Ranking of LAC's trading partners			
regional groupings		USA	China	EU	
Andean Community	25.0	1	2	3	
Central America	10.8	1	3	2	
Cariforum	8.1	1	3	2	
Mercosur	84.9	3	2	1	
Mexico	53.8	1	2	3	
Chile	15.9	3	1	2	

Source: EPRS/Eurostat; Mercosur includes data for Venezuela.

As can be seen from Table 1, the USA has remained the first trading partner for most LAC groupings and individual countries ahead of China and the EU. However, recent US trade policy changes – including the US withdrawal from the Trans-Pacific Partnership (TPP), originally signed with 11 other Pacific Rim countries, and the US announcement of its

⁶ See Table 2 in Annex 1 for an overview of the agreements in place.

Paolo Giordano, <u>Regional Trade Agreements in Latin America and the Caribbean</u>: Trade, development and cooperation, Inter-American Development Bank (IDB), 16 March 2010.

European Union and Latin America and the Caribbean: Investments for growth, social inclusion and environmental sustainability, Economic Commission for Latin America and the Caribbean (ECLAC), October 2012, p. 52.

Relaciones económicas entre América Latina y el Caribe y China. Oportunidades y desafíos, Comisión Económica para la América Latina y el Caribe (CEPAL), November 2016. https://doi.org/10.1007/jhe-china-CELAC Forum, BRICS Policy Centre, 2016.

¹⁰ <u>EU-CELAC relations</u>, Factsheets, European External Action Service, 26 October 2016.

¹¹ <u>CELAC represents the fifth most important trading partner of the EU</u>, Eurostat news release, 9 June 2015.

The data presented in this publication are mainly derived from Eurostat (with some data also coming from the International Monetary Fund). The European Commission's DG TRADE also publishes regular overviews of EU trade statistics for specific LAC sub-regional groupings and countries. This paper will, however, primarily refer to Eurostat data because that is in many instances more up-to-date than the data in the Commission's overviews. References to both sources are avoided as much as possible, in particular when discrepancies exist between the data.

intention to re-negotiate NAFTA – have created uncertainty in the region and a window of opportunity for the EU to advance its interests, notably as regards Mercosur for which the EU is still the first trading partner.

In 2014, the EU remained the leading foreign investor in CELAC countries, with total foreign direct investment (FDI) stock amounting to about €642 billion,¹³ accounting for over one third of the region's total FDI stock. The EU's FDI stock in CELAC countries is higher than in Russia (€171.5 billion), China (€144.2 billion) and India (€38.5 billion) taken together (€354.2 billion). The EU is also CELAC's main partner in terms of development cooperation.¹⁴

Against the backdrop of ongoing tectonic geopolitical and trade policy shifts in the region, recent global and EU trade and investment policy developments, the EU is pursuing the three priorities for LAC set out in the 2015 EU trade policy communication 'Trade for All'.¹⁵ These priorities consist of the modernising the two trade pillars of the agreements concluded with Chile and Mexico (in the case of Mexico before the end of 2017) and finalising the long-standing negotiations with Mercosur (also by the end of 2017) to unlock untapped trade potential in the region.¹⁶

In July 2017 the European Parliament gave its consent to the conclusion of the EU-Cuba Political Dialogue and Cooperation Agreement (PDCA) signed in December 2016. 17 As a mixed agreement, the latter (cooperation and trade parts) will be applied provisionally until its ratification by all Member States. 18 The PDCA provides an initial legal and institutional framework to normalise EU-Cuba ties and may constitute a stepping stone towards a more ambitious trade agreement in the future. Part IV of the PDCA contains provisions on trade and trade cooperation which codify general WTO principles such as the most-favoured-nation (MFN) and national treatment principles for EU-Cuba trade. MFN is excluded from application to third countries through preferential agreements concluded between Cuba and third countries. In addition, the PDCA includes provisions on trade facilitation and cooperation in areas such as technical barriers to trade and standards, with a view to improving prospects for deeper economic relations. It includes a clause envisaging the future development of a stronger framework for investment.¹⁹ Previously, EU-Cuba relations were governed by the Common Position of 2 December 1996 which made full cooperation with Cuba conditional on progress on human rights and political liberties but did not exclude instruments of economic cooperation.²⁰

¹³ <u>EU-CELAC relations</u>, Factsheets, European External Action Service, 26 October 2016.

¹⁴ <u>Latin America – Regional Cooperation – funding</u>, Europeaid.

¹⁵ Trade for all. Towards a more responsible trade and investment policy, European Commission, 2015.

For a monthly update of ongoing negotiations please refer to the European Parliament's <u>legislative</u> <u>train schedule</u>, International Trade section.

¹⁷ Enrique Gómez Ramírez, <u>EU-Cuba Political Dialogue and Cooperation Agreement</u>, EPRS, European Parliament, June 2017; Gisela Grieger, <u>EU-Cuba Agreement</u>, EPRS, European Parliament, July 2017.

¹⁸ Jesper Tvevad, <u>EU-Cuba relations: a new chapter begins</u>, Policy Department for External Policies, European Parliament, 11 July 2017.

Political Dialogue and Cooperation Agreement, Council of the European Union, 12504/16, 25 November 2016. For the prospects of EU-Cuba cooperation, see also: Evita Schmieg, <u>Cuba 'updates' its economic model</u>. Perspectives for cooperation with the European Union, German Institute for International and Security Affairs, April 2017.

Common Position of 2 December 1996 defined by the Council on the basis of Article J.2 of the Treaty on European Union, on Cuba, 96/697/CFSP.

1.1. Existing agreements governing trade relations

This section analyses existing fully fledged agreements between, on the one hand, the EU and, on the other, countries and sub-regional groupings in Latin America and the Caribbean that are not currently undergoing modernisation (for new agreements and agreements that are currently being modernised, see <u>Section 1.2</u>).

1.1.1. EU-Andean Community



The Andean Pact was founded in 1969 by the Cartagena Agreement and renamed Andean Community of Nations (CAN) in 1996. Currently, it comprises four countries: Bolivia, Colombia, Ecuador, and Peru. ²¹ In 1993, the EU and the Andean Community concluded a Framework Agreement on Cooperation (covering also Venezuela) which entered into force in 1998. In 1996, political dialogue was institutionalised with the Declaration of Rome. In 2003, a Political Dialogue and Cooperation Agreement was signed, but it has not yet entered into force, despite completion of the ratification process by the Andean Community.

Negotiations on an interregional association agreement containing a political dialogue, cooperation and trade pillar were launched in 2007.²² However, the talks stalled in 2008 partly because the political landscape in Bolivia and Ecuador had changed with the arrival in power of left-wing President Evo Morales in Bolivia in 2006 and left-wing President Rafael Correa in Ecuador in 2007.²³ Both presidents preferred to pursue regional integration along the lines of the regional integration platform Bolivarian Alliance for the Peoples of our America (ALBA), which also includes Cuba and Venezuela.

As a result, a new negotiation format was defined.²⁴ Bloc-to-bloc negotiations continued on political dialogue and cooperation, while multiparty trade negotiations on a World Trade Organization Plus (WTO+) format²⁵ were pursued with those Andean Community countries willing to embark upon them, i.e. Peru, Colombia and Ecuador. Ultimately, in 2012, an ambitious and comprehensive trade agreement on progressive and reciprocal liberalisation was signed only with Peru and Colombia, both of which had signed a free trade agreement (FTA) with the USA in 2006. The agreement was thus strategically important for the EU to ensure a similar level of access to the markets of these two trading partners. It has been provisionally applied since 2013 and provides for the total liberalisation of trade in industrial products and fisheries over 10 years (with most tariffs eliminated at its entry into force) and increased market access for agricultural products (85 % are to be liberalised within 17 years). It also liberalises services and public

²¹ Chile originally belonged to the founding members, but withdrew in 1976. It is currently an associate member. Venezuela joined the Andean Community in 1973 but left in 2006 amid disarray within the CAN owing to divergent views on liberalisation and more generally on development policy, to become a full member of Mercosur in 2012.

²² SICE: trade policy developments: Andean countries – EU, Organisation of American States (OAS).

Steve Ellner, 'Latin America's new left in power: the governments of Hugo Chavez, Evo Morales and Rafael Correa', Latin American Perspectives, Vol. 39(1), January 2012, pp. 96-114.

²⁴ Peru, Colombia to negotiate bilateral deals with EU, Andina.com, 11 November 2008.

