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Integration Character of the CETA Agreement

Abstract: One of the manifestations of economic globalisation seen in recent years is the so-called “new generation” type of trade agreements such as the TPP, CETA and TTIP. They aim at trade liberalisation, but their scope is broader, comprising other areas of socio-economic life, more or less directly linked to trade, such as e.g.: the liberalisation of public services, the mutual recognition of professional qualifications, the deregulation and liberalisation of financial markets, the protection of intellectual property rights, and the cooperation in creating new rules or protecting mutual investments. Therefore, the aim of this paper is to analyse the scope and content of the Comprehensive Economic and Trade Agreement (CETA) signed in 2016 by the European Union and Canada from the point of view of the Balassa stages of economic integration and the EU’s experience in order to state whether the naming of such agreements as trade agreements, even with the “new generation” qualification, is really justified. The analysis presented in this paper leads to the conclusion that this agreement should rather be included in the category of agreements labelled as integration agreements. Most of the CETA provisions are at the same level of sophistication as was achieved by the EU countries at the stage of building the single market, that is, at the stage of the implementation of the common market in Balassa’s nomenclature, and some of them are at the stage of economic and monetary union. The scope of the CETA, i.e. the number of areas of social and economic life regulated by it as well as their advancement and complexity, goes far beyond what is commonly understood as a trade agreement and beyond its official purpose – the creation of a free trade area between the European Union and Canada. It leads to economic integration at a level far deeper than a free trade area in its classic and common sense.

Keywords: economic integration, European integration, trade liberalisation, trade agreements, stages of economic integration, free trade area, common market, economic union, regional trade agreements, regional integration

JEL: F15, F13, F2 (F20 General)

1. Introduction

Recent decades have brought the intensification of the process of economic globalisation which is carried out in two ways. On the one hand, there is closer multilateral cooperation within the WTO and, on the other, there are more and more bilateral trade and economic agreements and regional integration agreements. In these circumstances, arise the so-called “new generation trade agreements”: TPP – the Trans-Pacific Partnership, CETA – the Comprehensive Economic and Trade Agreement, and TTIP – the Transatlantic Trade and Investment Partnership. They are largely based on existing achievements in multilateral cooperation, but they intensify the cooperation between the selected countries and represent a new and important stage in the process of economic globalisation.

In this context, it seems important to understand thoroughly the substance and scope of these agreements. Their signature and entry into force may change the conditions of the functioning of many economies and, consequently, a huge number of enterprises. This is why the aim of this paper is to analyse the scope and content of one of the above-mentioned agreements – the CETA signed in 2016 by the European Union and Canada, and find an answer to the question whether the naming of it as one of “new generation trade agreements” is appropriate. The official name – the Comprehensive Economic and Trade Agreement – suggests that this is much more than a classic trade agreement, even though by the European institutions, especially by the European Commission and in many official texts at the EU level and at the level of its member states, it is mostly called a trade agreement. The author would like to put forward the thesis, however, that this agreement has more of an integration character and should be numbered among those agreements that are labelled as integration agreements.

In response to such questions posed above, the paper attempts to refer the most important CETA provisions to the economic integration model of B. Balassa and to the experience of the most advanced integration group of independent states – the European Union. Therefore, the first chapter of the article presents the model of economic integration of B. Balassa and the justification of the choice of his model as the basis for the analysis. In the second chapter, the most important stages of the deepening of economic integration within the EEC and later the EU are presented with reference to the aforementioned model in order to show the dynamics of economic integration processes as a self-propelling mechanism. The last part of the paper confronts provisions of the CETA with the Balassa model and the EU experience, trying to show in which stages of economic integration parallel provisions were implemented between the EU member states.

