

ANNEX A

KEY ENVIRONMENTAL PROVISIONS OF THE NAFTA

- The **Preamble** to the Agreement explicitly identifies sustainable development and environmental protection and enforcement as fundamental objectives of the Agreement.
- **Chapter 1 (Objectives)** acknowledges the general primacy of trade restrictions taken to enforce environmental obligations in international environmental and conservation agreements that deal with endangered species, ozone depleting substances and hazardous wastes.
- **Chapter 7 (Sanitary and Phytosanitary Measures)** permits NAFTA countries to take measures they consider appropriate to protect human, animal and plant life or health within their respective territories.
- **Chapter 9 (Standards-Related Measures)** explicitly protects the rights of Canada's federal, provincial and local governments to determine the level of environmental protection that they consider appropriate for their own circumstances.
- **Chapter 11 (Investment)** recognizes that NAFTA countries should not lower health, safety or environmental standards for the purpose of attracting an investment. These are important precedent-setting principles.
- **Chapter 17 (Intellectual Property)** allows the Parties to exclude from patentability plants, animals or inventions that could cause serious prejudice to biodiversity or to the environment.
- **Chapter 20 (Dispute Settlement)** provides a specific mechanism for the submission of environmental concerns to dispute settlement panels so that panels take such concerns into account when making a decision.