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**Exploring the Variation in the Inclusion of  
Non-Trade Policy in EU External Trade  
Agreements**

Master's Thesis

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## **Abstract**

This thesis investigates the determinants for the inclusion of non-trade policy objectives (NTPOs) in the European Union's (EU) trade agreements. By examining 15 trade agreements from distinct regions, this research identifies patterns and variations in the inclusion of NTPOs, concentrating on key areas such as trade and sustainable development, human rights, gender equality, and labour conditions. The study demonstrates the role of civil society organisations (CSOs) and the politicisation of trade policy in shaping trade policy. The results reveal that economic and geopolitical factors, as well as global standards, influence the inclusion of NTPO objectives in EU trade agreements. Furthermore, this research contributes to the understanding of EU trade policy-making, stressing the importance of normative values in trade relations and the impact of both internal and external dynamics on the policy-making process. Finally, the conclusions drawn provide insights for policymakers on improving the coherence of EU trade agreements.

## Introduction

In March of 2024, the International Federation for Human Rights (FIDH), together with over 200 Civil Society Organisations (CSOs), called on the European Union's decision-makers to suspend the EU-Israel Association Agreement at a time when Israel is accused of carrying out a genocide against Palestinians in Gaza. Ratified in June 2000, today, the European Union (EU) is Israel's largest trade partner. The current backlash in light of the violation of human rights by the State of Israel is justified by CSOs. Notably, the 2015 "trade for all" strategy (European Parliament), among other European trade decreets, trade policy aims to promote sustainable development, human rights, and good governance<sup>1</sup>. What is more, Article 2 of the EU-Israel Association Agreement asserts that "*relations between the Parties, as well as the provisions of the Agreement itself, shall be guided on respect for human rights and democratic principles, which guides their internal and international policy and constitutes an essential element of this Agreement.*" (European Parliament, E-010294/2011)<sup>2</sup>.

The call to suspend this Association Agreement (AA) corresponds to two growing phenomena observed across the EU trade literature. First, the scientific literature observes an increased politicisation of trade since the ratification of the Lisbon Treaty.<sup>3</sup> Second, trade policy constitutes an element of European foreign affairs, serving as a means to export the union's democratic values, the rule of law, and the respect for human rights. For the latter, these endorsed normative elements are portrayed as conditions that third nations must respect, indicating their intention to engage in trade relations with the European Union.

Illustrative of the politicisation of trade, the ratification of the Lisbon Treaty in 2009 incorporated trade as a competence of the EU, consequently enhancing the European Parliament's power in the negotiation and adoption of trade treaties. In turn, this has

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<sup>1</sup>Jana Titievskaia. (2019). THE 'TRADE FOR ALL' STRATEGY. LEGISLATIVE TRAIN 05.2024, 3-4. <https://www.europarl.europa.eu/legislative-train/carriage/trade-for-all-strategy/report?sid=8101>

<sup>2</sup> Parliamentary question | Article 2 of the EU-Israel trade agreement | E-010294/2011 | European Parliament. © European Union, 2011 - Source: European Parliament. [https://www.europarl.europa.eu/doceo/document/E-7-2011-010294\\_EN.html](https://www.europarl.europa.eu/doceo/document/E-7-2011-010294_EN.html)

<sup>3</sup> Dür, A., Hamilton, S. M., & De Bièvre, D. (2023). Reacting to the politicization of trade policy. *Journal of European Public Policy*, 31(1), 1-19. <https://doi.org/10.1080/13501763.2023.2258157>

opened the space for CSOs and non-governmental organisations (NGOs) to benefit from increased representation on trade topics. As a direct effect, NGOs and CSOs across different policy areas (agriculture, human rights, environment, etc.) often oppose the negotiation of certain trade deals by opening European Citizens' Initiatives (ECIs), organising protests, and calling to action, with the aim that the EU Commission takes action on undesired policy from European citizens. Exemplifying this, the "Stop TTIP" ECI successfully collected three million signatures against the negotiation of the Transatlantic Trade and Investment Partnership (TTIP) in 2015. Two million more signatures than the minimum required of one million.<sup>4</sup> Today, Rima Hassan, a French candidate for the European elections, Palestinian-born and defensor of Palestine, launched the petition together with 195 civil society organisations to stop the EU-Israel Association Agreement, reaching 75,000 signatures as of the end of May 2024<sup>5</sup>.

Finally, depicting the latter, normative elements are crucial to the development of external trade agreements in the EU. The lack of compliance with the regulations of the agreement should, in consequence, lead to a withdrawal of one of the parties from the agreement in place. Although we are unable to forecast how the EU decision-makers will react in case of non-compliance of its partners to the treaties, the EU disposes of tools it may implement against its partners when a treaty is violated. Conditionality is one of the EU's preventive tools to set standards for democracy, human rights, and environmental commitment, among others, before negotiating an agreement. In more severe cases, the EU may sanction partners, like it did following the Russian annexation of Crimea in 2014 and effectively after the Russian full-scale invasion of Ukraine in 2022.

Objectively, with China's rising growth as an economic power and the United States' long-lasting economic leadership, the EU must strategically review its trade priorities to remain an attractive trade partner and a relevant political and economic global actor in an ever-changing global geopolitical dynamic. Research by the EU reveals that in recent

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<sup>4</sup> *European Citizens' Initiative: Commission registers "Stop TTIP" Initiative.* (2017, July 4). European Commission - European Commission.

[https://ec.europa.eu/commission/presscorner/detail/en/IP\\_17\\_1872](https://ec.europa.eu/commission/presscorner/detail/en/IP_17_1872)

<sup>5</sup> Hassan, R. (2024, May 12). *HUMAN RIGHTS ARE NOT FOR SALE : STOP THE EU-ISRAEL ASSOCIATION AGREEMENT!* Change.org.

<https://www.change.org/p/human-rights-are-not-for-sale-stop-the-eu-israel-association-agreement>

years, strict trade rules in the evolving economic markets have led global-south countries to engage in trade with other attractive markets, especially China and the United States. Despite this, with the EU being the largest internal market globally, its attractiveness for trade remains high. In consequence, to maintain relevance while expanding its strict policy norms and democratic values, the European Commission's Directorate General for Trade (DG Trade) is charged with setting out trade and investment strategies, notably putting forward sustainable and fair trade policies. Additionally, adding to its attractiveness, the EU provides elevated financial investments in partner countries, contributing to the economic growth, market integration, and job creation of its trade partners.

What is more, the EU implements three main types of trade agreements, distinct in their objective and explanatory of the relations that the EU maintains with different partners. First, Free Trade Agreements (FTAs) aim to open markets with developed countries and emerging economies, granting preferential market access. Followed by Economic Partnership Agreements (EPAs), which include an investment and development component, this type of agreement gives tailored preferential agreements to African, Caribbean, and Pacific partners. Finally, Association Agreements (AA) support a political component with the aim of strengthening political ties between countries<sup>6</sup>.

The EU seeks to establish its standards across the globe through its trade policy. However, my research on the inclusion of non-trade policy chapters in final trade agreements (all policy that relates to non-economic affairs but rather to values and norms) reveals that not all commercial agreements include the same standards or the same policy in certain policy areas. While the basis of this research relies on a comparative analysis of the inclusion of non-trade policy across a pool of EU trade agreements, this research aims to answer the following question: What determines the inclusion of non-trade policy in EU external trade relations? This research seeks to evaluate the extent to which standards are set or compromised in trade treaties by analysing the structure and enforcement of EU trade policy objectives in selected trade

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<sup>6</sup> *Global Europe*. <https://www.consilium.europa.eu/en/eu-free-trade/>

agreements. This research implements elite interviews as primary sources and policy documents as secondary sources. The results of this research contribute to complementing the trade literature, which has focussed solely on TTIP, CETA, and Mercosur treaties as the largest European treaties of the last 15 years, providing insight into a larger grouping of trade agreements that are equally relevant to the geopolitical position of the European Union.

