

The Integration of Environmental Sustainable Development Goals into International Trade Agreements: The Case of the EU-Japan Economic Partnership Agreement

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Abstract: The UN Sustainable Development Goals (SDGs) lay the foundation for the integrated governance of sustainable development, envisaging the optimal balance between the environmental, social and economic aspects of sustainability. However, a vital condition for improving the overall governance of sustainable development, is that these aspects are mainstreamed uniformly into all international agreements related to sustainable development. This article seeks to shed light on the following research question: how core principles and priorities of a universally endorsed act of an international organization with considerable environmental implications – the UN Resolution adopting the SDGs – interact with and influence the scope of a primary implementing means of EU external relations law with strong environmental footprint, the EU bilateral trade agreements with third countries. Drawing methodologically on the examination of a specific EU trade regime that of the EU-Japan Economic Partnership Agreement (EUJEPA), it explores the inextricable interlinkages and coherence between environmental SDGs and core provisions enshrined in EUJEPA. More specifically, it investigates the way in which key environmental SDGs, legally founded on international environmental agreements, are integrated in the regulatory framework of EUJEPA governing the relationship between trade and sustainable development. The article concludes that the trade relations between the EU and Japan, as reflected in legal terms in EUJEPA, contribute to achieving crucial environmental SDGs and fundamental objectives of international environmental agreements. Thus, it highlights the instrumental role of modern EU bilateral trade agreements in promoting, in consistency with the SDGs, environmental protection and sustainable management of biodiversity, forestry and fishery resources.

Keywords: Sustainable Development, UN Sustainable Development Goals (SDGs),

International Environmental Agreements, Trade Agreements, EU-Japan Economic Partnership Agreement

1. Introduction

On 25 September 2015, the international community adopted the *2030 Agenda for Sustainable Development* by means of Resolution 70/1 of the General Assembly of the United Nations, aiming to effectively respond to the integrated management of modern global challenges related to sustainable development [1]. At the core of the 2030 Agenda lies a set of *17 Sustainable Development Goals (SDGs)* and 169 targets to be implemented by 2030. Contrary to the Millennium Development Goals (MDGs), the SDGs constitute an all-encompassing and progressive guiding

framework for sustainable development. They are worldwide in scope and universally applicable. They lay down planning commitments and forward-looking policy guidelines for all developed and developing countries, taking into duo account divergent national circumstances, priorities, needs and levels of development.

The cardinal objective of the SDGs is twofold: to eliminate poverty, in all its forms and dimensions, and to achieve sustainable, resilient and inclusive development, at global level, for the benefit of present and future generations. This twofold purpose is inextricably linked with the accomplishment of a wide range of interrelated

environmental, social and economic objectives associated with the confrontation of contemporary challenges: from addressing poverty, health crisis, including the detrimental impacts of the Covid-19 pandemic, social inequalities and quality education, to sustainable trade, rational use of natural resources, sustainable agriculture, environmental protection, sustainable energy, effective institutions, and sustainable economic growth. Through their indivisible and multidimensional scope, the SDGs lay the foundation for the transition to a new inclusive and resilient sustainable development model, which advocates the optimal alignment and reconciliation between the environmental, social, economic and institutional aspects of development, leaving no one behind [1, 2]. However, a vital condition for improving the quality and resilience of the overall governance framework for sustainable development is that these aspects are integrated, in a uniform and balanced manner, into all legislative and policy initiatives for sustainable development taken at global and national level, in the form of international agreements, legislative acts of the EU, national legislation, and declaratory texts of strategic importance (i.e. strategies and action plans adopted by international organizations and states). On the basis of this overarching approach promoted by the SDGs, the design, drafting, implementation and evaluation of international legal instruments related to sustainable development should favor the coherence and the close interlinkages between individual public policies and regulatory objectives [3].

The 2030 Agenda emphasizes that contemporary global challenges associated with sustainable development - poverty elimination, environmental degradation, climate change, natural resource shrinkage, food security, social inequalities and demographic pressure [1] – cannot be addressed in isolation through purely sectoral management approaches and fragmented governance systems (at national and international level). They require multilateral solutions, cross-cutting and nexus approaches [4], and the adoption of targeted and combined legal instruments and policies based on clearly defined timeframes and adequate financing instruments. They require that institutional structures and legal measures be put in place to bolster complementarity, coordination and consistency of development policies and to promote regular qualitative and quantitative evaluation and monitoring thereof, based on documented, reliable indicators and data. At the same time, effective promotion of the SDGs, at international and national level, depends on the establishment and use of meaningful implementation means and tools [3]. Acknowledging the primary responsibility of each state to determine how it is to achieve its own economic and social development, the 2030 Agenda presents a set of critical means of implementation, which make a decisive contribution to achieving all the SDGs along with their targets. These means of implementation, which are defined both in the Declaration of Agenda 2030 [1] and in SDG 17, include: public and private finance, innovative technologies, robust capacity-building, equitable and rule-based trade, policy and institutional coherence, and multi-stakeholder

partnerships and cooperation.

