

PRE-FTA BRIEFING



EU-Australia



The EU is Australia's third largest commodity trading partner, after China and Japan.



Australia's top exported goods are agri-food products, including oilseeds, wine, beef and sheep meat.



Australia houses the second largest global reserves of lithium after Chile.

Basic trade figures

The EU is Australia's third largest trading partner in goods and its second largest trading partner in services, playing an essential role in the nation's economy¹.

In 2019, the EU's main imports from Australia consisted primarily of raw materials, including 16 million tonnes of coal, 1.3 million tonnes of iron ores and concentrates, 1.3 million tonnes of rape and colza oilseeds² and over 325 million litres of wine³.

Political context for negotiations

In 2018, the negotiations for the EU-Australia FTA officially launched almost simultaneously with the negotiations for the EU-New Zealand FTA. Yet unlike the latter, the negotiations for the EU-Australia FTA have not yet concluded. The trade partners pursued an agreement based on the idea of creating investment and growth opportunities and delivering jobs on both sides. Beyond expanding market access for both Parties, the EU is seeking out strategic partners to secure a supply of critical raw materials. As a developed country that houses the second largest global reserves of cobalt and lithium⁴, Australia is a key aspect of that objective.

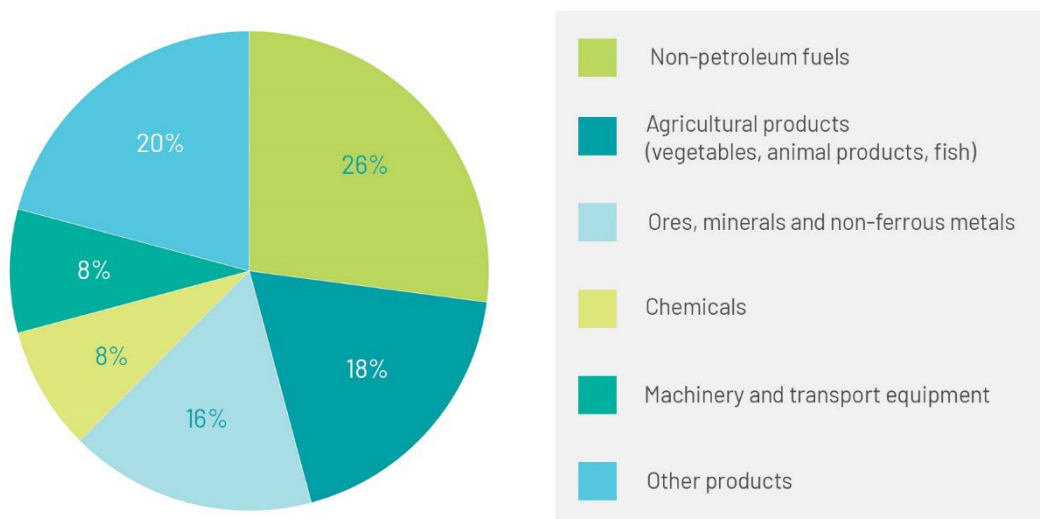
Summary of sustainability in Australia

Australia faces stringent climate change challenges with an energy production model still dependant on coal, a mining sector representing the largest share of national GDP, and an intensive agricultural sector, all contributing to high greenhouse gas (GHG) emission levels and significant environmental pressures.

Furthermore, Australia is made up of a variety of climate zones which houses distinctive and globally significant ecosystems and biodiversity, housing up to 10% of all species on the planet⁵. Australia is also classified as a deforestation hotspot as the creation of new pastures is responsible for 85% of forest clearings, meaning that agriculture is a main driver of environmental concerns and the country's total GHG emissions with grazing itself being a risk to biodiversity. With its exports in agricultural and mining products making up a significant share of Australian exports to the EU, these sectors risk intensifying environmental and climate pressures on biodiversity, land and water use, and GHG emissions.

What are the next steps?