This analysis will be divided into three sections. The first one will analyse the normative rule setting and standards of EU trade policy. Then, the analysis is divided into two chapters. The policy areas analysed in this research are trade and sustainable development and trade and gender equality.



## **Review of existing non-trade policy knowledge**

The 1990s are a critical decade for conceptualising the European Union's global role. Research in European studies endeavours to conceptualise the position that the EU holds in global relations. First, the literature theorises the 1992 adoption of the European Union single market into globalisation theory, becoming a regional economic power among the development of other regional groups, such as APEC, ASEAN, and NAFTA<sup>7</sup> (Rosenberg, 2005, pp.51), a series of multilateral political and economic regional organisations. The preceding ratification of the Single European Act (1986) suggests that European Community members are oriented towards lower tariff barriers and increased competitiveness, which is dominated by European integration theory. Further, trade at the European Union level, and EU external trade policy specifically, has been considered under neo-liberal theory, and although geopolitical and economic challenges (euro-crisis) continue to affect it, the literature finds that it has to be considered together with globalisation and regional integration theories (Holden, 2017).

However, for decades, the United States' global economic power has determined the European Union's geopolitical and economic power (Lavery & Schmid, 2021). China's rise and Asian economies have emerged successfully from the COVID-19 crisis and are expected, the latter accounting for one-fifth of global commerce (WeiS, 2020). Moreover, the rise of China as an economic and geopolitical power, combined with the US trade dominance, has transformed policymaking in the European Union, drawing political elites to re-observe the role of the EU towards global leadership in economic and political terms, as well as social. Aiming for a global economic lead, the European Union's trade policy is commonly referred to as normative (Manners, 2002) and perceived as a global regulator (Young, 2015), understood as having the power to influence other regions or individual states into adopting the European values. In addition, the literature observes that European market shares are granted to economic partners that achieve political stability and respect human rights. These political conditions, set in parallel with economic objectives, further inscribe EU trade policy into

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<sup>7</sup> *APEC: Asia-Pacific Economic Cooperation*

*ASEAN: Association of Southeast Asian Nations*

*NAFTA: North American Free Trade Agreement (USMCA since 2020)*

a normative setting, excluding many from implementing trade relationships with the European Union (Baccini, 2010). The accountability demanded from the EU to its external partners is that of internal principles of democracy, good governance, and respect for minorities and human rights (Holland, 2002), with the possibility of sanction, further reinforcing the commitment to norm and value-setting. What is more, its establishment, the European Community supported many regions of the World, in Africa and the Caribbean region, granting them preferential trade agreements (Trépan, 2020) aiming to reduce and eradicate long-term poverty through cooperation. Moreover, the scholarly debate in the 21st century puts forward that thanks to its economic size and being one of the largest global economic powers, the EU can secure commercial interests while exporting the norms that define the EU, to the extent where its partners are not equally as economically powerful as the EU (Young, 2015). Prominent scholars have suggested that EU trade being implemented following EU Foreign Policy objectives, the role of the EU is to be “responsible” (Mayer, 2008), “ethical” (Aggestam, 2008), and “setting the norm for many things” (Hachez, 2015). Backing these claims, scholars argue that the EU is distinct in the global order not only for its economic weight but also its exceptionally unique constitution of the legal order, where the European Identity constitutes a set of common values (Manners, 2002) that are inscribed in European Treaties. Title V, “General Provisions on the Union’s External Action and Specific Provisions on the Common Foreign and Security Policy”, Chapter 1, Article 21, of the Consolidated version of the Treaty on the European Union (TEU), stipulates:

*“the Union’s action on the international scene shall be guided by the principles which have inspired its own creation, development, and enlargement, and which it seeks to advance in the wider world: democracy, the rule of law, universality, and indivisibility of human rights and fundamental freedoms, respect for human dignity, the principles of equality and solidarity, and respect for the principles of the United Nations Charter and international law.”*

The ratification of the Lisbon Treaty in 2009 breaks between a previous era of trade policymaking and the present. The literature traces a shift in the Common Commercial Policy objectives, empowering the Council of the European Union and the European

Parliament to co-legislate on areas of trade policy. A major implication of the Lisbon Treaty is the Exclusive Competence<sup>8</sup> of external EU affairs (Woolcock, 2010). The extension of EU Competence implies an increased role of the European Parliament in the ratification process of trade agreements to replace national European parliaments. Although some exceptions are made for a few trade sectors, cited in Article 207(4) of the TFEU<sup>9</sup>. Furthermore, the objectives for trade are to improve effectiveness and address the democratic deficit (Pollet-Fort, 2010). The latter explains the enhanced role of the European Parliament since it is the only democratically elected institution of the European Union. In contrast to the European Parliament's increased role in decision-making, many authors observe a domestic politicisation of EU trade relations and public opposition to the field of trade policy following the adoption of the Lisbon Treaty (WeiS, 2023), amid an anti-globalisation wave (Young, 2019). Civil society organisations have increasingly held national parliaments and the European Union accountable since the Lisbon Treaty, objectively enforcing labour conditions, environmental and human rights provisions in its trade agreements, and preferential access (Young, 2016). Further literature illustrates that policymakers are confronted with national pressures and their domestic constituencies in seeking better access to foreign markets, or contrarily, reducing foreign competition (Dür, Eckhart, Poletti, 2019) in favour of European-origin industry. This illustrates a discrepancy between business interests and the economic ambition that European policymakers seek for European economies, which is the essence of commercial trade, against the social inequalities, environmental consciousness, and standards of European citizens. What is more, business interests predominantly oppose the introduction of non-trade elements in trade policymaking since its primary interest is market access and competitiveness (Yildirim, Basedow, Fiorini, Hoekman, 2017), elements that may be hindered by prioritising fundamental values, rights of people abroad, and sustainability.

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<sup>8</sup> TFEU Article 3 defines Exclusive Competences as: “areas in which the EU alone is able to legislate and adopt binding acts”.

<sup>9</sup> Consolidated version of the Treaty on the Functioning of the European Union - PART FIVE: EXTERNAL ACTION BY THE UNION - TITLE II: COMMON COMMERCIAL POLICY - Article 207 (ex Article 133 TEC)

<https://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=CELEX%3A12008E207%3Aen%3AHTML>

It is, therefore, grounded in the literature that the increased role of the European Parliament and the Council has impacted how trade is shaped in the European Union policymaking dynamic. The enhanced supranational political exchanges, along with shifting domestic political and citizen behaviours make that policy amendments for trade at the EU level must rely on supranational parliamentary coalitions to pass bills (De Ville & Siles-Brugge, 2017). The literature explains that this combination of factors defines a new generation of trade agreements anchored in civil society's participation in supporting EU values across policy sectors, including trade (Poletti & Sicurelli, 2018). Authors highlight that trade is now subject to the “normative preferences of its elites and civil society groups” (Postnikoz, 2020). These normative preferences highlight the EU’s pursuit of sustainable development goals, among other policy areas.

