

Annex B: MEA comparative table**

Delegation	EC	New Zealand	Swiss
Type	Article XX	Global understanding	List (global - i.e., covers all WTO Agreements)
Unilateral	No accommodation	Explicit no accommodation	No accommodation
Between Parties - Specific measures	Waive necessity test (XX b), primarily directed at (XX g), under terms of Article XX chapeau	Accommodated (MEA dispute settlement, no access to WTO dispute settlement)	Listed MEAs, accommodation as per EU. List procedures: Option 1 (informal GC Consultations, formal 50% vote), Option 2 (automatic unless objections)
Between Parties - Non-specific	Waive XX b or XX g if panel determines measure is specific	Full necessity test (effectiveness, least trade restrictiveness, proportionality)	No accommodation (measures have to be specific)
Parties - Non-Parties - Specific measures	Waive XX b or XX g if MEA meets 2 qualifying principles	Full necessity test including procedural (i.e., whether MEA reflects international consensus), environmental objective taken as given	Unlikely to be on the list under Option 1, greater possibility to be on the list under Option 2 given "automatic" listing if no formal objection
Parties- Non-Parties - non-specific	Waive XX b or XX g tests if MEA meets 2 qualifying principles, and if panel determines measure is specific	No accommodation	No accommodation (measures have to be specific)
Cooperation	Silent	Silent but support	Detailed proposal with modalities for cooperation and ongoing role for CTE

** This comparative table was prepared to facilitate discussion internally and among delegations. It should not, however, be considered authoritative or definitive with respect to the proposals made by various delegations given the degree of simplification that was required to capture the proposals in summary form.