This article aims to fill the knowledge gap in the existing literature concerning, from the overarching perspective of the SDGs, the relationship between trade - one of the implementing means of the SDGs - sustainable development and environmental protection in the context of drafting an international trade agreement. Undoubtedly, there is nowadays a growing body of scholarly literature focusing on the interaction and complementarity between environmental governance and international trade [5, 6]. However, scholars working on the interface between environmental sustainability and trade within the governance of sustainable development, at global and regional level, have not extensively investigated, through a comprehensive empirical analysis, the influential role of the SDGs in the process of shaping the regulatory framework of a specific category of international trade agreements with strong environmental footprint, the EU trade agreements with third countries. Most of the existing published studies, examine the legal and policy linkages between environmental protection and trade within the context of the multilateral trade regimes established under the WTO and regional trade agreements [7-9]. In this respect, it is pertinent to enrich the scholarly dialogue on how the holistic and coherent approach promoted by the SDGs, along with their core environmental objectives, are reflected and integrated, directly and indirectly, in the regulatory regime of the modern EU bilateral trade agreements whose conclusions coincide with the implementation process of the SDGs.

More precisely, this article seeks to shed light on the following research question: how core principles and priorities of a universally endorsed act of an international organization with considerable environmental implications - the UN Resolution adopting the SDGs - interact with and influence accordingly the scope and objectives of a primary implementing means of EU external relations law, the EU bilateral trade agreements with third countries. Drawing methodologically on the examination of a specific EU trade regime that of the EU-Japan Economic Partnership Agreement (EUJEPA), it explores the inextricable interlinkages and coherence being developed between a number of environmental SDGs legally founded on key international environmental agreements and a wide range of provisions lying at the core of the aforementioned EU bilateral trade agreement. Particular emphasis is placed on the way in which crucial environmental SDGs and fundamental objectives of international environmental agreements are mainstreamed in and promoted by the regulatory framework of the EUJEPA Agreement governing the reciprocally profitable ties between trade and sustainable development. The result of this article indicates that the trade relations between the EU and Japan, as reflected in legal terms in the EUJEPA Agreement, contribute substantially to achieving key environmental SDGs, thereby fostering the implementation of international environmental agreements. Thus, it highlights the instrumental role of an EU bilateral trade agreement in promoting, in consistency with the SDGs,

environmental protection and sustainable management of biodiversity, forests and fishery resources. In parallel, this article lays the groundwork for additional research on the evaluation of the influential role of the environmental SDGs in the process of negotiating and implementing global trade regimes.

The outline of this paper is as follows: Section 2 provides an overview of the core objectives and importance of the EUJEP A Agreement. Section 3 focuses on the regulatory regime of the EUJEP A Agreement governing the relationship between trade and sustainable development, paying particular heed to the way in which some of the main environmental SDGs and objectives of international environmental agreements are integrated, in a comprehensive and balanced manner, in key provisions of the EUJEP A Agreement. The final section draws some conclusions about the pivotal role played by EU bilateral trade agreements in advancing crucial environmental priorities of the SDGs and achieving overarching objectives of international environmental agreements.

2. EU Trade Agreements with Third Countries

Trade transactions and ties between the EU and third countries are being built and managed in the context of negotiating and implementing various trade agreements [10]. The predominant purpose of these trade agreements is to utilize mutually profitable trade prospects, to dismantle trade obstacles and to open markets in a great deal of goods and services [11]. In addition, these agreements seek to establish a common framework of rules with a view to stimulating trade in key sectors of economic activity linked, for example, to agriculture, foreign investments, green growth, competition, government procurement and intellectual property [12].

At the same time, the focus of EU trade agreements is on the effort to establish a comprehensive regulatory regime governing the trade-sustainable development relationship. This regulatory regime promotes a series of fundamental European principles and values, which lie at the heart of the 2030 Agenda [13]. Specifically, through a series of provisions linking trade to sustainable development, EU trade agreements highlight systematically the decisive contribution of international trade in promoting and consolidating a set of high EU environmental standards [5, 6, 14-16]; standards that foster environmental protection and sustainable management of natural resources, thereby advancing the promotion of many environmental SDGs and accelerating the implementation of international environmental agreements. An illustrative case is the *EU-Japan Economic Partnership Agreement (EUJEP A, 2018)*, which is considered to be one of the most all-encompassing and advanced trade agreements the EU has ever reached with a third country, in which key references to environmental sustainability promoted by the SDGs dominate.