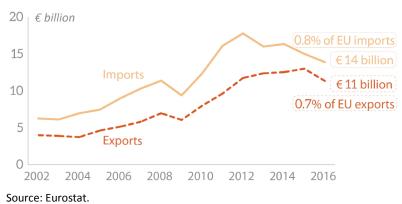
Deep Provision in Regional Trade Agreements: How Multilateral Friendly?, Organisation for Economic Co-operation and Development (OECD), February 2015, p. 2.

procurement and contains provisions on intellectual property rights (IPR), human rights and labour and environmental standards.²⁶

As regards Ecuador, the rationale for its decision to re-enter into negotiations with the EU in 2013 in order to join the EU-Colombia-Peru agreement was to secure improved market access to the EU.²⁷ Following the overhaul of the EU's generalised scheme of preferences (GSP)²⁸ Ecuador would have lost its GSP eligibility and would have faced MFN tariffs instead.²⁹ In July 2014, the EU and Ecuador reached an agreement on Ecuador's accession protocol to the EU-Colombia-Peru trade agreement. The accession protocol was signed in November 2016.³⁰ On 1 January 2017, Ecuador formally joined the trade agreement.³¹ As for Bolivia, it has retained its GSP status and has an option to join the multiparty trade agreement in the future.

In 2016, total EU trade in goods with the Andean countries amounted to about €25.0 billion, down from a peak of €29.5 billion in 2012. The trend of EU imports from the Andean countries exceeding EU exports to them continued in 2016, with the EU running a trade deficit of €3 billion. The EU is the countries' Andean third largest trading partner

Figure 1 – EU trade in goods with Andean Community



(14.4 %) after the USA (25.8 %) and China (17.6 %) and before Brazil (5.6 %). The Andean countries export mainly primary products (agricultural products, fuels and mining products) to the EU, while the EU exports chiefly manufactured goods (especially machinery and transport equipment, and chemical products).

Colombia and Peru, both members of the Pacific Alliance, account for the largest share of EU-Andean Community trade. Ecuador is the EU's third largest trading partner among the Andean countries with a trading volume of €4.3 billion, followed by Bolivia with €1.3 billion.³²

Although the multi-party trade agreement has been in force since 2013, EU-Colombia trade in goods has failed to gain momentum, but declined from €14.6 billion in 2014 to €10.9 billion in 2016 This trend is partly due to the decline of commodity prices and does

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European Union: 'Trade Agreement' with Colombia and Peru, study commissioned by the Policy Department for External Policies, European Parliament, 20 March 2012.

Assessing the economic impact of the trade agreement between the European Union and Ecuador, European Commission, June 2016.

Regulation (EU) No 978/2012 of the European Parliament and of the Council of 25 October 2012 applying a scheme of generalised tariff preferences and repealing Council Regulation (EC) No 732/2008, which unilaterally grants preferential market access to developing countries, is applicable from 2014 to 2023.

²⁹ The EU's Generalised Scheme of Preferences (GSP), European Commission, August 2015.

Ecuador joins EU-Colombia/Peru trade agreement, European Commission, press release, 11 November 2016.

³¹ European Union, Countries and regions, Andean Community, European Commission, DG Trade.

European Union, <u>Trade in goods with Bolivia</u>, European Commission, DG Trade.

not differ from the trend for Colombia's trade with the world. As for Peru, its total trade in goods with the EU has been more or less stagnant too, ranging between €8.2 billion in 2014 and €8.7 billion in 2016.

Figure 2 – Andean Community: Top 5 trade partners

Trade in goods (exports plus imports) (2016)

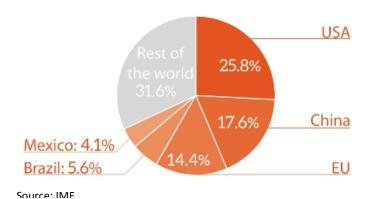
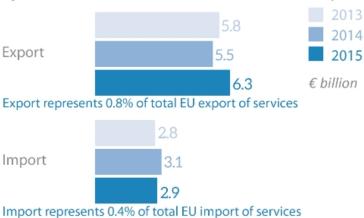
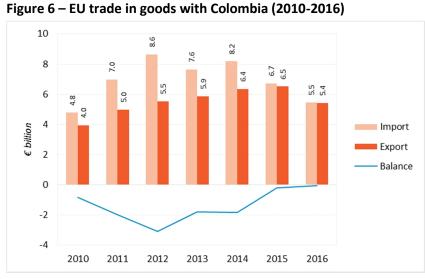


Figure 4 - EU trade in services with Andean Community





Source: Eurostat.

Source: Eurostat.

Figure 3 – Main trade products

EU trade in goods with Andean Community (2016)

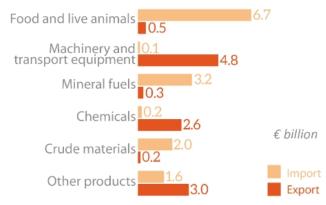
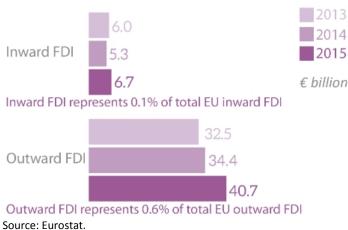


Figure 5 – EU FDI stocks with Andean Community

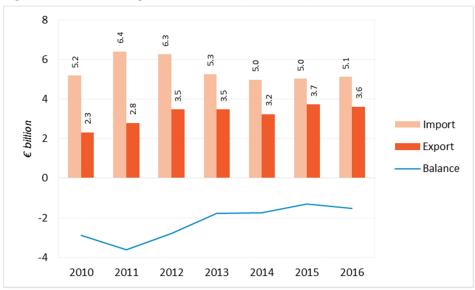


2 834.6 Mineral fuels 115.1 Machinery and transport equipment 2 012.5 1 771.7 Food and live animals 217.9 53.5 Chemicals 1 499.9 Other manufactured goods Miscellaneous manufactured goods Import Other products ■ Export Crude materials

Figure 7 – EU trade with Colombia: Main products (2016, € million)

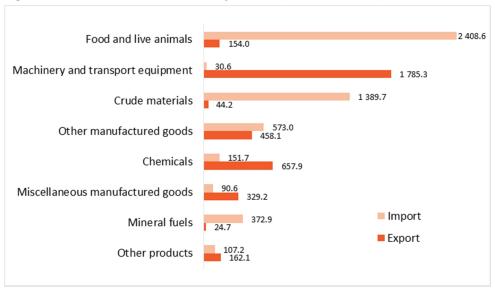
Source: Eurostat.





Source: Eurostat.

Figure 9 – EU trade with Peru: Main products (2016, € million)



4 3 2 € billion Import 1 Export Balance 0 -1 -2 2010 2011 2012 2013 2014 2015 2016

Figure 10 – EU trade in goods with Ecuador (2010-2016)

Source: Eurostat.

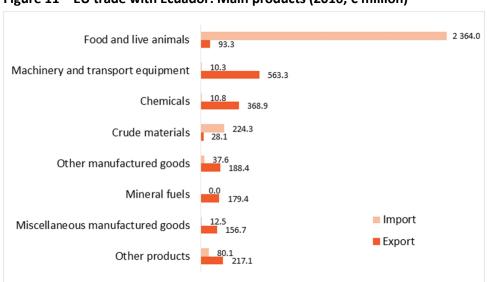


Figure 11 – EU trade with Ecuador: Main products (2016, € million)

1.1.2. EU-Central America



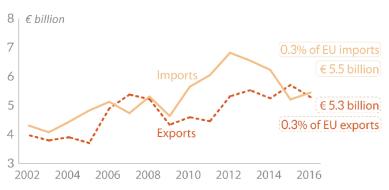
The group of Central America countries is composed of six countries: Costa Rica, El Salvador, Guatemala, Honduras, Nicaragua, and Panama. Close relations between the EU and Central America have their roots in the 1980s when the EU supported the region's successful peace process in the framework of the San Jose Dialogue. In 1993, the EU concluded the EU-Central America Framework Cooperation Agreement, in force since 1998.³³ In 2003, the parties signed the EU-Central America Political Dialogue and Cooperation Agreement which entered into force in 2014.

In 2007, negotiations started on an interregional association agreement. These were concluded in 2010. The EU's first region-to-region agreement in Latin America was signed in June 2012 and has three pillars: political dialogue, cooperation and trade. The trade provisions have been provisionally applied since 2013.³⁴ The trade pillar of the association agreement replaces the unilateral preferential access to its market that was granted to Central America under the EU's GSP.

The association agreement was designed to eliminate the majority of tariffs for manufactured goods and fisheries with complete liberalisation at the end of the tariff

phase-out period, for products most within 10 years and with respect to only a small number (4%) of products after 15 years.³⁵ Upon the entry into force of the agreement, Central American countries were set to liberalise 68 % of their existing trade with the EU. The agreement has been seen as a means both to diversify Central

Figure 12 – EU trade in goods with Central America



Source: Eurostat.

America's exports and its regional integration. Moreover, the agreement contains WTO+ provisions on, amongst other things, services, sanitary and phytosanitary measures (SPS), technical barriers to trade (TBT), geographical indications (GI), and public procurement. An ambitious trade and sustainable development (TSD) chapter requires compliance with a list of labour conventions and multilateral environmental agreements (MEAs). A civil society dialogue forum is to monitor the implementation of the TSD chapter, but there is no enforcement mechanism planned for a robust response to violations.³⁶

SICE: Trade policy developments: Central America-European Union, Foreign Trade Information System, OAS.

³⁴ European Commission, <u>Countries and regions, Central America</u>.