- Introduce stronger environmental language in the Chapter on Raw Materials, including on water use and protection, and cooperation on the circular use of raw materials.
- Establish an EU-Australia Strategic Partnership on Raw Materials to foster in-depth discussions on the sustainable sourcing of primary raw materials.
- Include provisions in the Sustainable Food Systems Chapter obliging the trade partners to tackle emissions-intensity of production, water use and quality, and food waste.
- Improve the dispute settlement mechanism by clarifying what actions or omissions would be considered at odds with the Paris Agreement.

Chart: Australia exports to the EU

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Source: DG Trade, European Commission (2023)

Political context of the negotiations

The negotiations for the EU-Australia FTA officially launched in 2018, almost simultaneously with the negotiations for the EU-New Zealand FTA. The prospects for the trade of goods between the EU and Australia under an FTA were calculated to potentially increase by 38%, and trade in services may rise by 8%.

Yet unlike the EU-New Zealand FTA, the negotiations for the EU-Australia FTA have not yet concluded. Due in part to a quarrel with France over a cancelled submarine contract, as well as the inadequate Australian climate change policy and concern in place at the time, the deal with Australia has been taking longer than expected⁶. Shortly after the new Albanese government took office in 2022, it introduced new climate change legislation, enshrining a 43% greenhouse gas (GHG) emission reduction target from 2005 levels by 2030, and net zero emissions by 2050 in law⁷. The changed action on climate change, as well as Australia's position on the Russian invasion of Ukraine, and the current push by the EU to secure and diversify its critical raw materials supply chains has facilitated the negotiations moving forward.

Until now, the EU and Australia have a Mutual Recognition Agreement⁸, concluded in 1998, for industrial sectors including automotive products, low voltage equipment and medical devices. This agreement is meant to provide easier access to conformity assessments, which confirm that the conditions of the other party are met, to reduce the cost of certification and testing⁹.

Australia has concluded sixteen free trade agreements with partners, including China and the UK, the largest of which being the Comprehensive and Progressive Agreement for Trans-Pacific Partnership (CPTPP). Signed in 2018 by eleven countries, Australia is joined by Brunei, Canada, Chile, Japan, Malaysia, Mexico, New Zealand, Peru, Singapore and Vietnam in the CPTPP. The CPTPP's dispute settlement approach integrates a consultative enforcement procedure for environmental and labour disputes, and the environmental and labour provisions in the CPTPP are on par with USMCA and newer EU FTAs¹⁰.

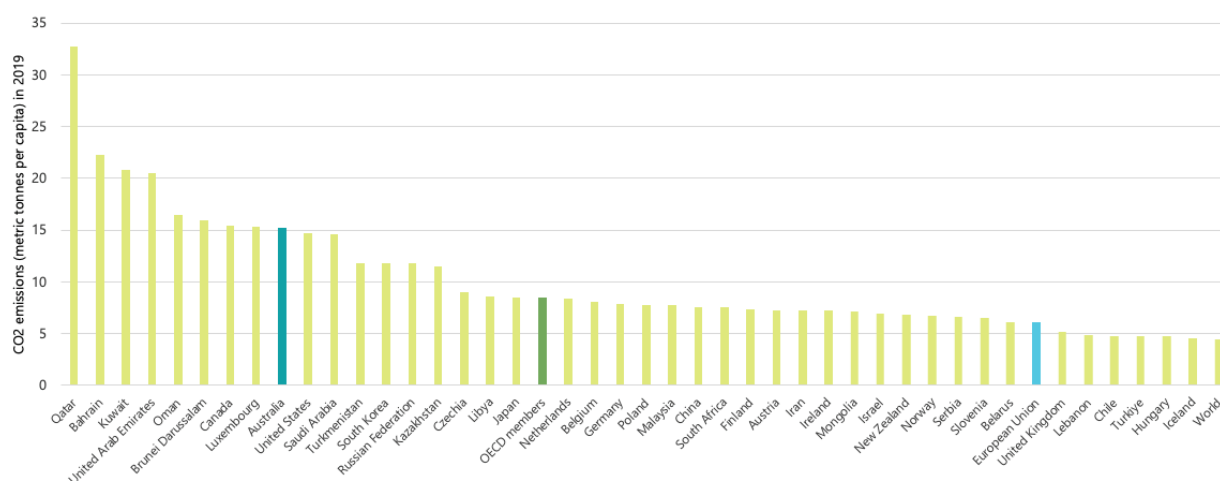
The country is also involved in sustainable trade initiatives, with a concentrated effort on the Asia-Pacific region. With the trading partner Singapore, the Singapore-Australia Green Economy Agreement was signed in 2022, promoting common standards for investment and trade in environmental good and services, technology and policy frameworks. The agreement includes seventeen joint initiatives and focuses on seven areas, including transition finance and carbon markets¹¹.

