



### Trade and Environment

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#### Editorial

### The changing picture of trade and the environment: towards increased integration

International trade policy is undergoing some remarkable and swift transformations. Environmental considerations were once considered simple 'add ons', on the periphery of trade policy. But now it can be seen that the environment is gradually migrating to the heart of trade policy, as part of an integrated, cross-cutting package.

This special issue of Science for Environment Policy reflects on the changing picture of trade and environment and points to its future development. The articles featured help us understand how we can mitigate unintended environmental impacts of trade and how we can build environmental concerns into trade policy, particularly in the context of international development.

While each article is significant in its own right, collectively they highlight how the debate surrounding trade and environment has moved beyond the idea of how the World Trade Organization (WTO) and its related provisions can be 'tweaked' to become more environmentally friendly. Instead, we are seeing serious thought being put into the driving forces behind trade and environment policy. Key determinants shaping policy explored in this issue are: regional trade agreements, sustainability impact assessments (SIAs), Aid for Trade and the prospect of a global green economy.

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Two articles clearly demonstrate how the scope of trade and environment has moved beyond the WTO and simple environmental tweaks to trade agreements. The first, **'21st century trade agreements: implications for development policy'** highlights a study which explores whether trade policies can encourage long-term development in the context of regional trade agreements, such as agreements between the EU and developing regions. Among the study's conclusions, policy tools for regulating trade of goods, such as export incentives and quotas, could be used to enable development in poorer countries, with environmental and sustainability concerns addressed as part of development.

The second, **'Lessons from across the Atlantic – environmental challenges faced by NAFTA'**, makes recommendations for trade policy reform. The North American Free Trade Agreement (NAFTA), between the US, Canada and Mexico, was a landmark agreement in its inclusion of environmental provisions, yet environmental degradation still occurs as a result of trade, particularly in Mexico, where mounting hazardous waste and threatened biodiversity exemplify some of trade's damaging side-effects. In reforming policy to reduce environmental damage from trade, the article supports the use of principles which account for uncertainty, such as the 'polluter pays principle' and increased financial support for compliance.

Environmental concerns can also be integrated into international aid efforts. **'Aid for Trade: lessons learnt about sustainability from the past'** examines how Aid for Trade, which is designed to help developing countries increase their trading opportunities and power, could also help meet sustainable development goals. Among its recommendations for success, developing nations must be involved in setting standards for trade.

Trade Sustainability Impact Assessments have played a central role in trade negotiations since 1999 in the EU, as a tool to help (*ex ante*) identify the environmental, social and economic impacts of trade liberalisation to be considered in both multilateral and regional/bilateral trade negotiations. Researchers have compared the contrasting approaches to SIAs taken by the EU and the US and suggest that the two regions could have much to learn from each other's experiences. For example, EU trade SIAs tend to be broader and longer than US SIAs, making clearer links between

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environmental and socioeconomic impacts of trade. Key findings from this study are in **'EU and US: implications of different SIA approaches in negotiations'**.

Separately, researchers have highlighted gaps in SIAs which may hinder trade negotiations, as summarised in **'Sustainability Impact Assessments do not capture all impacts of trade'**. For example, they suggest that they may not adequately capture trading nations' determination to protect domestic businesses or the potential damage to ecosystem services arising from trade, such as the reduced provision of clean air and water.

The current financial crisis has had some devastating effects. So we must take this opportunity to look to the future and consider how to develop a new, more resilient economy that is fairer and operates within environmental limits. This 'Global Green Economy' will not be attained by small adjustments to the existing system; it will require significant changes to how it functions. **'Revise trade model for a global green economy'** explores the pivotal role that trade can play in developing a new economy, provided that the benefits of trade are equally distributed throughout society and environmental impacts really are included in trade negotiations.

The scholarly work featured in this issue demonstrate how discussions surrounding trade and environment are clearly moving on and, in the 'real world', actions are being taken to more fully integrate the two policy areas. In the EU, for example, steps have been taken to build environmental concerns into external relations and trade policies, particularly in the context of the numerous Regional Free Trade agreements that the EU has been negotiating over recent years. At the same time, the articles also suggest that to maximise the positive and minimise the negative effects of trade on sustainable development and the environment, further work is still needed.