³⁵ EU-Central America: Trade relations under the Association Agreement, European Commission, 2012.

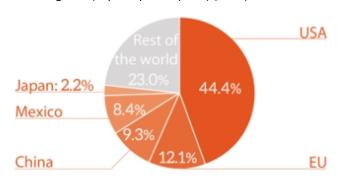
Everything you need to know about the EU-Central America Association Agreement, Act Alliance EU and Iniciativa de Copenhague para Centroamérica y México (CIFCA), undated.

The access to the Central American market gained by the EU through its association agreement is almost equal to that achieved by the USA by means of the Dominican Republic-Central America FTA (CAFTA-DR). The positive impact on bilateral trade was expected to be proportionate to the small size of the Central American economies.³⁷ The implementation of the association agreement has not yet led to an increase in trade in goods volumes. Bi-regional trade in goods actually decreased from a peak of €12.1 billion reached in 2012 to €10.8 billion in 2016. EU exports in goods to Central America decreased by 7.8 % in 2016. This is mainly on account of the drop in exports of chemical products and transport equipment by 7.3 % and 36.1 % respectively. In 2016 the EU ran a trade in goods deficit of €0.13 billion with Central America, down from €0.5 billion in 2015.³⁸

The main EU imports from Central America are electronic components for dataprocessing machines, coffee, bananas and pineapples. The main EU exports to Central America are machinery and mechanical appliances, chemicals, electrical appliances, pharmaceuticals, motor vehicles and steel articles.

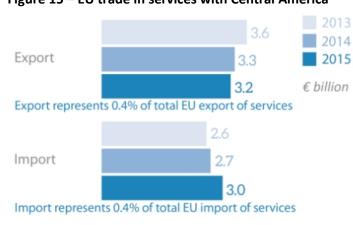
Figure 13 – Central America: Top 5 trade partners

Trade in goods (exports plus imports) (2016)



Source: IMF.

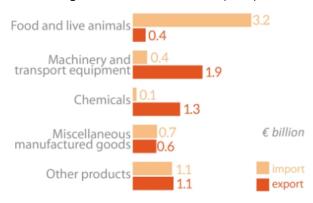
Figure 15 – EU trade in services with Central America



Source: Eurostat.

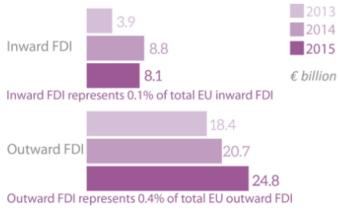
Figure 14 – Main trade products

EU trade in goods with Central America (2016)



Source: Eurostat.

Figure 16 – EU FDI stocks with Central America



³⁷ Elfriede Bierbrauer, <u>EU-Central America Association Agreement – Free trade chapter</u>, Policy Department for External Policies, European Parliament, 23 May 2011.

European Union, Countries and regions, Central America, European Commission, DG Trade.

1.1.3. EU-Cariforum



EU relations with the Caribbean countries were initially organised in the framework of the Group of African, Caribbean and Pacific States (ACP) which is currently governed by the 2000 Cotonou Agreement. The Caribbean countries are small, middle-income countries, with the exception of Haiti, and most of them are islands.³⁹ They account for only a small share of EU trade. The Caribbean is, however, important to the EU in geopolitical terms, since British, Dutch, and French overseas countries and territories are part of its immediate neighbourhood.

The EU's first regional counterpart in the Caribbean was the Caribbean Community (CARICOM) which was created in 1973. In 1992 the Caribbean Forum of African, Caribbean and Pacific States (Cariforum) was formed, encompassing CARICOM and the Dominican Republic. It subsequently became the EU's dialogue partner.

Negotiations on an EU-Cariforum Economic Partnership Agreement (EPA)⁴⁰ began in 2004. The agreement entered into force in 2008.⁴¹ A key goal of the EU-Cariforum EPA has been to replace the EU's non-reciprocal trade preferences and to introduce the principle of reciprocity into the EU's trade relations with the ACP countries.⁴² Reciprocal liberalisation between the EU and the Caribbean countries is asymmetrical in order to take into account the partners' different levels of economic development. Therefore a long transitional period of 25 years was agreed to expand current market liberalisation for 51 % of Caribbean imports from the EU to eventually reach 86.9 %. The EU grants the Caribbean countries complete free market access. However, agricultural and fishery products and a number of industrial goods are excluded from free market access.⁴³

The EU-Cariforum EPA is also supposed to foster sustainable development, promote interregional integration, and connect trade policy with development instruments. It incorporates several sustainable development rules, such as comprehensive commitments on social and environmental dialogue, an obligation not to lower environmental, labour and other social standards in order to attract FDI and a monitoring provision.

In line with Article 5 of the EU-Cariforum EPA, a first five-year review of the EPA's implementation was conducted in 2014 for the 2008 to 2013 period.⁴⁴ Although the EU-

³⁹ Cuba is the only Caribbean country not to have signed the Cotonou Agreement.

⁴⁰ EPAs are the main instruments for promoting trade between the EU and the African, Caribbean and Pacific (ACP) regions under the 2000 Cotonou Agreement. They constitute key elements of EU-ACP trade relations, designed to be WTO-compatible. They are set to progressively replace the EU preferential trade regime. European Union, <u>Fact Sheets on the European Union</u>, <u>Trade regimes applicable to developing countries</u>.

⁴¹ Cuba is part of Cariforum, but it is not a signatory of the EU-Cariforum EPA.

⁴² <u>Trade and Investment Agreements for Sustainable Development? Lessons from the EU's Economic Partnership Agreement with the Caribbean</u>, Evita Schmieg, SWP research paper, July 2015.

⁴³ <u>Cariforum–EU Economic Partnership Agreement: An overview.</u> Information Paper, European Commission, July 2008.

⁴⁴ Ranjit H. Singh et al., <u>Monitoring the implementation and results of the Cariforum–EU EPA Agreement</u>, September 2014.

Cariforum EPA's aid for trade component to support the implementation of the agreement has had a positive impact, there is still room for improvement as regards the EPA's joint institutions and the dissemination of information on the agreement. The review highlights delays both in the development cooperation part and in implementation of the trade part. Only 10 out of 15 Cariforum states have applied tariff reductions indicated for 2013, and export duties have been eliminated only partially. Although the Caribbean partners now enjoy free market access to the EU, they have so far had only limited success in seizing additional export opportunities, with only modest new trade flows.

In 2016, the EU was Cariforum's second largest trading partner (11.8 %) after the USA (43.0 %) and before China (7.1%). Trade in goods between the two regions reached €8.1 billion in 2016 significantly from 2015 levels. The main exports in goods from the Caribbean to

Figure 17 – EU trade in goods with Cariforum



Source: Eurostat.

the EU are fuel and mining products; bananas, sugar and rum; minerals and fertilisers. The main exports in goods from the EU to the Caribbean are machinery and transport equipment, boats and ships, cars, construction vehicles and engine parts; phone equipment; milk and cream; and alcoholic beverages.

Services are particularly important for Cariforum trade relations, in particular tourism, financial services and construction services. EU imports of services from Cariforum increased from €13.6 billion in 2014 to €21.1 billion in 2015. EU exports of services to Cariforum stood at €3.3 billion in 2014 and at €3.2 billion in 2015. The EU FDI stock in Cariforum grew significantly from €41.2 billion in 2013 to €80.7 billion in 2015.

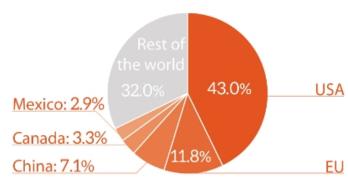
In 2012, the joint Caribbean-EU partnership strategy was adopted.⁴⁵ The main targets of the Caribbean Regional Programme (11th European Development Fund (EDF), 2014-2020) are regional economic cooperation and integration, climate change, environment, disaster management and sustainable energy, and crime and security.⁴⁶

⁴⁵ <u>Joint Caribbean-EU partnership strategy</u>, Foreign Affairs Council conclusions, 19 November 2012.

⁴⁶ Caribbean Regional Indicative Programme 2014-2020 (11th EDF).

Figure 18 - Cariforum: Top 5 trade partners

Trade in goods (exports plus imports) (2016)



Source: IMF.

Figure 20 - EU trade in services with Cariforum

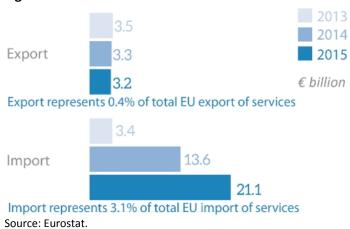


Figure 19 - Main trade products

EU trade in goods with Cariforum (2016)

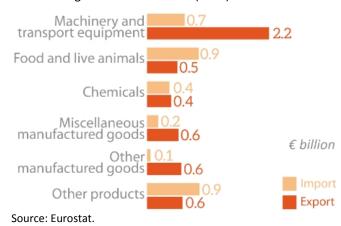
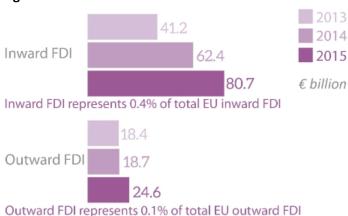


Figure 21 – EU FDI stocks with Cariforum



1.2. Ongoing and planned negotiations on agreements governing trade relations

This section analyses ongoing and planned trade negotiations between the EU and Latin American countries and sub-regional groupings. These negotiations cover both 'new' agreements (EU-Mercosur) and modernisations of existing fully fledged agreements (EU-Mexico and EU-Chile).