As a participant to the Coalition of Trade Ministers on Climate, Australia will take part in discussing trade, climate and sustainable development issues at the forum led by the founding members New Zealand, Ecuador, Kenya and the EU. The open coalition is currently made up of more than 50 trade ministers from various WTO members. The forum could serve solutions for supplies of critical raw materials for the energy transition, as well as Australia's priorities in agricultural matters, namely targeting subsidies towards agricultural research and production efficiency¹².

Sustainability challenges in Australia

Industry pressures on Australian environment and climate

Australia's energy production shows a continued dependency on coal, making up 60% of its energy mix, which makes it a challenge to reach the Paris Agreement climate objective. Figure 2 presents the per capita CO₂ emissions by country, with Australia being in the top ten of greatest emitters per capita. The country has also shown recent support for fossil fuel projects and an overall slow move towards renewable energies. Australia's NDC was rated "highly insufficient", yet, due to the revised GHG emission reduction targets for 2030 implemented by the government under prime minister Albanese, the rating increased to "insufficient" to limit global warming to 1.5°C¹³. Though there are signs of movement to reach climate objectives, Australia struggles with other environmental challenges.

Figure 2: CO₂ emissions per capita (in metric tonnes) in 2019

Source: World Bank data [link](#), figure produced by authors

Australia is made up of various climate zones which houses distinctive and globally significant ecosystems and biodiversity, housing up to 10% of all species on the planet¹⁴. However, Australia's landscapes have been significantly altered due to, among others, clearing of land for agriculture, deforestation, overfishing and the introduction of exotic species. On top of that, climate change increases the risk of droughts and wildfires, such as fires in 2019-2020 which burned over 17 million hectares of land¹⁵, as well as more intense floods.

As the only developed nation, Australia is described as a deforestation hotspot¹⁶. Continuous land clearing removes vegetation covers from forested areas and threatens native species. The practice can further negatively affect soil and water quality, and release CO₂ emission¹⁷. The change to vegetation is particularly harmful in New-South Wales and Queensland, the latter of which hosts Australia's richest biodiversity in its forests and woodlands which have lost 680k hectares of habitat between 2018-2019, mostly for farming and cattle grazing purposes.

Livestock farming

In 2020, Australia ranked as the world's second-largest producer of sheep meat and wool, the fifth-largest producer of beef, and is also among the world's top-ten producers of barley, oats, rapeseed, and sugar cane. Agriculture represents 2.4% of the country's GDP and 11.6% of goods and service exports in 2021-2022¹⁸. Moreover, Australian agriculture reached a record gross value of product over two consecutive periods (i.e., 2020-2021 and 2021-2022) due to a combination of favourable seasons and prices^{19,20,21}.

The Australian agricultural system is heavily export oriented, with 72% of the agricultural production being exported. The main markets for Australian products in 2022 were the ASEAN countries, China, the Middle East and North Africa, Japan, the EU, and South Korea²². It is likely that the EU-Australia trade agreement could lead to an increase of Australian agricultural sector production, particularly for beef and sheep meat or trade diversion away from Asian markets to meet EU demand.