The question that used to be asked by environmentalists was *'How can we get the environment into trade policy?'* But perhaps now, with all taken into consideration, we could say that the question should also be *'How can we make trade policy work for the environment?'*

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## 21st century trade agreements: Implications for development policy

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Theme(s): Sustainable development and policy assessment

“Much policy debate about international trade and environment has moved to regional agreements and debate has now spread to well beyond ‘environmental provisions’ only.”

International trade agreements can limit the ‘policy space’ of emerging and developing nations to implement effective regulation to encourage their development. Researchers reviewed policies designed to encourage long-term development and examined how existing trade agreements may limit their use.

Much policy debate about international trade and environment has now spread to well beyond ‘environmental provisions’ only. The researchers examined global and regional trade agreements: those of the World Trade Organisation (WTO); four agreements between EU and developing countries (EU-South Africa, EU-Tunisia, EU-Mexico and EU-Chile); agreements between the US and developing countries, e.g. North American Free Trade Agreement (NAFTA), US-Chile; and finally South-South agreements between developing countries, e.g. China-Chile and the South Asian Free Trade Agreement. Four trade-related areas were examined: goods, services, investment and intellectual property. Within these areas, the study reviewed policy tools used to kick-start diversity and development for long-run growth, and analysed the space allowed for their use within the different agreements.

Overall, it appears that the US constrained the use of these policy tools the most, whilst South-South agreements between developing countries are the most flexible, allowing more space for tools to encourage development. Flexibility within South-South agreements derives from a lack of affirmative trade disciplines, but also from trade liberalisation between developing countries to protect industries and promote regional growth. EU and WTO agreements tend to occupy the middle ground and differ with trading partner. The WTO allows considerable room for manoeuvre, for example, countries are allowed to raise and lower tariffs and provide tax-related export incentives. The EU retains much of this flexibility in investment and intellectual property, but its policies tend to vary more with trading partner.

According to the study, this variation also depends on specific policy areas. For example, considering trade policies for goods, there are many tools, such as export incentives, quotas and safeguards, which could be used to enable development, but also to potentially protect the environment and ensure sustainability. The EU-Chile and EU-Mexico agreements are more prohibitive on the use of these tools, unless there are critical situations, such as food shortages or harmful imports. In comparison, the EU-Tunisia and EU-South Africa agreements are less prohibitive and provide space to deploy these forms of policy.

The greatest differences between trade agreements can be found in the area of investment. The EU-Chile agreement conveys a right of establishment for foreign firms, but other EU agreements remain silent on this matter, indicating a flexibility to regulate foreign enterprises, which could potentially enable environmental protection and sustainability. US agreements heavily constrain the use of policies by trade partners to regulate foreign investors, so allowing no space for the policy to kick-start development.

Source: Thrasher, R.D. & Gallagher, K.P. (2008) *21st Century Trade Agreements: Implications for Long-Run Development Policy*. The Pardee Papers No.2. Frederick S. Pardee Center for the Study of the Longer-Range Future. Boston University. Downloadable from [www.bu.edu/pardee/publications/pardee-paper-002-trade](http://www.bu.edu/pardee/publications/pardee-paper-002-trade)



## Knowledge exchange across the Atlantic – environmental challenges faced by NAFTA

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Theme(s): Sustainable development and policy assessment

“The EU could learn from the current challenges the North American Free Trade Agreement faces in dealing with trade-related environmental issues.”

The 1994 North American Free Trade Agreement (NAFTA) was a landmark agreement in its inclusion of environmental provisions, but a new study has identified several areas in need of reform. The EU could learn from the current challenges the NAFTA faces in dealing with trade-related environmental issues.

NAFTA is a trade agreement between the US, Canada and Mexico. It was the first to link trade and environment through a specific side agreement that created a Commission for Environmental Cooperation (CEC). It has produced several positive impacts, such as establishing a pollutant release law in Mexico and the citizen submission process, where third parties can file claims against the violation of environmental laws. However, despite these gains, there are still trade-related environmental impacts.