3. The EU-Japan Economic Partnership Agreement (EUJEP A) and Its Interlinkages with the UN SDGs

3.1. Objectives and Importance of the EUJEP A Agreement

On 29 November 2012, the Council authorized the European Commission, on the basis of its negotiating directives, to launch the process of negotiating a Free Trade Agreement (FTA) with Japan [17]. These negotiations commenced in March 2013 and on 6 July 2017 resulted in the adoption of an in principle agreement on the key aspects of the *EU-Japan Economic Partnership Agreement (hereinafter «EUJEP A»)* [18]. EU and Japanese leaders signed EUJEP A on 17 July 2018 as part of the 25th EU-Japan Summit held in Tokyo. EUJEP A entered into force on 1 February 2019, following the respective ratification procedures of the two Parties.

EUJEP A aims to enhance and upgrade the EU's trade, investment and economic ties with Japan, which have been governed over time by shared values and standards (EUJEP A establishes a free trade zone sheltering 600 million people and almost 1/3 of global Gross Domestic Product (GDP) [19]. EUJEP A's primary goal is to build a comprehensive and safe regulatory regime, which will foster mutually profitable commercial transactions in services and goods between the two Parties, and will lay the groundwork for the exploration of fruitful investment prospects [20, 21]. As reflected in Article 1 of EUJEP A, the purposes of the Agreement are to open and further support trade and investment, along with encouraging stronger economic links between the Parties. The trade and economic importance of EUJEP A has also been highlighted in the Preamble, paragraph 6, which stipulates, explicitly: «Believing that creating a clearly established and secured trade and investment framework through mutually advantageous rules to govern trade and investment between the Parties would enhance the competitiveness of their economies, make their markets more efficient and vibrant and ensure predictable commercial environment for further expansion of trade and investment between them».

In effect, by implementing this agreement, the EU and Japan seek to achieve three strategic objectives. These include: dismantling existing trade obstacles to a series of goods and services, which place impediments on the continuous development and prosperity of their economies; entrenching global trade principles and rules, which are inspired by strong environmental and social norms and shared values stemmed from international environmental agreements and EU legislation; and liberalizing international trade, while also rejecting unilateralism and protectionism. The added value of EUJEP A derives from the fact that it establishes one of the most advanced trade regimes the EU has ever developed with one of its trading partners. Its scope covers a quite diverse and wide range of issues regarding trade in goods and services. EUJEP A enacts, among others, provisions on industrial and agriculture products, customs

issues, phytosanitary and sanitary measures, maritime transport services, e-commerce, investment liberalization, competition, public procurement, intellectual property, and corporate governance [20, 22]. Moreover, the progressive regime of EUJEP is demonstrated by the fact that, compared to other EU trade agreements, this agreement outlines, in a separate and detailed manner, the inextricable coherence and interconnection between trade and other political and environmental issues. In this regard, EUJEP lays down strict standards, rules and commitments concerning environmental protection, reaffirming at the same time the fundamental joint dedication of both Parties to enhancing sustainable development. In effect, by outlining the relationship between trade and sustainable development in a special chapter (chapter 16), the treaty regime of EUJEP regulates comprehensively a set of issues, which fall within the wider governance framework for sustainable development advocated by the SDGs and a vast array of international environmental agreements.

3.2. Trade and Sustainable Development

3.2.1. Sustainable Development and Protection of the Environment

One of the key features of EUJEP is the integrated regulatory regime which it establishes concerning the *trade-sustainable development relationship*. Through explicit and extensive references to these matters, EUJEP highlights the inextricable interlinkages, coherence and complementarity that exist between various thematic aspects of international trade and sustainable development [23, 24]. In effect, it focuses on the contribution of trade relations between the two Parties to advancing, *inter alia*, the environmental dimension of sustainable development, highlighting the added-value and importance of environmental protection and sustainable management of natural resources for the effective implementation of the EUJEP regime [25]. This close interlinkage between trade, sustainable development and protection of the environment is clearly illustrated by two distinct parts of EUJEP: *the Preamble and Chapter 16* [26].

EUJEP's *Preamble* places particular emphasis, among other things, on two key aspects of the trade-sustainable development relationship, which are fundamental tenets of the 2030 Agenda. On the one hand, it underlines the added value of adopting an all-encompassing and integrated approach in the management of policy issues related to sustainable development, such as trade, taking due account of their social, environmental, economic and political implications. This is exemplified by paragraph 2 of the *Preamble*, which highlights the importance for the two Parties of enhancing and improving their investment, economic and trade ties, in line with the core environmental, social and economic purposes of sustainable development. On the other hand, EUJEP's *Preamble* details the interconnection between trade and sustainable development, paying particular heed to environmental protection and the concept of environmental sustainability. Environmental protection is viewed as a substantive factor, which facilitates

and ensures the sustainable development of trade, along with the investment and economic ties between both Parties. To that end, it is critical that both Parties fully comply with the principles and rules enshrined in relevant international environmental agreements, to which both Parties have acceded. This is well-illustrated by paragraph 2 of the *Preamble*, which outlines the added-value of strengthening the investment and trade relations between the two Parties, taking into duo account: the concerns of the business communities of each Party, with emphasis on small and medium-sized enterprises, and a broad range of strong environmental and social protection standards derived from international agreements, to which both Parties have acceded.