Considering the current environmental challenges, growth in Australia's livestock sector is expected to have a negative impact on land use, biodiversity and GHG emissions. A higher amount of nitrogen and methane, related to the potential growth of livestock numbers, are to be expected with subsequent consequences for water quality and land use. Moreover, the creation of new pastures is currently responsible for 85% of forest clearings, meaning that agriculture is a main driver of environmental concerns and the country's total GHG emissions with grazing itself being a risk to biodiversity²³.

According to the national inventory report, in 2021 agriculture was responsible for 15% of the country's GHG emissions²⁴, of which 70% are from enteric fermentation of livestock²⁵. Fertiliser use (nitrous oxide) and land clearing for livestock grazing (the latter accounting for 54% of land use²⁶) also contribute to Australia's total emissions²⁷. While agricultural emissions have remained relatively stable since 2005 – with fluctuations occurring on a yearly basis due to climate variations which affect livestock numbers – agriculture emissions from livestock are expected to peak in 2024 due to more favourable climate conditions leading to greater pasture availability and restocking²⁸.

Table 1 highlights the emissions intensity of the production of certain agri-food products in the EU, Australia and New Zealand. Compared to Australia and New Zealand, the EU is relatively less emissions-intense in the products of cereal, pig meat and raw milk. Overall, Australian production of goods such as meat of cattle, sheep, pig and raw milk is more emissions-intense than the EU. Remarkably, the emissions-intensity of certain agri-food products produced in New Zealand are in some cases comparable or better than the EU, such as meat of cattle and sheep.

Table 1: Emission intensities, production levels and total emissions of a section of agri-food products in the EU and Australia (2020)

Products	Emissions intensity (kg CO ₂ eq/kg product)			Production (tonnes)		Emissions (kilotonnes; CO ₂ eq)	
	EU	Australia	NZ	EU	Australia	EU	Australia
Cereals	0.16	0.27	0.22	267,744,450	26,481,736	42,411	7,155
Rice	4.58	1.04	NA	2,845,460	50,226	13,030	52
Cattle meat	17.87	22.01	17.45	6,902,300	2,371,600	123,319	52,193
Sheep meat	23.65	32.29	19.76	513,800	689,718	12,151	22,270
Pig meat	1.83	2.83	2.29	23,218,680	402,704	42,400	1,139
Raw cattle milk	0.60	0.64	0.85	154,399,730	8,797,000	92,211	5,606

Source: FAO. [Link](#).

Box 1: History of the Australian agricultural system

Since the end of 1980s and most particularly in the 1990s, the Australian farming system has undergone a process of farm consolidation accompanied by a decrease in labour intensity and an increase in productivity, the latter being driven by both scale and greater access to technology^{29,30,31}. During the same period and until the 2000s, Australia went through a major liberalisation and deregulation of the sector, bringing the country's financial support to agricultural producers among the lowest in the OECD (3% of gross farms receipts)^{32,33}.

Productivity growth allowed for international competitiveness against subsidised competitors and declining terms of trade³⁴. This economic model, combined with historical exposure to climate variability (rainfalls), makes Australian agriculture and farm profits particularly exposed to climate change and commodity prices³⁵. Sustainability of the Australian farming system is therefore addressed nationally both in terms of climate resilience and as a marketing strategy to increase added value of exported products^{36,37}.

The Australian government supports projects to reduce GHG emissions in agriculture through the Emission Reductions Fund (ERF) and it has been a pioneer in carbon farming with the Australian Carbon Credit Units (ACCUs) program. Despite positive reviews from an independent panel appointed by the Australian government, ACCUs accounting methodology has undergone several criticisms^{38,39}. Innovation is also expected to play a key role, in particular when it comes to low emissions feed supplements⁴⁰.