Much environmental degradation in Mexico derives from trade issues, such as pile-ups of hazardous waste, threatened biodiversity from bio-prospecting (collecting plants and wildlife with useful properties) and unsustainable water and fertiliser use in agriculture. It has been suggested that NAFTA has been too strict in its regulations, making it difficult for Mexico to comply, leading to problems, such as illegal trade in waste. Additionally, institutions, such as the CEC, lack the authority to deal with violations.

The study provides recommendations for the different parts of the treaty. For example, under *investment rules*, it suggests screening possible investors for their environmental priorities. Under *intellectual property rights* it recommends facilitating the transfer of clean technologies and equal opportunities to all countries to develop clean technologies.

Considering NAFTA's specific environmental agreement, the study suggests reform based on four guiding principles: the 'polluter pays principle', the precautionary principle' i.e. policies should account for uncertainty, 'access and benefit sharing' between providers of goods/services, and 'the right to know', where producers and governments share environmental information with citizens. It recommends that all countries maintain, improve and effectively enforce a set of basic environmental laws and regulations relating to trade.

To support this, the CEC should have an expanded mandate and increased funding, possibly through the North American Development Bank, which would be remodelled along the lines of the EU structural funds. This would then support areas, such as loans, for SMEs to comply with environmental regulation and renewable energy development. Unlike NAFTA countries, the EU does not have a CEC to monitor the environmental dimension of its Free Trade Agreements, but the EU does integrate environmental aspects into its trade agreements, including through Sustainability Impact Assessments, which provide guidelines for possible policy measures.

Through the use of its structural funds, the EU also has the capacity to effectively level up and integrate disparate trading partners. In comparison to the EU, the NADBANK funds to address asymmetric development are tiny, particularly between the US and Mexico, and it has been suggested that Mexico could double its maize production if there was public investment in irrigation and agricultural technologies.

Source: Gallagher, K.P., Dussel Peters, E. & Wise, T.A. (2009). *Reforming North American Trade Policy: Lessons from NAFTA*. Pardee Center Task Forces Report No.1 Frederick S. Pardee Center for the Study of the Longer-Range Future. Boston University. Downloadable from [www.bu.edu/pardee/task-force-report-nafta](http://www.bu.edu/pardee/task-force-report-nafta)



## Aid for Trade: lessons learnt about sustainability from the past

Aid for Trade (AfT) aims to help developing countries maximise their trade opportunities and represent their interests in trade negotiations. According to research reviewing the lessons learnt from previous aid initiatives, AfT can help meet sustainable development goals if developing nations are involved in setting standards.

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Themes: Sustainable development and policy assessment

“Environmental policy has important trade implications and trade policy forms a significant part of international environment policy.”

AfT builds on the increasing recognition that trade and the environment cannot be considered as separate policy issues. Environmental policy has important trade implications and trade policy forms a significant part of international environmental policy. For example, to manage endangered species, products derived from rare species must be regulated. A number of environmental issues, such as global waste trade, resource use efficiency and organic agriculture, are also significant *trade* issues. Trade agreements and policies can also support certain goods and services that help protect the environment, whilst providing income to developing countries, such as for fair trade goods.

Three key priorities for effective AfT initiatives were developed from lessons learnt generally in aid provision. Firstly, if assistance is offered in one area, it should not be at the expense of assistance provided in another area. For example, new trade rules can remove existing preferential treatment enjoyed by developing countries and the impact of this can be significant to their economies. Alongside this, investments should be long-term and predictable.

Secondly, trade policy tends to be ‘rule-based’, with clear obligations and penalties. Developing countries may consider this as ‘conditionality’, which tends not to work in development assistance, because it is viewed as an imposition and often the countries themselves are not involved in setting these ‘conditions’. The author argues that AfT initiatives must therefore be careful that their obligations do not lead to conditionality. Clear goals, targets, timelines and monitoring systems can be set up but any suggestion of policy conditionality must be avoided. The development of these systems should also involve the developing nations themselves.

Lastly, the criteria for accessing aid must be clear and transparent, demonstrate relevance to trade goals and be needs-based.

