

This document pulls excerpts from a February 14, 2014 draft text of the TPP Environment Chapter, circulated by TPP governments by the United States, which includes the U.S. counterproposal to the “landing zones” identified in the text leaked by Wikileaks in January 2014. This chart does a side-by-side comparison of the Wikileaked Consolidated text with the most recent U.S. proposal to rewrite the language in the areas of Trade and Biodiversity and Trade and Climate Change.

Consolidated Text – 24 November 2013 (written prior to the TPP Ministerial held in Singapore December 2013) – published by Wikileaks in January 2014	U.S. counterproposal to that Consolidated Text, circulated to TPP governments on 14 February 2014 prior to the meeting of TPP Chiefs and negotiating groups in Singapore the week of 17 February.
<p>Article SS.13: Trade and Biodiversity</p> <ol style="list-style-type: none"> 1. The Parties recognize the importance of conservation and sustainable use of biological diversity and their key role in achieving sustainable development. 2. Accordingly, the Parties are committed to promoting and encouraging the conservation and sustainable use of biological diversity and sharing in a fair and equitable way the benefits arising from the utilization of genetic resources. 3. The Parties reiterate their commitment to, subject to national legislation, respecting, preserving and maintaining the knowledge, innovations, and practices of indigenous and local communities embodying traditional lifestyles relevant for the conservation and sustainable use of biological diversity, and encourage the equitable sharing of the benefits arising from the utilization of such knowledge, innovations and practices. 4. The Parties recognize the sovereign rights of States over their natural resources, and that the authority to determine access to genetic resources rests with the national governments and is subject to national legislation. 5. The Parties recognize that, subject to national legislation, access to genetic resources for their utilization, where granted, should be subject to the prior informed consent of the Party providing such resources, unless otherwise determined by that Party. The Parties further recognize that benefits arising from the utilization of these genetic resources should be shared in a fair and equitable way. Such sharing should be upon mutually agreed terms. 	<p>Article SS.X: Trade and Biodiversity</p> <ol style="list-style-type: none"> 1. The Parties recognize the importance of conservation and sustainable use of biological diversity and their key role in achieving sustainable development. 2. Accordingly, the Parties shall promote and encourage the conservation and sustainable use of biological diversity, in accordance with domestic law or policy. 3. The Parties recognize the importance of respecting and preserving traditional knowledge and practices of indigenous and other communities that contribute to the conservation and sustainable use of biological diversity. 4. The Parties also recognize the importance of public participation and consultations, in accordance with domestic law or policy, in the development and implementation of measures concerning the conservation and sustainable use of biological diversity. Each Party shall make information about its programs and activities, including the cooperative programs, related to the conservation and sustainable use of biological diversity, publicly available. 5. Consistent with Article SS.10 (Cooperation Frameworks), the Parties shall cooperate to address matters of mutual interest. Cooperation may include, but is not limited to, exchanging information and experiences in areas related to: <ol style="list-style-type: none"> (a) the conservation and sustainable use of biological diversity; (b) the protection of maintenance of ecosystem and ecosystem services; and (c) access to genetic resources and the sharing of benefits arising from their utilization.