Mining sector

A major economic sector, in fact the largest one in the country by share of national GDP, is the mining sector. Australia's top extracted minerals are gold (36%), coal (18%) and iron ore (10%)⁴¹, with exports going mostly to Asia. The country also holds the second-largest global reserves of cobalt and lithium⁴², whereby lithium is mostly refined and processed in China. The extraction of lithium is expected to increase as the demand for clean and digital technologies grows, with many developed countries pursuing their Paris Agreement objectives.

The industrial mining processes contribute to the destruction of biodiversity, waste generation, GHG emissions, soil erosion, air and water pollution as well as decreased community cohesion in mining areas. Open-cut coal mines for instance drastically alter the landscape, and companies are not required to fill them after closure. Concretely, the clearance of land, as well as the contamination of water with dissolved metals and acidity, which can be a result of poor rehabilitation of sites, are major environmental impacts of mining⁴³.

The consequences of not rehabilitating mining sites include the collapse of mines, and the consequent alteration of landscapes, as well as pollution of waterways. More than 50k mines are abandoned in Australia, a large number were abandoned before modern rehabilitation and closure standards were put in place. Around 75% of Australian mines are left in this state, also in a way for companies to avoid the cost of rehabilitation⁴⁴. The Australian states are responsible for granting explorations, regulating mines and environmental legislation, and there is no national government agency overlooking remediation⁴⁵. Queensland and New South Wales improved its mining legislation in 2018, requiring companies to compile an integrated progressive rehabilitation and closure plan. Furthermore, Queensland introduced the Environmental Protection and Other Legislation Act om 2020, which pursues to reform to the frameworks governing abandoned mines and operating plants⁴⁶. The law set up a new residual risks framework, creates the office of the Rehabilitation Commissioner in 2020 and established a government fund for managing residual risks on mine sites.

With the publication of the European Critical Raw Materials Regulation⁴⁷, the EU would pursue an EU-Australia Strategic Partnership on Critical Raw Materials to secure a more reliable supply necessary for the green transition. For instance, Australia has a high resource potential for lithium, cobalt and platinum-group elements, which are on the EU's Critical and Strategic Raw Materials list⁴⁸. Yet, similar to the projection for iron ore, such a partnership may induce a shift and rerouting of trade routes (mostly from Asia to

Europe as export destination) rather than an increase in trade⁴⁹. Still, in the context of the FTA negotiations, there is still much to be sorted surrounding the Chapter on raw materials. For example, it has been reported that the EU is seeking certainty from Australia surrounding export prices of critical raw materials, to which Australia is resistant⁵⁰.

Australia's First Nations: Aboriginal communities

The Aboriginal communities in Australia are rooted in a historical and cultural connection to the land they reside on, often in remote areas of the country. The Australian state has excluded and marginalised indigenous people: they are underrepresented in politics and the economy, and, as a consequence of colonial history, First Nations peoples are not given the same opportunities to health care and education. Furthermore, Australia lags in ratifying and implementing the ILO Convention No. 169 (indigenous and tribal peoples convention, 1989) on the rights of Aboriginal people, ILO Convention No. 138 (minimum age convention, 1973) on the rights of children and young workers⁵¹, and the International Convention on the Protection of the Rights of All Migrant Workers and Members of their Families. On the former, Australia was among the four countries to vote against the declaration but has announced overall support since then. The inclusion of Indigenous peoples' right to self-determination in the Convention 169 can be seen a reason for non-ratification, as it may be seen as undermining the country's sovereignty and governance⁵².

Mining companies operate in and around remote regions, in close proximity to communities of Aboriginal people. Due to the power imbalance and a lack of transparency in negotiations with mining companies, the government plays a critical role in the protection of their environments and culture⁵³. Following years of distrust between the mining sector, investors and indigenous communities, including the destruction of a 46,000-year-old rock shelters located in a First Nations community by the Rio Tinto mining project in 2020, the Australian government adopted the Towards Sustainable Mining⁵⁴ initiative. With the initiative, mining companies should provide evaluations of their relationship with Aboriginal people's communities, GHG emissions, water quality and other factors. Nevertheless, even within the new mining initiative, there remain corruption risks, particularly in the consultation process. Attention should be paid a clear process and principles for the consultation, transparency during the consultation and negotiations, and having the outcomes in the public sphere⁵⁵.