The observed effect of civil society's increasing intervention in trade as a consequence of the Lisbon Treaty on trade is the development of literary terminology to explain the conditions that aspiring economic partners must meet to participate in trade relations with the European Union (Hoekman, Fiorini, Yildirim, 2020). While the non-trade policy is not recent, the use of non-trade policy objectives (NTPOs) is at the centre of the political debate around EU trade. NTPOs define the promotion of human rights, environmental protection, and provisions on gender equality, among many other sectors. EU trade policymaking has integrated these elements of social concern into its political and economic trade dynamics, complementing the EU values and even adding on to them by promoting labour standards, environmental sustainability abroad, and health and safety standards. These non-trade issues are promoted in foreign policy dynamics driven by trade (Young & Peterson, 2014). The European Commission observed in a communication that trade has focused on non-trade policy objectives in the decade following the Lisbon Treaty (Commission, 2015).

Although not defined as NTPOs, elements that are not of trade have been observed in EU preferential agreements in the global north, where partners have “similar” provisions of human rights issues and sustainable development objectives, as seen in the 1990s in the North American Free Trade Agreement of the US (Poletti & Sicurelli, 2018). Moreover, the importance of NTPOs is especially visible in recent sizeable trade agreements, such as the Transatlantic Trade and Investment Partnership (TTIP)

between the US and the EU in 2016. Or the Comprehensive Economic Trade Agreement (CETA) between Canada and the EU in 2017. Both of these agreements were received with public criticism from members of civil society and non-governmental organisations, until escalating to national governments and Members of the European Parliament (Hübner, Deman, Balik, 2017). Authors have accentuated that on both occasions, pressures from civil society and protests impacted the development of these agreements at the EU level. Highlighting this is the European Citizens Initiative (ECI) of 2014, “Stop TTIP now”, which gathered over 3.200.000 signatories from across 18 Member States (Fahey, 2017). Despite this ECI being rejected by the European Commission, on the basis that the ECI’s proposals were external to the legal acts of the treaty in question, an ECI is a democratic agenda-setting tool that was introduced with the Lisbon Treaty to allow citizen participation over topics of trade (European Commission). Civil society organisations display significant influence in EU trade policy-making (Eliasson & Garcia-Duran Huet, 2018). Scholarly literature identifies the development of the EU-Mercosur trade agreement as highly salient among civil society and non-government organisations (Crespy & Rone, 2022). The reasons are sanitary measures, environmental risks, and the non-respect of human rights, among other measures, once again demonstrating the importance of NTPOs in recent trade. Moreover, the commitment to NTPOs by the European Union was communicated by establishing to not sign trade agreements with countries that have not ratified the Paris Agreement adopted during the COP21. However, the EU has pursued an agreement with the US since 2019 (Dür, Eckhardt & Poletti, 2019) despite Donald Trump announcing leaving the Paris Agreement. Furthermore, literature shows that following the Russian annexation of Crimea, the EU was not powerful enough to halt trade with Russia, contrary to its normative values of democracy, the rule of law, and respect for human rights. The EU’s dependency on Russian energy and Russia's self-sufficiency and economic size illustrate the limits of EU norm-setting ambition (Schmidt-Felzmann, 2019). On the contrary, multiple trade agreements have been concluded and ratified since the Lisbon Treaty, which drew little public attention, contrary to TTIP, CETA (Young, 2019), and Mercosur. These are: EU-Vietnam negotiated from 2012 to 2015 and ratified in 2020; EU-Singapore between 2010 and 2014, ratified in 2019; EU-Japan negotiated between 2013 and 2017 and ratified in 2023 (Meunier & Czesana, 2019).

Mostly, the literature suggests that variation in salience is difficult to determine due to constant political factors domestically and internationally.

Despite the introduction of NTPOs in trade policy-making, comparative research observes that there is evident variation in the incorporation of provisions from partner to partner (Lechner, 2016) and variation in the politicisation of trade relations with different partners (Leblond & Viju-Miljusevic, 2019). Overall, the goal of trade is to address an economic need; however, in its challenge to attain EU norms, scholars have reported that the Commission balances between barrier-free trade and its “right to regulate”, incorporating environment and labour rights to the detriment of trade. Implementing NTPOs in trade agreements presents challenges for the EU as much as for its partners. Research reveals preferential trade agreements (PTAs) that include strong non-trade provisions (NTPs) may potentially present contrary desired effects when partners abstain from participating in trade agreements with the European Union (Ferrari et al., 2021).

### **Explanatory theories on the inclusion of non-trade policy in EU agreements**

This research aims to analyse the European Union’s global role in setting standards through trade policy dynamics issuing from geopolitical dynamics. In this analysis, key concepts such as negotiation, normative theory, and conditionality are important. Trade negotiation refers to the process and strategies involved in negotiating trade agreements. Normative theory in trade highlights the EU’s use of trade policy to promote its values and standards. Conditionality refers to the EU’s practice of requiring trade partners to meet certain standards.

The research explores the European Union’s role in setting standards through trade policy dynamics, emphasising the role of geopolitics and differences in standards among countries. Additionally, since the ratification of the Lisbon Treaty in 2009, EU trade policy has become an exclusive competence of the European Union, altering the implications of negotiating this policy area. Moreover, the shift in trade negotiations is driven by trade liberalisation, geopolitical considerations, and rule-setting and global standards (Eliasson, Duran, 2016).

The change in trade negotiations post-Lisbon marks a significant evolution to the EU's approach to trade negotiation, necessitating a closer look at the stakeholders involved in the process, from EU institutions to civil society and NGOs. The increasing involvement of civil society in EU trade policy (Young, 2019) highlights that multiple stakeholders participate in the negotiation process of EU trade agreements, particularly concerning non-trade policy objectives, challenging the premise of trade negotiation as a two-party exchange (EU-Partner). This process involves EU state representatives and legislative institutions such as the European Parliament (EP) and the Council of the European Union. These institutions deliberate on the inclusion, amendment, and exclusion of trade provisions during negotiations. They also collaborate with non-governmental organisations and civil society movements in the EU, which have gained influence in decision-making and pressuring the European Commission into adopting or removing provisions. It is also crucial to evaluate the role these actors play in the partner countries, who may also oppose - partly or entirely - the agreement, but also in setting social standards and expectations in EU policy-making.

Several assumptions are identified in the literature review. Firstly, in EU trade dynamics, it is presumed that the EU can not establish all of its policy objectives according to its standards. Additionally, the variation in implementing non-trade policy objectives within trade agreements is assumed to result from unequal bargaining power among trading partners. This research aims to understand the determinants of including NTPOs in EU trade relations by considering negotiation theory in the context of EU trade policy, focusing on rule-setting, norm-setting and bargaining power.

In the literature on trade negotiation, “conditionality” as an instrument of foreign policy is described as “a means to transform the nature of the EU's partners” as a form of power (Meunier, Nicolaidis, 2019). This concept falls under the normative theory of trade, where the EU, as a global economic power with a large single market, becomes an attractive trading partner for many countries. Consequently, the EU is considered a reputable negotiator capable of imposing its values and politics (Young, 2015). Although the World Trade Organisation (WTO) is the global organisation for setting trade

standards, the EU's influence is significant enough to enforce changes in its partners' domestic policies, including environmental, labour rights, and human rights standards (Hafner-Burton, 2009). However, the emergence of China and other growing economies has impacted the way the EU sets standards. The rise of other trade markets has diminished the EU's previously uncontested trade power, leading to less tolerance for the EU's trade conditionality (Meunier, Nicolaidis, 2019). For example, the EU-South Korea Free Trade Agreement (FTA) demonstrates the EU's ability to enforce environmental and labour standards, while the EU-Mercosur negotiation highlights the complexities and resistance from domestic actors in partner countries. The analysis of EU trade negotiations and objectives indicates a shift in the EU's trade policy approach, moving from bilateral agreements with developing countries to a commercial objective: safeguarding the EU's position in the global order (Eliasson, Duran, 2016).

