Response to Applicant - Partial Access Granted
Form 4B

Feb 26, 2016

Re: Your request for access to information under Part II of the Access to Information and Protection of Privacy Act BTCRD 3/2016

On January 27, 2016 the Department of Business, Tourism, Culture and Rural Development received your request for access to the following records:

"All records, information and correspondence since the provincial election pertaining to CETA"

I am pleased to inform you that a decision has been made by the Deputy Minister for the Department of Business, Tourism, Culture and Rural Development to provide access to some of the requested information.

Access to the some information contained within the records was non responsive or has been refused in accordance with the following exceptions to disclosure, as specified in the Access to Information and Protection of Privacy Act (the Act):

Sections: 29(1)(a), 30(1)(a), 30(1)(b), 34(1)(a) and/or 40(1)

As required by 8(2) of the Act, we have severed information that is unable to be disclosed and have provided you with as much information as possible. In accordance with your request for a copy of the records, the appropriate copies have been enclosed.

Please be advised that you may appeal this decision and ask the Information and Privacy Commissioner to review the decision to provide partial access to the requested information, as set out in section 42 of the Act. A request to the Commissioner must be made in writing within 15 business days of the date of this letter or within a longer period that may be allowed by the Commissioner. Your appeal should identify your
concerns with the request and why you are submitting the appeal.

The appeal may be addressed to the Information and Privacy Commissioner is as follows:

Office of the Information and Privacy Commissioner
2 Canada Drive
P. O. Box 13004, Stn. A
St. John’s, NL A1B 3V8

Telephone: (709) 729-6309
Toll-Free: 1-877-729-6309
Facsimile: (709) 729-6500

You may also appeal directly to the Supreme Court Trial Division within 15 business days after you receive the decision of the public body, pursuant to section 52 of the Act.

Please be advised that responsive records will be published following a 72 hour period after the response is sent electronically to you or five business days in the case where records are mailed to you. It is the goal to have the responsive records posted to the Office of Public Engagement's website within one business day following the applicable period of time. Please note that requests for personal information will not be posted online.

If you have any further questions, please contact me by telephone at 729-3356 or by email at wcomeau@gov.nl.ca.

Sincerely,

Wayne Comeau

ATIPP Coordinator

Enclosures
Policy advice or recommendations

29. (1) The head of a public body may refuse to disclose to an applicant information that would reveal  
   (a) advice, proposals, recommendations, analyses or policy options developed by or for a public body or minister;

Legal advice

30. (1) The head of a public body may refuse to disclose to an applicant information  
   (a) that is subject to solicitor and client privilege or litigation privilege of a public body; or  
   (b) that would disclose legal opinions provided to a public body by a law officer of the Crown.

Disclosure harmful to intergovernmental relations or negotiations

34. (1) The head of a public body may refuse to disclose information to an applicant if the disclosure could reasonably be expected to  
   (a) harm the conduct by the government of the province of relations between that government and the following or their agencies:  
      (i) the government of Canada or a province

Disclosure harmful to personal privacy

40. (1) The head of a public body shall refuse to disclose personal information to an applicant where the disclosure would be an unreasonable invasion of a third party's personal privacy.
Andrew,

No changes for NL. Use my contact info.

Jeff
Sent from my BlackBerry 10 smartphone on the Bell network.

Hello Jeff

Next week, Steve Verheul, Canada's Chief CETA Negotiator, would like to schedule a conference call with his Provincial and Territorial counterparts. I am writing to ask you to confirm the name and title of Newfoundland and Labrador's Chief CETA Negotiator as well their current contact information. While we have information on file, we would not necessarily be aware of changes. Rest assured that we will also keep you updated on CETA developments.

Thanks very much for your prompt reply.

Regards,

Andrew Bottega
Senior Analyst | Analyste principal
CETA Secretariat (TEU) | Secrétariat de l'AECG (TEU)
andrew.bottega@international.gc.ca
(343) 203-4091
111 Sussex Drive, Ottawa, Ontario, K1A 0G2
Global Affairs Canada | Affaires mondiales Canada
Government of Canada | Gouvernement du Canada
Have they told you about any of this?

Sent from my BlackBerry 10 smartphone on the Bell network.

If you can assist with speaking points, I would appreciate it. Thanks for doing this so quickly Mark.

Btw..we will include the full note as an annex.

Diane

I have reduced the primary note to one page. Please note that the issues statement now contains a square bracketed reference to an annex – it’s your call on whether or not to include it, but it’s useful context for a more general conversation about CETA.

Also, this note should be accompanied by speaking points on this issue. Have these been prepared? If not I can also assist with this.

Thanks,
Mark
Hi Jeff and Adam,

Following up on Bradley’s request, we will be finalizing the Minister’s briefing book tomorrow and we need to condense the CETA information for the meeting with Minister Foote (there are two other topics as well). We would like to take a few key bullets from the note you provided - and we are hoping you can indicate which ones would be most appropriate (3-5 high level points). Your full note will be included as well.

We greatly appreciate your help,

Diane
Sent from my BlackBerry 10 smartphone on the Bell network.

From: Taylor, Diane <DianeTaylor@gov.nl.ca>
Sent: Friday, January 22, 2016 4:18 PM
To: Loder, Jeff; Vickers, Adam
Subject: Final CETA Info for Minister's briefing book

Hi Jeff and Adam,

Following up on Bradley's request, we will be finalizing the Minister's briefing book tomorrow and we need to condense the CETA information for the meeting with Minister Foote (there are two other topics as well). We would like to take a few key bullets from the note you provided - and we are hoping you can indicate which ones would be most appropriate (3-5 high level points). Your full note will be included as well.

We greatly appreciate your help,

Diane
Loder, Jeff

From: Janes, Mark
Sent: Friday, January 22, 2016 4:28 PM
To: Loder, Jeff
Subject: Re: Final CETA info for Minister’s briefing book

Follow Up Flag: Follow up
Flag Status: Flagged

Yes

Sent from my BlackBerry 10 smartphone on the Bell network.

From: Loder, Jeff
Sent: Friday, January 22, 2016 4:27 PM
To: Janes, Mark
Subject: Fw: Final CETA info for Minister’s briefing book

Can you do this

Sent from my BlackBerry 10 smartphone on the Bell network.

From: Taylor, Diane <DianeTaylor@gov.nl.ca>
Sent: Friday, January 22, 2016 4:18 PM
To: Loder, Jeff; Vickers, Adam
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Importance: High
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We greatly appreciate your help,

Diane
Jeff/Adam.

Do either of you have a 2-4 bullet summary of CETA I can use for the Minister's upcoming meeting with Judy Foote. High level items essentially.

Many Thanks,

Bradley
From: Loder, Jeff
Sent: Friday, January 22, 2016 11:35 AM
To: O'Rielly, Alastair; Genge, Daryl
Subject: Follow Up

Follow Up Flag: Follow up
Flag Status: Flagged

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Jeff

From: O'Rielly, Alastair
Sent: Thursday, January 21, 2016 7:28 AM
To: Genge, Daryl; Loder, Jeff
Subject: CETA


Alastair
Deputy Minister
Business, Tourism, Culture and Rural Development
IGA has prepared a decision note for the Premier relating to an invitation Minister Hutchings had previously sent to the EU Ambassador to Canada to lead a delegation of EU Heads of Mission to visit NL in 2016. The EU has asked if the invitation still stands following the change of government. Given this touches on the broader matter of CETA/Fisheries Investment, as well as the CAP trade mission to Europe I wanted to engage you both. Also, can either of you advise about timing considerations (April, May, early June) and any thoughts or views on good dates or otherwise.

Hoping to send this up shortly if possible. We will consult FA as well. Many thanks,

Dan

---

Thank you. We will have to confirm available dates. We can prepare a Decision Note on that.

Copying Alastair and Dave for information.

Sean

Sent from my BlackBerry 10 smartphone on the Bell network.

Sean,

Please see the email below from the EU delegation relating to Mr. Hutchings invitation to the EU Ambassadors to visit the province. For ease of reference, I have attached the correspondence as it was received by my office.

You will note that the delegation is asking if the invitation is still valid and if so, what the best possible dates may be for the visit. Can you please advise as to how I should reply to the inquiry?
Title: Potential Visit of European Union (EU) Heads of Mission Delegation to NL.

Decision Required:

- Intergovernmental Affairs (IGA) is seeking direction on whether the Province wishes to confirm its interest in hosting a delegation of EU diplomats in the spring of 2016. EU diplomatic representatives in Ottawa have inquired whether the invitation to visit NL which they received in August 2015 remains valid and, if so, what dates would be agreeable to the provincial government. The EU Ambassador, Her Excellency Marie-Anne Coninsx, had previously indicated interest in a visit during the first half of 2016, but after the winter.

- IGA advises that should the Province wish to confirm the existing invitation for the EU Heads of Mission to visit NL, a time frame of April, May or early June be considered so as to not conflict with a proposed Council of Atlantic Premiers (CAP) trade mission to the EU being proposed for mid-June 2016.

Background and Current Status:

- The Government of NL often receives diplomatic visits from Heads of Mission or Ambassadors stationed in Canada. The Office of Protocol provides coordination and support with respect to logistics and scheduling for incoming diplomats, while IGA provides support in terms of prepared briefing materials for the Premier and the Lieutenant Governor.

- While EU member states may have their own diplomatic representatives in Canada to oversee bilateral matters of interest, the EU also established a separate delegation or diplomatic mission in Ottawa since 1976 in order to promote the positions and policies of the EU as a whole.

- On August 12, 2015 then Municipal and Intergovernmental Affairs Minister (MIGA), Keith Hutchings, wrote to Ambassador Coninsx inviting a visit to NL by a delegation of EU Heads of Mission. Such a delegation would be led by Ambassador Coninsx and include other Ambassadors from various EU Member States. Ambassador Coninsx has lead a number of visits to other parts of Canada in the recent past, including northern Quebec (November 2015) and New Brunswick (May-June 2015).

- Ambassador Coninsx responded to the invitation on September 23, 2015 and indicated the idea of a visit to NL had been received with interest and that an EU Joint Heads of Mission could be organized, ideally in the first half of next year (after the winter). Then Minister Hutchings responded on October 2, 2015 recognizing the EU’s interest in a Spring 2016 visit and directed NL’s Protocol Office to work with the Ambassador’s office to discuss options.

- On December 15, 2015 an official with the Ambassador’s office contacted NL’s Protocol Office inquiring whether the Province was still interested in hosting a delegation of EU Heads of Mission given the change in government.

- No itinerary has been scoped out for this potential visit at this stage. Costs associated with hosting such a delegation will likely be larger than hosting single diplomat visits, since having a larger delegation often leads to additional events, such as hosted a formal reception and / or dinner, tours and ground transportation. The EU delegation would be responsible for their own travel to NL, as well as accommodations while on site.
Analysis:

- In addition to the positive exchange and bilateral relationships that can be strengthened with diplomatic visits, NL has directly engaged the EU Ambassador and other Ambassadors with respect to the Canada-EU Comprehensive Economic and Trade Agreement (CETA) and the ongoing provincial and federal dispute relating to Fisheries Investment Fund (FIF).

- In January 2015, the former MIGA Minister and the Minister of Business, Tourism, Culture and Rural Development (BTCRD) met with embassy representatives from the United Kingdom, Germany, Spain and Denmark, as well as with Ambassador Coninsx, to inform them of NL’s position regarding this matter.

- On May 25, 2015, then BTCRD Minister, Darin King, further wrote to Ambassador Coninsx, indicating that due to the federal government being unwilling to honour the terms of the FIF, NL was unable to uphold its commitment made during the CETA negotiations to remove minimum processing requirements (MPRs) for seafood destined for the EU. Then Minister King also indicated that the EU could be assured that, in the event the federal government was prepared to honour the terms of the FIF, the Province was prepared to implement the MPR commitment. He stated that with the exception of the FIF / MPR issue, the Province was pleased with the outcomes it negotiated in partnership with the federal government in CETA and that NL looked forward to its successful implementation.

- On June 11, 2015 Ambassador Coninsx replied and indicated that although the matter of the FIF was an internal Canadian matter, the elimination of MPRs for Canadian fish exports to the EU was part of this overall balance which would be unraveled by a selective CETA implementation.

- The issue of NL removing MPRs within CETA remains a significant issue for the EU. Throughout the CETA negotiations, EU negotiators consistently and strongly advocated for the removal of NL’s MPRs. The issue of MPRs and CETA will likely be a matter of significance should an EU Heads of Mission delegation visit NL in 2016 and the FIF and MPR matter remains unresolved.

Alternatives:

Option 1 (Recommended)
- Direct the Protocol Office to confirm NL’s invitation for a spring 2016 visit, and to suggest a timeframe of April, May or early June for the EU Heads of Mission delegation to visit NL. This timeframe would not conflict with a proposed CAP trade mission to the EU in mid-June to showcase immigration and post-secondary education opportunities in the Atlantic provinces, as well as to promote Atlantic businesses and build trade networks with European countries. The Province could benefit from discussions with EU Member State Ambassadors to Canada prior to the CAP mission and gain additional insights around countries of interest for the Province.

Option 2 (Not Recommended)
- Postpone the invitation until a later mutually agreeable time.
From: Mackenzie, Dan
Sent: Wednesday, December 16, 2015 12:38 PM
To: Loder, Jeff; Harding, Carolann
Cc: Janes, Mark; Clarke, Greg; Kennedy, William P
Subject: Re: Invitation for EU Heads of Mission to visit Newfoundland and Labrador

Follow Up Flag: Follow up
Flag Status: Flagged

Appreciated Jeff.

Dan

Sent from my BlackBerry 10 smartphone on the Bell network.

From: Loder, Jeff
Sent: Wednesday, December 16, 2015 12:37 PM
To: Mackenzie, Dan; Harding, Carolann
Cc: Janes, Mark; Clarke, Greg; Kennedy, William P
Subject: RE: Invitation for EU Heads of Mission to visit Newfoundland and Labrador

Thanks Dan.

I agree with recommendation and don’t see any downside. I would suggest that the note reference the WTO Seal’s issue and note more clearly that the purpose of these visits is to largely promote economic relationships, in particular trade and investment.

Best,

Jeff

From: Mackenzie, Dan
Sent: Wednesday, December 16, 2015 10:30 AM
To: Loder, Jeff; Harding, Carolann
Cc: Janes, Mark; Clarke, Greg; Kennedy, William P
Subject: FW: Invitation for EU Heads of Mission to visit Newfoundland and Labrador

Jeff/Carolann,

IGA has prepared a decision note for the Premier relating to an invitation Minister Hutchings had previously sent to the EU Ambassador to Canada to lead a delegation of EU Heads of Mission to visit NL in 2016. The EU has asked if the invitation still stands following the change of government. Given this touches on the broader matter of CETA/Fisheries Investment, as well as the CAP trade mission to Europe I wanted to engage you both. Also, can either of you advise about timing considerations (April, May, early June) and any thoughts or views on good dates or otherwise.

Hoping to send this up shortly if possible. We will consult FA as well. Many thanks,

Dan
From: Dutton, Sean  
Sent: Tuesday, December 15, 2015 9:11 AM  
To: Brown, David W.  
Cc: Mackenzie, Dan; Burt, Paula; Scott, Paul  
G.; O'Rielly, Alastair; Lewis, David B.  
Subject: Re: Invitation for EU Heads of Mission to visit Newfoundland and Labrador

Thank you. We will have to confirm available dates. We can prepare a Decision Note on that.

Copying Alastair and Dave for information.

Sean

Sent from my BlackBerry 10 smartphone on the Bell network.

From: Brown, David W.  
Sent: Tuesday, December 15, 2015 9:02 AM  
To: Dutton, Sean  
Cc: Mackenzie, Dan; Burt, Paula  
Subject: FW: Invitation for EU Heads of Mission to visit Newfoundland and Labrador

Sean,

Please see the email below from the EU delegation relating to Mr. Hutchings invitation to the EU Ambassadors to visit the province. For ease of reference, I have attached the correspondence as it was received by my office.

You will note that the delegation is asking if the invitation is still valid and if so, what the best possible dates may be for the visit. Can you please advise as to how I should reply to the inquiry?

Thank you,

David

From: FANTARONI Stefano (EEAS-OTTAWA) [mailto:Stefano.Fantaroni@eeas.europa.eu]  
Sent: Monday, December 14, 2015 6:08 PM  
To: Brown, David W.  
Cc: AUSTER Manfred (EEAS-OTTAWA); WINT Terri-Ann (EEAS-OTTAWA)  
Subject: Invitation for EU Heads of Mission to visit Newfoundland and Labrador

Dear Mr Brown

I am contacting you in reference to the letter of 2 October, sent by Minister Hutchings to our Ambassador Mrs Coninsx concerning a possible joint visit by the EU Heads of Mission to Newfoundland and Labrador in Spring 2016. I would like to touch base to see whether the invitation is still valid, and if so, which possible (indicative) dates would be available. I understand that there may be a lack of visibility at the moment given the institutional transition following the Provincial elections, but if there is any preliminary indication as to the visit, I would be most grateful to receive (preliminary) information, for us to be able to plan and budget accordingly.

With many thanks in advance

Kind regards

Stefano Fantaroni  
First Counsellor / Premier Conseiller
Political affairs and Public diplomacy /Affaires politiques et visibilité

Delegation of the European Union to Canada/Délégation de l'Union européenne au Canada

150 Metcalfe Street, Suite 1900
Ottawa, ON, K2P 1P1
Tel: +1 613 563 6430
stefano.fantaroni@eeas.europa.eu
www.eeas.europa/delegations/Canada
Can you resend email with what sin the ATRQ too so that I can send that too.

Jeff.

I have been speaking to Paul Paddle at DFA and we both agree that the inclusion of Pandalus Montagui in the CETA TRQ is a positive development. As the bio-mass for Pandalus borealis shows signs of decreasing having another species of shrimp to avail of the TRQ will be beneficial. This could open up further opportunities for secondary producing and branding for Pandalus Montagui products into the EU.

Adam Vickers
International Business Development Officer
Trade and Investment Branch
Business, Tourism, Culture and Rural Development
St. John's, NL
(709) 729-2755

"This email and any attached files are intended for the sole use of the primary and copied addressee(s) and may contain privileged and/or confidential information. Any distribution, use or copying by any means of this information is strictly prohibited. If you received this email in error, please delete it immediately and notify the sender."

Please review.