2. Stages of economic integration

A distinctive phenomenon in the world economy after the Second World War, alongside constant efforts to liberalise world trade, has been the emergence and dynamic development of many integration organisations (Michalski, 2005: 178–179). Consequently, many neighbouring states have no longer just cooperated in trade, but have begun to strive to integrate their national economies, hoping that such an endeavour will bring them tangible economic and often political benefits (Kawecka-Wyrzykowska, Michałowska-Gorywoda, 2007: 21). Theories of international economic integration focus on the causes and effects of this phenomenon, pointing to the conditions that should be met so that the economic integration could be beneficial for all parties, on integration models trying to explain how the national economies are merging, and on the dynamics of this phenomenon. The experience of the past few decades shows that there is no single, universal, successful model in any situation, guaranteeing the success of integration. Even the most successful organisation in this field – the European Union – is an example of how changing external and internal conditions force policy makers to look for new solutions.

Among the ideas and concepts of economic integration, a special role is played by federalist, confederal and functionalist concepts and the differentiated integration models, in particular the concept of a multi-speed Europe, the variable geometry model and the Europe a la carte. However, the concept of economic integration stages proposed by B. Balassa in 1961 seems to be the most useful one for the analysis in this paper.

B. Balassa distinguished five stages of economic integration:

- I. Free Trade Area (FTA) – the abolition of customs duties and quantitative restrictions on trade in goods between member states; lack of “positive” integration elements, no creation of common institutions or regulations; the lowest level of economic integration.
- II. Customs Union (CU) – the FTA enhanced by a common customs tariff which is usually accompanied by the unification of the trade policy of the group towards third countries; lack of elements of “positive” integration.
- III. Common market (CM) – the CU extended by the elimination of barriers in the movement of production factors (persons and capital) between member states; lack of elements of “positive” integration.
- IV. Economic Union (EU) – the CM, accompanied by the harmonisation of national policies in order to eliminate discrimination between partners resulting from previous distinct policies.
- V. Total economic integration – with the unification of monetary, fiscal, anti-crisis and social policy, as well as the establishment of supranational powers whose decisions are binding for member states (Pelkmans, 2006: 7).

The practice of European integration and trade liberalisation within the framework of the GATT and later WTO has led to this model being developed and held in high regard. A significant role in this process was played, among others, by J. Pelkmans (2006: 7–11). Żołądkiewicz (2012: 174–178) has shown that the concept of Balassa's stages can be, on the one hand, extended and, on the other, limited. It is important here, however, to note a few issues.

The first stage of economic integration – the free trade area – was perceived from the beginning as the first step on the path to global trade liberalisation (Ławniczak, 1974: 14). The FTA in B. Balassa's classic view does not include services yet, although modern free trade areas often cover this sector to a greater or lesser extent. This is due to the fact that since 1961, when the work of B. Balassa was first published, the role of services in the economy has dramatically increased, making this sector often the most important for GDP growth and employment. Moreover, in practice, already at this first stage of integration, there are some elements of the so-called "positive integration" introduced, without which the FTA could not function in reality because it actually covers not only the prohibition of customs duties but also charges with a similar effect to customs along with the prohibition of quantitative restrictions and measures having an equivalent effect. Ławniczak (1974: 6) states that even at this stage of integration the political aspect, in the sense of political will and political consequences of the agreement, plays an important role. El-Agraa goes even further saying that: "In reality, almost all existing cases of economic integration were either proposed or formed for political reasons even though the arguments popularly put forward in their favour were expressed in terms of possible economic gains" (El-Agraa, 1990: 79).

Balassa limits the workings of the customs union to the creation of a common customs tariff for third countries, but in practice this cannot be done without introducing certain elements of "positive integration" and creating even the simplest, though common, trade policy towards those countries. The Balassa common market does not cover the freedom of the movement of services, so J. Pelkmans (2006: 8) proposed to adapt Balassa's definition of CM, which in his opinion should read: "a common market attains the free movement of products, services and factors of production accompanied by necessary positive integration for the CM to function properly". Only the practice of economic integration, especially of Europe, has shown how many joint actions need to be taken to make this integration stage working in practice.