Developing countries need a sound domestic analytical framework to assess the impact of trade agreements and policies and AfT could help build these capacities. The assessments should be integrated and bring together economic, social and environmental dimensions. For example, trade policy to encourage environmentally-friendly products would benefit the environment, poverty alleviation and trade, and its impact should be measured in all areas.

Trade policy should also be mainstreamed into development policy, and environmental policy should be mainstreamed into trade policy. This could be achieved through a set of trade policy impact assessments. For these recommendations to become actions there needs to be investment in international policy processes, domestic implementation capacities and stakeholder participation. Developing countries need to meaningfully participate in international standard-setting and must encourage more linkages between the environmental and trade-related agencies that implement national policy.

Source: Najam, A. (2009) Aid for Trade for Sustainable Development. In: de Lombaerde, P. & Puri, L. (Eds.) *Aid for Trade: Global and Regional Perspectives. United Nations University Series on Regionalism, Vol. 2*. Dordrecht: Springer Science and Business Media BV. pp87-98.



## EU and US: implications of different SIA approaches in negotiations

Both the EU and the US undertake environmental impact assessments of trade agreements to understand environmental impacts of trade liberalisation. Researchers have compared the different approaches taken by the EU and the US to understand difficulties and successes in promoting environmental protection as part of trade agreements.

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Themes: Sustainable development and policy assessment

“The EU’s approach is expensive and time consuming, but the benefits include better acceptance of the SIA in the partner country through greater stakeholder involvement.”

In the EU, Sustainability Impact Assessments (SIAs) have become an integral part of trade negotiations since 1999 and cover environmental, social and economic issues. Since the 1990s, US trade agreements also include environmental considerations, partly based on separate Environmental Reviews (ER).

Whilst the EU assesses the economic, social and environmental impacts of trade agreements, both with respect to its own territory and that of its trading partner countries, the US focuses more on assessing domestic environmental impacts. The EU’s approach is expensive and time consuming, but the benefits include better acceptance of the SIA in the partner country through greater stakeholder involvement. For the US, the assessment is simpler, less costly and is seen not to impose US ERs on the partner country.

In the EU, SIAs are typically prepared by consultants. The long reports cover broader impacts of environmental issues, such as the relationships between environmental problems and socioeconomic effects in partner countries. In contrast, the US reviews are prepared by Trade Policy officials, are generally shorter and focus specifically on likely environmental issues arising from the trade agreement. Consequences of the agreement on economic matters, such as employment, are addressed in a different report, making it harder to link the different issues.

The EU SIAs are based on a thorough analysis of environmental impacts, involving descriptive and statistical analyses, including extensive use of modelling techniques: the US depends mostly on expert opinion to identify environmental impacts arising from trade agreements. Although the EU has a more objective and evidence-based evaluation of environmental impacts, modelling can be constrained by lack of data and simplifying assumptions. The US approach is more pragmatic, but less rigorous in terms of modelling techniques.

There are also differences between the EU and the US in how the impact assessment studies recommend actions to address expected environmental impacts as a result of trade agreements. In the US, mitigation actions are explicitly identified in the side agreements or ERs. However, in the case of the EU the links between identified impacts of trade agreements and mitigation action are less clear, unless measures are specifically foreseen in the trade agreement.

The researchers suggest greater dialogue between relevant officials in the EU and the US could help each region improve their own approach by providing a greater understanding of other possibilities and experiences.

Source: Alf, L., Assmann, C., Bauer, M. and Weinkopf, J. (2008) *Toward a Transatlantic Dialogue on Trade and the Environment: A Comparison of Approaches to Environmental Impact Assessments of Trade Agreements in the United States and the EU*. The Bologna Center Journal of International Affairs. Fall 2008: 137-150. This study is free to view at: <http://bcjournal.org/storage/BCJ-2008-special-edition.pdf>



## Sustainability Impact Assessments do not capture all impacts of trade

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**Themes:** Sustainable development and policy assessment

“Trade liberalisation could potentially harm non-market goods and services provided by the environment, society and culture. For example, services provided by ecosystems include the provision of clean air and water.”