In addition to its *Preamble*, EUJEP includes an extensive chapter related exclusively to the trade-sustainable development interface. More specifically, *Chapter 16* incorporates an integrated framework of provisions, through which the two Parties undertake to implement a set of policy initiatives and legislative measures to foster sustainable development and environmental protection. The first article of this chapter (Article 16.1) takes on particular importance. This article demarcates the EUJEP's primary objective in advancing sustainable development and sets out a series of prominent global declaratory texts, which lay down the basis for interlinking international trade with sustainable development and environmental protection.

In particular, EUJEP advocates the expansion of international trade and the reinforcement of the commercial ties as one of its primary objectives, based on the adoption of policy and legislative initiatives that fully endorse sustainable development [26]. Achievement of this primary objective must be guided by the continued respect of the Parties for the fundamental requirement of the principle of sustainability, under which the benefits of sustainable development must be safeguarded for both present and future generations. As reflected in Article 16.1 (1) [26], the two Parties underline the paramount importance of advancing the progress of international trade in a way that delivers substantially on sustainable development, for the benefit of present and future generations. At the same time, this article highlights the added value of another fundamental principle promoted by the 2030 Agenda, which is directly applicable to the trade-sustainable development interface: the principle of ensuring and promoting the complementarity, consistency and mutual reinforcement of all the environmental, social and economic aspects of sustainable development policies. The wording of Article 16.1 (2) is illustrative [26]: «The Parties recognise the contribution of this Agreement to the promotion of sustainable development, of which economic development, social development and environmental protection are mutually reinforcing components...».

Moreover, EUJEP attaches particular importance to the general international governance framework, which guides the relationship between trade, sustainable development and protection of the environment. Through its explicit reference to highly influential and far-reaching global declaratory texts, EUJEP gives prominence to the inextricable inter-

relationship between trade and sustainable development, underlining the pivotal role played by international trade in the integrated management of crucial environmental problems [27]. These reference texts include the UN Resolution 70/1 (2015), endorsing the 2030 Agenda, along with a wide range of other declaratory documents which formed the political basis for the negotiations of the 2030 Agenda, namely Agenda 21 (1992), the Johannesburg Plan of Implementation (2002), and above all the Rio+20 Conference Outcome Document "The future we want" (2012). As Article 16.1 (1) of EUJEPA stipulates explicitly: «The Parties recognise the importance of promoting the development of international trade in a way that contributes to sustainable development, taking into consideration the Agenda 21 adopted by the United Nations Conference on Environment and Development on 14 June 1992, the Plan of Implementation adopted by the World Summit on Sustainable Development on 4 September 2002, the outcome document of the United Nations Conference on Sustainable Development, entitled "The future we want" adopted by the General Assembly of the United Nations on 27 July 2012, and the outcome document of the United Nations summit for the adoption of the post-2015 development agenda, entitled "Transforming our world: the 2030 Agenda for Sustainable Development" adopted by the General Assembly of the United Nations on 25 September 2015».

However, in addition to the proclaimed governance framework for the relationship between trade, sustainable development and environmental protection, and the express reference to the 2030 Agenda, EUJEPA mainstreams at the core of its regulatory regime a number of crucial principles and rules embedded in international environmental agreements. In effect, the two Parties undertake to ensure complete implementation of their obligations deriving from international environmental agreements, to which both Parties have acceded. The decisive contribution of multilateral environmental agreements to comprehensively managing international environmental problems - global and regional - is explicitly highlighted in the specific provisions of Article 16.4 (1) (2) of EUJEPA [24, 28]. In the light of that, the harmonious and reciprocally beneficial operation of the trade-environmental protection relationship, presupposes that a series of legislative and regulatory measures be adopted and applied in the domestic legal order of the two Parties, with a view to effectively implementing a broad range of international environmental agreements [26].

In particular, it is worth stressing that EUJEPA, compared to other trade agreements, makes special reference to the need for meaningful application of the international treaty regime governing climate protection. In this context, trade has become an important factor which makes a decisive contribution to meeting the core priorities and purposes of both the United Nations Framework Convention on Climate Change (1992, UNFCCC) and the Paris Climate Agreement (2015), including the commitment of the international community: a) to stabilize the atmospheric concentration of greenhouse gases, ensuring the avoidance of threatening

anthropogenic interventions with the climate system (art. 2 of UNFCCC), and b) to reinforce the global defence against the menace of climate change, within the framework of sustainable development, by fostering the capacity to adapt to the severe effects of the climate crisis, and by enhancing low greenhouse gas emissions and climate resilience, development (art. 2 of Paris Agreement). In effect, as the relevant provisions of EUJEPA point out, trade plays an instrumental role in effectively and progressively combating the ongoing scourge of climate change and its detrimental impacts. It contributes to advancing climate-resilient and low-carbon development. This is illustrated by Article 16.4 (4), which reads explicitly: «...The Parties shall cooperate to promote the positive contribution of trade to the transition to low greenhouse gas emissions and climate-resilient development. The Parties commit to working together to take actions to address climate change towards achieving the ultimate objective of the UNFCCC and the purpose of the Paris Agreement» [26].