The concept of economic union is not precisely defined either by the practice or the theory, but as noted by Pelkmans (2006: 380–381), this stage implies an advanced level of economic integration between states, involving common regulations and common policies (e.g.: trade, agriculture, transport, competition) as well as a monetary union, which should be a natural consequence and stage of creating such an economic union.

It is difficult to predict whether the last stage of economic integration foreseen by Balassa, and often called by his successors a political union, will ever be implemented in reality by any group of states. The question arises as to whether this stage will be necessary to achieve the desired economic effects and whether any state will be willing to give up its sovereignty.

Balassa's model is a theoretical model and it has not been fully realised by any of the existing integration groups. In addition, reality has shown that some organisations bypass some of the stages identified by Balassa (e.g.: Mercosur), while others carry out some elements of different stages simultaneously (e.g.: the EEC). The simplicity of this model, however, clearly shows the essence of economic integration, explaining this phenomenon and its origins, showing trade liberalisation as the first and simplest form of economic integration. At the same time, defining the stages of economic integration, Balassa presented its main components and the natural order of their implementation, which determined the way in which economists and politicians subsequently thought of and perceived this phenomenon, and which to this day is the reference point for many analyses and the construction of new models of integration.

3. The European Union in light of Balassa's stages of economic integration

Due to the fact that economic integration within the European Economic Community (the EEC) and later within the EU is the most advanced form of integration in the modern world, it is well worthwhile to refer the process of deepening the integration within this organisation to Balassa's model. This will allow to show the dynamics and complexity of integration processes, important for understanding the integration character of the CETA signed by the EU in 2016.

The EEC had from its beginning an ambition of pursuing far-reaching economic integration, far beyond its own free trade area. It was also clear to the founding states that the implementation of a customs union would only be a transitional stage towards further stages of integration, in particular to the creation of a single market. It can be said that the stage of the customs union has now been fully implemented by the EU, but by the end of the sixties, only the products of the processing industry were covered by it. Services and other sectors have also been protected for a long time. At that time, however, a common trade policy was implemented, which was transferred to the EC Commission (Molle, 1995: 492; Milczarek, 2006: 33).

The process of creating a single market was significantly hampered by the crisis of the 1970s and the numerous socio-economic phenomena resulting from it. A breakthrough was presented by the Commission in 1985 in the form of The White

Paper for the Comprehensive Internal Market Programme until 1992 (Commission of the European Communities, 1985). It proposed an area without internal frontiers in which the free movement of goods, services, persons and capital would be ensured, and what arose from this was the main objective of the Single European Act which was signed the following year. The proper functioning of the internal market required a number of joint actions of the member states. For example, not only a common antitrust policy, but also, due to the opening up of borders and increased competition, a consumer protection policy became necessary. In turn, the implementation of the free movement of workers required, among other things, the introduction of a mutual recognition of professional qualifications and the coordination of social security systems (in 1989 the heads of the member states with the exception of Great Britain adopted the Charter of Fundamental Social Rights of Workers). At this stage of integration, it was also decided to include in the Treaty such areas as research and environmental protection. Being able to implement and benefit from the creation of the internal market also required intensified cooperation between the member states, whether in the area of Transport and Agriculture policy, or in the area of the introduction of the Common Customs Code and in the field of home affairs, but mainly in the field of immigration policy and combating drug trafficking (Milczarek, 2006: 37–38). In order to strengthen the proper functioning of the internal market, as part of the Lisbon Strategy, the following priorities were also recognised: the harmonisation of the provisions concerning a Community patent, the patenting of computer-related inventions, the enforcement of intellectual property rights, cross-border mergers and the tax barriers related to them, as well as the greater openness of public procurement markets (Synowiec, 2004a: 9–10).