Jeff,

See attached. Pandalus Montagui species included in shrimp. Cod increased.
Paul Paddle
Government of Newfoundland and Labrador
Department of Fisheries and Aquaculture
30 Strawberry Marsh Road
P.O. Box 8700
St. John's, NL A1B 4J6
t. 709 729 1345
f. 709 729 6082
e. paulpaddle@gov.nl.ca
I have been speaking to Paul Paddle at DFA and we both agree that the inclusion of Pandalus Montagui in the CETA TRQ is a positive development. As the bio-mass for Pandalus borealis shows signs of decreasing having another species of shrimp to avail of the TRQ will be beneficial. This could open up further opportunities for secondary producing and branding for Pandalus Montagui products into the EU.

Adam Vickers
International Business Development Officer
Trade and Investment Branch
Business, Tourism, Culture and Rural Development
St. John's, NL
(709) 729-2755

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From: Loder, Jeff
Sent: Tuesday, December 15, 2015 11:20 AM
To: Vickers, Adam
Subject: FW: EU ATRQ

Please review.

From: Paddle, Paul
Sent: Tuesday, December 15, 2015 11:19 AM
To: Loder, Jeff
Subject: EU ATRQ

Jeff,

See attached. Pandalus Montagui species included in shrimp. Cod increased.

Paul

Paul Paddle
Government of Newfoundland and Labrador
Department of Fisheries and Aquaculture
30 Strawberry Marsh Road
P.O. Box 8700
St. John's, NL A1B 4J6
t. 709 729 1345
f. 709 729 6082
e. paulpaddle@gov.nl.ca
<table>
<thead>
<tr>
<th>Loder, Jeff</th>
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<tbody>
<tr>
<td><strong>From:</strong> Squires, Richard</td>
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<tr>
<td><strong>Sent:</strong> Tuesday, December 15, 2015 3:08 PM</td>
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<tr>
<td><strong>To:</strong> Loder, Jeff</td>
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<tr>
<td><strong>Subject:</strong> C-trade briefing note</td>
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<tr>
<td><strong>Attachments:</strong> 15-11-30 BN update on C-trade meeting for Nov 29-30_2015.doc</td>
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<tr>
<td><strong>Follow Up Flag:</strong> Follow up</td>
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<tr>
<td><strong>Flag Status:</strong> Flagged</td>
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</tbody>
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Jeff,

Here is the C-trade briefing note that I did up based on my and Adam's notes. I think it is good for reference for the division, but if you plan on sending it up the line we may want to dress it up and add more detail so it would be more easily understood as not much background is included.

Richard
From: Harding, Carolann
Sent: Wednesday, December 09, 2015 10:32 AM
To: Loder, Jeff; Vickers, Adam
Cc: Genge, Daryl
Subject: Follow Up Flag: FW: Follow-up #1 / Suivi no 1 : CETA - AECG - 8 DEC. 8 - FPT/IBD ADMs' Call - Appel des s.-m. a/FPT/DCI
Flag Status: Follow up
Flagged

Follow up needed from yesterday's call. See below.

CA

From: Ernest.Labreque@international.gc.ca [mailto:Ernest.Labreque@international.gc.ca]
Sent: Tuesday, December 08, 2015 7:36 PM
To: steve.rose@gov.yk.ca; BMaclusie@GOV.NU.CA; kevin_todd@gov.nt.ca; james.hammond@gov.bc.ca; Matthew.Machielse@gov.ab.ca; justin.riemer@gov.ab.ca; kari.harvey@gov.sk.ca; kirk.westgard@gov.sk.ca; don.calls@gov.mb.ca; cameron.sinclair@ontario.ca; Jean.Seguin@economie.gouv.qc.ca; Marie-Josee.Blais@economie.gouv.qc.ca; Serge.doucet@onbcanada.ca; kbwhitnell@gov.pe.ca; scferrls@gov.pe.ca; Pmaccaskill@nsbi.ca; Genge, Daryl; Jim.saunderson@canada.ca; mitch.bloom@canonor.gc.ca; Npun.vats@ilgc.ca; daryell.nowlan@canada.ca; france.pitre@dec-ced.gc.ca; Alain.beaudoin@feddevontario.gc.ca; twinterhalt@edc.ca; cmckenzie@ccc.ca; mathew.anile@gov.ab.ca; Suzanne.Turmel@onbcanada.ca; bill.grandy@canada.ca; marie-chantal.girard@canada.ca; ashisko@CCC.CA; france.pitre@dec-ced.gc.ca; kendal.weber@canada.ca; mitch.davies@canada.ca; john.morin@canada.ca; kate.ledgerwood@canonor.gc.ca; Sohee.Ahn@gov.bc.ca; Kelly_kaylo@gov.nt.ca; lee.kruszewski@gov.ab.ca
Cc: Tania.Laham@cannor.gc.ca; Patricia.Kania@ic.gc.ca; Johanne.Glazer@ic.gc.ca; Pam.McRae@ic.gc.ca; darlene.scott@canada.ca; alan.kinnie@canada.ca; Colin.Barry@acoa-apec.gc.ca; nadia.christie@canada.ca; Eddie.Rideout@gov.yk.ca; kieran.slobodin@gov.yk.ca; nicole.tremblay@canada.ca; manik.duggar@canonor.gc.ca; yvette.thibault@canada.ca; kim.montpellier@canada.ca; Monica.Gervais@gov.bc.ca; Sarah.Wempe@gov.ab.ca; kam.aujla@gov.ab.ca; james.b.martin@canad.gov.ca; Jennifer.Mosende@canad.gov.ca; facesa.girl@canad.gov.ca; rene sousa@canad.gov.ca; apworld@canad.gov.ca; scferrls@gov.pe.ca; cmckenzie@ccc.ca; mathew.anile@gov.ab.ca; Suzanne.Turmel@onbcanada.ca; bill.grandy@canada.ca; marie-chantal.girard@canada.ca; ashisko@CCC.CA; france.pitre@dec-ced.gc.ca; kendal.weber@canada.ca; mitch.davies@canada.ca; john.morin@canada.ca; kate.ledgerwood@canonor.gc.ca; Sohee.Ahn@gov.bc.ca; Kelly_kaylo@gov.nt.ca; lee.kruszewski@gov.ab.ca
Subject: Follow-up #1 / Suivi no 1 : CETA - AECG - 8 DEC. 8 - FPT/IBD ADMs' Call - Appel des s.-m. a/FPT/DCI

Thank you all for your participation to the FPT/IBD and Innovation ADMs' call and webinar this afternoon! /

Thank you all for your participation to the FPT/IBD and Innovation ADMs' call and webinar this afternoon! /

During the call, Kelly Morgan provided an update on CETA while Randle Wilson discussed the new approach to a business promotion plan for CETA, based on four pillars.

As was mentioned, he would like to be informed of your respective ongoing points of contact for the CETA business promotion task force, ideally by December 18th.
Thank you for contacting him at:

Au cours de l’appel cet après-midi, nous avons entendu Kelly Morgan faire une mise à jour sur l’AECG et Randle Wilson nous parler de la nouvelle approche, fondée sur quatre axes, pour promouvoir l’AECG auprès des milieux d’affaires. Tel que mentionné, il souhaiterait être informé, préférentiellement d’ici le 18 décembre, de vos points de contact permanents respectifs pour le groupe de travail promotion de l’AECG auprès des milieux d’affaires. Nous vous saurions gré de le contacter; voici ses coordonnées :

Randle Wilson
Director-General | Directeur général
Trade Portfolio Strategy and Coordination (BPD) | Stratégie et coordination du portefeuille commercial (BPD)
Randle.Wilson@international.gc.ca
Telephone | Téléphone 343-203-1877
Facsimile | Télécopieur 613-944-3473
125 Sussex Drive | 125, promenade Sussex
Ottawa, Ontario K1A 0G2 | Ottawa (Ontario) K1A 0G2
Foreign Affairs, Trade and Development Canada | Affaires étrangères, Commerce et Développement Canada
Government of Canada | Gouvernement du Canada

Thank you! Merci!

Ernest Labrèque
Conseiller principal | Senior Advisor
Dialogue fédéral, provincial et territorial | F-P-T Dialogue
Bureaux régionaux et relations intergouvernementales | Regional Offices and Intergovernmental Relations
Tel. | Tel.: 343 203-2105
Affaires étrangères, Commerce et Développement Canada | Foreign Affairs, Trade and Development Canada
Gouvernement du Canada | Government of Canada

Canada
Loder, Jeff

From: Loder, Jeff  
Sent: Monday, December 07, 2015 11:20 AM  
To: Vickers, Adam; Janes, Mark  
Cc: Squires, Richard  
Subject: Fw: CETA Fisheries Fund - shortened.docx  
Attachments: 07 - BTCRD - CS - CETA Fisheries Fund - shortened.docx

Follow Up Flag: Follow up  
Flag Status: Flagged

Please save and file.

Sent from my BlackBerry 10 smartphone on the Bell network.

From: Norman, Katie <KatjeNorman@gov.nl.ca>  
Sent: Monday, December 7, 2015 11:18 AM  
To: Loder, Jeff; O'Rielly, Alastair; Genge, Daryl  
Subject: RE: CETA Deck

Hi Jeff,

Certainly. Please see attached.

Katie

From: Loder, Jeff  
Sent: Monday, December 07, 2015 11:18 AM  
To: Norman, Katie; O'Rielly, Alastair; Genge, Daryl  
Subject: Re: CETA Deck

Katie,

Can you send me the final version of the CETA note you have so I can ensure I have the final version.

Jeff

Sent from my BlackBerry 10 smartphone on the Bell network.

From: Norman, Katie  
Sent: Monday, December 7, 2015 9:31 AM  
To: O'Rielly, Alastair; Genge, Daryl; Loder, Jeff  
Subject: CETA Deck

Hi Alastair, Daryl and Jeff,

I wanted to ensure you had the right deck for today as we did some formatting for consistency across Depts. Please see attached. This also reflects my discussion with Jeff on Thursday as per my email from last week.

Thank you,
Nothing. We are still waiting for some.

Sent from my BlackBerry 10 smartphone on the Bell network.

From: O'Rielly, Alastair
Sent: Sunday, December 6, 2015 8:59 PM
To: Loder, Jeff
Subject: Re: BTCRD deck re CETA

Nothing from any of the FOI requests to GC?

Sent from my BlackBerry 10 smartphone on the Bell network.

From: O'Rielly, Alastair
Sent: Sunday, December 6, 2015 8:52 PM
To: Loder, Jeff
Subject: Re: BTCRD deck re CETA

Thanks again!

Sent from my BlackBerry 10 smartphone on the Bell network.

From: Loder, Jeff
Sent: Sunday, December 6, 2015 8:50 PM
To: O'Rielly, Alastair
Subject: Re: BTCRD deck re CETA

Yes, what restrictions on the EU side?

Sent from my BlackBerry 10 smartphone on the Bell network.

From: O'Rielly, Alastair
Sent: Sunday, December 6, 2015 8:48 PM
To: Loder, Jeff
Subject: Re: BTCRD deck re CETA
Subject: Re: BCRD deck re CETA

Sent from my BlackBerry 10 smartphone on the Bell network.

From: O'Rielly, Alastair
Sent: Sunday, December 6, 2015 8:45 PM
To: Loder, Jeff
Subject: Re: BCRD deck re CETA

Will do.

Sent from my BlackBerry 10 smartphone on the Bell network.

From: Loder, Jeff
Sent: Sunday, December 6, 2015 8:44 PM
To: O'Rielly, Alastair
Subject: Re: BCRD deck re CETA

Same as shrimp but we should confirm.

Sent from my BlackBerry 10 smartphone on the Bell network.

From: Loder, Jeff
Sent: Sunday, December 6, 2015 8:43 PM
To: O'Rielly, Alastair
Subject: Re: BCRD deck re CETA

Sent from my BlackBerry 10 smartphone on the Bell network.

From: O'Rielly, Alastair
Sent: Sunday, December 6, 2015 8:40 PM
To: Loder, Jeff
Subject: Re: BCRD deck re CETA

Sent from my BlackBerry 10 smartphone on the Bell network.
Sent from my BlackBerry 10 smartphone on the Bell network.

Sent from my BlackBerry 10 smartphone on the Bell network.

Sent from my BlackBerry 10 smartphone on the Bell network.

Sent from my BlackBerry 10 smartphone on the Bell network.

Call my cell when possible.
I spoke with her re technical detail as well. Nothing new to add on my front.

Sent from my BlackBerry 10 smartphone on the Bell network.

From: O'Rielly, Alastair
Sent: Sunday, December 6, 2015 3:09 PM
To: Genge, Daryl; Loder, Jeff
Subject: Re: BTCRD deck re CETA

Thanks

Sent from my BlackBerry 10 smartphone on the Bell network.

From: Genge, Daryl
Sent: Sunday, December 6, 2015 3:08 PM
To: O'Rielly, Alastair; Loder, Jeff
Subject: Re: BTCRD deck re CETA

I talked with her on Thursday. Just had some very minor clarifications.

Sent from my BlackBerry 10 smartphone on the Bell network.

From: O'Rielly, Alastair
Sent: Sunday, December 6, 2015 2:32 PM
To: Genge, Daryl; Loder, Jeff
Subject: FW: BTCRD deck re CETA

Did either of you follow up with Katie?

From: Norman, Katie
Sent: December 3, 2015 2:12 PM
To: O'Rielly, Alastair; Genge, Daryl; Loder, Jeff
Subject: BTCRD deck re CETA

Good Afternoon,

I have tried to reach each of you to discuss the CETA presentation. Could one of you please give me a call at your earliest convenience? I have some input from MIGA, and up the line here to discuss, so we can finalize this presentation today. You can reach me at 6527.

Thank you,

Katie

Katie Norman | Cabinet Officer
Cabinet Secretariat, Executive Council
Government of Newfoundland and Labrador
This might be useful as well if they ask GP questions.

Best,

Jeff

Sent from my BlackBerry 10 smartphone on the Bell network.

From: Loder, Jeff <JeffLoder@gov.nl.ca>
Sent: Tuesday, November 24, 2015 9:31 AM
To: Vickers, Adam
Subject: Procurement before and after CETA2.doc
Economic Benefits for Newfoundland and Labrador

The economic benefits for Newfoundland and Labrador arising from the Canada-European Union Comprehensive Economic and Trade Agreement range across many sectors and will be felt in all areas of the province.

There are two types of direct benefits: tariff elimination, which can immediately improve economic returns; and, mechanisms to address non-tariff barriers, the types of behind the border regulations or standards that affect our ability to really sell goods once they enter the market.

Tariff Elimination

1. Fish and Seafood: 100 per cent will be eliminated within seven (7) years of the CETA becoming effective. Currently, the industry pays approximately $25 Million per year in EU tariffs on its exports.

   a. 95.5% of tariff lines will be duty-free immediately, These include:
      - shrimps and prawns – current duties at 20%
      - fresh cod fillets – current duties at 18%
      - live lobster – current duties at 8%
      - frozen scallops – current duties at 8%
      - frozen shell-on shrimp – current duties at 12%
      - fresh or chilled hake – current duties at 15%
      - dried and salted cod – current duties at 13%
      - frozen herring – current duties at 15%
      - fresh or chilled halibut, Atlantic – current duties at 8%
      - processed salmon – current duties at 5.5%
      - frozen mackerel – current duties at 20%
      - flatfish – current duties at 15%
b. In addition to this, the EU will allow Canada to export specific quotas of cooked and peeled shrimp and frozen cod fillets duty-free with no limitations on product form or packaging for the seven years it will take to fully eliminate the tariffs on those lines. These are Canada-only quotas. No other country can use them and Newfoundland and Labrador will be the primary beneficiary of these.
   i. Cooked and Peeled Shrimp: 23,000 Tonnes per year for each of the 7 years it takes to eliminate the 20% tariff
   ii. Frozen Cod Fillets: 1,000 Tonnes per year for each of the 7 years it takes to eliminate the 7.5% tariff
   iii. These quotas will permit the industry to immediately plan for value-added processing, which will improve prosperity in the sector in the long term.

2. Metals and mineral products: tariffs will be eliminated immediately when the CETA becomes effective.
   a. NL exported an average of $1.7 Billion in metal and minerals to the EU between 2010 and 2012. Many of these are already tariff-free.
   b. New tariff elimination that will benefit NL include:
      i. Nickel and nickel products, ranging up to 3.3%
      ii. Copper, zinc, lead, tin, ranging up to 9%
      iii. Iron and steel and iron or steel products, ranging up to 7%
   c. Overall, tariff elimination in the mining and mineral processing sector will enable the sector to diversify. In the event that new mineral resources are discovered or the industry seeks to diversify
the production of various mineral products, Newfoundland and Labrador will always be competitive when it comes to the EU market.

Non-Tariff Barriers

• One of Canada’s interests in this negotiation was real market access, which includes binding mechanisms and obligations that prevent the EU from using standards and labeling practices, etc, as behind the border barriers to trade.

• It's one thing to eliminate the tariff; it's another thing to be able to sell the goods when they get to market. This will help ensure we can.

• We now have the ability to ensure that our products are treated like European Union products in this regard.

• In addition to this, the CETA establishes a framework to facilitate temporary travel and relocation for business persons, including visitors, intra-company transferees and professionals. This is key for our service industry, including our growing oil and gas and mining services.

• It also creates a platform that allows and encourages professional regulatory bodies and associations to sign mutual recognition agreements, allowing engineers, architects and other professionals to work across both countries.
Loder, Jeff

From: Loder, Jeff  
Sent: Sunday, December 06, 2015 5:40 PM  
To: O’Rielly, Alastair  
Cc: Genge, Daryl  
Attachments: Economic Benefits for Newfoundland and Labrador.doc  
Follow Up Flag: Follow up  
Flag Status: Flagged

Alastair,

Please see some notes on the economic benefits of CETA for NL that might be useful in delivering the presentation or in fielding questions.

Jeff  
Sent from my BlackBerry 10 smartphone on the Bell network.
I think there is confusion between the end of the BSE (Mad Cow disease) restrictions on exports to Canada from EU and early implementation of CETA.

I will look into this but there is no early implementation of CETA that I am aware off but I will Call Steve.

Jeff

Sent from my BlackBerry 10 smartphone on the Bell network.