<p>6. The Parties also recognize the importance of public participation and consultations, as provided for by domestic law or policy, on matters concerning the conservation and sustainable use of biological diversity. Each Party should make publicly available information about its programs and activities, including cooperative programs, related to the conservation and sustainable use of biological diversity.</p> <p>7. The Parties are committed to enhance their cooperative efforts in areas of mutual interest related to biological diversity, including through Article SS.10 (Cooperation). Cooperation may include, but is not limited to, exchanging information and experiences in areas related to:</p> <ul style="list-style-type: none"> a. the conservation and sustainable use of biological diversity; b. the protection and maintenance of ecosystem and ecosystem services; and c. the fair and equitable sharing of the benefits arising out of the utilization of genetic resources, including by appropriate access to genetic resources. 	
<p>Consolidated Text – 24 November 2013 (written prior to the TPP Ministerial held in Singapore December 2014) – published by Wikileaks in January 2014</p>	<p>U.S. counterproposal to that Consolidated Text, circulated to TPP governments on 14 February 2014 ahead of meeting of TPP Chiefs and Negotiating groups in Singapore the week of 17 February.</p>
<p>Article SS.15: Trade and Climate Change</p> <ul style="list-style-type: none"> 1. The Parties acknowledge climate change as a global concern that requires collective action and recognize the importance of implementation of their respective commitments under the United Nations Framework Convention on Climate Change (UNFCCC) and its related legal instruments. 2. The Parties recognize the desirability that trade and climate change policies be mutually supportive, and that policies and measures to deal with climate change should be cost effective. The Parties further recognize the role that market and non-market approaches can play in achieving climate change objectives. 3. The Parties agree that migration and adaptation actions should reflect domestic circumstances and capabilities, and note efforts underway 	<p>Article SS.X: Transition to a Low-Emissions Economy</p> <ul style="list-style-type: none"> 1. The Parties affirm the importance of moving towards low-emissions economies, and recognize the desirability of mutually supportive trade and emissions-reduction policies in this regard. 2. Consistent with Article SS. 10 (Cooperation Frameworks), the Parties shall cooperate to address matters of mutual interest. Areas of cooperation may include, but are not limited to: energy efficiency; development of cost-effective, low-emissions technologies and alternative, clean and renewable energy sources; sustainable transport and sustainable urban infrastructure development; addressing deforestation and forest degradation; emissions monitoring; mutually supportive trade and emissions-reduction policies; and market and non-market mechanisms.

in a range of international fora to: increase energy efficiency; develop low-carbon technologies and alternative and renewable energy sources; promote sustainable transport and sustainable urban infrastructure development; address deforestation and forest degradation; reduce emissions in international maritime shipping and air transport; improve monitoring, reporting and verification of greenhouse gas emissions; and develop adaptation actions for climate change. The Parties agree to encourage and facilitate cooperation on the complementary, trade-related, aspects of these efforts in areas of mutual interest.

4. The Parties recognize that there are a suite of economic and environmental policy instruments that can play a role in achieving domestic climate change objectives and in helping achieve their international climate change commitments. The Parties acknowledge the value of sharing information and experiences in developing and implementing such instruments. Accordingly, where relevant and appropriate, the Parties agree to discuss matters such as:

- a. best practices and lessons learned in designing, implementing, and operating mechanisms to reduce carbon emissions, including market and non-market measures;
- b. best practices in the design, implementation and enforcement of regulatory instruments; and
- c. best practices and lessons learned to enhance the transparency and accuracy of such instruments.

5. Activities pursuant to paragraphs 3 and 4 may, at the discretion of the participating Parties and as appropriate, involve other governments in the Asia-Pacific region with an interest in such mechanisms, as well as the private sector and non-governmental organizations.

6. The Parties recognize their respective commitments in APEC to rationalize and phase out over the medium term inefficient fossil fuel subsidies that encourage wasteful consumption, while recognizing the importance of providing those in need with essential energy services. Accordingly, the Parties agree to undertake, as appropriate, cooperative and capacity building activities designed to facilitate effective implementation of these commitments, including in applying the APEC Voluntary Reporting Mechanism.

3. Further, the Parties shall, as appropriate, engage in cooperative and capacity-building activities designed to facilitate effective implementation of commitments each has undertaken in relevant fora to rationalize and phase-out over the medium term inefficient fossil fuel subsidies that encourage wasteful consumption, including by:

- (a) encouraging greater public awareness of the economic, trade, social, energy security, and environmental benefits of fossil fuel subsidy reform; and
- (b) promoting greater transparency regarding their respective measures to implement fossil fuel subsidy reform.

4. Accordingly, the Parties shall periodically consider through the Committee issues that involve both trade and emissions-reduction policies relevant to the Asia-Pacific region, such as facilitating trade in environmental goods and services, reducing illegal logging and associated trade, preventing deforestation and forest degradation and phasing out fossil fuel subsidies.