The Trade Sustainability Impact Assessments (SIAs) conducted by the European Commission are important elements in trade negotiations between the EU and its trading partners, but recent analysis suggests that trade SIAs are not as helpful in negotiations as might be hoped because they do not sufficiently assess the underlying reasons why negotiators are reluctant to conclude trade deals.

EU Trade SIAs, which are undertaken in parallel to negotiations, assess the potential economic, social and environmental impacts that could result from trade liberalisation, with a view to taking them into account in the positions taken during trade negotiations.

Thus, EU Trade SIAs seek to contribute to sustainable development, by ensuring that trade liberalisation does not occur at the expense of the environment or society. For civil society, trade SIAs are also an opportunity for stakeholders to voice their concerns and to understand the issues and potential effects of trade liberalisation.

As part of an appraisal of trade and globalisation, a recent book chapter has critically evaluated the role played by SIAs in trade talks. In this context, the authors suggest that trade SIAs have not had the desired effect of integrating sustainable development with trade liberalisation. The authors argue that this is because Trade SIAs do not capture the full range of environmental, economic and social impacts of trade, some of which may be the reasons for why negotiating parties do not choose to embrace trade liberalisation. Unrevealed by SIAs, these impacts may not be taken into account during the negotiation process.

The authors identify four main reasons (not always fully captured by SIAs) why negotiators may not want to conclude trade agreements. Firstly, special interest groups in the negotiating countries may seek to protect domestic enterprises (e.g. businesses and industries) from the effects of competitive imports. Governments can use trade agreements to counter strong lobbying by national interest groups and increase the overall welfare of citizens through trade liberalisation, but vested interests can be very powerful.

Secondly, the costs of making the necessary short-term structural changes related to trade liberalisation can be large. The benefits are clear in the long-term, but unless this short-term barrier is recognised in the negotiations this issue could be a stumbling block.

Additionally, trade liberalisation could potentially harm non-market goods and services provided by the environment, society and culture. For example, services provided by ecosystems include the provision of clean air and water. Potential damages caused by trade liberalisation to these non-market goods and services needs to be taken into account during the negotiating process.

Finally, a more open trading system could have a destabilising effect on the social and cultural values held by a society. Concerns that the collective choices a society makes could be constrained under the terms of a trade agreement should also be addressed during trade negotiations.

**Source:** Voituriez, T., Ekins, P., Blanco, H. *et al.* (2009) Trade SIAs and the New Challenges of Trade Liberalization. In: P. Ekins and T. Voituriez (eds) *Trade, Globalization and Sustainability Impact Assessment*. London: Earthscan. pp 87-100.



## Revise trade model for a global green economy

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**Themes:** Sustainable development and policy assessment

“To make development more sustainable, a move towards a green economy and green growth is needed.”

Global trade can play a part in sustainable development and a green economy, if it ensures that benefits are equitably distributed among all sectors of society, and if trade agreements take account of and address impacts on natural resources and the environment. This is according to a recent report by the United Nations Conference on Trade and Development (UNCTAD), which has assessed the implications of a ‘green economy’ for sustainable development and international trade.

A green economy is one that promotes long-term social equality and well-being, without harming the environment or depleting natural resources for future generations.

The report has been produced in the context of ongoing preparations for the UN’s Conference on Sustainable Development (Rio+20) to be held in Rio de Janeiro in June 2012, where ‘a green economy in the context of sustainable development and poverty eradication’ is a major theme on the agenda.

It is generally recognised that far reaching changes to the world economy, including international trade, are needed if urgent problems threatening the well-being of humankind, such as resource depletion and degradation, climate change, dependence on a carbon economy and poverty, in particular, are to be addressed.

The report describes how for the last 50 years, a trade model that focused on export-led growth was an accepted strategy to promote development, especially in developing countries. Success was typically measured in economic terms for producers, consumers and governments. Less consideration was given to whether trade gains were fairly distributed throughout society or used to reduce poverty and improve health and well-being. In addition, there was less attention paid to the impacts of trade on the environment. The report argues that to make development more sustainable, a move towards a green economy and green growth is needed. In a green economy, global trade would be more broadly centred on sustainable development goals, promoting social and environmental benefits in addition to economic gains.