1.2.1. EU-Mercosur



Mercosur, the 'Common Market of the South', was founded in 1991 when Argentina, Brazil, Paraguay, and Uruguay signed the Treaty of Asunción. In 2012, Venezuela formally joined Mercosur as a fifth member, but in December 2016 the country was suspended temporarily for failure to transpose Mercosur rules into Venezuelan law.⁴⁷ In August 2017, the suspension was prolonged indefinitely, on the basis of Mercosur's democracy clause, until democracy is restored in Venezuela. Bolivia, which is still one of the five associate members (together with Chile, Colombia, Ecuador, Peru and Suriname), is in the process of joining Mercosur, with its accession protocol pending ratification by all Mercosur parliaments.⁴⁸

With combined gross domestic product (GDP) of US\$2.4 trillion in 2016, Mercosur is LAC's biggest trading bloc.⁴⁹ Despite making use of the EU's supranational integration model, Mercosur's institutional structure has remained weak and decisions are taken at intergovernmental level by consensus, as member states have been unwilling to cede sovereignty to supranational organs.⁵⁰

According to Article 1 of Mercosur's founding treaty, the aim is to create a common market. ⁵¹ Yet the bloc is still far from having achieved this goal. A customs union with a common external tariff (CET) was established as a stepping stone to a common market, but the CET has not been applied consistently, since domestic policy interests have frequently prevailed. ⁵² Mercosur has failed to implement its full harmonisation agenda including in competition policy and technical regulations. ⁵³

Carlos Ricardo Caichiolo, '<u>The Mercosur experience and theories of regional integration</u>', Contexto Internacional, Vol. 39(1) January/April 2017, pp. 117-134.

Le Venezuela qualifie de « coup d'Etat » sa suspension du Mercosur, Le Monde, 2 December 2016; Venezuela suspended indefinitely: 'Without democracy, you can't be part of Mercosur', MercoPress, 6 August 2017.

⁴⁸ Bolivia to join Mercosur as full member – Rousseff, Reuters, 17 July 2015.

⁴⁹ World Bank database.

The Law of Mercosur, Marcílio Toscano Franca Filho, Lucas Lixinski, María Belén Olmos Giupponi (eds.), Bloomsbury Publishing, 2010.

F.E. Bakker, Economic asymmetry and institutional shortfall in Mercosur: predictions for deepening Mercosur integration, Master's thesis June 2013; Chad P. Bown (Peterson Institute for International Economic) and Patricia Tovar (Pontificia Universidad Católica del Perú), Mercosur is not really a free trade agreement, let alone a customs union, 17 September 2016.

Mariana Mota Prado and Vladimir Bertrand, 'Regulatory Cooperation in Latin America: The Case of Mercosur', Law and Contemporary Problems, Vol. 78, 2015, pp. 205-230.

Considerable asymmetries exist among Mercosur countries because of the large differences in size and structure of their economies. While Argentina and Brazil have comparatively low involvement in global trade as reflected in their low trade-to-GDP ratio, Paraguay and Uruguay – given their small markets – have been more dependent on international and regional trade. Following significant growth of trade within Mercosur after its creation, trade flows have slowed down as a result of the financial crisis in the big Mercosur members and their weakened purchasing power. Since the mid-2000s, new external actors like China have imported significant volumes of commodities from Mercosur countries, thereby increasingly exposing the latter to fluctuating global commodity prices and heightening the risk of de-industrialisation. S

In accordance with Mercosur Decision 32/00 of 2000, which reaffirms that its members cannot individually negotiate and conclude trade agreements with third countries, Mercosur countries have concluded a number of preferential trade agreements (PTA) and free trade agreements (FTA) as a bloc.⁵⁶ The most recent preliminary negotiations on a future FTA are those with Canada and the European Free Trade Association (EFTA) which includes Iceland, Liechtenstein, Norway, and Switzerland.⁵⁷

EU bilateral trade relations with the four founding members of Mercosur go back to the beginning of the 1990s. The EU concluded framework trade and cooperation agreements with Argentina in 1990, with Paraguay in 1992, with Uruguay in 1994, and with Brazil in 1995. In parallel, a first inter-regional cooperation agreement was signed in 1992 but was replaced by the 1995 interregional framework cooperation agreement which entered into force in 1999. It covers political dialogue, trade and economic cooperation and currently governs the relations between the two trading blocs, but was originally conceived as a stepping stone to an ambitious bi-regional EU-Mercosur association agreement liberalising trade between the two parties. 60

Since 1999, the EU and Mercosur (excluding Venezuela) have been negotiating about trade liberalisation as part of their overall negotiations on a bi-regional association agreement that should also include a political and a cooperation pillar. However, in 2004 the parties failed to agree on each other's final offers on account of differing levels of ambition regarding the liberalisation of trade in agriculture, services and public procurement markets. Talks were suspended until the 2010 EU-LAC summit in Madrid when they were re-launched. They stalled again in 2012, the year of Venezuela's formal accession to Mercosur.

In economic terms, the cost of no agreement is rising for Mercosur, as none of its members, except Paraguay, benefit any longer from the EU's GSP and thus face fierce

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Non-Tariff Measures in Mercosur: Deepening Regional Integration and Looking Beyond, UNCTAD, May 2017.

⁵⁵ Claire Felter and Danielle Renwick, <u>Mercosur: South America's Fractious Trade Bloc</u>, Council on Foreign Relations, 5 October 2016.

Legal Framework of the Common Market of the Southern Cone, Foreign Trade International System, Organisation of American States (OAS).

Marcos Piacitelli, <u>How two new free trade agreements could transform Brazil</u>, World Economic Forum, 27 March 2017.

⁵⁸ Bilateral framework agreements for cooperation with the Mercosur countries, Summaries of EU legislation, <u>Eur-Lex</u>.

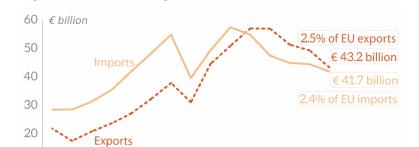
⁵⁹ European Commission, press release, Memo-94-62, undated.

Communication from the Commission to the Council and the European Parliament, <u>The European Community and Mercosur – An enhanced policy</u>, 19 October 1994.

competition from those countries still benefiting from it.⁶¹ As a result of the arrival in office of two pro-business presidents, Mauricio Macri in Argentina and Michel Temer in Brazil, in 2015 and in 2016 respectively, the long-standing negotiations with the EU on an interregional association agreement have gained momentum.⁶² May 2016 saw the first exchange of market access offers since the re-launch of negotiations.⁶³ The negotiation rounds in March and July 2017 witnessed considerable progress on a wide range of chapters,⁶⁴ although the parties are still in disagreement for instance as regarded provisions on subsidies and state-owned enterprises.⁶⁵ Nevertheless, both parties aim to conclude a political agreement by the end of 2017.⁶⁶

However, agriculture has remained a key stumbling block. Mercosur is a major producer of agricultural products such as beef and soybeans which currently make up a large part of Mercosur's exports to the EU. According to a 2016 study on the cumulative impact of the EU's trade agreements on EU agriculture, EU agricultural sectors will be very differently affected by opening the EU market to agricultural imports. A number of the EU's offensive agricultural products would benefit from increased market liberalisation, such as cereals, in particular wheat, and also beverages, such as wine and spirits. Sensitive EU products such as beef, rice and, to a lesser extent, poultry and sugar, by contrast, would come under pressure. 67

A significant number of EU Member States in the Agriculture and Fisheries Council of 12 June 2017 called for greater transparency and a balanced approach in the EU-Mercosur negotiations and for close involvement of the agricultural ministers of the Member States to allow them to adapt the



2010 2012

2014 2016

Figure 22 - EU trade in goods with Mercosur

Source: Eurostat.

2004

2006

2008

10

Actual impact of GSP reform as of 1st January 2014, Ernst & Young, 23 October 2013; Generalised Scheme of Preferences in a nutshell, European Commission.

Peter Millard, <u>Brazil's economic policy lurches right</u>, Bloomberg, 1 September 2016; Juan Cruz Díaz and Heidi Lough, <u>Viewpoint: Argentina's pro-business president delivers on politics over economics</u>, Americas Society/Council of the Americas, 12 December 2016.

EU, Mercosur exchange offers, amid Brazil political turmoil, International Centre for Trade and Sustainable Development (ICTSD), 19 May 2016; <u>Uruguay says beef and ethanol are included in Mercosur/EU proposals, but with no volumes or time span</u>, MercoPress, 13 September 2016.