The provisions of Article 16.4 of EUJEPA are inextricably linked to the primary environmental goals and priorities of the SDGs. It is worth noting that a large part of the international environmental agreements, to which the EU and Japan are contracting Parties, and to which EUJEPA refers, forms the fundamental international legal basis for several environmental SDGs [29]. In effect, they guide the regulatory framework governing the management of a series of environmental issues, which are crucial priorities and lie at the core of the SDGs. These issues relate to: a) conserving terrestrial ecosystems and biodiversity (SDG 15), b) protecting the marine environment and sustainably managing fisheries resources (SDG 14), and c) promoting integrated waste management (SDG 12). Additionally, the interlinkage between the aforementioned provisions of Article 16.4 (4) of EUJEPA related to climate change and the key priorities of SDG 7 (affordable and clean energy) [30] and SDG 13 (climate action) [31] respectively, is considered to be even closer.

However, in addition to the keystone articles, which are generally applicable (Articles 16.1 and 16.4), EUJEPA spotlights the mutually beneficial relationship between trade, sustainable development and environmental protection, within the context of a series of individual thematic provisions with a strong environmental dimension enshrined in Chapter 16. The provisions, which establish a multi-dimensional interlinkage between the development of commercial ties between the two Parties and the achievement of a number of critical environmental objectives of the SDGs, are worth specifically mentioning.

These are linked to:

1. the protection and sustainable use of biodiversity;
2. sustainable forest management; and
3. sustainable use of fisheries resources and aquaculture.

In this context, EUJEPA recommends measures and initiatives to be taken which, *inter alia*: a) foster commercial transactions and investments, taking due account of the high levels of environmental protection provided for in the

national legislative framework of the Parties and the regulatory regime of international environmental agreements (Article 16.2); b) boost investments and trade in environmental services and products, with emphasis on those associated with climate change mitigation (Article 16.5); c) promote the review, monitoring and evaluation of the multiple repercussions of implementing this Agreement on sustainable development (Article 16.11); d) bolster cooperation and coordination between the Parties, at multilateral or bilateral level, on trade and investment dimensions of environmental legislative and policy initiatives (Article 16.12); and e) support and encourage dialogue between the Parties and civil society on issues relating, *inter alia*, to the link between trade, environmental protection, investments and sustainable development (Article 16.16).

3.2.2. Sustainable Use of Biodiversity

At the core of the governance of EUJEPAs conventional regime lies, *inter alia*, the inextricable link between trade and investments, on the one hand, and the protection and sustainable management of biodiversity, on the other. Bearing in mind the provisions of Article 16.6, the EU and Japan have undertaken to develop their commercial and investment ties by paying due attention to issues relating to *the sustainable use and conservation of biodiversity*. In this context, a necessary condition is that the EU and Japan fully comply with a series of international commitments deriving from two international environmental agreements, to which both Parties have acceded: a) the United Nations Convention on Biological Diversity (CBD, 1992) and its Implementing Protocols [32], and b) the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES, 1973) [24]. This is well reflected in the provisions of Article 16.6 (1) of EUJEPAs, based on which each Party acknowledges the prominence and the role of investment and commercial transactions in assuring the conservation and sustainable use of biological diversity in line with relating international agreements to which it is party, including: the Convention on Biological Diversity, (1992), and its protocols, and the Convention on International Trade in Endangered Species of Wild Fauna and Flora, (CITES, 1973).

On a first level of analysis, EUJEPAs focuses on the importance it attaches to the production and trade process, *the sustainable use of ecosystems and natural resources, and the rational management of genetic resources*. The reference made in Article 16.6 (2) (a) and (d) of the Agreement is illustrative here [26]. In particular, according to the provisions of Article 16.6 (2) (a), each party shall promote the utilization of products acquired through sustainable management of natural resources, contributing to the conservation and sustainable use of biodiversity, including through labelling schemes, bearing in mind the prominent role of trade in such products. In parallel, on the basis of the spirit and letter of Article 16.6 (2) (d) each party shall encourage the exchange of information and the consultation, at bilateral and multilateral levels, on issues associated with trade in wildlife and natural resource-based products, the

mapping, evaluation and assessment of ecosystems and relevant services, and the access to genetic resources and the just and equitable sharing of profits arising from their use. The provisions of this article are absolutely compatible both with the fundamental objectives of the UN Convention of Biological Diversity (1992) [33] and the Nagoya Protocol on Access to Genetic Resources and the Fair and Equitable Sharing of Benefits Arising from their Utilization (2010)[34], and with the principal objectives and priorities of specific environmental SDGs.