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Please advise,

Alastair

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http://www.farmersjournal.ie/beef-exports-to-canada-to-start-within-three-months-197544/

Sent from my BlackBerry 10 smartphone on the Bell network.
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<tr>
<td>Sent:</td>
<td>Monday, January 11, 2016 10:45 PM</td>
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<td>To:</td>
<td>Genge, Daryl; Loder, Jeff</td>
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<tr>
<td>Subject:</td>
<td>FW: CETA beef exports within three months</td>
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<td>Follow Up Flag:</td>
<td>Follow up</td>
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<tr>
<td>Flag Status:</td>
<td>Flagged</td>
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</tbody>
</table>

Please advise,

Alastair

---

From: Mitchelmore, Christopher
Sent: January 11, 2016 10:03 PM
To: O’Rielly, Alastair
Subject: CETA beef exports within three months

http://www.farmersjournal.ie/beef-exports-to-canada-to-start-within-three-months-197544/

Sent from my BlackBerry 10 smartphone on the Bell network.
Loder, Jeff

From: Loder, Jeff
Sent: Thursday, January 07, 2016 3:13 PM
To: Vickers, Adam
Subject: FW: Meeting note sections on WTO Seal issue, and CETA
Canada-EU Comprehensive Economic and Trade Agreement (CETA)

- The Provincial Government imposes Minimum Processing Requirements (MPRs) to ensure optimum economic benefits from fish resources adjacent to the province accrue to the province, including employment in the processing sector.
- During CETA negotiations, the Province agreed to grant exemptions to MPRs for fish and seafood destined for the EU three years after CETA comes into force. Consequently, the Province and Federal Government agreed to create a $400 million Fisheries Investment Fund (FIF) to support industry development and renewal, as well as, address any adverse impacts arising from removal of MPRs.
- The Federal Government subsequently reneged on its original commitment, stating that their commitment of $280 million toward the FIF was contingent upon demonstrated losses arising from relaxation of MPRs for seafood destined to the EU pursuant to the implementation of CETA. This contradicts the commitment made by the Federal Government in June 2013, whereby funds could be used for industry development and renewal, as well as losses from the removal of MPRs.
- The Province has stated it will fulfill its other obligations under CETA, but will not eliminate MPRs for the EU unless the Federal Government honors its commitments to the $400 million Fisheries Investment Fund.
- On December 22, 2014, federal Liberal Party Leader Justin Trudeau, now Prime Minister Trudeau, wrote the Province asserting that the federal government's promise of the fisheries investment fund should be honored.

Potential Speaking Points

- CETA will provide seafood producers with considerable opportunities. The Province looks forward to finding a successful resolution to the Fisheries Investment Fund to ensure a viable seafood industry.
- Given the resource regime shift from shellfish to groundfish that appears to be occurring in waters adjacent to NL, a Fund which can provide assistance to industry in this transformation would be a critical factor in achieving a viable groundfish sector in particular.
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<tr>
<th>From:</th>
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<td>Loder, Jeff</td>
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<td>Information Note - BTCRD - Agreement on Internal Trade (AIT) Negotiations Update.DOCX</td>
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Hi Jeff,

Please see attached.

Thanks,

Katie

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<td>Subject:</td>
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</table>

Katie, can you send me final version of the note electronically? Just want to make sure I have final version.

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<tr>
<th>From:</th>
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<td>To:</td>
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<td>Subject:</td>
<td>RE: Current CS Comments</td>
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</table>

Thanks all. The note is now on with the PO. Clarifying points all appreciated. I can get a final version of note put in DCP for you in the am.

Katie

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<thead>
<tr>
<th>From:</th>
<th>Genge, Daryl</th>
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<td>To:</td>
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<tr>
<td>Subject:</td>
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Good point.

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Sent from my BlackBerry 10 smartphone on the Bell network.

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<td>To:</td>
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<tr>
<td>Cc:</td>
<td>Genge, Daryl</td>
</tr>
<tr>
<td>Subject:</td>
<td>Re: Current CS Comments</td>
</tr>
</tbody>
</table>
Sent from my BlackBerry 10 smartphone on the Bell network.

From: O'Rielly, Alastair
Sent: Tuesday, December 22, 2015 4:30 PM
To: Norman, Katie
Cc: Genge, Daryl; Loder, Jeff
Subject: RE: Current CS Comments

Thanks Katie

Looks good,

Alastair

Deputy Minister
Business, Tourism, Culture and Rural Development

From: Norman, Katie
Sent: Tuesday, December 22, 2015 4:27 PM
To: O'Rielly, Alastair
Subject: Current CS Comments

Cabinet Secretariat Comments:
Katie Norman | Cabinet Officer  
Cabinet Secretariat, Executive Council  
Government of Newfoundland and Labrador  
709-729-6527
From: Loder, Jeff
Sent: Monday, December 21, 2015 2:13 PM
To: Vickers, Adam
Subject: FW: CETA Deck
Attachments: BTCRD REVISED Presentation.pptx

Follow Up Flag: Follow up
Flag Status: Flagged

Please print 5 copies along with the CETA not ASAP.

From: Norman, Katie
Sent: Monday, December 07, 2015 9:31 AM
To: O’Rielly, Alastair; Genge, Daryl; Loder, Jeff
Subject: CETA Deck

Hi Alastair, Daryl and Jeff,

I wanted to ensure you had the right deck for today as we did some formatting for consistency across Depts. Please see attached. This also reflects my discussion with Jeff on Thursday as per my email from last week.

Thank you,
Katie

Katie Norman | Cabinet Officer
Cabinet Secretariat, Executive Council
Government of Newfoundland and Labrador
709-729-6527
Newfoundland Labrador

Canada-European Union Comprehensive Economic and Trade Agreement “CETA,” and Fisheries Investment Fund (FIF)
CETA: Background

- NL joined as participant in March 2011.
- BTCRD was lead, supported by departments.
- Fisheries Investment Fund negotiated June 2013.
- CETA Agreement in Principle (AIP) reached October 2013.
- Negotiations concluded August 2014.
CETA: Overview

• Most ‘modern’ and comprehensive free trade agreement (FTA) negotiated to date (42 chapters).
• Only FTA the EU has negotiated with a country that is a major global economic actor.
• Unlike previous-generation FTAs, CETA reaches further than “at the border” measures to areas such as services, temporary entry, regulatory cooperation, conformity assessment etc.
• Provinces and Territories played a robust role during negotiations as EU interests were in provincial jurisdiction.
Outcomes: Tariff Elimination

- Fish and Seafood: 99.1% of tariff lines relevant to NL will be duty-free upon entry into force.
- Including top exports of shrimp, crab, herring, mackerel, halibut, cod and flatfish.
- Transitional Tariff Rate Quotas (TRQs) with no end use restrictions for shrimp (23k tonnes) and cod (1k tonnes).
- $25 million in annual tariff savings.
- Up to $100 million in added value to fishery:
  - $50M from new value added products
  - $50M from increased prices
Goods

- Elimination of tariffs on NL’s key exports to the EU including metal and mineral products, forestry products, advanced manufacturing, and agriculture and agri-food products.

- Mutual acceptance of compliance assessments for provincial manufacturers allowing their goods to be certified in Canada for sale into the EU market.
Services

- Improved access for key NL service areas.
- Temporary entry provisions are the most extensive the EU has provided to any other country, in any other FTA.
- Improved access for NL goods producers to service their goods in the EU.
NL Commitments

- The elimination of minimum processing requirements (MPRs) after three years of CETA entry into force.
- Inclusion of NL Hydro in procurement offer.
- Inclusion of additional service areas in procurement offer.
- Reduction of flexibility in regional economic development exceptions.
Federal Commitments Impacting NL

- The Federal Government has offered additional protection for pharmaceuticals in the Intellectual Property Chapter.
- This will delay the sale of cheaper generic drugs creating additional costs for all PTs.
- Costs are not expected to arise until 10 years after agreement comes into force.
- Harper government committed in writing to cover these costs.
Fisheries Investment Fund (FIF)

- Negotiated in June 2013.
- European Union expressed a desire throughout CETA negotiations to eliminate export restrictions on fish and seafood (wanted to set a precedent).
- Negotiated a $400M fund cost shared on a 70/30 federal/provincial basis in exchange for removing MPRs for the EU and other commitments in the agreement.
Fisheries Investment Fund (FIF)

- Five Pillars of the Fund:
  1. Research and Development
  2. New marketing initiatives
  3. Fisheries research
  4. Enhancements to provincial fisheries infrastructure
  5. Workforce adjustment (if required)

- Funding to be dispersed beginning in 2016-17.
FIF Timeline

• October 2013 Fund was announced.
• January 2014 Ministers Hutchings and Moore met, directed officials to work on operationalizing the Fund.
• May 2014 Minister Hutchings wrote Minister Moore to confirm expectations regarding operationalizing the Fund. This correspondence went unanswered for four months.
• October 2014 Federal Government officials introduce fundamental changes to the terms of the FIF
• November 2014 Minister Moore confirms the change in terms of the fund.
• December 2014 Premier meets with Prime Minister; PM also confirms position.
• This led to a stalemate between parties.
NL’s Position on CETA

• The past Federal Government made it clear they would not honour the terms of the Fund as negotiated in June 2013.

• As a result, NL will not relinquish MPRs on fish destined to the EU; will honour rest of agreement.

• NL notified the Ambassador of the EU to Canada of its position; Ambassador was concerned that overall balance of CETA could be unraveled by a “selective CETA implementation” and that the Fund was an internal matter it could not take a position on.
Current Federal Government's Position on Fund

- December 2014 Trudeau responded to NL's Premier's letter requesting support for the Fund; Trudeau stated the Federal Government's promise to NL should be honoured.
- September 2015 federal Liberal Party wrote to the FFAW on the FIF.
- September 2015 letter to Trudeau, NL Premier acknowledges Trudeau's support for NL's position on the Fund as stated in December 2014 letter; in response from Trudeau there is no mention of the Fund or their stance.
- November 2015 federal mandate letter for Minister of International Trade included reference to developing strategies to implement CETA and work with relevant Ministers and PTs to support adjustment in certain sectors. FIF was not referenced.
Correction: The ATRQ will be reduced to 7000 tonnes, not 23,000 tonnes, as I indicated below. This will take place on January 1st of the year following CETA coming into force.

Adam

I have been speaking to Paul Paddle at DFA and we both agree that the inclusion of *Pandalus Montagui* in the CETA TRQ is a positive development. The ATRQ will include both *Pandalus Borealis* and *Pandalus Montagui* species of shrimp and will have a quota of 23,000 tonnes for cooked and peeled shrimp products with no end-use restrictions. As the bio-mass for *Pandalus borealis* shows signs of decreasing having another species of shrimp to avail of the ATRQ will be beneficial. This could open up further opportunities for secondary producing and branding for *Pandalus Montagui* products into the EU.

Adam Vickers  
International Business Development Officer  
Trade and Investment Branch  
Business, Tourism, Culture and Rural Development  
St. John's, NL  
(709) 729-2755

"This email and any attached files are intended for the sole use of the primary and copied addressee(s) and may contain privileged and/or confidential information. Any distribution, use or copying by any means of this information is strictly prohibited. If you received this email in error, please delete it immediately and notify the sender."
To: Loder, Jeff  
Subject: EU ATRQ

Jeff,

See attached. Pandalus Montagui species included in shrimp. Cod increased.

Paul

Paul Paddle  
Government of Newfoundland and Labrador  
Department of Fisheries and Aquaculture  
30 Strawberry Marsh Road  
P.O. Box 8700  
St. John's, NL A1B 4J6  
t. 709 729 1345  
f. 709 729 6082  
e. paulpaddle@gov.nl.ca
While I am not privy to the timing of a meeting, the response looks fine to me.

Sent from my BlackBerry 10 smartphone on the Bell network.

Thanks. Have adjusted below. Daryl, are you good with this? I need to send to the Premier’s Office for approval before sending on.

Thanks,
Tansy

Given the Prime Minister’s commitment on the Fisheries Fund, we expect a positive relationship with Global Affairs on this issue. We have requested a meeting as soon as possible to discuss the Fisheries Fund. We anticipate that a meeting will be scheduled soon.

Should say global affairs, not industry Canada.

Sent from my BlackBerry 10 smartphone on the Bell network.

Daryl/Jeff,
Please see suggested response below, based on a conversation I just had with the Minister. Please advise asap if you are okay with this.

Thanks,
Tansy
Given the Prime Minister's commitment on the Fisheries Fund, we expect a positive relationship with Industry Canada on this issue. We have requested a meeting as soon as possible to discuss the Fisheries Fund. We anticipate that a meeting will be scheduled soon.

From: Scaplen, Roger  
Sent: Tuesday, January 19, 2016 1:52 PM  
To: Mundon, Tansy  
Subject: Fw: Comment request - CETA

Should this come from you? See below.

Sent from my BlackBerry 10 smartphone on the Bell network.

From: O'Connor, Nancy <NancyOConnor@gov.nl.ca>  
Sent: Tuesday, January 19, 2016 1:06 PM  
To: Scaplen, Roger  
Subject: FW: Comment request - CETA

Please send me whatever statement you put together before responding.

Thanks

Nancy

From: Bailey, Sue [mailto:Sue.Bailey@TheCanadianPress.com]  
Sent: Tuesday, January 19, 2016 1:05 PM  
To: O'Connor, Nancy <NancyOConnor@gov.nl.ca>; Scaplen, Roger <RogerScaplen@gov.nl.ca>  
Subject: Comment request - CETA

Hello,

I'm trying to confirm ASAP today please the latest on Newfoundland's position re: CETA. Prime Minister Justin Trudeau has indicated his support to follow through on the disputed $400-million fishery fund but has anything more come of that?

Thanks for any help with this.

Sue

Sue Bailey  
Newfoundland and Labrador Correspondent  
The Canadian Press  
Twitter: @suebailey  
Direct: 709-576-0687  
Mobile: 709-689-8619  
Fax: 709-576-0049
Pleasant exchange; DM Hogan will attempt to confirm a meeting for Minister Mitchelmore with Minister Freeland during the Northern Lights event in Ottawa January 26 – 30th. A phone call in advance of the meeting is also planned. I expect to have a schedule for the call and the meeting when I meet with DM Hogan on Friday.

Alastair

Deputy Minister
Business, Tourism, Culture and Rural Development

________________________________________
From: Genge, Daryl
Sent: Wednesday, January 13, 2016 8:45 AM
To: O'Rielly, Alastair
Subject: RE: CETA

Alastair,

You didn’t mention this to me yesterday – what happened on your call.

Daryl

________________________________________
From: O'Rielly, Alastair
Sent: Tuesday, January 12, 2016 5:03 PM
To: Loder, Jeff
Cc: Genge, Daryl
Subject: CETA

Jeff

I have a call with DM Hogan at 5:30 PM. Steve is participating. Call me to discuss on cell at 5:15.

Alastair

Sent from my BlackBerry 10 smartphone on the Bell network.
Loder, Jeff

From: Loder, Jeff
Sent: Tuesday, January 12, 2016 5:04 PM
To: O’Rielly, Alastair
Cc: Genge, Daryl
Subject: Re: CETA

Follow Up Flag: Follow up
Flag Status: Flagged

Will do.

Sent from my BlackBerry 10 smartphone on the Bell network.

From: O’Rielly, Alastair
Sent: Tuesday, January 12, 2016 5:02 PM
To: Loder, Jeff
Cc: Genge, Daryl
Subject: CETA

Jeff

I have a call with DM Hogan at 5:30 PM. Steve is participating. Call me to discuss on cell at 5:15.

Alastair
Sent from my BlackBerry 10 smartphone on the Bell network.
Jeff

I have a call with DM Hogan at 5:30 PM. Steve is participating. Call me to discuss on cell at 5:15.

Alastair
Sent from my BlackBerry 10 smartphone on the Bell network.
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<th>CETA Proposed Obligations - NL Offer</th>
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<td>Yes: Annex 502.2A</td>
<td>Yes</td>
<td>Yes</td>
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<td>Exemption for NL Hydro</td>
<td>No</td>
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</tr>
<tr>
<td>Exemption for NLRDC</td>
<td>Yes, Section 2.i</td>
<td>Yes</td>
<td>Yes</td>
</tr>
<tr>
<td>Exemption for Regional Economic Development</td>
<td>Yes, Ch.5, Proc., Art. 508; and Ch.18, Final Provisions, Art. 1801</td>
<td>Yes, Article 4.i incorporates the AIT</td>
<td>Yes</td>
</tr>
<tr>
<td>CETA Parameters: maximum of 10 RED procurements per year, limited to $1 million each. For construction valued above the $8.5M CETA threshold, the Provincial Government could set aside work valued at $1M as a RED procurement.</td>
<td></td>
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</tr>
<tr>
<td>Exemption for Shipbuilding (including maintenance and repair)</td>
<td>No. Shipbuilding can be sole-sourced through carve-out for regional economic development</td>
<td>No. Shipbuilding can be sole-sourced through Chapter 5 Procurement carve-out for regional economic development or Chapter 18 general carve-out for regional economic</td>
<td>Yes. Market Access Annex, General Exclusion 6</td>
</tr>
<tr>
<td>CETA exemption in Federal Government and Provincial Government jurisdictions</td>
<td>Yes. Market Access Annex, General Exclusion 6</td>
<td>Yes</td>
<td>Yes</td>
</tr>
<tr>
<td>Issue</td>
<td>Current Obligations</td>
<td>CETA</td>
<td>Comments</td>
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<td></td>
<td>NL Public Tender Act</td>
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<td>Agreement on Internal Trade</td>
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<td></td>
<td>Atlantic Procurement Agreement</td>
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<td></td>
<td>World Trade Organization Government Purchasing Agreement</td>
<td></td>
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<tr>
<td></td>
<td>Proposed CETA Obligations-NL Offer</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Covered Procurement: Architects and Engineers</td>
<td>No</td>
<td>No</td>
<td>No</td>
</tr>
<tr>
<td>MASH Sector Obligated to Comply (municipalities, academic institutions, school boards, and health and social service providers)</td>
<td>Yes</td>
<td>Yes</td>
<td>Yes</td>
</tr>
<tr>
<td>Bid Review Mechanism</td>
<td>Provincial court system</td>
<td>Provincial court system</td>
<td>Provincial court system</td>
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<tr>
<td>Issue</td>
<td>Current Obligations</td>
<td>CETA Proposed Obligations</td>
<td>Comments</td>
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</tr>
<tr>
<td>Goods</td>
<td>Public Entities: $10K</td>
<td>Gov. Depts.: $585K</td>
<td></td>
</tr>
<tr>
<td></td>
<td>MASH Sector: $100K</td>
<td>Annex 3: Crowns: $670K</td>
<td></td>
</tr>
<tr>
<td>Services</td>
<td>Public Entities: $10K</td>
<td>Gov. Depts.: $585K</td>
<td></td>
</tr>
<tr>
<td></td>
<td>MASH Sector: $100K</td>
<td>Annex 3: Crowns: $670K</td>
<td></td>
</tr>
<tr>
<td>Construction</td>
<td>Public Entities: $20K</td>
<td>Gov. Depts.: $8.3M</td>
<td></td>
</tr>
<tr>
<td></td>
<td>MASH Sector: $250K</td>
<td>Annex 3: Crowns: $8.3M</td>
<td></td>
</tr>
</tbody>
</table>

Jacqueline Power    July 4, 2013
Loder, Jeff

From: Vickers, Adam
Sent: Monday, December 07, 2015 11:17 AM
To: Loder, Jeff
Subject: RE: Environmental Measures in NAFTA and CETA

Follow Up Flag: Follow up
Flag Status: Flagged

Loder, Jeff

Sent from my BlackBerry 10 smartphone on the Bell network.