As the Council's negotiating directives were adopted in September 1999, investment protection is not within the scope of the current negotiations, since the exclusive competence for investment (excluding portfolio investment) was only conferred from Member State to EU level with the entry into force of the 2009 Lisbon Treaty. European Commission press release 199910621/99, 13 September 1999.

Report of the XXVIIth negotiation round of the trade part of the EU-Mercosur Association Agreement,
Buenos Aires, 14-20 March 2017, European Commission; Report from the XXVIIIth round of negotiations of the trade part of the Association Agreement between the European Union and Mercosur, Brussels, 3-7 July 2017, European Commission.

⁶⁶ Mercosur nations prioritise end-of-year EU trade deal, Euractiv, 25 July 2017.

Pierre Boulanger, Hasan Dudu, Emanuele Ferrari, Mihaly Himics and Robert M'barek, <u>Cumulative</u> economic impact of future trade agreements on EU agriculture, Joint Research Centre, 2016.

negotiating mandate, if appropriate.⁶⁸ In September 2017, Mercosur made it known that beef and ethanol will be included in the next market access offers.⁶⁹ The EU's own offer of October 2017 has attracted criticism both from Mercosur countries for not being ambitious enough and from several EU Member States for being too ambitious.⁷⁰

As regards industrial sectors, in particular the automotive, pharmaceutical, chemical and textile sectors, financial services, telecommunications, and public procurement, EU offensive interests contrast with Mercosur's defensive interests given the latter's low level of competitiveness in these sectors, which have long been sheltered from external competition or for lack of earlier commitments.⁷¹ A 2011 study estimates that the gains for the EU through increased exports of industrial goods could range between €21 and €29 billion. It also states that the deal could enhance the EU's GDP by €15-21 billion and Mercosur's GDP by €2-3 billion.⁷²

In 2016, the EU was the largest trading partner for Mercosur (20.4 %) before China (19.2 %) and the USA (17.0 %). Trade in goods between the two blocs reached a peak in 2011 with €111.6 billion, when EU imports from Mercosur still exceeded EU exports to Mercosur. In 2012 this trend reversed, with both imports and exports in goods declining in parallel. In 2016, EU trade in goods with Mercosur stood at €84.9 billion, with the EU running a surplus with Mercosur of €1.5 billion. In 2015, the EU exported services worth €22.9 billion to Mercosur and imported services worth €12.2 billion from Mercosur. A large share of EU imports from Mercosur are primary products, including agricultural products (food and live animals) fuels and mining products -. A much smaller share of EU imports from Mercosur is made up of manufactures, including machinery and transport equipment. EU exports to Mercosur consist to a large extent of manufactures, including machinery and transport equipment, and also chemical. The EU is a major foreign investor in Mercosur. EU FDI stock grew from €130 billion in 2000⁷³ to €406.6 billion in 2015. Mercosur's FDI stock in the EU amounted to €134.7 billion in the same year.

Since 2007 Brazil has had a strategic partnership with the EU which includes the Mercosur integration process, climate change, the fight against poverty and sustainable energy.⁷⁴ Through the strategic partnership joint action plan, the two partners have agreed to work towards the conclusion of a balanced and comprehensive EU-Mercosur

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Outcome of the 3547th Council meeting, Agriculture and Fisheries, Council of the European Union, 12 June 2017.

⁶⁹ Brazil tells the EU 'it won't move' on Mercosur talks without ethanol and beef, Euractiv, 11 September 2017.

Brazil, Argentina call EU trade offer to Mercosur disappointing, Reuters, 6 October 2017; EU's proposed trade deal with Latin America criticised by trade ministers, The Irish Times, 13 October 2017; França quer alterar mandato de negociação no acordo Mercosul-UE, Reuters, 16 October 2017; EU, Mercosur Trade Talks in Decisive Stage Amid Push for Deal, International Centre for Trade and Sustainable Development (ICTSD), 19 October 2017.

A 2011 European Commission impact assessment concludes that gains from an EU-Mercosur agreement in the EU manufacturing sector would outweigh the losses for the EU in the agrifood sector. The increase in GDP would range from €8.9 billion to €66 billion under different scenarios. Potential EU-Mercosur Free Trade Agreement: Impact Assessment, European Commission, 2011.

Assessment of barriers to trade and investment between the EU and Mercosur, Economic Impact Assessment, Copenhagen Economics, May 2011.

⁷³ European Union, Trade in goods with Mercosur, European Commission.

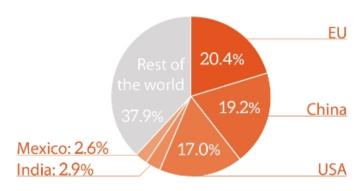
⁷⁴ <u>Brazil and the EU</u>, European External Action Service, 11 May 2016.

Agreement, and to strengthen the regulatory and industrial dialogue among the two regions.

The conclusion of the planned agreement with Mercosur would ensure that the EU has comprehensive agreements governing trade relations with almost all Latin American and Caribbean countries (with the exception of Cuba, Bolivia and Venezuela).

Figure 23 – Mercosur: Top 5 trade partners

Trade in goods (exports plus imports) (2016)



Source: IMF.

Figure 25 – EU trade in services with Mercosur

(No data available for Paraguay)

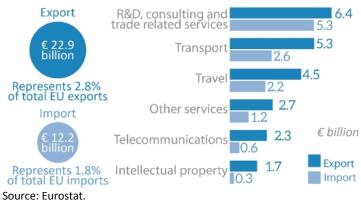


Figure 24 - Main trade products

EU trade in goods with Mercosur (2016)

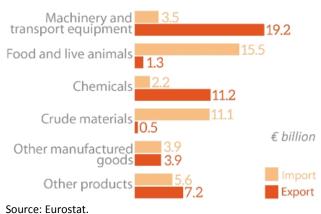
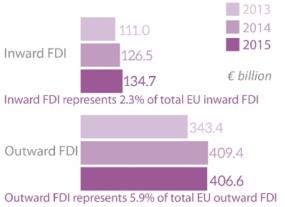


Figure 26 – EU FDI stocks with Mercosur



Source: Eurostat.

Figure 27 – EU trade in goods with Argentina (2010-2016)

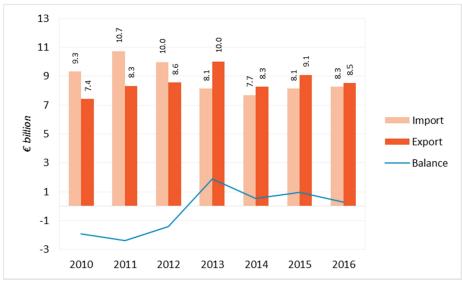
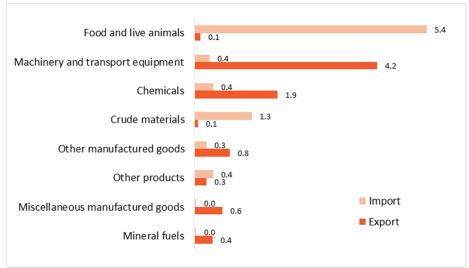


Figure 28 – EU trade with Argentina: Main products (2016, € billion)



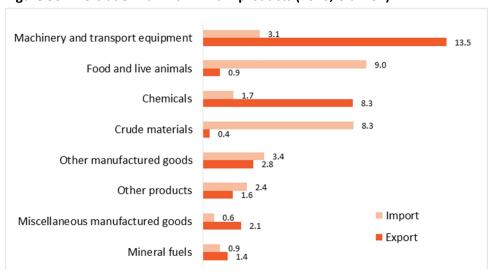
Source: Eurostat.

Figure 29 – EU trade in goods with Brazil (2010-2016)



Source: Eurostat.

Figure 30 – EU trade with Brazil: Main products (2016, € billion)



1.2.2. Ongoing modernisation of the EU-Mexico Global Agreement



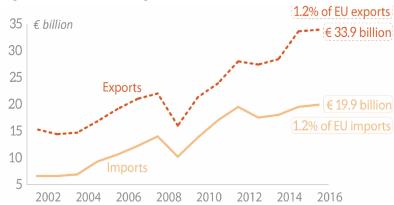
Mexico (formally known as the United Mexican States) has the 14th largest economy in the world in terms of GDP and the second largest in Latin America (after Brazil).⁷⁵ It belongs to the G20, the OECD, the Pacific Alliance and APEC.

Mexico was the first Latin American country to sign an economic partnership, political coordination and cooperation agreement (the 'Global Agreement') with the EU in 1997. The Global Agreement has been in force since 2000 and consists of three pillars, namely political dialogue, trade and cooperation. Under the Global Agreement's trade pillar, trade in goods and trade in services between the EU and Mexico has been

(partially) liberalised and various other trade disciplines have to some extent been established. Mexico also has a strategic partnership with the EU (Brazil is the EU's other strategic partner in Latin America).⁷⁷ This is unique in the sense that Mexico is the only country that has both a strategic partnership and a global agreement (or association agreement) with the EU. The partnership is an indicative strategy that facilitates a wider dialogue and deeper (political) cooperation between both parties. It contains only limited objectives with respect to bilateral trade relations.