More specifically, the provisions of EUJEPAs on the sustainable use of natural resources and management of genetic resources are inextricably linked to one of the primary environmental targets of the SDGs, namely the sustainable management and protection of both marine and coastal ecosystems and genetic resources. This interlinkage is clearly shown in the relevant targets of SDG 14 (life below water) and SDG 15 (life on land) respectively. One illustrative example is SDG 14.2, which considers the sustainable management and protection of marine and coastal ecosystems as an immediate priority for the international community to avert substantial severe effects, including by reinforcing their resilience, and the undertaking of initiatives for their restoration with a view to ensuring healthy and productive seas and oceans [1]. The same approach is followed, in relation to terrestrial biodiversity, by SDG 15.1, which attributes importance to the sustainable management, conservation and restoration of inland and terrestrial freshwater ecosystems and their services, with emphasis on mountains, wetlands, drylands and forests, in consistency with commitments stemmed from international agreements [1]. As far as genetic resources are concerned, an indicative example is SDG 15.6, which demonstrates the need for fostering just and equitable sharing of the profits derived from the use of genetic resources and encouraging convenient access to such resources, as subscribed at international level [1].

On a second level of analysis, EUJEPAs links the sustainable growth of trade between the EU and Japan with the imperative need to pursue policies and adopt measures aimed at *fighting illegal trade in endangered species of wild fauna and flora*, in line with the scope of the CITES Convention. As implied by Article 16.6 (2) (b) of EUJEPAs, each Party shall put forward decisive measures, including monitoring and enforcement initiatives, and awareness-raising endeavours, to fight illegal trade in endangered species of wild fauna and flora recorded in CITES, and as applicable in other endangered species. Additionally, according to Article 16.6 (2) (d), the two Parties shall proceed to the interchange of information and consultations, at multilateral and bilateral levels, on issues associated with, among others, trade in wildlife and natural resource-based products [26].

The ultimate scope of Article 16.6 (2) (b) and (d) of EUJEPAs draws its legitimacy from the fundamental principles of the CITES Convention (Article II), and is closely tied to the environmental priorities of the specific

targets of SDG 15 (life on land). One illustrative example is the objectives of SDG 15.5, which are intimately bound up with the objectives of Article 16.6 (2) (b) and (d) of EUJEPa. On the basis of this SDG target, the international community shall pursue imminent and decisive action with a view to: minimizing the deterioration of natural habitats, curtailing the biodiversity loss and, by 2020, protecting threatened species and preventing their extinction [1]. Equally important, it is worth noting that the provisions of Article 16.6 (2) (b) and (d) are also fully compatible with SDG 15.7. As stressed, explicitly, in this specific target, the international community shall «take urgent action to end poaching and trafficking of protected species of flora and fauna and address both demand and supply of illegal wildlife products» [1].

3.2.3. Sustainable Forest Management

EUJEPa's regulatory regime recognizes the added value which continued concern for the *sustainable use, exploitation and conservation of forests* acquires for the EU-Japan trade relationship. The interlinkage between trade and sustainable management of forests is captured in Article 16.7 (1), which highlights the significance that the two Parties attribute to the role of investments and trade in safeguarding the sustainable exploitation and conservation of forests [26]. In this regard, the EU and Japan undertake to pursue all legislative and policy measures necessary to support rational use of forests, placing emphasis on trade in timber and timber products [20]. All these measures will primarily seek to prevent deforestation and forest degradation caused by extensive and illegal logging and associated commercial activities. The relevant preventive actions are legally founded on Article 16.7 (2) (a), (b) and (c) respectively, which encourages the two Parties: (i) to support conservation and sustainable use of forests, including trade in timber and timber products harvested in line with the regulatory regime of the harvesting country, (ii) to combat illegal logging and associated trade including, where relevant, the commercial transactions with third countries, and (iii) to interexchange information and share best practices and experiences, at multilateral and bilateral levels, aimed at fostering the sustainable use and conservation of forests and trade in legally harvested timber and timber products, along with fighting illegal logging [26].

The issue of the sustainable exploitation, management, and conservation of forests lies at the core of environmental governance of the SDGs. It is one of the critical priorities set by the international community in order to comprehensively address the harmful impacts of human activities, mainly the timber trade, on the terrestrial ecosystem [35, 36]. Consequently, it is clear, at some primary level, that the objectives of Article 16.7 of EUJEPa are fully consistent with the relevant environmental priorities of the SDGs and the core objectives of the CBD Convention (1992). More precisely, Article 16.7 contributes to achieving key targets of SDG 15 related to: the sustainable use and protection of terrestrial ecosystems, sustainable forest management, combating desertification and reversing land deterioration and curtailing biodiversity loss. The interlinkage between

EUJEPa and the environmental SDGs is all the more intense in the context of comparing specific SDG 15 targets, which touch upon exclusively the issue of forests sustainability. One illustrative case is SDG 15.2, which focuses, inter alia, on the importance that the restoration of degraded forests and the reduction of deforestation caused by commercial activities acquires for the conservation and sustainable management of forests [1]. The relevant target calls for the international community to advocate, by 2020, the sustainable use of all types of forests, the reduction of deforestation, the restoration of deteriorated forests and the rise of sustainable reforestation and afforestation at global level [37]. A target which is ultimately fully compatible with the overarching objectives of Article 1 of the CBD Convention (1992) with a bearing on forests and terrestrial ecosystem, including the conservation of biodiversity along with the sustainable exploitation and management of its components.