From: Vickers, Adam
Sent: Monday, December 7, 2015 11:00 AM
To: Loder, Jeff
Subject: Environmental Measures in NAFTA and CETA

NAFTA

Article 11.14: Environmental Measures

1. Nothing in this Chapter shall be construed to prevent a Party from adopting, maintaining or enforcing any measure otherwise consistent with this Chapter that it considers appropriate to ensure that investment activity in its territory is undertaken in a manner sensitive to environmental concerns.

2. The Parties recognize that it is inappropriate to encourage investment by relaxing domestic health, safety or environmental measures. Accordingly, a Party should not waive or otherwise derogate from, or offer to waive or otherwise derogate from, such measures as an encouragement for the establishment, acquisition, expansion or retention in its territory of an investment of an investor. If a Party considers that another Party has offered such an encouragement, it may request consultations with the other Party and the two Parties shall consult with a view to avoiding any such encouragement.

CETA

25. Trade and Environment
Chapter XX: Trade and Environment

Article X.1: Context and Objectives

The Parties recognize that the environment is a fundamental pillar of sustainable development and the contribution that trade could make to sustainable development. They stress that enhanced cooperation between the Parties to protect and conserve the environment brings benefits which will promote sustainable development, strengthen the environmental governance of the Parties, build on international environmental agreements to which they are party and complement the objectives of the CETA.

Article X.2: Definition

For the purposes of this Chapter:

"environmental law" means laws or statutory or regulatory provisions, or other legally binding measures, the purpose of which is the protection of the environment, including the prevention of a danger to human life or health from environmental impacts, such as those that aim at:

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

but does not include any measures solely related to worker health and safety, which fall under Chapter X - Labour, nor any measures by a Party for which the purpose is managing subsistence or aboriginal harvesting of natural resources.

Article X.3: Multilateral Environmental Agreements

1. The Parties recognize the value of international environmental governance and agreements as a response of the international community to global or regional environmental problems and stress the need to enhance the mutual supportiveness between trade and environment policies, rules and measures.

2. Each Party reaffirms its commitment to effectively implement in its laws and practices, in its whole territory, the Multilateral Environmental Agreements to which it is a party.

3. The Parties commit to consulting and cooperating as appropriate with respect to environmental matters of mutual interest related to Multilateral Environmental Agreements, in particular trade-related issues. This includes, inter alia, exchanging information on the implementation of Multilateral Environmental Agreements that a Party is bound by, on ongoing negotiations of new Multilateral Environmental Agreements, as well as on each Party's respective views as regards to becoming a party to additional Multilateral Environmental Agreements.

4. The Parties acknowledge their right to make full use of the General Exceptions in Chapter X (Exceptions) in relation to environmental measures, including those taken pursuant to Multilateral Environmental Agreements to which they are party.

Article X.4: Right to regulate and levels of protection

Recognizing the right of each Party to set its own environmental priorities, to establish its own domestic levels of environmental protection, and to adopt or modify its relevant laws and policies accordingly in a manner consistent with the multilateral environmental agreements to which they are a party and with this Agreement, each Party shall seek to ensure that those laws and policies provide for and encourage high levels of environmental protection and shall strive to continue to improve those laws and policies and their underlying levels of protection.

Article X.5: Upholding levels of protection
1. The Parties recognize that it is inappropriate to encourage trade or investment by weakening or reducing the levels of protection afforded in domestic environmental laws.

2. A Party shall not, through a sustained or recurring course of action or inaction, fail to effectively enforce its environmental laws as an encouragement for trade or investment.

3. A Party shall not waive or otherwise derogate from, or offer to waive or otherwise derogate from, its environmental laws, as an encouragement for trade or the establishment, acquisition, expansion or retention of an investment of an investor in its territory.

Article X.6: Access to Remedies and Procedural Guarantees

1. In connection with the obligations in Article X.5:
   a. Each Party shall, in accordance with its laws, ensure that its authorities competent to enforce environmental laws give due consideration to alleged violations of those laws brought to its attention by interested persons residing or established in its territory.
   b. Each Party shall ensure that administrative or judicial proceedings are available to persons with a legally recognized interest in a particular matter or maintaining impairment of a right, subject to the conditions specified under its domestic law, in order to permit effective action against infringements of its environmental laws, including appropriate remedies for violations of such laws.

2. Each Party shall, within the framework of its legal system and in accordance with its domestic laws, ensure that the proceedings referred to in paragraph 1(b) are not unnecessarily complicated or prohibitively costly, do not entail unreasonable time limits or unwarranted delays, provide injunctive relief where appropriate, and are fair, equitable and transparent, including by:
   a. providing defendants with reasonable notice when a proceeding is initiated, including a description of the nature of the proceeding and the basis of the claims;
   b. affording the parties to the proceedings a reasonable opportunity to support or defend their respective positions, including by presenting information or evidence, prior to any final decision;
   c. providing that final decisions are made in writing and give reasons as appropriate to the case and based on information or evidence in respect of which the parties were offered the opportunity to be heard; and
   d. allowing the parties to an administrative proceeding an opportunity for review and, where warranted, correction of final administrative decisions within a reasonable time by a tribunal established by law, with appropriate guarantees of independence and impartiality of decision-makers.

Article X.7: Public Information

1. Each Party, as well as complying with Art. X.01 of Transparency Chapter, shall encourage public debate with and among non-State actors as regards the development and definition of policies that may lead to the adoption by public authorities of environmental laws and regulations.

2. Each Party shall promote public awareness of its environmental laws and regulations, as well as enforcement and compliance procedures, by ensuring the availability of information to stakeholders.

3. Each Party shall be open to receive and shall give due consideration to submissions from the public on matters related to this Chapter, including communications on implementation concerns; each Party shall inform its civil society of such communications through the consultative mechanisms referred to in Article X.13(4).

Article X.8: Scientific and technical information

1. Each Party shall, when preparing and implementing measures aimed at environmental protection which may affect trade or investment between the Parties, take account of relevant scientific and technical information and related international standards, guidelines or recommendations if they exist.
2. The Parties acknowledge that where there are threats of serious or irreversible damage, the lack of full scientific certainty shall not be used as a reason for postponing cost-effective measures to prevent environmental degradation.

Article X.9: Trade favouring environment protection

1. The Parties are resolved to make efforts to facilitate and promote trade and investment in environmental goods and services, including through addressing the reduction of non-tariff barriers related to these goods and services.

2. The Parties shall, consistent with their international obligations, pay special attention to facilitating the removal of obstacles to trade or investment concerning goods and services of particular relevance for climate change mitigation in particular renewable energy goods and related services.

Article X.10: Trade in forest products

1. The Parties recognize the importance of the conservation and sustainable management of forests for providing environmental functions and economic and social opportunities for present and future generations, and of market access for legally-harvested forest products from sustainably managed forests.

2. To this end, the Parties undertake to, in a manner consistent with their international obligations:

(a) Encourage trade in forest products from sustainably managed forests, harvested in accordance with the domestic legislation of the country of harvest;

(b) Exchange information, and where appropriate, cooperate on initiatives to promote sustainable forest management, including initiatives designed to combat illegal logging and related trade;

(c) Promote the effective use of CITES with regard to timber species considered at risk; and

(d) Cooperate, where appropriate, in international fora dealing with the conservation and sustainable management of forests.

3. The Parties agree to discuss issues identified in paragraph (2) in the [NAME Ellmnlllla.2] or in the Bilateral Dialogue on Forest Products referenced in [Chapter X: Dialogues and Sector Specific Cooperation flllllllnllll3.] in accordance with their respective scopes.

Article X.11: Trade in Fisheries and Aquaculture Products

The Parties recognise the importance of the conservation and the sustainable and responsible management of fisheries and aquaculture and their contribution to providing environmental, economic and social opportunities for present and future generations. To this end, the Parties undertake to, in a manner consistent with their international obligations:

(a) Adopt effective monitoring, control and surveillance measures, such as observer schemes, vessel monitoring schemes, transhipment control, inspections at sea and port state control and associated sanctions, aimed at the conservation of fish stocks and the prevention of overfishing;

(b) Maintain or adopt actions and cooperate to combat illegal, unreported and unregulated (IUU) fishing, including, where appropriate, the exchange of information on IUU activities in their waters and the implementation of policies and measures to exclude IUU products from trade flows and fish farming operations;

(c) Cooperate with, and where appropriate in, Regional Fisheries Management Organisations in which both Parties are either members, observers, or cooperating non-contracting parties, with the aim of achieving good governance, including by advocating for science based decisions and compliance with such decisions in these organizations; and

(d) Promote the development of an environmentally responsible and economically competitive aquaculture industry.

Article X.12: Cooperation on environment issues
1. The parties recognise that enhanced cooperation is an important element to advance the objectives of this Chapter, and they commit to cooperate, through actions and instruments that may include technical exchanges, exchanges of information and best practices, research projects, studies, reports, conferences and workshops, on trade-related environmental issues of common interest, in areas such as:

- (a) the potential impacts of this Agreement on the environment and ways to enhance, prevent or mitigate them, taking into account impact assessments carried out by the Parties;
- (b) activities in international fora dealing with issues relevant for both trade and environmental policies, including in particular the WTO, the OECD, the United Nations Environment Programme and multilateral environmental agreements;
- (c) the environmental dimension of corporate social responsibility and accountability, including on the implementation and follow-up of internationally agreed guidelines;
- (d) the trade impact of environmental regulations and standards as well as the environmental impacts of trade and investment rules including on the development of environmental regulations and policy;
- (e) trade-related aspects of the current and future international climate change regime, as well as domestic climate policies and programs relating to mitigation and adaptation, including issues relating to carbon markets, ways to address adverse effects of trade on climate, as well as means to promote energy efficiency and the development and deployment of low-carbon and other climate-friendly technologies.
- (f) trade and investment in environmental goods and services, including environmental and green technologies and practices, renewable energy, energy efficiency and water use, conservation and treatment;
- (g) cooperation on trade-related aspects of the conservation and sustainable use of biological diversity;
- (h) the promotion of life-cycle management of goods, including carbon accounting and end of life management – extended producer responsibility, recycling and reduction of waste, and other best practices;
- (i) improved understanding of the effects of economic activities and market forces on the environment; or
- (j) exchange of views on the relationship between multilateral environmental agreements and international trade rules.

2. The parties will consider views or input from the public and interested stakeholders for the definition and implementation of their cooperation activities, and they may involve them further in such activities, as appropriate.

**Article X.13: Institutional mechanisms**

1. Each Party shall designate one office which shall serve as a Point of Contact with the other Party for the purposes of implementing this Chapter, including with regard to:

- a) cooperative programs and activities in accordance with Article X.12;
- b) the receipt of submissions and communications under Article X.7(3); and
- c) information to be provided to the other Party, the Panels of Experts and the public.

2. The [NAME] on Trade and Sustainable Development established under Chapter X [Trade and Sustainable Development] shall, through its regular meetings or dedicated sessions comprising participants responsible for matters covered under this Chapter:

- a) Oversee the implementation of this Chapter and review progress under it;
- b) Discuss matters of common interest; and
- c) Address any other matter within the scope of this Chapter as the Parties jointly decide.

3. The Parties shall take into account the activities of relevant multilateral environmental organisations or bodies so as to promote greater cooperation and coherence between the work of the Parties and these organisations.

4. Each Party shall make use of existing, or establish new, consultative mechanisms, such as domestic advisory groups, to seek views and advice on issues relating to this Chapter. Such mechanisms shall involve independent representative organisations of civil society in a balanced representation of environmental groups, business organisations, as well as other relevant stakeholders as appropriate. Through such mechanisms, stakeholders may submit views and make recommendations on any matter related to this Chapter on their own initiative.
Article X.14: Government consultations

1. A Party may request consultations with the other Party regarding any matter arising under this Chapter by delivering a written request to the contact point of the other Party. The request shall present the matter clearly, identifying the questions at issue and providing a brief summary of any claims under this Chapter. Consultations shall commence promptly after a Party delivers a request for consultations.

2. During consultations, each Party shall provide the other with sufficient information in its possession to allow a full examination of the matters raised, subject to any domestic legislation regarding confidential personal and commercial information.

3. Where relevant and agreed to by both Parties, the Parties shall seek the information or views of any person, organisation or body that may contribute to the examination of the matter at issue, including the relevant international organisations or bodies.

4. If a Party considers that the matter needs further discussion, that Party may request that [NAME] be convened to consider the matter by delivering a written request to the contact point of the other Party. The [NAME] shall convene promptly and endeavour to agree on a resolution of the matter. Where appropriate, it shall seek the advice of the Parties' civil society through the consultative mechanisms referred to in Art. X.13(4).

5. Any solutions or decisions on matters discussed under this Article shall be made publicly available.

Article X.15: Panel of Experts

1. For any matter that has not been satisfactorily addressed through government consultations, a Party may, 90 days after the delivery of a request for consultations under Article X.14(1), request that a Panel of Experts be convened to examine that matter, by delivering a written request to the contact point of the other Party.

2. Subject to the provisions of this Chapter, the Parties shall apply the Rules of Procedure and Code of Conduct set out in Annex I and II of the Chapter on Dispute Settlement, unless the Parties agree otherwise.

3. The Panel of Experts shall be composed of three panellists.

4. The Parties shall consult with a view to reaching an agreement on the composition of the Panel of Experts within 10 working days of the date of the receipt by the responding Party of the request for the establishment of a Panel of Experts. Due attention shall be paid to ensuring that proposed Panellists meet the requirements set out in paragraph (7) of this article and have the expertise appropriate to the particular matter.

5. In the event that the Parties are unable to agree on the composition of the Panel of Experts within the time frame laid down in paragraph 4, the selection procedure set forth in Article 14.7(3), (4),(5), (6) and (7) of Chapter 14 (Dispute Settlement) shall be applicable in respect of the list established in paragraph (7).

6. The NAME shall, at its first meeting after the entry into force of this Agreement, establish a list of at least 9 individuals chosen on the basis of objectivity, reliability and sound judgment who are willing and able to serve as experts in Panel procedures. Each Party shall propose at least three individuals to serve as experts. The Parties shall also select at least three individuals who are not nationals of either Party and who shall act as chairperson to the Panel of Experts. The NAME will ensure that the list is always maintained at this level.

7. The experts proposed as panellists shall comprise individuals with specialized knowledge or expertise in environmental law, issues addressed in this Chapter or the resolution of disputes arising under international agreements. They shall be independent, serve in their individual capacities and not take instructions from any organisation or government with regard to issues related to the matter at stake, or be affiliated with the government of any Party, and shall comply with the Code of Conduct.

8. Unless the Parties agree otherwise, within five working days of the date of the selection of the panellists, the terms of reference of the Panel of Experts shall be:
"to examine, in the light of the relevant provisions of the Trade and Environment chapter, the matter referred to in the request for the establishment of the Panel of Experts, and to issue a report, in accordance with Article X (Panel of Experts) of Chapter ... (Trade and Environment), making recommendations for the resolution of the matter"

9. In matters related to the respect of multilateral agreements as set out in Article X.3, the Panel should seek views and information from relevant MEA bodies, including any pertinent available interpretative guidance, findings or decisions adopted by those bodies.

10. The Panel of Experts shall issue to the Parties an interim and a final report setting out the findings of facts, its determinations as to whether the responding Party has conformed with its obligations under this Chapter and the rationale behind any findings, determinations and recommendations that it makes. The Panel of Experts shall submit to the Parties the interim report within 120 days after the last panellist is selected, or as otherwise decided by the Parties. The Parties may provide comments to the Panel on the interim report within 45 days of its presentation. After considering any such comments, the Panel of Experts may reconsider its report or make any further examination it considers appropriate. The Panel of Experts shall submit the final report to the Parties within 60 days of the submission of the interim report. Each Party shall make the final report publicly available within 30 days of its issuance.

11. If in the final report the Panel determines that there has been non-conformity, the Parties shall engage in discussions and shall endeavour, within three months from the submission of the final report and taking into account that report, to identify appropriate measures or, where appropriate, to decide upon a mutually satisfactory action plan. The Party concerned shall keep informed in a timely manner its civil society organisations through the consultative mechanisms referred to in Art.X.13(4) and the other Party of its decisions on any actions or measures to be implemented. The follow-up to the report and the recommendations of the Panel of Experts shall be monitored by the NAME. The civil society organisations through the consultative mechanisms referred to in Art. X.13(4) and the Civil Society Forum may submit observations to the NAME in this regard.

12. If the Parties reach a mutually agreed solution to a matter during the time that a Panel of Experts has been established, they shall notify the [NAME] and the Panel of Experts of any such solution. Upon notification, the panel procedure shall be terminated.

Article X.16: Dispute Resolution

1. For any matter arising under this Chapter where there is disagreement between the Parties, the Parties shall only have recourse to the rules and procedures provided for in Articles X.14 and X.15.

2. The Parties shall make every attempt to arrive at a mutually satisfactory resolution of the matter. At any time, the Parties may have recourse to good offices, conciliation, or mediation to resolve that matter.
Meeting Note
Department of Business, Tourism, Culture and Rural Development
Minister Mitchelmore with Minister Freeland
Thursday, Jan. 26th, 4:30 – 5:00 pm
Minister Freeland’s Parliament Hill Office in Room 636-S (Centre Block)

Attendees:
- Honourable Christopher Mitchelmore, Minister of BTCRD
- Alastair O’Rielly, DM, BTCRD
- Brian Burke, ADM, BTCRD
- Honourable Chrystia Freeland, Minister of International Trade

Purpose of Meeting:
- Minister’s meeting with the Honourable Chrystia Freeland is to discuss various issues of importance to the Province of Newfoundland and Labrador around CETA and the Trans Pacific Partnership.