Negotiation becomes more complex when involving multiple parties or levels of negotiation. For instance, the EU's negotiation with Mercosur involves many domestic actors, and distinct policy areas are implied within a single treaty. This complexity is compounded by "linkage", which translates to regional, bilateral, and multilateral implications: while the EU negotiates regionally with Mercosur, it also negotiates on a bilateral level with Chile, a Mercosur partner member. The EU employs various strategies to negotiate trade, including conditionality, different trade agreement types, inter-regional dialogue, and political dialogue (Sbragia, 2011). These tools were developed to counter the United States' influence, especially following the North American Free Trade Agreement (NAFTA), now USMECA since 2020). Consequently, the European Union started pursuing new trade agreements with Southern American and Asian states. The signing of treaties in the past two decades illustrates an interdependence of the EU and the US in terms of trade globalisation. As two major geo-economic powers, they heavily compete, defining each other's trade strategies in an interdependent manner.

In the EU, each institution plays a role in the trade policy-making process.

- European Council: This body brings together the heads of state or government of the EU27. Decision-making in this institution is by consensus, meaning that each MS holds veto power. The European Council's primary role in trade negotiations



is to define and direct the political priorities. The overarching aim is to “enhance economic recovery and job creation” through the adoption of ambitious Free Trade Agreements (FTAs).

- European Commission: Serving the general interest of the EU27, the European Commission consists of a college of commissioners, including the trade commissioner, who prepares and defines the EU’s trade policy objectives. The Directorate General of Trade (DG Trade) collaborates with the EU Council of Ministers, and the European Parliament, and other relevant commissioners. The EC is responsible for establishing the framework for implementing trade policies, which must be adopted by the legislative institutions (European Parliament and Council of Ministers). Additionally, the Commission represents the EU globally, for instance, at the World Trade Organisation, and manages policy instruments such as anti-dumping, safeguarding, and anti-subsidy.
- European Parliament: Within the parliament, the Committee on International Trade (INTA) handles specialised, non-plenary decisions related to the EU’s trade and external affairs. After the Council of Ministers consents to conclude international agreements, these agreements are brought to the plenary session of the Parliament, where they must receive majority consent to be approved.

The European Commission plays a central role in conducting external trade policy. The process begins with the Commission proposes trade negotiations and addresses its recommendations to the Council of Ministers, which then opens the negotiations. During the negotiations, the Commission draws on expertise from various directorates, including Agriculture, Health, and Consumer Protection. Additionally, the Member State holding the six-month presidency of the Council contributes to the negotiation agenda, and Members of the European Parliament participate as observers. Once negotiations reach their end, the Commission acts in consultation with the INTA Committee at the parliament, which adds a legislative dimension to the treaty (Devuyst, 2013). The Council of Ministers and the European Parliament must both authorise negotiations with third countries and approve the final trade agreement.

The inclusion of provisions in EU trade results from a consensus among all parties involved in the negotiation (Harrison et al., 2018). The negotiation process aligns with the European Commission's strategic priorities, established at the start of each new Commission term, aiming to achieve common objectives and interests. The EC's main goal is to reach concluding agreements, such as Free-trade Agreements (FTAs), Association Agreements (AAs), or Economic Partnership Agreements (EPAs)<sup>10</sup>, with its trading partners. However, the literature highlights that policy proponents and stakeholders, including unions or civil society in partner countries, may not always engage equally in the negotiation process. The disparity can influence the outcomes and inclusion of certain policies in EU trade agreements.

## **Research method**

This research employs a mixed-methodology approach, integrating a comparative qualitative analysis of trade agreements and elite interviews targeting trade policy negotiation in European Union institutions. Mixed methodology is crucial for thoroughly examining the non-trade policy provisions within several selected EU trade agreements to reach a compelling conclusion on the determinants of gender equality, labour conditions, sustainability and human rights in EU trade partnerships.

Trade theory literature is extensive. However, this is not observed for the study of variation in trade policy across EU trade partners, which remains unclear. Therefore, the initial phase of this research involved a meticulous collection of data to compile a comparative table of all trade chapters found in concluded trade agreements of the EU (Annex). To guarantee a comprehensive analysis, I have methodically examined fifteen EU trade agreements, whose conclusions span from 2009 (the ratification year of the Lisbon Treaty) to April 2024. The selected agreements for this research are therefore

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<sup>10</sup> Classification of trade agreements, European Council, Council of the European Union:

- Economic Partnership Agreements (EPAs) - support development of trade partners from African, Caribbean, and Pacific countries;
- Free Trade Agreements (FTAs) - enable reciprocal market opening with developed countries and emerging economic by granting preferential access to markets;
- Association Agreements (AAs) - bolster broader political agreements.

ratified or concluded but pending ratification. Adding to the covered period, the selection of trade agreements was made considering diverse regional trade dynamics (Table 1). These regions are: Latin America (5 agreements), Asia (4 agreements), Africa (4 agreements), Eastern-Europe (2 agreements) and Oceania (1 agreement).

**Table 1 - Case selection with regional categorisation**

Region	Partner of the Agreement	Agreement type	Year
Africa	Cameroon	EPA	2014
Africa	Ivory Coast	EPA	2016
Africa	SADC*	EPA	2016
Africa	Kenya	EPA	2023
Asia	Japan	EPA	2019
Asia	South Korea	FTA	2010
Asia	Vietnam	FTA	2020
Eastern Europe	Georgia	AA	2016
Eastern Europe	Ukraine	AA	2016
Latin America	Mexico	AA	2016
Latin America	Central America**	AA	2013
Latin America	Chile	AA	2023
Latin America	Mercosur	FTA	2019
Latin America	Singapore	FTA	2019
Oceania	New Zealand	FTA	2024

\*EU-CA: EU-Central America (CA) Association Agreement. Comprised of Costa Rica, El Salvador, Guatemala, Honduras, Nicaragua, and Panama.

\*\*EU-SADC: EU-South African Development Community (SADC). Comprised of Botswana, Lesotho, Mozambique, Namibia, South Africa, and Eswatini.

SOURCE: Own elaboration from '[EU trade relationships by country/region](#)' section of the website of the European Commission.

Precisely, the agreements chosen are EU-Cameroon EPA, EU-Chile AA, EU-Central America AA, EU-Ivory Coast EPA, EU-Eswatini EPA, EU-Georgia AA, EU-Japan EPA, EU-Kenya EPA, EU-Mercosur FTA, EU-Mexico AA, EU-New Zealand FTA, EU-Singapore FTA, EU-South Korea FTA, EU-Ukraine AA, and EU-Vietnam FTA. From the selected agreements, it was possible to identify 34 different policy areas, allowing for a preliminary comparison of non-trade policy provisions.

Consequently, this comparative table revealed several policy areas that are unequally included in the selected trade agreements. I selected four themes for preliminary study: human rights, environment and sustainability, gender equality, and labour conditions. These provisions are categorised within the agreements under the broader chapters of trade: “Trade and gender equality”, “sanitary and phytosanitary matters”, and “Trade and sustainable development”. The relevance of these provisions was assessed on their potential impact on the analysis of variation.