3.2.4. Sustainable Use of Fishery Resources and Aquaculture

The rational use and protection of living aquatic resources is for the EU and Japan a key factor contributing to the competitiveness of international trade and the sustainability of the fisheries product market. In this respect, matters relating to sustainable use, management of fisheries resources, marine ecosystems and aquaculture hold a special and privileged position within the EUJEPa regulatory framework. In the provisions of Article 16.8, the two Parties underline the prominence of effectively addressing two issues closely interrelated to investments and trade, namely: i) the sustainable exploitation, use and long-term conservation of fisheries resources, protecting marine ecosystems, and ii) the elimination and fighting of illegal, unreported and unregulated (IUU) fishing, and the enhancement of sustainable aquaculture conducted responsibly [26].

In relation to the first issue, EUJEPa makes integrated management of fisheries resources dependent on the fulfilment of two basic conditions. The first condition refers to the compliance by both Parties with a number of prevailing international instruments [41, 42], both binding and non-binding, governing the protection of the marine environment [38], and the long-term conservation, effective production and sustainable exploitation of fisheries, with due respect for the ecosystem and all the components of biodiversity [39]. The second condition relates to the adoption by the competent international organisations, including regional fisheries management organisations, of a set of cooperative actions and relevant environmental and sustainability measures [40]. In respect of the second trade-interrelated issue, EUJEPa recommends that both Parties pursue policy and legislative initiatives, based on existing international and national frameworks, to combat IUU fishing and to ensure integrated and all-encompassing management of the environmental, economic and social dimensions of the aquaculture sector [20, 41, 42]. This is exemplified by Article 16.8 (2) (c) of EUJEPa, which encourages the two Parties to develop and apply effective

means and tools for fighting illegal, unreported and unregulated IUU fishing, including through legal instruments, and, as appropriate, monitoring, control, enforcement and capacity-building management schemes and actions. In the same vein, Article 16.8 (2) (d) calls for the two Parties to foster the development of sustainable aquaculture, conducted responsibly, taking into consideration its social, environmental and economic parameters and dimensions [26].

The protection and sustainable management of *living aquatic* resources constitutes a central priority of the SDGs. Through targeted references, the SDGs highlight the inextricable interlinkage between sustainable development and the conservation and rational exploitation of marine resources. In this context, the immediate priority of the international community - which is clearly set out in Article 16.8 of EUJEP A - is to put an end to IUU fishing, to restore fish stocks, to sustainably produce them, to rationally use fisheries subsidies and to sustainably manage aquaculture. The case of SDG 14.4 is illustrative. On the basis of this target, members of the international community are called upon to take initiatives and implement measures with a view to effectively controlling harvesting, halting IUU fishing, eliminating catastrophic fishing methods and practices, and rehabilitating fish stocks to levels that can deliver maximum sustainable yield [1]. Moreover, in relation to the provisions of Article 16.8 of EUJEP A, SDG 14.6 is also of particular importance. This target highlights the need for effective, lawful and responsible use of fisheries subsidies based on the principles and guidelines derived from the relevant regulatory regime of the WTO [1]. In parallel, SDG 14.7 is also worth mentioning, which recognizes the importance of sustainable fisheries and aquaculture management, along with tourism, for the economic development and prosperity of least developed and small island developing countries [1].

4. Conclusion

The UN Sustainable Development Goals (SDGs) constitute a comprehensive, transformative and forward-looking global guiding framework for sustainable, resilient and inclusive development. Their meaningful and far-reaching implementation presupposes the optimal balance and synergy between the environmental, economic, social, and institutional aspects of sustainability. It necessitates the uniform mainstreaming of these aspects into every international treaty regime, directly or indirectly, associated with the advancement of sustainable development. This paper provides a broad basis for better understanding and evaluating the influential role of the UN Resolution on the SDGs in the governance framework and the law-making process of an international trade agreement. It seeks to enrich the scholarly debate and fill the knowledge gap regarding the extent and the degree to which the holistic approach promoted by the SDGs, along with their core environmental objectives, are reflected in key provisions of international trade agreements, governing the multi-faceted relationship between trade, sustainable development and environmental protection.