Background:

**Canada-European Union Comprehensive Economic and Trade Agreement (CETA)**
- CETA is the most ambitious and comprehensive trade agreement ever negotiated by either Canada or the EU. As the EU indicated early in the negotiations that matters in provincial jurisdiction were of key interest (e.g., government/local procurement and monopolies and government enterprises), provincial and territorial (PT) officials were granted unprecedented levels of access to the negotiations by the federal government.

- It is expected that CETA will be ratified by spring 2017. If either party fails to ratify CETA, the agreement will not come into force, and thus the measures of the agreement that gave rise to the need to create the fisheries investment fund (FIF) reference below, specifically the removal of Minimum Processing Requirement (MPRs), will not come into effect either.

- Potential benefits to NL through CETA include:
  - The elimination of 99.1 per cent of the fish and seafood tariff lines relevant to the Province are going duty free resulting in immediate annual savings of $25M;
  - The elimination non-tariff barriers on the province’s most lucrative fish and seafood products, creating opportunities for value added products and increased market access that could add over $100M annually to the fishing industry;
  - The elimination of tariffs on NL’s other exports to the EU, including those of key metal and mineral products, forestry products, advanced manufacturing, and agriculture and agri-food products;
  - The mutual acceptance of compliance assessments allowing provincial manufacturers to have their goods certified in Canada for sale into the EU; and
  - Improved access for service suppliers by relaxing temporary entry restrictions for Canadian citizens in key service areas. This will allow NL companies to better service goods sold into the EU.
- Potential impacts of CETA on NL, aside from MPRs, include:
  - Two additional years of patent protection for pharmaceuticals, which will affect all PTs, by increasing the cost of drugs. These costs are not expected to arise until 10 years after entry into force, and the federal government has committed to cover these costs.
  - The Province agreed to include NL Hydro in its procurement offer, meaning that the Province would need to continue to offer open non-discriminatory procurement through NL Hydro, which is existing policy.
  - The Province agreed to adopt parameters when directing procurement for the purposes of regional economic development.

**NL’s role in CETA negotiations**

- While international treaty negotiations fall under federal jurisdiction, NL has taken the position that it will not be bound by any negotiations to which it is not a direct party.

- From the outset of its involvement in the negotiations, NL established that the removal of MPRs was not up for discussion. Throughout the negotiations, however, it became clear one of the EU’s interests was the elimination of MPRs on fish and seafood destined to the EU. MPRs allow NL to set regulations on the minimum amount of processing that must occur on fish products before being exported.

- In the spring of 2013 the federal government informed NL that the removal of MPRs was necessary to achieving an agreement with the EU and to secure an ambitious fish and seafood offer from the EU. This was a significant request, especially as trade restrictions in other Provinces were protected, such as in British Columbia’s lumber industry and Ontario and Quebec’s wine industries.

- The Province decided to negotiate an agreement with the federal government to exchange MPRs for a $400M cost shared 70/30 federal/provincial FIF to be used for industry development and renewal. This agreement was reached through an exchange of letters from May 27-June 2, 2013, and was subsequently discussed through a series of meetings and letters between then and the present.

- On October 23, 2013 a phone conversation took place between the federal and provincial Ministers responsible for international trade to confirm the details of the FIF and to discuss its announcement. The outcome of this conversation was confirmed the following day in writing where the Province specifically outlined that it “will provide $120M towards the industry transition fund. This represents our 30 per cent share of the program, to which you have confirmed that the federal government will contribute $280M. We will announce this exciting new $400M funding partnership on Tuesday, October 29, 2013.”

- Provincial officials were in contact with the federal Minister of International Trade’s then Chief of Staff, Bill Hawkins (later to become the Prime Minister’s Principal Secretary) from October 23, 2013 until the day of the announcement on October 29, 2013. NL was advised the federal government would likely not be able to participate in the announcement due to ministerial availability.

**Fisheries Investment Fund Impasse**

- Federal modifications to the FIF were introduced a year after the agreement was publicly announced. On May 14, 2014, the provincial Fisheries and Aquaculture Minister wrote the federal minister responsible for the Fund, Minister Moore of ACOA, to confirm his expectations for implementing and operationalizing the Fund. This letter went unanswered for four months.
• Minister Moore responded to the May 2014 letter on October 24, 2014 suggesting that his officials meet with Provincial officials to begin discussions on the Fund. During the subsequent meeting on October 28, 2014, federal officials from ACOA introduced fundamentally new measures that were never agreed upon, or even discussed earlier.

• The new measures introduced required:
  o NL to demonstrate damages arising from eliminating MPRs before funding would flow; and,
  o NL to focus the funding on assisting displaced workers instead of industry development and renewal in order to not adversely affect the Maritime Provinces. However, NL already receives federal funding through multiple agreements that could be utilized under the Department of Advanced Education and Skills (e.g., the Labour Market Development Agreement, the Targeted Initiative for Older Workers, and the Job Fund Agreement) to assist displaced workers.

• During a Council of Atlantic Premiers Meeting in St. John's on January 18-19, 2015, Premiers McNeil and Gallant recognized NL’s right to negotiate in its interest, but also publically questioned how measures could have a distorting impact on the competitiveness of the regional fishing industry.

• The FIF is intended to support research and development, new marketing initiatives, fisheries science research, enhancements to provincial fisheries infrastructure, and workforce adjustment. Funding for the continuation of several fisheries programs, which are expected to be relevant to the new FIF, were set to expire in 2014. This funding was extended to ensure the province maintained capacity in key program areas until programs were established under the FIF.

• The Fund was not conceived as a method to address the immediate impact on the removal of MPRs under CETA. However, given that under CETA, MPRs will be removed indefinitely, three years after CETA’s entry into force, for fish destined to the EU, over that timeframe it is likely that the fish market and consumer tastes could change, thus bringing about change in the Province’s fishery.

• The provincial government’s judgment at the time, which was strongly endorsed by industry and retains the support of industry, was that an improved tariff offer from the EU on fish and seafood entering their market, together with a $400M development fund was worth the risk of relinquishing the protection afforded through MPRs for fish and seafood destined for Europe.

Potential Speaking Points

Newfoundland and Labrador is pleased with the overall outcomes of CETA and the opportunities the agreement will create for key industries in the Province.

The Province’s commitments under CETA, however, were premised on the agreement that the federal government would partner with Newfoundland and Labrador, as per the terms negotiated and agreed to 2013, to establish a fund that would help prepare the Province’s fish and seafood sector for the loss of MPRs on fish and seafood destined to the EU.
Newfoundland and Labrador wishes to see CETA implemented in its entirety, and the fisheries fund is a crucial component in allowing that to occur. Without the establishment of this fund, it is impossible to see how relinquishing the ability to impose MPRs is justifiable.

I know that the people and Government of Newfoundland and Labrador have greatly appreciated the support we have received from Prime Minister Trudeau on this matter.

I look forward to working with you to determine broadly agreeable means to proceed on the establishment of the fisheries fund.

Trans Pacific Partnership

The TPP is a multilateral free trade agreement that aims to liberalize the economies of the Asia-Pacific region. Participating countries include Australia, Brunei Darussalam, Canada, Chile, Japan, Malaysia, Mexico, New Zealand, Peru, Singapore, the United States and Vietnam. The negotiating bloc covers 792M people with a combined GDP of $27.5T (40% of global GDP). The agreement is comprehensive including all key trade-related areas such as goods, services, and investment, although is it less ambitious than CETA.

As a result of the dispute related to the CETA FIF, on January 6, 2015, the Province advised the federal government in writing that it would not, in any way, continue to participate, or be bound by the outcomes of any trade agreement currently under negotiation by Canada. In addition, that correspondence instructed the federal government to include the following provision in any chapter where matters within provincial jurisdiction are addressed, in any trade agreement that is currently under negotiation: “With respect to Canada, this Chapter does not apply to any measure adopted or maintained by the Province of Newfoundland and Labrador.” A review of the TPP text upon its release confirmed, as suspected, that this language was not included in the text of the agreement.

Negotiations toward the TPP agreement concluded on October 5, 2015 and the agreement text was released on November 5, 2015 – this was first time that NL had an opportunity to review the final text as it withdrew from TPP negotiations.

A preliminary review of the text indicated that all key provincial policies, such as the Atlantic Accord and MPRs, have been protected, and that substantial tariff relief for the Japanese and Vietnamese fish and seafood markets have been secured.

Potential Speaking Points

Continuing to develop mutually beneficial trade relationship with key trading partners is important to Newfoundland and Labrador.
Title: C-Trade Meeting

Issue: To provide an update on the outcomes of the international trade officials meeting (C-Trade) held in Ottawa on November 26-27, 2015.

Background/Current Status: Non Responsive

- CETA – The chief negotiator (Steve Verheul) gave PTs an overview of the status of CETA implementation.
Annex XX: Financial Services Non-Conforming Measures
Trade Policy – Upcoming Events

- AIT Offer of Exceptions: Dec 18th, 2015
  5 week long negotiating rounds between January and March
  Ministerial Meeting: January 25-26 in Toronto.
- COF deadline to conclude AIT negotiations: March, 2016
- Ratification of TPP: in 2017 (estimate)
- Entry into force of CETA: Spring, 2017 (estimate)
Trade Policy – Top Priorities

- AIT re-negotiations
- $400M Fisheries Investment Fund in CETA
- $25M Ferry Duty Remission Application
- CETA Ratification and Implementation
- TPP Ratification

Trade and Investment Branch
Canada-European Union Comprehensive Economic and Trade Agreement (CETA)

- Canada's most comprehensive and ambitious trade agreement.
- Ratification and implementation in 2017.
- Major economic and policy implications for NL.
Domestic and International Trade Responsibilities

Domestic Trade Agreements:
- Agreement on Internal Trade (AIT) and the Atlantic Procurement Agreement (APA)

International Trade Agreements:
- Bilateral and Multilateral FTAs
  - TPP, CETA, NAFTA etc.
- World Trade Organization (WTO)
- Foreign Investment Promotion and Protection Agreements (FIPAs)

Trade and Investment Branch
Trade Policy Division Staff

Director – Jeff Loder
- Chief negotiator for domestic/international trade agreements
- Oversees the analysis and preparation of trade policy advice
- Oversees all trade policy related matters across government

Manager of International Trade Negotiations – Mark Janes
- Deputy Chief Negotiator
- Assists Director in all duties

Manager of Internal Trade – Richard Squires
- Manages Agreement on Internal Trade (AIT)
- Research and Analysis

Two Analysts (one shared position)
- Research and analysis

Trade and Investment Branch
- Advance and represent the province's interests in the negotiation of, or amendments to, domestic and international trade agreements.

- Provide strategic trade policy advice/analysis and direction in managing:
  - Trade agreement/negotiations
  - Investment agreements
  - Investment disputes
  - All trade policy related files across government

- Consult and advance the interests of key provincial stakeholders (crown agencies, government funded bodies, industry associations, etc.).
Good day Minister Tootoo:

Please find attached, correspondence from the Honourable Christopher Mitchelmore.

Kindly advise receipt of this email.

Thank you,

Jan Halliday
Administrative Assistant to the Minister
Dept. of Business, Tourism, Culture and Rural Development
2nd. Floor, West Block
Telephone: (709) 729-4729
December 22, 2015

The Honourable Hunter Tootoo  
Minister of Fisheries, Oceans and the Canadian Coast Guard  
House of Commons  
Ottawa, Ontario  
K1A 0A6

Dear Minister Tootoo:

On behalf of the Government of Newfoundland and Labrador and the Department of Business, Tourism, Culture and Rural Development I wish to formally invite you for discussions on expanding cooperation and collaboration in our mutual areas of responsibility on your upcoming visit to the Province.

As you are aware, Newfoundland and Labrador’s economic and cultural roots and its future depend largely on the ocean. The fishery remains a critical socioeconomic sector for the province and its coastal communities, with safe passage on the ocean being paramount for not only this sector, but also our oil and gas, transportation, tourism and other sectors.

Given your position as Minister responsible for Fisheries, Oceans and the Canadian Coast Guard, as well as being the regional Minister for Nunavut, there are several areas where our respective mandates overlap that warrant discussion. For my Department, these areas include our Arctic Opportunities Initiative, recent Memorandum of Understanding (MOU) signed with the Government of Nunavut, and the Canada and European Union (EU) Comprehensive Economic and Trade Agreement (CETA).

The MOU between the Governments of Newfoundland and Labrador and the Government of Nunavut builds upon the history of successful cooperation between our two jurisdictions and encourages increased collaboration and partnership among stakeholders as both jurisdictions prepare for future development and increased economic activity in the Arctic. A copy of the MOU is attached for your information. Mutually identified areas for collaboration identified under the MOU include Natural Resources, Education and Training, Transportation and Infrastructure, Culture and Tourism, Research and Development, and Health Care. Both governments are committed to the success of this MOU through regular meetings of its Coordination and Implementation Committee.
December 22, 2015

Honourable Chrystia Freeland
Minister of International Trade
House of Commons
Ottawa, Ontario
K1A 0A6

Dear Minister Freeland:

Congratulations on your recent appointment as Minister of International Trade. As you may know, I was recently appointed as Minister of Business, Tourism, Culture and Rural Development. In our respective mandate letters, we have been tasked with advancing the Canada-European Union Comprehensive Economic and Trade Agreement (CETA).

From Newfoundland Labrador's perspective, the main unresolved issue is the Fisheries Investment Fund. I would like to meet with you as soon as possible to discuss this matter. I will be attending the upcoming Canadian Council of Tourism Ministers' Meeting in Winnipeg on Thursday, January 14th and would welcome an opportunity to meet with you in Ottawa either en route to or from Winnipeg, should your calendar permit.

If a meeting is not possible at this time, please suggest another date when we could meet.

Thank you and Seasons Greetings to you and your family.

Yours sincerely,

CHRISTOPHER MITCHELMORE, MHA
District of St. Barbe - L'Anse aux Meadows
Minister

c: Premier Dwight Ball
Hon. Steve Crocker
Minister of Fisheries and Aquaculture
Good day Minister Foote:

Please find attached, correspondence from the Honourable Christopher Mitchelmore relating to the Canada and European Union (EU) Comprehensive Economic and Trade Agreement (CETA).

Thank you and have a wonderful holiday season.

Jan Halliday
Administrative Assistant
to the Minister
Dept. of Business, Tourism, Culture and Rural Development
2nd Floor, West Block
Telephone: (709) 729-4729
Good day Minister Freeland:

Please find attached, correspondence from the Honourable Christopher Mitchelmore.

Kindly advise receipt of this email.

Thank you,

Jan Halliday
Administrative Assistant
to the Minister
Dept. of Business, Tourism, Culture and Rural Development
2nd Floor, West Block
Telephone: (709) 729-4729
Newfoundland Labrador

Canada-European Union Comprehensive Economic and Trade Agreement “CETA,” and Fisheries Investment Fund (FIF)
CETA: Background

- NL joined as participant in March 2011.
- BTCRD was lead, supported by departments.
- Fisheries Investment Fund negotiated June 2013.
- CETA Agreement in Principle (AIP) reached October 2013.
- Negotiations concluded August 2014.
CETA: Overview

- Most ‘modern’ and comprehensive free trade agreement (FTA) negotiated to date (42 chapters).
- Only FTA the EU has negotiated with a country that is a major global economic actor.
- Unlike previous-generation FTAs, CETA reaches further than “at the border” measures to areas such as services, temporary entry, regulatory cooperation, conformity assessment etc.
- Provinces and Territories played a robust role during negotiations as EU interests were in provincial jurisdiction.
Outcomes: Tariff Elimination

- Fish and Seafood: 99.1% of tariff lines relevant to NL will be duty-free upon entry into force.
- Including top exports of shrimp, crab, herring, mackerel, halibut, cod and flatfish.
- Transitional Tariff Rate Quotas (TRQs) with no end use restrictions for shrimp (23k tonnes) and cod (1k tonnes).
- $25 million in annual tariff savings.
- Up to $100 million in added value to fishery:
  - $50M from new value added products
  - $50M from increased prices
Goods

- Elimination of tariffs on NL’s key exports to the EU including metal and mineral products, forestry products, advanced manufacturing, and agriculture and agri-food products.
- Mutual acceptance of compliance assessments for provincial manufacturers allowing their goods to be certified in Canada for sale into the EU market.
Services

- Improved access for key NL service areas.
- Temporary entry provisions are the most extensive the EU has provided to any other country, in any other FTA.
- Improved access for NL goods producers to service their goods in the EU.
NL Commitments

- The elimination of minimum processing requirements (MPRs) after three years of CETA entry into force.
- Inclusion of NL Hydro in procurement offer.
- Inclusion of additional service areas in procurement offer.
- Reduction of flexibility in regional economic development exceptions.
Federal Commitments Impacting NL

• The Federal Government has offered additional protection for pharmaceuticals in the Intellectual Property Chapter.
• This will delay the sale of cheaper generic drugs creating additional costs for all PTs.
• Costs are not expected to arise until 10 years after agreement comes into force.
• Harper government committed in writing to cover these costs.
Fisheries Investment Fund (FIF)

• Negotiated in June 2013.

• European Union expressed a desire throughout CETA negotiations to eliminate export restrictions on fish and seafood (wanted to set a precedent).

• Negotiated a $400M fund cost shared on a 70/30 federal/provincial basis in exchange for removing MPRs for the EU and other commitments in the agreement.
Fisheries Investment Fund (FIF)

- Five Pillars of the Fund:
  1. Research and Development
  2. New marketing initiatives
  3. Fisheries research
  4. Enhancements to provincial fisheries infrastructure
  5. Workforce adjustment (if required)
- Funding to be dispersed beginning in 2016-17.
FIF Timeline

- October 2013 Fund was announced.
- January 2014 Ministers Hutchings and Moore met, directed officials to work on operationalizing the Fund.
- May 2014 Minister Hutchings wrote Minister Moore to confirm expectations regarding operationalizing the Fund. This correspondence went unanswered for four months.
- October 2014 Federal Government officials introduce fundamental changes to the terms of the FIF.
- November 2014 Minister Moore confirms the change in terms of the fund.
- December 2014 Premier meets with Prime Minister; PM also confirms position.
- This led to a stalemate between parties.
The past Federal Government made it clear they would not honour the terms of the Fund as negotiated in June 2013.