Having determined the agreements and chapters of policy to be studied, the methodology for this research has been done as follows. The research employs a comparative qualitative method with most different system designs (MDSM). Taking the five policy areas as variables across several trade agreements, I aim to identify a point of similarity between these very distinct cases of trade agreements and what causes the outcome of their inclusion into the EU final trade agreements. The documents used for analysis are official agreements and chapters available online on the Council of the European Union’s website. Additionally, I use policy papers from the European Parliament on each trade-related for a comprehensive policy analysis. Furthermore, elite interviews with EU officials serve as primary data for this research.

Therefore, in this study, I employ the Most Different System Design (MDSM) methodology (Anckar, 2008) to examine the incorporation of four non-trade policy provisions in EU trade agreements. The MDSM approach is suitable for this research because of the significant variation in trade partner’s economic and negotiation power and the different outcomes observed across the selected cases. Since this research implies studying countries, and no two countries are equal, it makes for important variation in terms of economic power, political context (democracy, the rule of law, human rights), and social context of each country. This methodology allows the identification of common factors (that lead to the inclusion and exclusion of non-trade policy provisions across EU trade agreements, conducting a comparative analysis. In this comparative analysis, the MDSM methodology will allow us to identify the potential variables that account for similarities and differences across cases (Przeworski, Teune, 1970, Chapter 2).

Furthermore, contributing to the definition of “standards” and “norms” in trade policy provisions, I analyse the norms set by the World Trade Organisation (WTO), the

European Union, and each trading partner included in this research, using indexes from independent research groups, which will increase our understanding of the differences between the EU and its partners, and tackle the assumed normative role of the European Union. I find gender equality indexes, human rights and the rule of law indexes, environment and sustainability, and labour rights indexes for each studied country.

To complement the initial comparative qualitative analysis, this research incorporates a series of semi-structured elite interviews with EU institutional policy-making elites (Li, 2021) to delve deeper into the determinants at the negotiation and institutional level that define the outcomes of non-trade policy provisions in trade. These interviews add a confirmation element, adding to the findings that result from the comparative analysis of trade agreements. The interview questions are meticulously designed to address the challenges at an institutional level, including non-trade provisions, addressing key elements of trade theory, such as normative influence, policy implementation challenges, and the negotiation of EU standards in trade relations. Specifically, the interviews delve into the nuances of human rights protection, environmental sustainability, gender equality promotion, and public health within trade agreements.

Interviewing top trade experts allows for contextualisation and justification of the initial qualitative findings and hypotheses, which in turn enriches our understanding of the complexities associated with incorporating non-trade policy provisions into EU trade agreements. Furthermore, these interviews will bring valuable perspectives into the feasibility and extent to which EU-driven standards are essential in shaping global trade dynamics.

The interviewees consist of highly placed experts from the European Commission and the Council of the European Union. This research takes place in the months leading to the 2024 European Parliamentary elections. Thus, interviews with Members of the European Parliament (MEPs) from the Committee on International Trade (INTA) were not obtained due to preparation for the elections and campaigning. The European Parliament is a crucial institution in the negotiation process, acting as a legislative body of the European Union, and due to its closeness to civil-society organisations and NGOs. The latter elements are identified as necessary in developing of trade agreements highlighted in the literature (TTIP, CETA, Mercosur) and, therefore, attractive to

analyse in this research across other trade agreements. This element should be considered for future research on the subject. Furthermore, attempts to reach out to trade policy experts across other institutions, agencies, and organisations proved unsuccessful.

To summarise, the combination of qualitative comparative analysis of trade documents and elite interviewing methodology provides a robust methodological framework to dive into the research and investigate the status of non-trade policy provisions within EU trade agreements. This research aims to contribute to EU affairs and EU trade literature by researching insights into trade agreements and the challenges of implementing the selected non-trade policy provisions. Through this comprehensive approach, this research aims to contribute to a better understanding of the EU's role in promoting sustainable and equitable practices, providing a broad and nuanced understanding of the trade negotiation dynamics in EU trade policy.

## Analysis and findings

### A. Contextualising non-trade policy objectives and setting norms in EU trade

The European Union negotiates trade deals principally to strengthen its economy and create jobs. At the same time, through trade, it projects EU rules and values, especially on environmental protection, human rights, and working conditions. As a leading global actor for imports and exports of goods and disposing of the world's largest internal market, the EU frequently adopts regulations to protect EU consumers and takes the lead on sustainable development. Illustrating sustainable policy applicable to EU trade, the European Union Deforestation Regulation (EUDR), negotiated in 2019 and implemented in 2023, mandates that goods imported into the European Union shall no longer be sourced from deforestation practices<sup>11</sup>. Although heavily criticised by export partners, they must adhere to policy changes to pursue trade, something which revealed challenges in the negotiations of the EU-Mercosur trade agreement. However, the scope of sustainability is broader than just decreasing the EU's environmental impact. Sustainable trade is defined as the exchange that generates social and economic benefits. These fundamental principles of sustainability include the reduction of poverty and inequalities and the respect for human rights<sup>12</sup> but have evolved to integrate broader social causes such as reinforcing gender equality. The general observation across institutional papers is that the “key rationale [...] is to spread EU regulatory practices, standards and norms to partner countries” (EPRS, 2019). These repetitive findings lead to research on how the EU is setting norms, questioning the normative behaviour of the EU. In reality, the research finds that the EU has standards but that international conventions instead dictate these.

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<sup>11</sup>European Commission (n.d) Regulation on Deforestation-free products. Accessed May 2024: [https://environment.ec.europa.eu/topics/forests/deforestation/regulation-deforestation-free-products\\_en](https://environment.ec.europa.eu/topics/forests/deforestation/regulation-deforestation-free-products_en)

<sup>12</sup> Trade for Development Centre. (2020, April 7). *What is sustainable trade? - Trade for Development Centre*. <https://www.tdc-enabel.be/en/fair-and-sustainable-trade/sustainable-trade/>

We find that sustainability in trade requires that partner countries adhere to international labour conventions, such as respecting the core principles of the International Labour Organisation (ILO) and effectively implementing the Paris Agreement on Climate Change. Therefore, seemingly a normative power as a union, the EU really enforces global standards in its trade agreements. Often, this proactive behaviour of the EU on the lawmaking side to propose new legislation sets a form of leadership, i.e. the EU is the first regulator of artificial intelligence. In reality, the EU chooses to only “apply rules in an exemplary fashion”, hoping that “others may choose to follow” (Anonymous 1, personal communication, 30/04/2024).

Standards in trade are effectively a way for the EU to export its values. Specifically, environmental and sustainability standards are referred to as driving a “race to the top” rather than a “race to the bottom” where countries don’t exploit economic opportunities to the detriment of not enforcing environmental or social standards (IIED)<sup>13</sup>.

Repetitively, across the studied trade agreements, mentions of standards are made in the preamble section of the agreement text, such as “*reaffirming their commitment to the Charter of the United Nations and having regard to the principles articulated in the Universal Declaration of Human Rights*”, but also “*obligations under the WTO Agreement and other multilateral, regional, and bilateral agreements to which both Parties are party*”, and finally “*in accordance with the objective of sustainable development [...] through relevant internationally recognised standards and international agreements to which both Parties are party*”. What is more, many references in the sustainable development chapters refer to the United Nations Framework Convention on Climate Change (UNFCCC) and the Paris Agreement, as well as references to international harmonisation and technical requirements. This is also highlighted in an interview conducted: *We did a very conscious choice that’s described in the (trade) communication of 22’ to not say to the others in our agreements, “you have to comply with EU legislation or EU standards”. We say that we have all agreed to international standard-setting organisations like the ILO or the many multilateral environmental agreements, for example, the Paris Agreement or the convention about*

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<sup>13</sup> International Institute for Environment and Development (2020), Standards and Sustainable Trade. <https://www.iied.org/sites/default/files/pdfs/migrate/G02162.pdf>



*diversity. What we commit to is that we effectively implement those conventions or agreements.”* (Anonymous 1, personal communication, 30/04/2024).