This article provides empirical evidence that the fundamental environmental principles and priorities of the SDGs lie at the heart of the regulatory regime of a specific category of international trade agreements with strong environmental footprint, the EU bilateral trade agreements with third countries. In particular, the thorough examination of the EU-Japan Economic Partnership Agreement (EUJEP A) indicates that the core objectives of a number of environmental SDGs - legally founded on key international environmental agreements - are mainstreamed exemplary in overarching objectives of EUJEP A, thereby influencing accordingly its overall scope and regulatory context. More precisely, the article illustrates that the integrated and all-encompassing approach advanced by the SDGs and in particular the coherence, complementarity and interlinkages between a wide range of issues related to trade, investments, sustainable development and environmental protection is a crucial factor and parameter that cuts horizontally across the entire governance regime of an international trade agreement. Looking specifically at the content of EUJEP A, the paper articulates, with emphasis, that the inextricable linkages between the environmental aspects of the SDGs and trade are showcased, in general and specific terms, and through explicit references, both in the preamble and in a number of thematic provisions of the main body of the Agreement.

On a deeper level of analysis, the empirical approach followed in the article demonstrates that the trade ties between the EU and Japan, as reflected in legal terms in EUJEP A, contribute substantially to achieving crucial environmental SDGs and fostering the implementation of key international environmental agreements (CBD, CITES, UNFCCC). More precisely, the result of this article highlights the pivotal role played by an EU bilateral trade agreement in fostering and advancing, in line with the fundamental priorities of the SDGs 14 and 15, the sustainable use of natural resources and ecosystems, the rational management of genetic resources, the sustainable trade of threatened species, and the sustainable exploitation of forestry and fishery resources. This is an element which ultimately gives an all-inclusive, dynamic, and progressive dimension and character to the regulatory regime of modern international trade agreements, fully in consistency with the holistic, forward-looking and overarching management approach advocated by the SDGs. Building on the results of this study, it is recommended that further research be conducted towards: the evaluation of the implementation process of the EUJEP A Agreement, with a focus on the trade, sustainable development and environmental protection relationship, and the exploration of how the environmental SDGs are integrated in other EU trade agreements with third countries and global trade regimes.

Abbreviations

CBD: Convention on Biological Diversity

CITES: Convention on International Trade in Endangered Species of Wild Fauna and Flora

EUJEP: EU-Japan Economic Partnership Agreement
 IUU: Illegal, Unreported and Unregulated fishing
 MDGs: Millennium Development Goals
 SDGs: Sustainable Development Goals
 TEU: Treaty on European Union
 TFEU: Treaty on the Functioning of the European Union
 UNFCCC: United Nations Framework Convention on
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 WTO: World Trade Organization

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- [11] Having exclusive competence in the areas of the customs union and the common commercial policy [Article 207 TFEU, Article 3 (1) (e) TFEU], the EU contributes, through the adoption of autonomous regulatory measures and the conclusion of international trade agreements with third countries, to achieving the core objectives of the common commercial policy enshrined in Article 206 TFEU. In the context of pursuing its common commercial policy, the EU aims at promoting, on the international scene, a modern and advanced trade policy, which can help regulate globalization and foster a standards-based and inclusive multilateral trading regime, under the WTO.
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- [30] Indicative targets are SDG 7.2, which calls for the considerable boost, by 2030, to the sharing of renewable energy in the worldwide energy mix, and SDG 7.a, which promotes, by 2030, international cooperation to ease availability of and access to clean energy technology and research, including energy efficiency, innovative and evolving fossil-fuel technology and renewable energy, along with investment in clean energy infrastructure and technology.
- [31] Indicative targets are SDG 13.1, which promotes, in all countries, the reinforced resilience and the capacity to adapt to natural disasters and risks associated with climate, and SDG 13.2, which encourages the mainstreaming of climate change actions and measures in the planning and formulation process of national policies, action plans and strategies.
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- [33] According to Article 1 of the Convention of Biological Diversity: «The objectives of this Convention, to be pursued in accordance with its relevant provisions, are the conservation of biological diversity, the sustainable use of its components and the fair and equitable sharing of the benefits arising out of the utilization of genetic resources, including by appropriate access to genetic resources and by appropriate transfer of relevant technologies, taking into account all rights over those resources and to technologies, and by appropriate funding».
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- [38] It should be noted that a number of international environmental agreements touch upon issues related to the conservation and management of living resources, including fisheries. These include, indicatively: the CBD Convention (1992), the Convention on the Conservation of Migratory Species (1979), the CITES Convention (1973), and a number of regional seas conventions.
- [39] Indicatively, Article 16.8 (2) (a) refers to the United Nations Convention on the Law of the Sea, the Agreement to Promote Compliance with International Conservation and Management Measures by Fishing Vessels on the High Seas, (1993), and the Agreement for the Implementation of the Provisions of the United Nations Convention on the Law of the Sea of 10 December 1982 relating to the Conservation and Management of Straddling Fish Stocks and Highly Migratory Fish Stocks, (1995), and the FAO Code of Conduct for Responsible Fisheries (1995).
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