The report highlights how trade can contribute towards sustainable development. For example, environmental protection in trade agreements should be given higher importance, driven by climate change concerns and the previous success of global trade to promote economic development should be built upon, but tied more strongly to social and environmental improvements. The role of trade instruments and agreements in promoting the transition to a green economy should also be considered.

However, there are a number of challenges to be faced in the transition to a green economy. Major changes are needed in the way goods and services are produced, consumed and valued. This transformation will be costly and developed countries would most likely have to help developing countries make the transition to a green economy. Adequate protection must be provided to the under-privileged who would be most severely affected by the costs accompanying such a transition.

In addition, although climate change is one of the main motivators for developing a green economy, the uncertainties associated with climate change (such as timescales and geographical impacts) are major barriers to the more demanding policies that are needed to promote the transition more swiftly.

**Source:** United Nations Conference on Trade and Development Secretariat (2010) *The Green Economy: Trade and Sustainable Development Implications*. Geneva: The United Nations. (UNCTAD/DITC/TED/2010/2). The report is accessible at: [www.unctad.org/en/docs/ditcted20102\\_en.pdf](http://www.unctad.org/en/docs/ditcted20102_en.pdf)



## **A selection of articles on Trade and environment from the *Science for Environment Policy* news alert.**

### **Hidden carbon emissions from trade offsets impacts of reforestation (14/7/11)**

Countries that appear to have reduced greenhouse gas (GHG) emissions through reforestation may have simply “displaced” the emissions to another country, by increasing their imports of food, timber and wood. A new EU study highlights the need to recognise this “loophole” in ongoing emission targets.

### **How effective is the Forest Stewardship Council certification scheme? (27/01/11)**

A recent paper suggests that the Forest Stewardship Council (FSC) certification scheme has not reduced deforestation, as originally intended, but acts instead as a market governance tool, which may become a barrier to international trade. However, it may develop a conservation role in conjunction with market initiatives which value ecosystem services, such as carbon sequestration through the Clean Development Mechanism.

### **International trade in forest products transfers environmental impacts (18/11/10)**

Large imports of low-cost Russian wood to Finland up until 2007 increased pressure on Russian forest ecosystems, whilst reducing harvest pressure on Finnish forests and those of other European countries that consume wood-based products made in Finland, according to research. This highlights the need to take the international dimension of environmental impacts into account when designing sustainable production and consumption policies.

### **Making trade bans on endangered species work (4/6/10)**

New research suggests that socio-economic considerations as well as biological and trade criteria need to be taken into account in the implementation of international trade agreements. The research focuses on the Convention on International Trade in Endangered Species of Wild Flora and Fauna (CITES), which is the largest international agreement on species conservation.

### **Deforestation driven by rural exodus and agricultural trade (6/5/10)**

Deforestation in the tropics is being driven by people moving from villages to cities and the global demand for agricultural products, according to a recent study. The researchers suggest that forest conservation policies which target small landowners should be extended to also target industrial-scale, mechanised farming if such initiatives are to be effective.

### **Does Greening Public Procurement contravene Trade Laws? (14/06/07)**

Dutch researchers have investigated to what extent promoting the greening of public procurement complies with international and European trade laws. Their results show that, at European level and in the context of international trade law, legislative requirements do not hinder climate-friendly procurement, as long as public authorities clearly specify the products and services they intend to purchase. Overall, they suggest that green public procurement is a useful tool in the endeavour to mitigate climate change.

To view any of these articles in full, please visit:

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A new online database which brings together key environmental research for evidence-based policy. Free to access, the Research Repository lists studies that have undergone a rigorous selection process to ensure that only high quality, policy-relevant research is featured. The resource will grow as new research becomes available.

Studies are catalogued by topic, across an extensive range of policy themes, from ecosystem services to ecolabelling, and from soil management to urban water management. This is designed to help ensure that individual policymakers can find studies that are relevant to their specific project.

**See: [http://ec.europa.eu/environment/integration/research/newsalert/research\\_repository/research\\_repository.htm](http://ec.europa.eu/environment/integration/research/newsalert/research_repository/research_repository.htm)**

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