The EU is Mexico's third largest trade partner, while Mexico is the 13th largest trade partner of the EU. The EU is also Mexico's second biggest export market after the USA, and Mexico's third largest source imports after the USA and China. In 2016, EU exports in goods

Figure 31 – EU trade in goods with Mexico



Source: Eurostat.

to Mexico amounted to €33.9 billion, while EU imports in goods from Mexico amounted to €19.9 billion. Since the entry into force of the Global Agreement's trade pillar, bilateral trade in goods has grown from €21.6 billion in 2000 to €53.8 billion in 2016. This represented 8.1 % of Mexico's total external trade in 2016, while US-Mexico trade represented 63.0 % and US-China trade 10.1 %. However, as a result of the ongoing shifts in US trade policy towards NAFTA, Mexico is looking to (further) diversify its trade relations and that provides a good opportunity for the EU to increase its share in Mexico's total external trade.

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Mexico: economic indicators and trade with the EU, EPRS and Globalstat, European Parliament, March 2017.

⁷⁶ Economic Partnership, Political Coordination and Cooperation Agreement, 28 October 2000.

⁷⁷ Strategic Partnership, 15 July 2008.

The EU's main exports to Mexico in 2016 were machinery and appliances, transport equipment, and chemical products.⁷⁸ Mexico's main exports to the EU were machinery and electrical equipment, mineral products (mainly crude oil), transport equipment and optical and photographic instruments. Unlike most other Latin American economies, which are primarily commodity providers, Mexico is mainly a provider of manufactured goods. Total trade in services increased from €9.5 billion in 2010 to €14.4 billion in 2016.⁷⁹ Mexico is a net importer of services from the EU, in particular transport services, and telecommunications, computer and information services. The EU, on the other hand, mostly imports travel services and transport services from Mexico.

The EU is an important provider of capital goods and intermediate products that enter the processes of Mexican assembling companies that export to the USA. In 2015, FDI flows from the EU to Mexico amounted to €18.3 billion and from Mexico to the EU to €2.7 billion.⁸⁰ FDI stocks of the EU in Mexico amounted to €161.6 billion while Mexico had FDI stocks in the EU worth €36.5 billion. Total FDI flows between the EU and Mexico increased from €5 billion in 2012 to €21 billion in 2015 and total FDI stocks increased from €103.8 billion to €198.1 billion in that same period. Although the USA has been the main foreign investor in Mexico over the past 15 years (49 % of total FDI), the EU follows quite closely with 37.8 % and was even the main investor in 2010 and 2013.⁸¹ Mexico has in recent years undertaken an ambitious set of internal structural reforms, agreed in the 'Pact for Mexico' (including tax, energy/telecoms and education reforms) and pushed for the introduction of mechanisms to facilitate investment flows in infrastructure.⁸² This provides opportunities for EU firms looking for greater access to the Mexican market.

Since 2013, the EU and Mexico have been working on the modernisation of the Global Agreement's trade pillar.⁸³ The objective is to unlock unfulfilled bilateral trade and investment potential by expanding the trade pillar's scope to include new trade issues (such as investment protection, regulatory cooperation, and trade and sustainable development). In addition, the modernisation seeks to adapt the trade pillar to political and economic changes that have occurred in both the EU and Mexico since 2000. Apart from gaining improved access to a market of 122 million consumers, the economic reforms carried out by Mexico in 2013 (in particular in the energy and telecom sectors) also form an important incentive for the EU to pursue this modernisation.⁸⁴ So far, five rounds of negotiations have taken place and both sides are committed to concluding talks before the end of the year.

⁷⁸ European Union, Trade in goods with Mexico, European Commission, DG Trade; Mexico, European Commission, DG Trade.

⁷⁹ Mexico: Main indicators, European Commission, DG Trade.

⁸⁰ Mexico: Main indicators, European Commission, DG Trade.

⁸¹ <u>Trade: EU-Mexico trade relations</u>, European External Action Service, Delegation of the European Union to Mexico.

^{82 &}lt;u>Estudios económicos de la OCDE: México</u>, OECD, January 2015.

See: Modernisation of the trade pillar of the EU-Mexico Global Agreement, EPRS, European Parliament, September 2017.

The EU-Latin American Strategic Partnership: state of play and ways forward, Policy Department for External Policies, European Parliament, July 2017.

Figure 32 - Mexico: Top 5 trade partners

Trade in goods (exports plus imports) (2016)

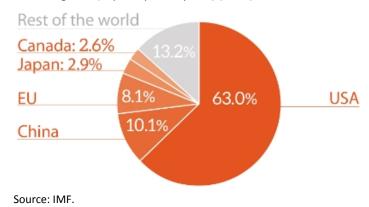


Figure 34 – EU trade in services with Mexico

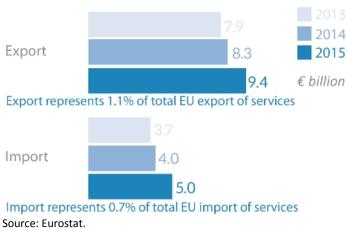
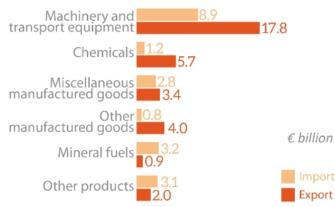


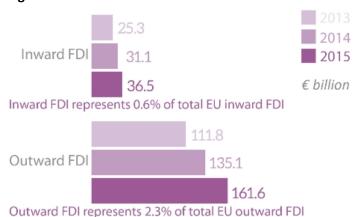
Figure 33 - Main trade products

EU trade in goods with Mexico (2016)



Source: Eurostat.

Figure 35 - EU FDI stocks with Mexico



1.2.3. Planned modernisation of the EU-Chile association agreement



Chile, an OECD member, founding member of the Pacific Alliance, and an associate member of the Andean Community and Mercosur, has developed a broad web of free trade agreements that has underpinned its openness to foreign trade.⁸⁵

EU-Chile relations were initially governed by the 1996 Framework Cooperation Agreement which was replaced by the 2002 EU-Chile Association Agreement (in force since 2005). The latter provides a comprehensive framework for the political, trade and cooperation aspects of bilateral relations, and also for political dialogue at different levels. The EU has also signed

other agreements with Chile such as those on science and technology, and regional policy.

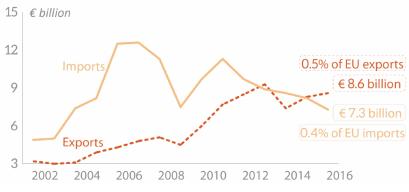
The trade pillar of the EU-Chile association agreement (in force since 2003) led to a significant increase in bilateral trade in goods from €7.7 billion⁸⁶ in 2003 to an all-time high in 2011 of €18.9 billion. Total trade in goods has since declined, to €15.9 billion in 2016.

In 2016, the EU was Chile's second trading partner (14.9 %) after China (26.5 %) and before the USA (14.4 %) and Brazil (7.0 %). The EU was Chile's third source of imports, and its second export destination. Chile is the EU's 36th largest trading partner accounting for 0.5 % of extra EU trade in 2016. ⁸⁷ Over time, EU exports to Chile have grown, while EU imports from Chile have declined, gradually reversing a previous trade deficit for the EU into a surplus in 2016 for the second year in a row.

In 2016, Chile's exports to the EU overwhelmingly consisted of primary goods, both fuels

and mining products such as ores and non-ferrous metals, mostly copper, and agricultural goods, such as wines, fruit and vegetables, fish wood products such as cellulose. Chile's imports from the EU predominantly consisted of manufactures, such as machinery and electric equipment, transport equipment.

Figure 36 – EU trade in goods with Chile



Source: Eurostat.

Bilateral trade in services amounted to €5.8 billion in 2015, up from €5.1 billion in 2014. The EU is a major investor in Chile. In 2015, EU FDI stock in Chile amounted to €42.8 billion, up from €40.8 billion in 2014. Chile's FDI stock in the EU stood at €0.3 billion, down from €1.3 billion in 2014.

⁸⁵ Information on Chile, Free Trade Agreements in Force, Foreign Trade Information System, OAS.

⁸⁶ Countries and regions, Chile, European Commission, DG Trade.

⁸⁷ European Union, Trade with Chile, European Commission, DG Trade.