**Table 2 - Inclusion of selected NTPOs across selected trade agreements**

Agreement				non-trade policy/chapter			
Partner of the Agreement	Agreement type	Status	Year	Sustainable Development	Labour conditions	Human Rights	Trade and Gender Equality
Cameroon	EPA	Provisional	2014	NO	YES	YES	NO
Chile	AA	In place	2023	YES	YES	YES	YES
CA*	AA	In place	2013	YES	YES	YES	Article 47
Ivory Coast	EPA	Provisional	2016	NO	Preamble	Preamble	NO
SADC**	EPA	Provisional	2016	YES	Preamble	NO	NO
Georgia	AA	In place	2016	YES	Preamble	YES	NO
Japan	EPA	In place	2019	YES	YES	YES	NO
Kenya	EPA	In place	2023	YES	YES	NO	YES
Mercosur	FTA	In place	2019	YES	YES	Preamble	TSD
Mexico	AA	In place	2016	YES	YES	YES	TSD
New Zealand	FTA	In place	2024	YES	YES	YES	YES
Singapore	FTA	In place	2019	YES	Preamble	Preamble	TSD
South Korea	FTA	In place	2010	YES	Preamble	Preamble	TSD
Ukraine	AA	In place	2016	YES	NO	YES	YES
Vietnam	FTA	In place	2020	YES	YES	Preamble	TSD

\*EU-CA: EU-Central America (CA) Association Agreement. Comprised of Costa Rica, El Salvador, Guatemala, Honduras, Nicaragua, and Panama.

\*\*EU-SADC: EU-South African Development Community (SADC). Comprised of Botswana, Lesotho, Mozambique, Namibia, South Africa, and Eswatini.

Preamble =The mentioned policy is only referred to in the preamble of the text of the agreement.

SOURCE: Own elaboration based on data from the official texts of the selected EU trade agreements.

However, the research shows that, yes, many agreements only consider these elements in the preamble of the agreement text (table 2), and, what is more, the research shows that between negotiations and what is included in the final agreements, the EU does not accomplish to promote its standards. “The question is, wouldn’t it be better to have no commitments than bad commitments? [...] When there is an enormous economic potential for Europe to access raw materials, opportunity is important” (Anonymous 1,

personal communication, 30/04/2024). This puts into perspective that the normative power of the European Union does have limitations and that the EU does not necessarily seek to create new rules but rather maintain and put forward those that exist internationally, where it is possible to do so. Finally, “there is a political goal too because, in the end, we have to defend whatever decision the Member States at the European Council and Members of the European Parliament’s constituencies” (Anonymous 2, personal communication, 22/05/2024). What is more, partners may find EU standards to be “very intrusive” and call it “neo-colonial”, which may cause active resistance, for example, in the case of Mercosur. Ultimately, the goal of EU trade policymaking may be to achieve the original policy goal whilst working with the partner to reach compliance and ally rather than the partner choosing to sell its product to other markets.

As observed, the EU seeks to export its values and norms through its trade policy as an element of European foreign affairs. Additionally, a lot can be grasped by the type of agreement in place between the EU and a third partner, evidencing the extent of bilateral or multilateral cooperation. Notably, Association Agreements include a political component. These are generally agreements for countries that have a historical bond with one or more EU member states, such as being a former colony (Mexico & Chile) or countries that seek European accession (Ukraine & Georgia).

### ***B. Analysis of the inclusion of the Trade and Sustainable Development (TSD) Chapter in EU trade agreements***

The research reveals that TSD chapters are present across most of the agreements studied in the selected time period. Indeed, the EU adopted in 2010 the inclusion of the Trade and Sustainable Development (TSD) chapter in all of its new trade agreements. This was introduced with the ratification of the EU-South Korea free trade agreement concluded in 2010, reflecting the commitment of the EU towards environmental protection and social justice. Since then, all EU trade agreements have included a Trade and Sustainable Development chapter (table 3). However, the analysis observes variation in the inclusion of a TSD chapter in two EU trade agreements concluded

during this period: Cameroon EPA and Ivory Coast EPA do not include a TSD Chapter in the agreement. Nonetheless, they do include multiple mentions of trade and sustainable development throughout the agreement, therefore demonstrating that sustainability in trade is not a recently implemented policy. The analysis shows that although both agreements were ratified in 2016, the negotiations had concluded in 2007 and 2009, respectively, and, therefore, do not include the mandatory Trade and Sustainable Development chapters despite being ratified post-2010. This time-sensitive determinant is furthermore demonstrated in the EU-Mercosur FTA: the EU-Mercosur agreement reached its final negotiations in 2019 without being contentious about its environmental damages in the Amazon. The push for the conclusion of the agreement from EU policymakers and Mercosur leaders was countered by the introduction of EUDR, among other regulations, as well as an important CSO and NGO backlash. An explanatory factor may be that the negotiation mandate for this agreement debuted in 1999, making it challenging to include TSD objectives in the agreement as of 2019. This may also explain why the TSD chapter is merely a “TSD chapter” and not a numerical chapter like in other trade agreements. As a consequence, the agreement is still pending ratification from the European Parliament and 27 Member states five years later, in 2024. What is more, this intense criticism across Europe led to strengthened TSD commitments and focus on climate change and environmental protection, as well as labour conditions and human rights, in the EU-Mercosur agreement, but reflecting overall the increased importance of sustainability in all newer EU trade agreements. This demonstrates that EU trade agreements are time-sensitive as sustainability standards evolve and new policies and regulations continue to be implemented but cannot be passed on to older agreements. Agreements, however, can be modernised, as is the case of the EU-Mexico AA, which is benefiting from a TSD chapter, chapter XX, in its reviewed version.

As mentioned above, the implementation of the Lisbon Treaty in 2009 marks a shift in the inclusion of TSD in the Union’s common commercial policy, contrary to pre-Lisbon, where trade and sustainable development was limited to general references with no binding effect or commitments but rather recommendations. The trade texts analysis, in chronological order, evidences the following: The EU-South Korea FTA is

the first to include a dedicated TSD chapter. TSD policy embraces topics that are broader than environmental sustainability, which is why the EU-South Korea FTA promotes enforcing commitments to ILO core labour standards and adhering to multilateral environmental agreements (MEAs). Following the lead, although external to the selected agreements, the EU-Canada Comprehensive Economic Trade Agreement in 2017 advanced important TSD provisions, with firm commitments to environmental protection and labour rights, focusing on climate change and seeking a cooperation approach rather than penalisations in cases of lack of enforcement of policy provisions.

**Table 3 - Inclusion and ratification of Trade and Sustainable Development (TSD) chapters in EU trade agreements.**

Type	Partner of the agreement	Includes TSD Chapter	TSD Chapter	Ratified
EPA	Cameroon	NO		
AA	Chile	YES	Chapter 26	NO
AA	Central America	YES	Title VIII	YES
EPA	Ivory Coast	NO		
EPA	SADC	YES	Chapter II	YES
AA	Georgia	YES	Chapter 13	YES
EPA	Japan	YES	Chapter 16	YES
EPA	Kenya	YES	Annex V	NO
FTA	Mercosur	YES	TSD Chapter	NO
AA	Mexico	YES	Chapter XX	NO
FTA	New Zealand	YES	Chapter 19	NO
FTA	Singapore	YES	Chapter 12	YES
FTA	South Korea	YES	Chapter 13	YES
AA	Ukraine	YES	Chapter 13	YES
FTA	Vietnam	YES	Chapter 13	YES

SOURCE: Own elaboration based on data from the official texts of the selected EU trade agreements.