As a result, NL will not relinquish MPRs on fish destined to the EU; will honour rest of agreement.

NL notified the Ambassador of the EU to Canada of its position; Ambassador was concerned that overall balance of CETA could be unraveled by a “selective CETA implementation” and that the Fund was an internal matter it could not take a position on.
Current Federal Government’s Position on Fund

- December 2014 Trudeau responded to NL’s Premier’s letter requesting support for the Fund; Trudeau stated the Federal Government’s promise to NL should be honoured.
- September 2015 federal Liberal Party wrote to the FFAW on the FIF.
- September 2015 letter to Trudeau, NL Premier acknowledges Trudeau’s support for NL’s position on the Fund as stated in December 2014 letter; in response from Trudeau there is no mention of the Fund or their stance.
- November 2015 federal mandate letter for Minister of International Trade included reference to developing strategies to implement CETA and work with relevant Ministers and PTs to support adjustment in certain sectors. FIF was not referenced.

Is this it?
Mitchelmore, Christopher

From: Mitchelmore, Christopher  
Sent: Tuesday, January 26, 2016 6:53 PM  
To: O’Rielly, Alastair  
Subject: Re: New ATIPPA request

Thank you.

Sent from my BlackBerry 10 smartphone on the Bell network.

From: O’Rielly, Alastair  
Sent: Tuesday, January 26, 2016 5:48 PM  
To: Mitchelmore, Christopher  
Subject: FW: New ATIPPA request

fyi

Alastair

Deputy Minister
Business, Tourism, Culture and Rural Development

From: Comeau, Wayne  
Sent: Tuesday, January 26, 2016 4:28 PM  
To: O’Rielly, Alastair; Genge, Daryl; Malone, Rita C.; Burke, Brian G.; Murphy, Carmela  
Cc: Johnstone, Terry J.; Parsons, Ruth D.; Munden, Tansy; Harrington, Christina  
Subject: New ATIPPA request

FYI

Hi All: We received a new ATIPPA request as outlined below:

Request Type: General Information

Department: Business, Tourism, Culture and Rural Development

Description: All records, information and correspondence since the provincial election pertaining to CETA

I will be following up with the appropriate people in the next few days.
http://www.farmersjournal.ie/beef-exports-to-canada-to-start-within-three-months-197544/

Sent from my BlackBerry 10 smartphone on the Bell network.
We will do CETA in afternoon than at 1, then after will go to RDC

Sent from my BlackBerry 10 smartphone on the Bell network.

You have courtesy call with Minister Bradish Chagger at 11:30... Did you wish to stay on at the PO for 2 hrs... ??

Jan Halliday
Administrative Assistant
to the Minister
Dept. of Business, Tourism, Culture and Rural Development
2nd. Floor, West Block
Telephone: (709) 729-4729

Let's do CETA 11-12 on Monday as Premier's breakfast is 9-11

Sent from my BlackBerry 10 smartphone on the Bell network.

Jan Halliday
Administrative Assistant
to the Minister
Dept. of Business, Tourism, Culture and Rural Development
2nd. Floor, West Block
Telephone: (709) 729-4729
From: Mitchelmore, Christopher  
Sent: Friday, December 18, 2015 5:44 PM  
To: O'Rielly, Alastair  
Cc: Halliday, Janice  
Subject: RE: Meeting on CETA Fisheries Fund

Yes.

Hon. Christopher Mitchelmore  
Minister of Business, Tourism, Culture and Rural Development  
Minister Responsible for the Research and Development Corp.  
and Forestry and Agrifoods Agency

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From: O'Rielly, Alastair  
Sent: Friday, December 18, 2015 5:43 PM  
To: Mitchelmore, Christopher  
Cc: Halliday, Janice  
Subject: FW: Meeting on CETA Fisheries Fund

Minister

Would Tuesday at 12:30 work for you?

Alastair

Deputy Minister  
Business, Tourism, Culture and Rural Development

---

From: Lewis, David B.  
Sent: Friday, December 18, 2015 4:58 PM  
To: O'Rielly, Alastair  
Subject: Meeting on CETA Fisheries Fund

Alastair.

Minister Crocker has asked me to try to arrange a meeting for us to meet you and Minister Mitchelmore to discuss the way forward on the fisheries fund, and lead roles, etc.

Would you and the Minister be available on Tuesday (lunch time or afternoon), or on Wednesday morning?

Dave
Mitchelmore, Christopher

From: Mitchelmore, Christopher  
Sent: Sunday, January 17, 2016 10:59 AM  
To: Halliday, Janice  
Subject: Fw: New Abitibi Bowater NAFTA lawsuit has implications for our resource sector

Sent from my BlackBerry 10 smartphone on the Bell network.

From: NoTo Ceta <notoceta@gmail.com>  
Sent: Friday, January 15, 2016 1:10 PM  
To: Ball, Dwight; Bennett, Cathy (Minister); Bennett, Derek; Bragg, Derrick; Brazil, David J.; Browne, Mark; Byrne, Gerry; Coady, Siobhan; Crocker, Steve; Davis, Bernard; Davis, Paul A (MHA- District of Topsail); Dean, Jerry; Dempster, Lisa; Edmunds, Randy; Finn, John; GambinWalsh, Sherry; Haggie, John; Haley, Carol Anne; Hawkins, Allan; Holloway, Colin; Hutchings, Keith; Joyce, Eddie; Kent, Steve; King, Neil; Kirby, Dale; Lane, Paul; Letto, Graham; Michael, Lorraine; Mitchelmore, Christopher; Osborne, Tom; Parsley, Betty; Parsons, Andrew; Parsons, Kevin; Parsons, Pam; Petten, Barry; Perry, Tracey; Reid, Scott; Rogers, Gerry; Trimper, Perry; Warr, Brian  
Subject: New Abitibi Bowater NAFTA lawsuit has implications for our resource sector

If this new NAFTA lawsuit is successful it could have implications for our fisheries. Here is the link to the article that explains why. http://theindependent.ca/2016/01/14/new-nafta-lawsuits-reveal-disturbing-dangerous-trend/

Marilyn Reid  
Citizens against CETA
Mitchelmore, Christopher

From: Mitchelmore, Christopher
Sent: Monday, January 11, 2016 8:38 PM
To: 'ward samson'
Subject: RE: hello

Dear Ward,

It was a pleasure to meet with Minister Tootoo on a couple of occasions. I am eager to work with him on a number of files within my Departmental responsibility. We certainly discussed research and science, as well as a number of other pertinent issues to the province. A number of which were highlighted in at a media availability this afternoon, such as CETA, Fisheries Fund, LIFO, seals, cod, etc.

Best regards,

Hon. Christopher Mitchelmore
Minister of Business, Tourism, Culture and Rural Development
Minister Responsible for the Research and Development Corp.
and Forestry and Agrifoods Agency

From: ward samson [mailto: ward.sampson@nf.sympatico.ca]
Sent: Monday, January 11, 2016 2:27 PM
To: Mitchelmore, Christopher <CMitchelmore@gov.nl.ca>
Subject: hello

Christopher:

How was your meeting with Minister Tootoo. I am assuming you discussed cod and salmon. Tell me what you are able. Nothing more, nothing less.

ward
Title: CETA and the related Fisheries Investment Fund

Issue: The dispute between NL and the federal government regarding the Fisheries Investment Fund (FIF or the Fund) negotiated in concert with the Canada-European Union (EU) Comprehensive Economic and Trade Agreement (CETA) remains unresolved.

Background and Current Status:
• CETA is the most ambitious and comprehensive trade agreement ever negotiated by either Canada or the EU. As the EU indicated early in the negotiations that matters in provincial jurisdiction were of key interest (e.g., government/local procurement and monopolies and government enterprises), provincial and territorial (PT) officials were granted unprecedented levels of access to the negotiations by the federal government.

• While international treaty negotiations fall under federal jurisdiction, NL has taken the position that it will not be bound by any negotiations to which it is not a direct party.

• From the outset of its involvement in the negotiations, NL established that the removal of minimum processing requirements (MPRs) was not up for discussion. Throughout the negotiations, however, it became clear one of the EU’s interests was the elimination of MPRs on fish and seafood destined to the EU. MPRs allow NL to set regulations on the minimum amount of processing that must occur on fish products before being exported.

• In the spring of 2013 the federal government informed NL that the removal of MPRs was necessary to achieving an agreement with the EU and to secure an ambitious fish and seafood offer from the EU. This was a significant request, especially as trade restrictions in other Provinces were protected, such as in British Columbia’s lumber industry and Ontario and Quebec’s wine industries.

• The Province decided to negotiate an agreement with the federal government to exchange MPRs for a $400M cost shared 70/30 federal/provincial FIF to be used for industry development and renewal. This agreement was reached through an exchange of letters from May 27-June 2, 2013, and was subsequently discussed through a series of meetings and letters between then and the present.

• On October 23, 2013 a phone conversation took place between the federal and provincial Ministers responsible for international trade to confirm the details of the FIF and to discuss its announcement. The outcome of this conversation was confirmed the following day in writing where the Province specifically outlined that it “will provide $120M towards the industry transition fund. This represents our 30 per cent share of the program, to which you have confirmed that the federal government will contribute $280M. We will announce this exciting new $400M funding partnership on Tuesday, October 29, 2013.”
• Provincial officials were in contact with the federal Minister of International Trade’s then Chief of Staff, Bill Hawkins (later to become the Prime Minister’s Principal Secretary) from October 23, 2013 until the day of the announcement on October 29, 2013. NL was advised the federal government would likely not be able to participate in the announcement due to ministerial availability.

Analysis:

*Fisheries Investment Fund*

• Federal modifications to the FIF were introduced a year after the agreement was publicly announced. On May 14, 2014, the provincial Fisheries and Aquaculture Minister wrote the federal minister responsible for the Fund, Minister Moore of ACOA, to confirm his expectations for implementing and operationalizing the Fund. This letter went unanswered for four months.

• Minister Moore responded to the May 2014 letter on October 24, 2014 suggesting that his officials meet with Provincial officials to begin discussions on the Fund. During the subsequent meeting on October 28, 2014, federal officials from ACOA introduced fundamentally new measures that were never agreed upon, or even discussed earlier.

• The new measures introduced required:
  o NL to demonstrate damages arising from eliminating MPRs before funding would flow; and,
  o NL to focus the funding on assisting displaced workers instead of industry development and renewal in order to not adversely affect the Maritime Provinces. However, NL already receives federal funding through multiple agreements that could be utilized under the Department of Advanced Education and Skills (e.g., the Labour Market Development Agreement, the Targeted Initiative for Older Workers, and the Job Fund Agreement) to assist displaced workers.

• In summer 2014 and winter 2015, Nova Scotia and New Brunswick expressed concerns about the equity of the FIF. During a Council of Atlantic Premiers Meeting in St. John’s on January 18-19, 2015, Premiers McNeil and Gallant recognized NL’s right to negotiate in its interest, but also publically questioned how measures could have a distorting impact on the competitiveness of the regional fishing industry. The Department of Municipal and Intergovernmental Affairs advises that given these regional concerns about the Fund, it is possible the federal government may have chosen to adjust its scope.
• The FIF is planned to support research and development, new marketing initiatives, fisheries science research, enhancements to provincial fisheries infrastructure, and workforce adjustment. Funding for the continuation of several fisheries programs, which are expected to be relevant to the new FIF, were set to expire in 2014. This funding was extended to ensure the province maintained capacity in key program areas until programs were established under the FIF.

• The Fund was not conceived as a method to address the immediate impact on the removal of MPRs under CETA. However, given that under CETA, MPRs will be removed indefinitely, three years after CETA’s entry into force, for fish destined to the EU, over that timeframe it is likely that the fish market and consumer tastes could change, thus bringing about change in the Province’s fishery.

• The provincial government’s judgment at the time, which was strongly endorsed by industry and retains the support of industry, was that an improved tariff offer from the EU on fish and seafood entering their market, together with a $400M development fund was worth the risk of relinquishing the protection afforded through MPRs for fish and seafood destined for Europe.

Status of the Canada-EU CETA
• It is expected that CETA will be ratified by spring 2017. If either party fails to ratify CETA, the agreement will not come into force, and thus the measures of the agreement that gave rise to the need to create the FIF, specifically the removal of MPRs, will not come into effect either.

• Potential benefits to NL through CETA include:
  o The elimination of 99.1 per cent of the fish and seafood tariff lines relevant to the Province are going duty free resulting in immediate annual savings of $25M;
  o The elimination non-tariff barriers on the province’s most lucrative fish and seafood products, creating opportunities for value added products and increased market access that could add over $100M annually to the fishing industry;
  o The elimination of tariffs on NL’s other exports to the EU, including those of key metal and mineral products, forestry products, advanced manufacturing, and agriculture and agri-food products;
  o The mutual acceptance of compliance assessments allowing provincial manufacturers to have their goods certified in Canada for sale into the EU; and
  o Improved access for service suppliers by relaxing temporary entry restrictions for Canadian citizens in key service areas. This will allow NL companies to better service goods sold into the EU.

• Potential impacts of CETA on NL, aside from MPRs, include:
  o Two additional years of patent protection for pharmaceuticals, which will affect all PTs, by increasing the cost of drugs. These costs are not expected to arise until 10 years after entry into force, and the federal government has committed to cover these costs.
The Province agreed to include NL Hydro in its procurement offer, meaning that the Province would need to continue to offer open non-discriminatory procurement through NL Hydro, which is existing policy.

The Province agreed to adopt parameters when directing procurement for the purposes of regional economic development.

Action Being Taken:

- In December 2014 and again during the recent election, the federal Liberal Party publically stated that the federal government should honour the commitment to NL with respect to the Fund.

- Consideration must be given to how to engage the new federal Government on this issue.

Prepared/approved by: M. Janes/J. Loder/D. Genge/A. O’Rielly, in consultation with FA and MIGA

Reviewed by: K. Norman/T. King, Cabinet Secretariat

November 30, 2015

Cabinet Secretariat Comments:

- FIN, Communications Branch, FA, MIGA, FA, AES and JPS have no concerns.
From: O'Rielly, Alastair  
Sent: Friday, January 29, 2016 9:11 AM  
To: Comeau, Wayne  
Subject: FW: PT Chief CETA Negotiator Contact Information

Best Regards,

Carla Joy  
Administrative Assistant to Deputy Minister Business, Tourism, Culture & Rural Development 2nd Floor, West Block Confederation Building St. John's, NL A1B 4J6  
Tel: 709.729.4732

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From: Loder, Jeff  
Sent: Thursday, January 28, 2016 1:24 PM  
To: O’Rielly, Alastair; Genge, Daryl  
Subject: FW: PT Chief CETA Negotiator Contact Information

FYI

From: Andrew.Bottega@international.gc.ca  
Sent: Wednesday, January 27, 2016 5:55 PM  
To: Loder, Jeff  
Subject: PT Chief CETA Negotiator Contact Information

Hello Jeff

Next week, Steve Verheul, Canada’s Chief CETA Negotiator, would like to schedule a conference call with his Provincial and Territorial counterparts. I am writing to ask you to confirm the name and title of Newfoundland and Labrador’s Chief CETA Negotiator as well their current contact information. While we have information on file, we would not necessarily be aware of changes. Rest assured that we will also keep you updated on CETA developments.

Thanks very much for your prompt reply.

Regards,

Andrew Bottega  
Senior Analyst | Analyste principal  
CETA Secretariat (TEU) | Secrétariat de l’AECG (TEU)  
andrew.bottega@international.gc.ca
Best Regards,

Carla Joy  
Administrative Assistant to Deputy Minister Business, Tourism, Culture & Rural Development 2nd Floor, West Block Confederation Building St. John's, NL A1B 4J6  
Tel: 709.729.4732

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From: Munden, Tansy  
Sent: Tuesday, January 19, 2016 1:58 PM  
To: O'Rielly, Alastair; Genge, Daryl; Loder, Jeff  
Subject: FW: Comment request - CETA

Please see below. Is DFA engaged in this right now or would it be us?

From: Scaplen, Roger  
Sent: Tuesday, January 19, 2016 1:52 PM  
To: Munden, Tansy  
Subject: Fw: Comment request - CETA

Should this come from you? See below.

Sent from my BlackBerry 10 smartphone on the Bell network.

From: O'Connor, Nancy <NancyOConnor@gov.nl.ca>  
Sent: Tuesday, January 19, 2016 1:06 PM  
To: Scaplen, Roger  
Subject: FW: Comment request - CETA

Please send me whatever statement you put together before responding.

Thanks

Nancy
Hello,
I'm trying to confirm ASAP today please the latest on Newfoundland's position re: CETA. Prime Minister Justin Trudeau has indicated his support to follow through on the disputed $400-million fishery fund but has anything more come of that?
Thanks for any help with this.
Sue

Sue Bailey
Newfoundland and Labrador Correspondent
The Canadian Press
Twitter: @suebailey
Direct: 709-576-0687
Mobile: 709-689-8619
Fax: 709-576-0049
Comeau, Wayne

From: O'Rielly, Alastair
Sent: Friday, January 29, 2016 9:30 AM
To: Comeau, Wayne
Subject: FW: CETA

Best Regards,

Carla Joy
Administrative Assistant to Deputy Minister Business, Tourism, Culture & Rural Development 2nd Floor, West Block Confederation Building St. John’s, NL A1B 4J6
Tel: 709.729.4732

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From: Loder, Jeff
Sent: Tuesday, January 12, 2016 5:04 PM
To: O'Rielly, Alastair
Cc: Genge, Daryl
Subject: Re: CETA

Will do.

Sent from my BlackBerry 10 smartphone on the Bell network.

From: O'Rielly, Alastair
Sent: Tuesday, January 12, 2016 5:02 PM
To: Loder, Jeff
Cc: Genge, Daryl
Subject: CETA

Jeff

I have a call with DM Hogan at 5:30 PM. Steve is participating. Call me to discuss on cell at 5:15.

Alastair
Sent from my BlackBerry 10 smartphone on the Bell network.
Comeau, Wayne

From: O'Rielly, Alastair
Sent: Friday, January 29, 2016 9:30 AM
To: Comeau, Wayne
Subject: FW: CETA

Best Regards,

Carla Joy
Administrative Assistant to Deputy Minister Business, Tourism, Culture & Rural Development 2nd Floor, West Block
Confederation Building St. John’s, NL A1B 4J6
Tel: 709.729.4732

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From: Genge, Daryl
Sent: Wednesday, January 13, 2016 8:45 AM
To: O'Rielly, Alastair
Subject: RE: CETA

Alastair,

You didn’t mention this to me yesterday – what happened on your call.