However, after 14 years in action, the trade pillar of the 2002 EU-Chile Association Agreement is partly outdated (obsolete rules of origin, incomplete non-tariff barriers and limited IPRs) on account of global trade policy developments. The preferential trade rules it contains have been superseded by the large number of ambitious and comprehensive FTAs Chile and the EU have meanwhile concluded with third countries. A 2017 study shows that an erosion of bilateral trade in relative terms has occurred in favour of third parties, such as China.⁸⁸

Against this backdrop and unfulfilled market access in agriculture, services and public procurement, at the 2013 EU-CELAC Summit in Santiago (Chile), the EU and Chile agreed to explore the agreement's modernisation. Modernisation will be an opportunity to take account of the evolution of trade disciplines, recent developments in EU trade and investment policy as well as the conferral from Member States to the EU of the exclusive competence for FDI under the Lisbon Treaty. The association agreement's untapped potential is to be unlocked by upgrading existing trade preferences and adding new disciplines to the trade pillar, including a single set of rules on investment replacing the existing bilateral investment treaties (BIT) between Chile and various Member States. In an attempt to make EU trade policy more responsive to citizens' concerns, the Commission is also keen to have trade- and investment-related anti-corruption provisions included for the first time in the modernised trade pillar. A dedicated trade and gender equality chapter is another proposed novelty. 90

A May 2017 European Commission impact assessment⁹¹ estimated that 'in absolute values, the gains in real GDP for the EU in the long run would be €196 million in the conservative scenario and €391 million in the ambitious one. Chile would accrue real GDP gains of €304 million and €592 million under the respective scenarios'.

In preparation for the Council's negotiating mandate, in September 2017 the European Parliament suggested⁹² including separate chapters in the trade pillar to cover microand also small and medium-sized enterprises (SMEs), investment, trade and sustainable development (TSD), and trade and gender equality. It also advocated the use of the new investment court system (ICS).⁹³ It backed the conclusion of two separate agreements distinguishing between a trade and investment deal under the EU's exclusive competence and a second one for issues where the EU and Member States share competences in accordance with the recent opinion of the Court of Justice of the European Union (CJEU) on the EU-Singapore Agreement.⁹⁴

During the plenary of September 2017, the European Parliament gave its consent to the conclusion of the (separate) EU-Chile agreement on trade in organic products, which is

Ex-ante study of a possible modernisation of the EU-Chile Association Agreement, Final report, Ecorys, February 2017.

Public online consultation on a possible modernisation of the trade part of the EU-Chile Association Agreement, European Commission, DG Trade.

⁹⁰ Report on the implementation of the trade policy strategy Trade for All Delivering a Progressive Trade Policy to Harness Globalisation (COM (2017) 491), European Commission, May 2017, p. 10.

⁹¹ European Commission impact assessment, SWD(2017) 173 final, 24 May 2017.

⁹² Gisela Grieger, Modernising EU-Chile trade relations, EPRS, European Parliament, September 2017.

⁹³ Laura Puccio and Roderick Harte, <u>From arbitration to the investment court system (ICS): The evolution of CETA rules</u>, EPRS, European Parliament, June 2017.

Laura Puccio, <u>CJEU Opinion on the EU-Singapore Agreement</u>, EPRS, European Parliament, May 2017; CJEU <u>Opinion</u> 2/15 of 16 May 2017.

the first of its kind with a Latin American country. 95 Under this agreement, the EU and Chile mutually recognise the equivalence of their rules and controls on organic food production.

Figure 37 – Chile: Top 5 trade partners

Trade in goods (exports plus imports) (2016)

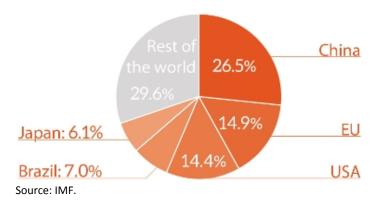
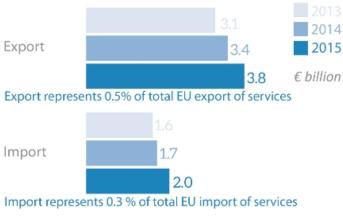


Figure 39 – EU trade in services with Chile



Source: Eurostat.

Figure 38 - Main trade products

EU trade in goods with Chile (2016)

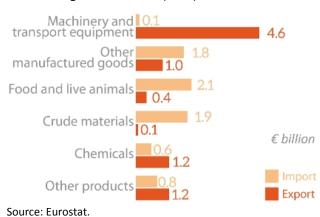
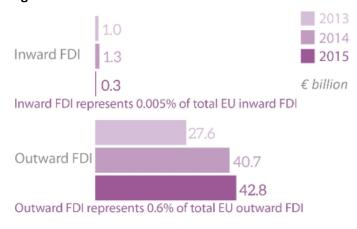


Figure 40 - EU FDI stocks with Chile



⁹⁵ MEPs weigh in to revamp EU-Chile trade deal, European Parliament, press release, 14 September 2017.

2. Comparative overview of existing EU agreements governing trade relations with sub-regional groupings and individual countries in Latin America and the Caribbean

The EU has concluded a wide range of agreements governing trade relations with Latin America and the Caribbean. These include:

- a multi-party free trade agreement with three countries of the Andean Community (Colombia, Ecuador and Peru);
- two agreements with sub-regional groupings (Cariforum and Central America);
- agreements with Mercosur and its individual members that could soon be replaced with an agreement with Mercosur;
- bilateral agreements with Mexico and Chile (currently in the process of being modernised).

These agreements differ considerably in terms of coverage and methodology depending on the time at which they were concluded and the backdrop to the negotiations.⁹⁶

2.1. Different negotiation methodologies

Each of the negotiations have proceeded along their own paths according to the particular circumstances of each case.

The ongoing EU-Mercosur negotiations build on an existing legal framework that dates back to the 1990s. At that time, the EU first concluded bilateral framework agreements for cooperation with Argentina, Paraguay, Uruguay and Brazil followed by an interregional framework cooperation agreement with Mercosur. These agreements, in particular the latter, were considered interim stages in the process towards the conclusion of a fully fledged EU-Mercosur agreement governing trade relations. As described in Section 1.2.1, the negotiations for this agreement have proven to be very complicated and have even been suspended at various times. The latest attempt, through a re-launch in 2010, has the added benefit, however, that it is now immediately able to tackle the majority of trade issues in a modern and comprehensive way. This is in contrast to the EU's existing agreements with Mexico and Chile that are now considered outdated and therefore require modernisation.

The procedure to conclude the negotiations on the trade pillar of the EU-Mexico Global Agreement was rather unique, in the sense that this pillar was not concluded at once (like most agreements) but instead in different stages as a 'living agreement'. First, in December 1997, the Global Agreement was concluded as a general framework agreement that laid down the basis for further negotiations on liberalising trade. This agreement came into force in November 2000. At the same time as the Global Agreement, in December 1997, an interim agreement on trade and trade-related aspects ('Interim Agreement'), 97 which was derived from the Global Agreement, was also signed. It entered into force in July 1998, well before the Global Agreement. Together, the Interim Agreement and the trade part of the Global Agreement constituted the trade pillar of the Global Agreement.

At the time of signing, however, both agreements set only broad objectives with respect to specific trade disciplines. A Joint Council was therefore created to implement these

⁹⁶ For an overview, see Annex 1.

⁹⁷ Interim Agreement on trade and trade related aspects, 13 August 1998.

objectives through detailed decisions. This Joint Council was composed of the Members of the Council of the EU and Members of the European Commission, on the one hand, and members of the Government of Mexico, on the other. It was also assisted by a joint committee, effectively to continue negotiations on implementing rules. Within this institutional set-up, several rounds of negotiation were held from November 1998 onwards to develop the trade pillar of the Global Agreement. The resulting decisions of the EU-Mexico Joint Council (partially) liberalised trade in goods in July 2000 (Decision No 2/2000)⁹⁸ and trade in services in March 2001 (Decision No 2/2001).⁹⁹ The reason for this particular approach was the entry into force of NAFTA in 1994; the EU quickly needed to conclude an agreement with Mexico so as not to lose ground in the emerging Mexican market. From the Mexican point of view, strong dependence on the US market also made it necessary to reach out to other partners and start a diversification process (in addition to the EU, Mexico concluded FTAs in those years with Chile, the EFTA countries, Israel, Japan and Uruguay).¹⁰⁰

The structure of the EU's trade agreement with Peru and Colombia (with Ecuador joining later) also derives from the particular circumstances of its negotiation. The negotiations were first started as a regional agreement between the EU and the Andean Community. However, Ecuador and Bolivia dropped out of the negotiations and negotiations then continued bilaterally with Peru and Colombia. The result was the conclusion of an umbrella trade agreement with distinct schedules for Peru and Colombia. Ecuador subsequently successfully negotiated its accession to the trade agreement in response to fear of losing its status as a GSP beneficiary.

The EU-Cariforum negotiations had a strong focus on development. This objective translated into differentiated schedules for Cariforum members in order to account for their specific development needs. Some differential treatment was also introduced in the EU's agreement with Central America.

Flexibility to adjust to various partners' needs has accordingly been a particular trait of the EU trade negotiation approach with Latin American countries in contrast to the USA, which relied more on the NAFTA model.

