

International Trade, Corey Norton, Chair

From Jesse Goldman (Canada):

EU-Canada CETA & ISDS

The EU-Canada Comprehensive Economic Trade Agreement ("CETA") inches towards ratification and while Brexit may complicate timing for ratification, the agreement seems certain to be ratified by the end of 2016 or early 2017. The timing is somewhat unpredictable because of uncertainty whether each of the now 27 EU jurisdictions must separately ratify the agreement or whether it can be ratified singularly at the EU Council and Parliament. Of interest, in early 2016 the parties renegotiated the Investor State Dispute Settlement ("ISDS") provisions to respond to EU concerns, largely rooted in the EU's ongoing TTIP negotiations with the US, regarding the scope and effect on regulatory sovereignty that ISDS may have, at least as expressed by various civil society groups in the EU. The amendments include a permanent court with a permanent roster of arbitrators (or judges), moving away from an *ad hoc* system of arbitral appointments to an institutionalized framework for ISDS litigation within the CETA.