Daryl

From: O'Rielly, Alastair
Sent: Tuesday, January 12, 2016 5:03 PM
To: Loder, Jeff
Cc: Genge, Daryl
Subject: CETA

Jeff

I have a call with DM Hogan at 5:30 PM. Steve is participating. Call me to discuss on cell at 5:15.

Alastair
Sent from my BlackBerry 10 smartphone on the Bell network.
Comeau, Wayne

From: O’Rielly, Alastair
Sent: Friday, January 29, 2016 9:30 AM
To: Comeau, Wayne
Subject: FW: CETA beef exports within three months

Best Regards,

Carla Joy
Administrative Assistant to Deputy Minister Business, Tourism, Culture & Rural Development 2nd Floor, West Block Confederation Building St. John’s, NL A1B 4J6
Tel: 709.729.4732

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From: Loder, Jeff
Sent: Monday, January 11, 2016 10:54 PM
To: O’Rielly, Alastair; Genge, Daryl
Subject: Re: CETA beef exports within three months

I think there is confusion between the end of the BSE (Mad Cow disease) restrictions on exports to Canada from EU and early implementation of CETA.

I will look into this but there is no early implementation of CETA that I am aware off but I will Call Steve.

Jeff

Sent from my BlackBerry 10 smartphone on the Bell network.

From: O’Rielly, Alastair
Sent: Monday, January 11, 2016 10:45 PM
To: Genge, Daryl; Loder, Jeff
Subject: FW: CETA beef exports within three months

Please advise,

Alastair

From: Mitchelmore, Christopher
Sent: January 11, 2016 10:03 PM
To: O’Rielly, Alastair
Subject: CETA beef exports within three months
http://www.farmersjournal.ie/beef-exports-to-canada-to-start-within-three-months-197544/

Sent from my BlackBerry 10 smartphone on the Bell network.
Best Regards,

Carla Joy
Administrative Assistant to Deputy Minister Business, Tourism, Culture & Rural Development 2nd Floor, West Block
Confederation Building St. John's, NL A1B 4J6
Tel: 709.729.4732

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From: Mitchelmore, Christopher
Sent: Monday, January 11, 2016 10:03 PM
To: O'Rielly, Alastair
Subject: CETA beef exports within three months

http://www.farmersjournal.ie/beef-exports-to-canada-to-start-within-three-months-197544/

Sent from my BlackBerry 10 smartphone on the Bell network.
Comeau, Wayne

From: O'Rielly, Alastair
Sent: Friday, January 29, 2016 9:30 AM
To: Comeau, Wayne
Subject: FW: Meeting note sections on WTO Seal issue, and CETA

Best Regards,

Carla Joy
Administrative Assistant to Deputy Minister Business, Tourism, Culture & Rural Development 2nd Floor, West Block Confederation Building St. John's, NL A1B 4J6
Tel: 709.729.4732

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From: Lewis, David B.
Sent: Thursday, January 07, 2016 3:05 PM
To: O'Rielly, Alastair
Subject: Meeting note sections on WTO Seal issue, and CETA

Alastair.

The following draft sections are being incorporated into our overall note. We would appreciate your comments.

Thanks.

Dave
Canada-EU Comprehensive Economic and Trade Agreement (CETA)

- The Provincial Government imposes Minimum Processing Requirements (MPRs) to ensure optimum economic benefits from fish resources adjacent to the province accrue to the province, including employment in the processing sector.
- During CETA negotiations, the Province agreed to grant exemptions to MPRs for fish and seafood destined for the EU three years after CETA comes into force. Consequently, the Province and Federal Government agreed to create a $400 million Fisheries Investment Fund (FIF) to support industry development and renewal, as well as address any adverse impacts arising from removal of MPRs.
- The Federal Government subsequently reneged on its original commitment, stating that their commitment of $280 million toward the FIF was contingent upon demonstrated losses arising from relaxation of MPRs for seafood destined to the EU pursuant to the implementation of CETA. This contradicts the commitment made by the Federal Government in June 2013, whereby funds could be used for industry development and renewal, as well as losses from the removal of MPRs.
- The Province has stated it will fulfill its other obligations under CETA, but will not eliminate MPRs for the EU unless the Federal Government honours its commitments to the $400 million Fisheries Investment Fund.
- On December 22, 2014, federal Liberal Party Leader Justin Trudeau, now Prime Minister Trudeau, wrote the Province asserting that the federal government’s promise of the fisheries investment fund should be honored.

Potential Speaking Points

- CETA will provide seafood producers with considerable opportunities. The Province looks forward to finding a successful resolution to the Fisheries Investment Fund to ensure a viable seafood industry.
- Given the resource regime shift from shellfish to groundfish that appears to be occurring in waters adjacent to NL, a Fund which can provide assistance to industry in this transformation would be a critical factor in achieving a viable groundfish sector in particular.
**Comeau, Wayne**

**From:** O'Rielly, Alastair  
**Sent:** Friday, January 29, 2016 9:31 AM  
**To:** Comeau, Wayne  
**Subject:** FW: Letter to Min Freeland re CETA Fisheries Investment Fund.doc  
**Attachments:** Letter to Min Freeland re CETA Fisheries Investment Fund.doc

Best Regards,

Carla Joy  
Administrative Assistant to Deputy Minister Business, Tourism, Culture & Rural Development 2nd Floor, West Block Confederation Building St. John's, NL A1B 4J6  
Tel: 709.729.4732

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---

**From:** Halliday, Janice  
**Sent:** Tuesday, December 22, 2015 10:47 AM  
**To:** O'Rielly, Alastair  
**Subject:** Letter to Min Freeland re CETA Fisheries Investment Fund.doc
From: O'Rielly, Alastair
Sent: Friday, January 29, 2016 9:31 AM
To: Comeau, Wayne
Subject: FW: Meeting on CETA Fisheries Fund

Best Regards,

Carla Joy
Administrative Assistant to Deputy Minister Business, Tourism, Culture & Rural Development 2nd Floor, West Block Confederation Building St. John's, NL A1B 4J6
Tel: 709.729.4732

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From: Lewis, David B.
Sent: Friday, December 18, 2015 6:06 PM
To: O'Rielly, Alastair
Subject: Re: Meeting on CETA Fisheries Fund

Alastair.

Sounds good.

Thanks

Dave

Sent from my BlackBerry 10 smartphone on the Bell network.

From: O'Rielly, Alastair
Sent: Friday, December 18, 2015 5:46 PM
To: Lewis, David B.
Subject: FW: Meeting on CETA Fisheries Fund

Dave,

Note that we can do a meeting/briefing on Tuesday for lunch. We can meet here and we will provide a light lunch.

Alastair

Deputy Minister
Yes.

Hon. Christopher Mitchelmore  
Minister of Business, Tourism, Culture and Rural Development  
Minister Responsible for the Research and Development Corp. and Forestry and Agrifoods Agency

Would Tuesday at 12:30 work for you?

Alastair  
Deputy Minister  
Business, Tourism, Culture and Rural Development

Alastair.

Minister Crocker has asked me to try to arrange a meeting for us to meet you and Minister Mitchelmore to discuss the way forward on the fisheries fund, and lead roles, etc.

Would you and the Minister be available on Tuesday (lunch time or afternoon), or on Wednesday morning?

Dave
December 22, 2015

Honourable Chrystia Freeland
Minister of International Trade
Ottawa, Ontario

Dear Minister Freeland:

Congratulations on your recent appointment as Minister of International Trade. As you may know, I was recently appointed as Minister of Business, Tourism, Culture and Rural Development. In our respective mandate letters, we have been tasked with advancing the Canada-European Union Comprehensive Economic and Trade Agreement (CETA).

From Newfoundland Labrador’s perspective, the main unresolved issue is the Fisheries Investment Fund. I would like to meet with you as soon as possible to discuss this matter. I will be attending the upcoming Canadian Council of Tourism Ministers’ Meeting in Winnipeg on Thursday, January 14. I would welcome an opportunity to meet with you in Ottawa either en route to or from Winnipeg, should your calendar permit.

If a meeting is not possible at this time, please suggest another date when we could meet.

Thank you and Seasons Greetings to you and your family.

Sincerely,

CHRISTOPHER MITCHELMORE, MHA
District of St. Barbe - L’Anse aux Meadows
Minister

c: Premier Dwight Ball
    Minister Steve Crocker
Hi Alastair, Daryl and Jeff,

I wanted to ensure you had the right deck for today as we did some formatting for consistency across Depts. Please see attached. This also reflects my discussion with Jeff on Thursday as per my email from last week.

Thank you,
Katie

Katie Norman | Cabinet Officer
Cabinet Secretariat, Executive Council
Government of Newfoundland and Labrador
709-729-6527
Comeau, Wayne

From: O’Rielly, Alastair
Sent: Friday, January 29, 2016 9:34 AM
To: Comeau, Wayne
Subject: FW: Procurement before and after CETA2.doc
Attachments: Procurement before and after CETA2.doc

Best Regards,

Carla Joy
Administrative Assistant to Deputy Minister Business, Tourism, Culture & Rural Development 2nd Floor, West Block Confederation Building St. John’s, NL A1B 4J6
Tel: 709.729.4732

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From: Loder, Jeff
Sent: Sunday, December 06, 2015 5:41PM
To: O’Rielly, Alastair
Cc: Genge, Daryl
Subject: Fw: Procurement before and after CETA2.doc

This might be useful as well if they ask GP questions.

Best,

Jeff

Sent from my BlackBerry 10 smartphone on the Bell network.

From: Loder, Jeff <JeffLoder@gov.nl.ca>
Sent: Tuesday, November 24, 2015 9:31 AM
To: Vickers, Adam
Subject: Procurement before and after CETA2.doc
Comeau, Wayne

From: O'Rielly, Alastair
Sent: Friday, January 29, 2016 9:33 AM
To: Comeau, Wayne
Subject: FW: BTCRD deck re CETA

Best Regards,

Carla Joy
Administrative Assistant to Deputy Minister Business, Tourism, Culture & Rural Development 2nd Floor, West Block Confederation Building St. John’s, NL A1B 4J6
Tel: 709.729.4732

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From: Loder, Jeff
Sent: Sunday, December 06, 2015 9:01 PM
To: O'Rielly, Alastair
Subject: Re: BTCRD deck re CETA

Nothing. We are still waiting for some.

Sent from my BlackBerry 10 smartphone on the Bell network.

From: O'Rielly, Alastair
Sent: Sunday, December 6, 2015 8:59 PM
To: Loder, Jeff
Subject: Re: BTCRD deck re CETA

Nothing from any of the FOI requests to GC?

Sent from my BlackBerry 10 smartphone on the Bell network.

From: O'Rielly, Alastair
Sent: Sunday, December 6, 2015 8:52 PM
To: Loder, Jeff
Subject: Re: BTCRD deck re CETA

Thanks again!

Sent from my BlackBerry 10 smartphone on the Bell network.

From: Loder, Jeff
Sent: Sunday, December 6, 2015 8:50 PM
Subject: Re: BTCRD deck re CETA

Sent from my BlackBerry 10 smartphone on the Bell network.

From: O'Rielly, Alastair
Sent: Sunday, December 6, 2015 8:50 PM
To: Loder, Jeff
Subject: Re: BTCRD deck re CETA

Yes, what restrictions on the EU side?

Sent from my BlackBerry 10 smartphone on the Bell network.

From: Loder, Jeff
Sent: Sunday, December 6, 2015 8:48 PM
To: O'Rielly, Alastair
Subject: Re: BTCRD deck re CETA

Will do.

Sent from my BlackBerry 10 smartphone on the Bell network.

From: O'Rielly, Alastair
Sent: Sunday, December 6, 2015 8:44 PM
To: Loder, Jeff
Subject: Re: BTCRD deck re CETA

Same as shrimp but we should confirm.

Sent from my BlackBerry 10 smartphone on the Bell network.
Sent from my BlackBerry 10 smartphone on the Bell network.

From: O'Rielly, Alastair
Sent: Sunday, December 6, 2015 8:38 PM
To: Loder, Jeff
Subject: Re: BTCRD deck re CETA

Sent from my BlackBerry 10 smartphone on the Bell network.

From: Loder, Jeff
Sent: Sunday, December 6, 2015 8:36 PM
To: O'Rielly, Alastair
Subject: Re: BTCRD deck re CETA

Sent from my BlackBerry 10 smartphone on the Bell network.

From: O'Rielly, Alastair
Sent: Sunday, December 6, 2015 8:34 PM
To: Loder, Jeff
Subject: Re: BTCRD deck re CETA

All fresh and salted cod is duty free immediately, and frozen reduced annually over seven years...7.5 percent reduced 1/7 annually...correct?
From: O'Rielly, Alastair  
Sent: Sunday, December 6, 2015 7:29 PM  
To: Loder, Jeff  
Subject: RE: BTCRD deck re CETA

Call my cell when possible.

From: Loder, Jeff  
Sent: December 6, 2015 5:28 PM  
To: O'Rielly, Alastair; Genge, Daryl  
Subject: RE: BTCRD deck re CETA

Alastair,

I have answered the two questions in the note section with the examples you have requested. I agree with the comments and notes you have inserted. I never received a copy of the revised PP back from Katie after I spoke to her. She made some minor changes but you should make sure you are working from the same one given to the Premier Elect and team if the one sent to me is not the same.

jeff

From: Loder, Jeff  
Sent: Sunday, December 06, 2015 3:13 PM  
To: O'Rielly, Alastair; Genge, Daryl  
Subject: Re: BTCRD deck re CETA

I spoke with her re technical detail as well. Nothing new to add on my front.

From: O'Rielly, Alastair  
Sent: Sunday, December 6, 2015 3:09 PM  
To: Genge, Daryl; Loder, Jeff  
Subject: Re: BTCRD deck re CETA

Thanks

From: Genge, Daryl  
Sent: Sunday, December 6, 2015 3:08 PM  
To: O'Rielly, Alastair; Loder, Jeff  
Subject: Re: BTCRD deck re CETA

I talked with her on Thursday. Just had some very minor clarifications.
Did either of you follow up with Katie?

From: Norman, Katie  
Sent: December 3, 2015 2:12 PM  
To: O'Reilly, Alastair; Genge, Daryl; Loder, Jeff  
Subject: BTCRD deck re CETA

Good Afternoon,

I have tried to reach each of you to discuss the CETA presentation. Could one of you please give me a call at your earliest convenience? I have some input from MIGA, and up the line here to discuss, so we can finalize this presentation today. You can reach me at 6527.

Thank you,

Katie

Katie Norman | Cabinet Officer  
Cabinet Secretariat, Executive Council  
Government of Newfoundland and Labrador  
709-729-6527
Economic Benefits for Newfoundland and Labrador

The economic benefits for Newfoundland and Labrador arising from the Canada-European Union Comprehensive Economic and Trade Agreement range across many sectors and will be felt in all areas of the province.

There are two types of direct benefits: tariff elimination, which can immediately improve economic returns; and, mechanisms to address non-tariff barriers, the types of behind the border regulations or standards that affect our ability to really sell goods once they enter the market.

Tariff Elimination

1. Fish and Seafood: 100 per cent will be eliminated within seven (7) years of the CETA becoming effective. Currently, the industry pays approximately $25 Million per year in EU tariffs on its exports.

   a. 95.5% of tariff lines will be duty-free immediately. These include:
      - shrimps and prawns – current duties at 20%
      - fresh cod fillets – current duties at 18%
      - live lobster – current duties at 8%
      - frozen scallops – current duties at 8%
      - frozen shell-on shrimp – current duties at 12%
      - fresh or chilled hake – current duties at 15%
      - dried and salted cod – current duties at 13%
      - frozen herring – current duties at 15%
      - fresh or chilled halibut, Atlantic – current duties at 8%
      - processed salmon – current duties at 5.5%
      - frozen mackerel – current duties at 20%
      - flatfish – current duties at 15%
b. In addition to this, the EU will allow Canada to export specific quotas of cooked and peeled shrimp and frozen cod fillets duty-free with no limitations on product form or packaging for the seven years it will take to fully eliminate the tariffs on those lines. These are Canada-only quotas. No other country can use them and Newfoundland and Labrador will be the primary beneficiary of these.

i. Cooked and Peeled Shrimp: 23,000 Tonnes per year for each of the 7 years it takes to eliminate the 20% tariff

ii. Frozen Cod Fillets: 1,000 Tonnes per year for each of the 7 years it takes to eliminate the 7.5% tariff

iii. These quotas will permit the industry to immediately plan for value-added processing, which will improve prosperity in the sector in the long term.

2. Metals and mineral products: tariffs will be eliminated immediately when the CETA becomes effective.

a. NL exported an average of $1.7 Billion in metal and minerals to the EU between 2010 and 2012. Many of these are already tariff-free.

b. New tariff elimination that will benefit NL include:

i. Nickel and nickel products, ranging up to 3.3%

ii. Copper, zinc, lead, tin, ranging up to 9%

iii. Iron and steel and iron or steel products, ranging up to 7%

c. Overall, tariff elimination in the mining and mineral processing sector will enable the sector to diversify. In the event that new mineral resources are discovered or the industry seeks to diversify
the production of various mineral products, Newfoundland and Labrador will always be competitive when it comes to the EU market.

Non-Tariff Barriers

• One of Canada's interests in this negotiation was real market access, which includes binding mechanisms and obligations that prevent the EU from using standards and labeling practices, etc, as behind the border barriers to trade.

• It's one thing to eliminate the tariff; it's another thing to be able to sell the goods when they get to market. This will help ensure we can.

• We now have the ability to ensure that our products are treated like European Union products in this regard.

• In addition to this, the CETA establishes a framework to facilitate temporary travel and relocation for business persons, including visitors, intra-company transferees and professionals. This is key for our service industry, including our growing oil and gas and mining services.

• It also creates a platform that allows and encourages professional regulatory bodies and associations to sign mutual recognition agreements, allowing engineers, architects and other professionals to work across both countries.
Best Regards,

Carla Joy  
Administrative Assistant to Deputy Minister Business, Tourism, Culture & Rural Development 2nd Floor, West Block Confederation Building St. John's, NL A1B 4J6  
Tel: 709.729.4732

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From: Genge, Daryl  
Sent: Sunday, December 06, 2015 3:21 PM  
To: O'Rielly, Alastair  
Subject: Re: CETA

OK. I'll be in a half hour and will send it to you.