2.2. Differences in content between 'older' and 'newer' generation agreements

The earliest bilateral and interregional EU-Mercosur agreements are naturally the least advanced in terms of content as they date from the 1990s and were intended to act as an interim stage in the process towards a fully fledged interregional agreement. Subsequent agreements with trade pillars concluded in the early 2000s, namely with Mexico and Chile, also reflect, from a content point of view, the time of their conclusion and differ significantly from later agreements. For example, issues such as regulatory cooperation and sustainable development provisions are much less developed in the former than those found in the latter. While the EU-Mexico and EU-Chile agreements already have WTO+ provisions for technical barriers to trade (TBT) and sanitary and phytosanitary (SPS) provisions, including regulatory cooperation frameworks (as well as provisions establishing cooperation to achieve mutual recognition), such rules are more advanced in later agreements. For example, in the EU's agreement with Colombia,

Decision No 2/2000 of the EC-Mexico Joint Council of 23 March 2000.

Decision No 2/2001 of the EU-Mexico Joint Council of 27 February 2001.

¹⁰⁰ SICE: Countries: Mexico: Trade Policy Documents, Foreign Trade Information System, OAS.

Ecuador and Peru, the TBT chapter includes an obligation to use international standards¹⁰¹ unless those are ineffective or insufficient for achieving legitimate objectives. They also include a series of commitments regarding, among other things, marking and labelling standards, transparency requirements, conformity assessments, and exchange of information on standards.

Sustainable development provisions form an important part of more recent agreements. Reflecting its developmental aim, the Cariforum EPA, for example, begins with a partnership on sustainable development and a clear commitment that the agreement should be applied in conformity with sustainable development principles. ¹⁰² Specific titles were also dedicated to trade and sustainable development issues in the EU agreement with Colombia, Ecuador and Peru as well as in the agreement with Central America. In contrast, in the EU-Chile and EU-Mexico agreements, there are no specific chapters dedicated to sustainable development, although this issue was partly covered by political dialogues. ¹⁰³

The IPR-provisions in the EU-Chile and EU-Mexico agreements are also less developed than the trade-related aspects of intellectual property rights plus (TRIPS+) provisions included in the EU's more recent agreements. When geographical indications (GIs) were introduced in the EU-Chile and EU-Mexico agreements, they focused essentially on wines and spirits. GI provisions in other agreements, however, have encompassed food too, such as in the EU-Central America agreement and the EU-Colombia-Ecuador-Peru trade agreement. Moreover, in the EU-Cariforum agreement, a *rendez-vous* clause¹⁰⁴ was included to allow the countries to establish a domestic regulatory framework for geographical indications before negotiating an agreement on GIs.

In contrast to the Euro-Mediterranean association agreements, which merely confirmed General Agreement on Trade in Services (GATS) commitments in services, the EU-Mexico and EU-Chile agreement incorporate some GATS+ features. However, more recently negotiated agreements have gone further in ensuring GATS+ commitments and have further developed the areas of regulatory issues to be tackled under the services provisions (including data protection provisions).

Finally, none of the EU's agreements in Latin America and the Caribbean include investment protection provisions; these provisions are instead in some instances covered by BITs with individual EU Member States.

2.3. Further deepening and widening of EU-LAC trade agreements

The above comparative analysis itself shows the relevance of the modernisations launched by the Commission as regards the EU-Mexico and EU-Chile agreements in order to align them to its new 'Trade for All' agenda. There is at the same a geopolitical rationale for these modernisations. The trade pillar of the EU-Mexico Global Agreement

 $^{^{101}\,\,}$ Article 76 of the EU-Colombia, Ecuador and Peru Trade Agreement.

 $^{^{102}}$ See Part 1 and in particular Article 3 of the EU-Cariforum EPA.

¹⁰³ For the evolution of EU TSD chapters, see: Krisztina Binder and Laura Puccio, <u>Trade and sustainable development chapters in CETA</u>, EPRS, European Parliament, January 2017.

¹⁰⁴ Article 145 of the EU-Cariforum EPA.

Trade for all: Towards a more responsible trade and investment policy, European Commission, DG Trade.

was already less advanced than NAFTA¹⁰⁶ and the conclusion of the Trans-Pacific Partnership (TPP),¹⁰⁷ to which both Chile and Mexico are party, would widen the gap further (if it does come to fruition after the withdrawal of the USA). Moreover, it is in the EU's interests to align the EU-Mexico Global Agreement to the more comprehensive and recent EU-Canada Comprehensive Economic and Trade Agreement (CETA),¹⁰⁸ as that would not least establish a certain degree of homogeny for parties covered by both agreements.

Finally, the successful conclusion of an agreement with Mercosur would ensure that the EU has comprehensive agreements governing trade relations with almost all Latin American countries (except Bolivia, Cuba and Venezuela). As pointed out before, the EU has in recent decades lost market share in Latin America, owing in particular to the rise of China (and Asia more generally). ¹⁰⁹ Many Latin American countries are at the same time still highly dependent on the US market and are therefore vulnerable to possible spillovers from changes in US trade policies. ¹¹⁰ In addition, LAC countries are recovering from a regional recession in 2016, ¹¹¹ which comes on top of the negative effects of the last global slowdown which affected Latin America particularly harshly. ¹¹² Latin American countries (and in particular Mercosur members) are also less open to trade ¹¹³ compared with other emerging market regions. ¹¹⁴ The existing EU-LAC agreements governing trade relations and ongoing and planned negotiations therefore provide an opportunity for both sides to strengthen their trade ties in a rapidly changing international environment.

Evaluation of the implementation of the EU-Mexico FTA and an assessment of the possible modernisation of this agreement, Report of the Stakeholder Consultation Workshop, 9 July 2015, ECORYS.

¹⁰⁷ Trans-Pacific Partnership.

¹⁰⁸ <u>EU-Canada Comprehensive Economic and Trade Agreement</u>, European Commission, DG Trade.

¹⁰⁹ EU-Latin America relations, EPRS, European Parliament, March 2014.

¹¹⁰ Regional economic outlook – Western Hemisphere: A tale of two adjustments, IMF, May 2017.

¹¹¹ Regional economic outlook – Western Hemisphere: A tale of two adjustments, IMF, May 2017.

¹¹² Latin American and the Caribbean – Trade trend estimates 2016, IDB, 2015 (1Q).

¹¹³ Regi<u>onal economic outlook – Western Hemisphere adjusting under pressure</u>, IMF, October 2015.

¹¹⁴ International trade and market access data, World Trade Organization.

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Thorstensen V. and Ferraz L., <u>Brazil: Impacts of a preferential trade agreement with the European</u> Union (first draft), Eurochambers, November 2015.

Annex 1: Overview of EU trade relations with sub-regional groupings and individual countries in Latin America and the Caribbean

The EU has concluded a wide range of agreements governing trade relations with subregional groupings and individual countries in Latin America and the Caribbean. Table 2 provides an overview.

Table 2 – Overview of comprehensive EU-LAC agreements governing trade relations

Trade partner(s)	Agreement containing a trade pillar / Trade agreement	Year of entry into force	(Related) political agreement
Argentina	Framework Agreement for trade and economic cooperation between the EU and Argentina	1990	N/A
Paraguay	Framework Agreement for cooperation between the EU and Paraguay	1992	N/A
Uruguay	Framework Agreement for cooperation between the EU and Uruguay	1994	N/A
Brazil	Framework Agreement for cooperation between the EU and Brazil	1995	N/A
Mercosur	Interregional Framework Cooperation Agreement between the EU and Mercosur	1999	N/A
Mexico	Economic Partnership, Political Coordination and Cooperation Agreement between the EU and Mexico (also known as the 'Global Agreement')	2000	N/A
Chile	Association Agreement between the EU and Chile	2003	N/A
Cariforum	Economic and Partnership Agreement between Cariforum and the EU	2008 (except Haiti)	Cotonou Agreement
Central America	EU-Central America Association Agreement	2013	N/A
Andean Community (Peru, Colombia, Ecuador)	Trade Agreement between the EU and Colombia and Peru + Protocol of Accession to the Trade Agreement to take account of the accession of Ecuador)	Provisional application: Peru, Colombia (2013), Ecuador (2017)	Joint Declaration political dialogue (1996); to be replaced by the Political Dialogue and Cooperation Agreement (2003, not yet in force)

Source: EPRS.

Collectively, the 33 countries forming the Community of Latin American and Caribbean States (CELAC) are the fifth largest trading partner of the EU. On trade, the EU has concluded fully fledged agreements with two Latin American groupings (Cariforum and the Central America group), a multiparty trade agreement with three countries of the Andean Community (Colombia, Ecuador, and Peru), and agreements with Mexico and Chile that are in the process of being modernised. The EU's long-standing negotiations with Mercosur on an association agreement build on existing bilateral and inter-regional framework agreements with both Mercosur and its individual members.

The EU's agreements governing trade relations with Latin American and Caribbean subgroupings and individual countries differ considerably in terms of coverage and methodology depending on the time at which they were concluded and the backdrop to the negotiations. The EU now aims to modernise the trade pillars of its agreements with Mexico (ongoing negotiations, to be concluded before the end of 2017) and Chile (planned) in order to align them to the current standards of EU FTAs. In addition, the EU and Mercosur intend to finish their negotiations on a comprehensive agreement governing trade relations before the end of 2017. If they succeed, the EU would have agreements governing trade relations with nearly all of Latin America and the Caribbean (with the exception of Bolivia, Cuba and Venezuela).

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