The EU-Japan EPA in 2019 includes explicit commitments to the Paris Agreement of 2015 for the first time in EU trade agreements. Also concluded in 2019, the EU-Merocosur agreement did not benefit from the same treatment as the EU-Japan. Around that time, the European Green Deal was introduced and is reflected in the EU's trade agreements, seeking to reach its climate and sustainability goals; this

demonstrates that, overall, the EU shapes external trade relations to promote sustainable objectives. The increased importance of TSD is also visible in the EU-Vietnam FTA, which entered force in 2020 and implements mechanisms for CSO monitoring of TSD commitments, ensuring accountability and responsibility. Finally, the EU-New Zealand FTA signed in 2022 and ratified in 2024 marks the summit of TSD inclusion in EU trade agreements for now. It includes the highest commitments to the Paris Agreement, with solid provisions on labour rights, environmental standards, and, to an extent, gender equality enforcement mechanisms.

This research confirms that global events are also a determinant of the alteration of EU trade agreement objectives. After the Lisbon treaty, multiple geopolitical events had an effect on the implementation of sustainability in EU trade: in the past 15 years, the research highlights the following events: the rise of China as an economic power, Donald Trump's presidency leading to the EU-US trade war; geopolitical tensions with Russia; Covid-19 pandemic; and the Russian invasion of Ukraine. Each of these events had implications for the EU's sustainable goals in EU trade. Firstly, exiting the global financial crisis, the EU's focus on recovery is first observed in the EU-South Korea FTA with commitments to sustainability through ILO and MEA standards. The rise of China as an economic power has led to concerns from the European Commission, pushing for higher environmental and labour standards through the EU-China CAI, although the negotiations have stalled despite including provisions on sustainable development and labour rights. The EU-US TTIP fallthrough was partly a matter of environmental concerns in Europe, as Donald Trump's presidency withdrew from the Paris Agreement, one of the factors that led to the TTIP negotiations being formally closed in 2019. As a learning curve, the EU strengthened its TSD objectives by introducing a reinforced TSD chapter with enforcement mechanisms in the EU-Japan EPA in 2019. Moreover, in 2019, when the COVID-19 health and economic crisis disrupted trade, new trade priorities were conducted by EU policymakers, leaning towards resilient and sustainable supply chains and digital and green transition. In 2021, the European Commissioner for Trade, Vladis Dombrovskis, further highlighted the need for EU open strategic autonomy: a focus on resilience in trade post-COVID crisis, promoting sustainable development goals and seeking a reform of the WTO towards more vital environmental rules. Finally, the Russian invasion of Ukraine in 2022 also marked a turning point in

the sustainability policy that shapes EU trade agreements. The communication emphasised the importance of trade in achieving the European Green Deal goals as well. Later that year, a 15-point action plan was revealed by the EU as a response to the energy crisis linked to geopolitical tensions before the Russian invasion of Ukraine, which sparked the objective of reducing the dependence on Russian fossil energy and accelerating the green transition. The Russian invasion of Ukraine marks a second critical change in shaping EU trade agreements. The invasion highlighted the EU's energy dependencies and ties with Russia, requiring an enhancement of the open strategic autonomy, communicated in June 2022, integrating sustainability further into trade, with binding commitments, more robust enforcement mechanisms for sustainability provisions (i.e. EU-New Zealand FTA), and aligning with the Green Deal objectives, while addressing the geopolitical landscape.

Furthermore, the comparative chart (Table 3) reveals that multiple agreements' TSD chapters have not been ratified by all EU member states. These are Chile, Kenya, Mercosur, Mexico (TSD chapter), and New Zealand. Interviewee 2 expresses that one of the challenges in trade is that EU member states may vote on trade although they might not have a domestic interest in the trade agreement, sufficing that it be adopted via qualified majority voting or unanimity when necessary, but may choose to not ratify the agreement after concluding negotiation and signing the agreement.

### ***C. Analysis of the inclusion of Gender Equality Policy in EU trade agreements***

The pertinence of studying the inclusion of gender equality policy in EU trade agreements stems from first being the policy theme with the most variation across the studied trade agreements (table 4), and secondly, gender equality policy is relatively recent, which leaves room for exploration. The first observation is that, like for TSD, gender equality appears for many agreements as a mentioned topic, with no significant enforcement mechanisms. For many agreements, the inclusion of the term gender or gender equality appears within the TSD articles as a TSD objective, i.e. Article 13.14 of

the EU-Vietnam trade agreement: “The parties, [...] may work together in [...] the following areas: [...] (e) trade-related aspects of the *ILO Decent Work Agenda*, in particular, the inter-linkage between trade and full and productive employment for all, including [...] gender equality”. Or, it may be found in a ‘General Provisions’ section, such as EU-SADC AA Article 1: “(a) any reference to the male gender simultaneously means a reference to the female gender and vice-versa”. Whilst in EU-Cameroon and Ivory Coast EPAs make no mention of gender. Interestingly, agreements that have extensive mentions of gender outside of the TSD chapter are Georgia and Ukraine Association Agreements signed in 2016. Curiously, Japan does not mention gender. Finally, among the more recent agreements, Chile and New Zealand do include dedicated chapters on Gender Equality: “Trade and Gender Equality”.

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**Table 4 - Comparative table of Gender Equality provisions included in EU trade agreements**

Type	Country	Status	Year	Trade and Gender Equality Chapter
EPA	Cameroon	Provisionally applied	2014	NO
AA	Chile	In place	2023	YES
AA	CA	In place	2013	Article 47
EPA	Ivory Coast	Provisionally applied	2016	NO
EPA	SADC group	Provisionally applied	2016	NO
AA	Georgia	In place	2016	NO
EPA	Japan	In place	2019	NO
EPA	Kenya	In place	2023	YES
FTA	Mercosur	In place	2019	TSD
AA	Mexico	In place	2016	TSD
FTA	New Zealand	In place	2024	YES
FTA	Singapore	In place	2019	TSD
FTA	South Korea	In place	2010	TSD
AA	Ukraine	In place	2016	NO
FTA	Vietnam	In place	2020	TSD

Observation: YES = dedicated gender chapter. NO = no mention of gender. TSD: gender is mentioned as part of TSD goals.

SOURCE: Own elaboration based on data from the official texts of the selected EU trade agreements.

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The EU's core commitments include recognising equality between men and women as a fundamental right and shared value. The EU is committed to promoting this across its external policies, including trade agreements, as it has been observed in the analysis above. In recent years, the EU has delivered policies and introduced gender equality frameworks, such as the Gender Equality Strategy 2020-2025. Moreover, the EU also promotes gender equality through the WTO standards. Trade and gender equality in trade policy initiated in the European Commission's 2015 'Trade for All' strategy while promoting Sustainable Development Goal 8 (SDG8) on Decent Work and Economic Growth. As part of the EU's engagements for gender equality, EU trade has set standards through mechanisms such as the Action Plan on Gender Equality and Women's Empowerment in External Relations 2020-2025 (GAP III) and other initiatives through the ILO conventions and WTO engagements. Overall, the policy includes empowering women economically, equal participation, equal access to health and education, and the integration of women into digital transformation, among other agendas.