Sent from my BlackBerry 10 smartphone on the Bell network.

From: O'Rielly, Alastair  
Sent: Sunday, December 6, 2015 3:19 PM  
To: Genge, Daryl; Loder, Jeff  
Subject: Re: CETA

Checked again: I don't have it.

Alastair  
Sent from my BlackBerry 10 smartphone on the Bell network.

From: Genge, Daryl  
Sent: Sunday, December 6, 2015 3:11 PM  
To: O'Rielly, Alastair; Loder, Jeff  
Subject: Re: CETA

I thought I had already sent a copy to you, but I'm not completely sure. Can you double check? If not I'll have to run into the office - I have it on my computer.
Daryl/Jeff

I am presenting a high level CETA overview to the Premier elect and the transition team tomorrow morning at 9:00.

Just reviewing the draft presentation from November 24th; let me know if there is anything that you suggest changing.

Daryl, do you have a copy of the Conf Board presentation on CETA?

Alastair
Comeau, Wayne

From: O'Rielly, Alastair
Sent: Friday, January 29, 2016 9:35 AM
To: Comeau, Wayne
Subject: FW: CETA

Best Regards,

Carla Joy
Administrative Assistant to Deputy Minister Business, Tourism, Culture & Rural Development
2nd Floor, West Block Confederation Building St. John's, NL A1B 4J6
Tel: 709.729.4732

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-----Original Message-----
From: Lewis, David B.
Sent: Sunday, December 06, 2015 3:06 PM
To: O'Rielly, Alastair
Subject: Re: CETA

I saw it prior to submission.

Dave

Sent from my BlackBerry 10 smartphone on the Bell network.

Original Message
From: O'Rielly, Alastair
Sent: Sunday, December 6, 2015 2:11 PM
To: Lewis, David B.
Subject: Re: CETA
Sure, no problem!

Have you reviewed the CETA overview presentation prepared a week or so ago?

Alastair

Sent from my BlackBerry 10 smartphone on the Bell network.

Original Message
From: Lewis, David B.
Sent: Sunday, December 6, 2015 1:05 PM
To: O'Rielly, Alastair
Subject: Fw: CETA

Alastair.

Apparently I am being asked to attend as well, although I assume you will deliver the presentation. I can speak to the initial meeting between Hutchings and Moore and preparatory work we have had completed in DFA by Carey if necessary.

Dave

Sent from my BlackBerry 10 smartphone on the Bell network.

Original Message
From: Burt, Paula <paulaburt@gov.nl.ca>
Sent: Sunday, December 6, 2015 12:50 PM
To: O'Rielly, Alastair; Lewis, David B.
Cc: Mullaley, Julia
Subject: RE: CETA

Dave - meant to include you in this email.

-----Original Message-----
From: Burt, Paula
Sent: Saturday, December 5, 2015 5:28 PM
To: O'Rielly, Alastair  
Cc: Mullaley, Julia  
Subject: CETA  

Alastair a briefing has been scheduled for Monday in the west block committee room with the transition team. Would suggest you be there by 9. The presentation should be a brief overview, aim for about 30 minutes. The premier designate is going to Ottawa on Wednesday and therefore should provide a high level overview. Asking that deputies do these briefings. If you feel the need to have other staff feel free but they should engage only if there are technical questions you are unable to answer.

Get in touch if you have any questions.

Paula  

Sent from my iPad
Best Regards,

Carla Joy  
Administrative Assistant to Deputy Minister Business, Tourism, Culture & Rural Development 2nd Floor, West Block  
Confederation Building St. John's, NL A1B 4J6  
Tel: 709.729.4732  

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From: Norman, Katie  
Sent: Wednesday, December 02, 2015 3:01 PM  
To: O’Rielly, Alastair  
Subject: RE: Final Note  

Thank you, Alastair.  

Katie

---

From: O’Rielly, Alastair  
Sent: Wednesday, December 02, 2015 2:36 PM  
To: Norman, Katie  
Subject: RE: Final Note  

Sure, no problem,  

Alastair  
Deputy Minister  
Business, Tourism, Culture and Rural Development

---

From: Norman, Katie  
Sent: Wednesday, December 02, 2015 1:49 PM  
To: O’Rielly, Alastair  
Subject: Final Note  

Hi Alastair,
DFA has requested a final copy of the CETA note for their records. Please advise if you are comfortable with me providing such to them.

Thank you,

Katie

Katie Norman | Cabinet Officer
Cabinet Secretariat, Executive Council
Government of Newfoundland and Labrador
709-729-6527
Canada-European Union
Comprehensive Economic and Trade Agreement
“CETA,” and Fisheries Investment Fund (FIF)

November 24, 2015
CETA: Background

- NL joined as a full participant in March 2011.
- BTCRD was lead, supported by all departments.
- Fisheries Investment Fund negotiated June 2013.
- Agreement in Principal (AIP) reached October 2013.
- Negotiations concluded August 2014.
• Most 'modern' and comprehensive free trade agreement (FTA) negotiated to date (42 chapters).
• Only FTA the EU has negotiated with a country that is a major global economic actor.
• Unlike previous-generation FTAs, CETA reaches further than "at the border" measures to areas such as services, temporary entry, regulatory cooperation, conformity assessment etc.
• Provinces and Territories played a robust role during negotiations as EU interests were in provincial jurisdiction.
<table>
<thead>
<tr>
<th>OA4</th>
<th>should be full participate, previously observer</th>
</tr>
</thead>
<tbody>
<tr>
<td>OA5</td>
<td>Canada-EU</td>
</tr>
</tbody>
</table>

O'Rielly, Alastair, 12/6/2015
• Fish and Seafood: 99.1% of tariff lines relevant to NL will be duty-free upon entry into force.
• Including top exports of shrimp, crab, herring, mackerel, halibut, cod and flatfish.
• Transitional TRQs with no end use restrictions for shrimp (23k tonnes) and cod (1k tonnes).
• $25 million in annual tariff savings.
• Up to $100 million in added value to fishery:
  – $50M from new value added products
  – $50M from increased prices
Could prove to be very significant as the province moves forward with diversification and greater participation in export of services

O'Rielly, Alastair, 12/6/2015
Elimination of tariffs on NL’s key exports to the EU including metal and mineral products, forestry products, advanced manufacturing, and agriculture and agri-food products.

Mutual acceptance of compliance assessments for provincial manufacturers allowing their goods to be certified in Canada for sale into the EU market.
except for cod and shrimp for first seven years, which is academic for shrimp given TRQ and ATRQ. Cod could become an issue, depending on pace of stock recovery.

O'Rielly, Alastair, 12/6/2015
• Improved access for key NL service areas.
• Temporary entry provisions are the most extensive the EU has provided to any other country, in any other FTA.
• Improved access for NL goods producers to service their goods in the EU.
• Secured future benefits through a ratchet mechanism.
**NL Commitments**

- The elimination of minimum processing requirements (MPRs) after three years of CETA entry into force.
- Inclusion of NL Hydro in procurement offer.
- Inclusion of additional service areas in procurement offer.\(^\text{OA3}\)
- Reduction of flexibility in REDs.\(^\text{OA2}\)
| OA2 | provide illustrative example. |
| OA3 | what is the new service area? |
The Federal Government has offered additional protection for pharmaceuticals in the Intellectual Property Chapter. This will delay the sale of cheaper generic drugs creating additional costs for all PTs. Costs are not expected to arise until 10 years after agreement comes into force. Federal Government has committed to cover these costs.
Fisheries Investment Fund (FIF) Newfoundland Labrador

- Negotiated in June 2013.
- European Union expressed a desire throughout CETA negotiations to eliminate export restrictions on fish and seafood (wanted to set a precedent).
- Negotiated a $400M fund cost shared on a 70/30 federal/provincial basis in exchange for removing MPRs for the EU and other commitments in the agreement.
Fisheries Investment Fund (FIF) Newfoundland Labrador

- Five Pillars of the Fund:
  1. Research and Development
  2. New marketing initiatives
  3. Fisheries research
  4. Enhancements to provincial fisheries infrastructure
  5. Workforce adjustment (if required)

- Funding to be dispersed over three years beginning in 2016-17.
October 2013 Fund was announced.

January 2014 Ministers Hutchings and Moore met, directed officials to work on operationalizing the Fund.

May 2014 Minister Hutchings wrote Minister Moore to confirm expectations regarding operationalizing the Fund. This correspondence went unanswered for four months.

October 2014 Federal Government officials introduce fundamental changes to the terms of the FIF

November 2014 Minister Moore confirms the terms of the fund were indeed accurate as presented by his officials

December 2014 Premier meets with Prime Minister; PM also confirms position.

This led to a stalemate between parties.
• The past Federal Government made it clear they would not honour the terms of the Fund as negotiated in June 2013.

• As a result, NL will not relinquish MPRs on fish destined to the EU; will honour rest of agreement.

• NL notified the Ambassador of the EU to Canada of its position; Ambassador was concerned that overall balance of CETA could be unraveled by a "selective CETA implementation" and that the Fund was an internal matter it could not take a position on.
Current Federal Government's Position on Fund

- December 2014 Trudeau responded to NL's Premier's letter requesting support for the Fund; Trudeau stated the Federal Government's promise to NL should be honoured.
- September 2015 this position was re-stated in correspondence to the FFAW.
- September 2015 letter to Trudeau, NL Premier acknowledges Trudeau's support for NL's position on the Fund as stated in December 2014 letter; in response from Trudeau there is no mention of the Fund or their stance.
Newfoundland Labrador

Canada-European Union Comprehensive Economic and Trade Agreement "CETA," and Fisheries Investment Fund (FIF)
CETA: Background

- NL joined as participant in March 2011.
- BTCRD was lead, supported by departments.
- Fisheries Investment Fund negotiated June 2013.
- CETA Agreement in Principle (AIP) reached October 2013.
- Negotiations concluded August 2014.
CETA: Overview

- Most 'modern' and comprehensive free trade agreement (FTA) negotiated to date (42 chapters).
- Only FTA the EU has negotiated with a country that is a major global economic actor.
- Unlike previous-generation FTAs, CETA reaches further than "at the border" measures to areas such as services, temporary entry, regulatory cooperation, conformity assessment etc.
- Provinces and Territories played a robust role during negotiations as EU interests were in provincial jurisdiction.
Outcomes: Tariff Elimination

- Fish and Seafood: 99.1% of tariff lines relevant to NL will be duty-free upon entry into force.
- Including top exports of shrimp, crab, herring, mackerel, halibut, cod and flatfish.
- Transitional Tariff Rate Quotas (TRQs) with no end use restrictions for shrimp (23k tonnes) and cod (1k tonnes).
- $25 million in annual tariff savings.
- Up to $100 million in added value to fishery:
  - $50M from new value added products
  - $50M from increased prices
Goods

- Elimination of tariffs on NL's key exports to the EU including metal and mineral products, forestry products, advanced manufacturing, and agriculture and agri-food products.

- Mutual acceptance of compliance assessments for provincial manufacturers allowing their goods to be certified in Canada for sale into the EU market.
Services

- Improved access for key NL service areas.
- Temporary entry provisions are the most extensive the EU has provided to any other country, in any other FTA.
- Improved access for NL goods producers to service their goods in the EU.
NL Commitments

- The elimination of minimum processing requirements (MPRs) after three years of CETA entry into force.
- Inclusion of NL Hydro in procurement offer.
- Inclusion of additional service areas in procurement offer.
- Reduction of flexibility in regional economic development exceptions.
Federal Commitments Impacting NL

- The Federal Government has offered additional protection for pharmaceuticals in the Intellectual Property Chapter.
- This will delay the sale of cheaper generic drugs creating additional costs for all PTs.
- Costs are not expected to arise until 10 years after agreement comes into force.
- Harper government committed in writing to cover these costs.
Fisheries Investment Fund (FIF)

- Negotiated in June 2013.
- European Union expressed a desire throughout CETA negotiations to eliminate export restrictions on fish and seafood (wanted to set a precedent).
- Negotiated a $400M fund cost shared on a 70/30 federal/provincial basis in exchange for removing MPRs for the EU and other commitments in the agreement.
Fisheries Investment Fund (FIF)

- Five Pillars of the Fund:
  1. Research and Development
  2. New marketing initiatives
  3. Fisheries research
  4. Enhancements to provincial fisheries infrastructure
  5. Workforce adjustment (if required)

- Funding to be dispersed beginning in 2016-17.
FIF Timeline

- October 2013 Fund was announced.
- January 2014 Ministers Hutchings and Moore met, directed officials to work on operationalizing the Fund.
- May 2014 Minister Hutchings wrote Minister Moore to confirm expectations regarding operationalizing the Fund. This correspondence went unanswered for four months.
- October 2014 Federal Government officials introduce fundamental changes to the terms of the FIF
- November 2014 Minister Moore confirms the change in terms of the fund.
- December 2014 Premier meets with Prime Minister; PM also confirms position.
- This led to a stalemate between parties.
NL’s Position on CETA

• The past Federal Government made it clear they would not honour the terms of the Fund as negotiated in June 2013.

• As a result, NL will not relinquish MPRs on fish destined to the EU; will honour rest of agreement.

• NL notified the Ambassador of the EU to Canada of its position; Ambassador was concerned that overall balance of CETA could be unraveled by a “selective CETA implementation” and that the Fund was an internal matter it could not take a position on.
Current Federal Government's Position on Fund

- December 2014 Trudeau responded to NL’s Premier’s letter requesting support for the Fund; Trudeau stated the Federal Government’s promise to NL should be honoured.
- September 2015 federal Liberal Party wrote to the FFAW on the FIF.
- September 2015 letter to Trudeau, NL Premier acknowledges Trudeau’s support for NL’s position on the Fund as stated in December 2014 letter; in response from Trudeau there is no mention of the Fund or their stance.
- November 2015 federal mandate letter for Minister of International Trade included reference to developing strategies to implement CETA and work with relevant Ministers and PTs to support adjustment in certain sectors. FIF was not referenced.
Information Note
Department of Business Tourism, Culture and Rural Development

Title: Current Trade Policy Issues
Canada-European Union Comprehensive Economic and Trade Agreement

• In 2008 the Federal Government announced that it was embarking on negotiations with the EU to formalize a trade agreement between the two jurisdictions - CETA. It was noted the agreement would provide preferential access to the world’s largest single economy with a nominal Gross Domestic Product (GDP) of $17T and a market of more than 500M consumers.

• Negotiations concluded on August 5, 2014 with a formal ceremony held during the Canada-EU Summit on September 26, 2014 to officially sign the text. This facilitated the commencement of the legal scrub (where the text is reviewed to ensure that it creates the obligation intended by parties), translation, and ratification. This process is expected to be completed in spring 2017.

• The agreement is comprehensive, including all key trade-related areas such as goods, services, and investment, and is the EU’s first trade agreement with a G8 nation.

• While the agreement includes a number of benefits and protections for the NL economy, the impasse related to the Fisheries Investment Fund (FIF) negotiated with the federal government in concert with CETA remains to be addressed.

• Potential benefits to NL through CETA include:
  o The elimination of 99.1% of the fish and seafood tariff lines relevant to the Province are going duty free resulting in immediate annual savings of $25 million.
  o The elimination of non-tariff barriers on the province’s most lucrative fish and seafood products, creating opportunities for value-added products and increased market access that could add over $100 million annually to the fishing industry.
  o The elimination of tariffs on NL’s other key exports to the EU, including those of key metal and mineral products, forestry products, advanced manufacturing, and agriculture and agri-food products.
- The mutual acceptance of compliance assessments allowing provincial manufacturers to have their goods certified in Canada for sale into the EU;
- Improved access for service suppliers by relaxing temporary entry restrictions for Canadian citizens in key service areas. This will allow NL companies to better service goods sold into the EU.

- Potential impacts of CETA, aside from MPRs, include:
  - Two additional years of patent protection for pharmaceuticals, which will affect all PTs, by increasing the cost of drugs. These costs are not expected to arise until 10 years after entry into force, and the federal government has committed to cover these costs.
  - The Province agreed to include NL Hydro in its procurement offer, meaning that the Province would need to continue to offer open non-discriminatory procurement through NL Hydro (existing policy).
  - The Province agreed to adopt parameters when directing procurement for the purposes of regional economic development (RED).
December 22, 2015

The Honourable Hunter Tootoo  
Minister of Fisheries, Oceans and the Canadian Coast Guard  
House of Commons  
Ottawa, Ontario  
K1A 0A6

Dear Minister Tootoo:

On behalf of the Government of Newfoundland and Labrador and the Department of Business, Tourism, Culture and Rural Development, I wish to formally invite you for discussions on expanding cooperation and collaboration in our mutual areas of responsibility on your upcoming visit to the Province.

As you are aware, Newfoundland and Labrador’s economic and cultural roots and its future depend largely on the ocean. The fishery remains a critical socioeconomic sector for the province and its coastal communities, with safe passage on the ocean being paramount for not only this sector, but also our oil and gas, transportation, tourism and other sectors.

Given your position as Minister responsible for Fisheries, Oceans and the Canadian Coast Guard, as well as being the regional Minister for Nunavut, there are several areas where our respective mandates overlap that warrant discussion. For my Department, these areas include our Arctic Opportunities Initiative, recent Memorandum of Understanding (MOU) signed with the Government of Nunavut, and the Canada and European Union (EU) Comprehensive Economic and Trade Agreement (CETA).

The MOU between the Governments of Newfoundland and Labrador and the Government of Nunavut builds upon the history of successful cooperation between our two jurisdictions and encourages increased collaboration and partnership among stakeholders as both jurisdictions prepare for future development and increased economic activity in the Arctic. A copy of the MOU is attached for your information. Mutually identified areas for collaboration identified under the MOU include Natural Resources, Education and Training, Transportation and Infrastructure, Culture and Tourism, Research and Development, and Health Care. Both governments are committed to the success of this MOU through regular meetings of its Coordination and Implementation Committee.
Thank you in advance for considering this request. I look forward to discussing these and other issues with you on your upcoming visit to the province and, if you have the time, to organizing a tour of our arctic related research infrastructure/capabilities.

Yours sincerely,

CHRISTOPHER MITCHELMORE, MHA
District of St. Barbe - L'Anse aux Meadows Minister

c: Premier Dwight Ball

Honourable Steve Crocker
Minister of Fisheries and Aquaculture
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