The SIA points out several issues regarding labour rights, land and procurement where rights of Australia's First Nations people need to be safeguarded in the FTA. Regarding mining, an expansion of exploration projects following the EU-Australia FTA could mean an expansion of mining areas in general as well as the use of chemicals for extraction. Based on the position of Aboriginal people in Australia, this development could have a negative effect on their connection to the land and a detrimental environmental impact on land that is historically and environmentally connected to the Aboriginal communities.

While the agreement is expected to have an overall positive impact on labour rights and standards in both countries, it should explicitly mention how vulnerable groups are to be protected in the FTA. It is unclear whether the EU-Australia FTA will include a Chapter on trade and cooperation with Aboriginal communities, similar to the Māori cooperation Chapter in the EU-New Zealand agreement. It could be beneficial for the EU-Australia agreement to introduce such a Chapter to with binding commitments to assure the agreement protects Aboriginal people's rights and does not undermine potential progress. Given their weak position in Australia's economy pre-FTA, the rights of Australia's First Nation people cannot be minimised.

Reflections

The final rounds of negotiations between the EU and Australia have triggered critical voices from certain Member States such as France and Ireland, particularly regarding market access of agricultural goods such as beef, lamb, rice, sugar, and dairy. Though manners of production for agricultural products differ between the trade partners, Australia underlines that liberalisation would not lead to a flooding of the market of Australian products. Yet, there is reason to question whether certain Australian agricultural products should have trade barriers waived. For example, as outlined in Table 1, the production of Australian sheep meat is 63% more emissions-intensive than in its neighbour New Zealand (i.e., 19.8 kg CO₂eq per kg) and 36% than in the EU (23.6 kg CO₂eq per kg).

Furthermore, the sourcing of critical raw materials from Australia is likely to increase with the publication of the European Critical Raw Materials Regulation⁵⁶. This new Regulation outlines a fast-track permitting process for "Strategic Projects" which risks an accelerating and intensifying mining activities both abroad and in the EU. Although Australia has adopted a sustainable mining initiative, the race to secure a strategic supply of critical raw materials applies pressure to governments and businesses to follow proper due diligence procedures and environmental impact assessments, with the resulting consequences for the environment and local communities. Moreover, the EU is looking to secure commitments from Australia on the pricing of critical raw materials⁵⁷ through the ongoing FTA negotiations.

Recommendations

- Introduce stronger environmental language in the Chapter on Raw Materials, including on the sustainable use of water and the protection of water quality.
- Cooperate on the circular use of raw materials, including exchanges on circular economy policies and initiatives to promote the repair, reuse and recycling of products with embedded critical raw materials. Special attention is due to the develop a common understanding on new standards for circularity and product design to facilitate repairs.
- Establish an EU-Australia Strategic Partnership on Raw Materials to foster in-depth discussions on the sustainable sourcing of primary raw materials.
- Integrate provisions in the Sustainable Food Systems Chapter which obliges the trade partners to pursue ambitious sustainable agricultural practices such as reducing emissions-intensity of products, improving local water use and quality, and tackling food waste.
- Improve the dispute settlement mechanism, building on the precedent set by the EU-New Zealand FTA, by on one hand, clarifying what actions or omissions would be considered at odds with the Paris Agreement, and who would decide on these potential infringements. On the other hand, ensure a dispute settlement process for commitments in the TSD Chapter other than the Paris Agreement and the ratification of the core ILO conventions.
- Pursue cooperation at the International Maritime Organisation to minimise transport-related emissions, for example by including transport emissions into carbon pricing schemes. This can be included under the TSD Chapter's Climate Change Article.
- Introduce a dedicated Chapter with binding commitments to assure the agreement protects the rights of Australia's indigenous people and provides them appropriate support to also benefit from the FTA.

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