Provisions on gender equality seem to be predominant in the Trade and Sustainable Development chapters in EU trade agreements. The enforced TSD chapters since 2009 mandated that the standards from ILO conventions on equality and non-discrimination be respected. More recently, the EU has included gender equality as a separate and dedicated trade chapter in EU trade agreements, acting through binding provisions and enforceability mechanisms. The research was interested in understanding why there is such a distinction in the inclusion of gender equality in EU trade agreements. Results bring to light that gender equality chapters have only been introduced with the EU-Chile agreement of 2019 but also the EU-Kenya EPA and EU-New Zealand FTA, which were signed around the same period. These gender equality chapters include commitments to implement the current ILO and UN conventions that address women's rights and gender equality.

Additionally, in 2022, the European Commission adopted a communication on trade partnerships to update and improve the enforcement of TSD chapters and enhance the enforcement of TSD objectives, such as gender equality, by empowering CSOs to monitor and report on the implementation of these objectives. Whilst EU-Chile and EU-Kenya agreements include enforceability articles on trade, it is only since the



EU-New Zealand agreement that Gender Equality has a complete approach to Gender. This highlights that trade agreements are set to evolve in the upcoming years to include increased provisions and enforcement mechanisms on gender equality. One of the interviews conducted states that “*there is a positive disposition towards gender matters.*”, but also that “*the same conversation to deeply traditional countries, like Gulf Cooperation Council, the United Arab Emirates, but also South-East Asia, it may be difficult to have a gender conversation, and in some (countries), certain forms of relationships are not acceptable*” (Interviewee 1, personal communication, 30/04/2024). Therefore, the enforceability of some policies, such as gender, and human rights directly correlated, has to be included simply as core commitments and not cover certain fundamental rights and freedoms.

The research also focuses on the Ukraine and Georgia Association Agreements of 2016, as they include repetitive mentions of standards on gender equality and enforcement mechanisms throughout the agreement. As Association Agreements, the political component and eventual objective of these countries to become possible EU accession countries is a viable determinant to explain the inclusion of gender in these agreements. What is more, the interviews conducted reveal that the inclusion of gender in former Soviet Union nations was easy to implement and may explain why there are many references to gender: “*where Formal Soviet countries have little difficulty with gender, other patriarchal societies have governments that decide what jobs are not suitable for women, like going deep into a mine*” (Interviewee 1, personal communication, 30/04/2024).

## **Concluding remarks**

This thesis aimed to explore the determinants of the inclusion of non-trade policy objectives in European Union external trade agreements, specifically focusing on trade and sustainable development (TSD), human rights, gender equality, and labor conditions. By analysing fifteen trade agreements across different regions, the research has identified factors that influence the inclusion of these policies and explain the variation.

The findings highlight the determinant role of economic and geopolitical factors in setting standards for trade, which at turn play a role in shaping the inclusion of NTPOs in EU trade agreements. For instance, with some agreements featuring strong commitments while others contained rather symbolic references, the inclusion of TSD chapters had important variation. A key example is the EU-New Zealand Free Trade Agreement (FTA), which includes binding commitments and strong enforcement mechanisms aligned with the EU's Green Deal objectives. In contrast, other agreements like the EU-Mercosur FTA faces or the EU-Mexico Association Agreement (AA) have faced signatory challenges, reflecting the complex dynamics of domestic and foreign interests.

The research also reveals the increasing politicization of trade policy within the EU, driven by CSOs and the demand for ethical trade practices. This trend is evident in the EU's response to the Russian invasion of Ukraine, which has accelerated efforts to reduce energy dependence on Russia and to promote sustainable trade practices. The EU's strategic autonomy communication and subsequent trade agreements have emphasized sustainability and resilience, demonstrating a shift towards integrating significantly more normative values in trade relations.

Gender equality emerged as a particularly dynamic area within the NTPO analysis. The inclusion of gender equality provisions varied the most, with some agreements like the EU-Chile AA and the EU-New Zealand FTA featuring dedicated chapters on gender equality, while others mentioned gender within broader TSD objectives, to some having no mention of gender. This variation can be attributed to specific socio-political contexts of partner countries. Notably, as demonstrated, agreements with former Soviet Union nations, such as the EU-Georgia and EU-Ukraine

AAs, included more extensive gender references, reflecting the relative ease of integrating gender policies.

Finally, the analysis of human rights and labor conditions remains to be analysed in depth. Despite being part of TSD chapters, these policy areas also experience variation across EU agreements. Nonetheless, the research conducted comparatively across the selected agreements demonstrates the EU's commitments to justify international labour standards and human rights conventions.

In conclusion, this thesis provides a comprehensive analysis of the determinants of non-trade policy inclusion in EU trade agreements, highlighting the roles of normative factors primarily, followed by geopolitical considerations. The findings emphasise the importance of integrating sustainability, human rights, gender equality, and labor conditions into trade policy to promote resilient trade practices. For policymakers, this research offers valuable insights into improving the coherence and effectiveness of EU trade agreements, ensuring that the EU upholds its commitment to global standards and ethical trade without forgetting the economic objective of trade.

This research is confronted to a number of limitations that may be addressed in future research. The objective of interviewing high EU officials, especially Members of Parliament of the INTA group was opposed to time-sensitivity as the time of the research coincides with the European Parliament elections. In consequence, the MEPs contacted kindly declined the interview. What is more, the research has only explored the EU perspective of trade, leaving an opening in research to analyse the interactions and negotiations with partners' and third countries' considering domestic variables. Future research could also further explore the long-term impacts of these NTPOs on trade relations and global governance, as well as extend over to other policy domains such as health policy which wasn't tackled in this research.

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## Annex

	EU-South Korea	EU-India	EU-Indonesia	EU-Australia	EU-China	EU-Chile	EU-Mexic	EU-New Zealand Zealand	EU-Keny	EU-Mercos	EU-Singapor
Year	2011	2022	2021	2018	2020	2017	2018	2022	2023	2016	2019
Agreement type	FTA	FTA	FTA	FTA	CAI	AA	AA	FTA	EPA	FTA	FTA
administrative cooperation											
agriculture									x	x	
animal welfare and antimicrobial resistance						x	x				
anticompetitive conduct, merger control, subsidies		x		x				x			x
anticorruption							x				
anti-fraud		x		x				x			
capital movements, payments and transfers		x				x					
competition policy						x	x				
cross-border trade in services						x	x				
customs and trade facilitation		x	x	x		x	x	x		x	x
digital trade	x	x	x	x		x	x	x			
dispute settlement		x		x	x		x	x		x	
energy and raw materials		x	x	x		x	x	x			
financial services						x	x				
gender equality						x					
good regulatory practices		x					x	x			
government procurement		x								x	x
intellectual property		x		x		x	x	x		x	x
international maritime transport						x					
investment/investment liberalization					x	x	x	x			
maritime services							x				
mutual administrative assistance custom matters		x	x	x					x	x	
mutual recognition of professional qualifications						x	x				
rules of origin			x	x		x	x	x	x	x	x
sanitary and phytosanitary		x	x	x		x	x	x		x	
services and investment		x		x							
state-owned enterprises			x	x		x	x	x		x	
subsidies							x			x	
sustainable food systems		x	x			x					
tariff elimination							x			x	
telecommunications						x	x				
trade and sustainable development		x	x	x	x	x	x	x	x	x	x
trade in goods	x	x	x	x		x	x	x	x	x	
transparency		x	x	x		x		x		x	x

*Own elaboration from European Commission data.*