At the same time, attention was paid to the important role of the Community's economic and social cohesion, so it was decided to double the funding from the Structural Funds to support the member states with lower levels of economic development (Synowiec, 2004a: 8). Such examples could be multiplied, but they all show that at the stage of the implementation of the common market, in order to benefit from this stage of integration, the introduction and coordination of joint actions by the member states in various spheres of their economic and social life, and, as a consequence, also their institutional and legal apparatus, appeared necessary.

In this context, it is also important that already, early on, the Single European Act called for the creation of an economic and monetary union. The member states realised that this was a natural consequence of closer economic cooperation needed to fully exploit the potential of all the freedoms. In the 1990s, foreign and defence policies, which could be considered as elements of the last stage of integration – as foreseen by Balassa (Molle, 1995: 494), also started to be coordinated by the member states.

Despite great efforts, the internal market was still not really fully established until 1992, and the struggle for actual realisation of all the freedoms continues

to today because of formal and legal difficulties as well as the desire to protect certain sectors by the member states. The best example here are the problems connected with the passing of the so-called “services directive”. After many years of negotiation, it was passed only after the abandonment of the “country of origin principle”, which was essential to the actual realisation of the freedom of the movement of services (Śliwińska, 2010: 11–31).

The creation of economic and monetary union (EMU) was possible thanks to the provisions of the Maastricht Treaty of 1992. However, it was preceded by the adoption of common directions of the policy, the initial coordination of monetary policy and the establishment of the European Monetary System in 1979 (Molle, 1995: 493). The last stage of the creation of the EMU – the introduction of the single currency – took place on 1st January 2002, in most, but not all the EU member states. Thus, the implementation of economic and monetary union assumed the full harmonisation of the monetary and economic policies of the member states and the establishment of the European Central Bank.

It should be borne in mind that the creation of the economic and monetary union in Europe was accompanied by the strengthening of the internal market, and vice versa – the realisation of the Single Market was accompanied by the deepening of economic integration and the creation of economic union as well as elements of political union. It is an important conclusion showing that the benefits of implementing the consecutive stages of economic integration require, in a way, actions to be taken for the next stages of integration, or actions not at all foreseen by pre-existing integration models, such as the Balassa model.

For example, the strengthening of the internal market and the creation of economic and monetary union were accompanied by actions to strengthen economic and social cohesion within the EU, the introduction of citizenship of the EU, the implementation of the EU’s Common Foreign and Security Policy, and the development of close cooperation in the field of justice and home affairs (Synowiec, 2004b: 11; Milczarek, 2006: 39). Similarly, the harmonisation or coordination of certain environmental, cultural and educational actions already taking place in the 1980s and 1990s show that the creation of the single market in Europe was even at the time accompanied by elements of full economic integration.

The Amsterdam Treaty of 1997 and the Lisbon Treaty of 2007 introduced provisions strengthening the political union, including The Schengen Agreement in the *acquis*, covering new chapters such as health, consumer protection and employment issues, some institutional and legal reforms, and the EU’s legal personality. At the moment, however, it can be said that the full realisation of total economic (and political) union has not only yet to occur but it does not seem possible in the near future. The lack of readiness of the member states to take further steps towards deepening political integration has clearly shown the failure of the Treaty establishing the Constitution for Europe and is reflected in the present

multi-dimensional crisis of the European Union. As announced at the Versailles meeting in early March 2017 by the leaders of the four largest EU member states, Germany, France, Spain and Italy, the organisation should return to the concept of a multi-speed Europe, wherein only those countries which will want it and will be up to it, will take part in the next steps of deepening integration. The near future can bring major changes in the nature and structure of the EU as it is now.

4. "Integration elements" in the CETA from the point of view of Balassa's model

The Comprehensive Economic and Trade Agreement (CETA) is a bilateral trade and economic cooperation agreement signed between the European Union and Canada at the end of October 2016. The CETA is defined by the EU institutions as a trade agreement (<http://ec.europa.eu/trade/policy/in-focus/ceta/index.htm>). This subsection will provide a brief analysis of the scope of the agreement in question from the point of view of the stages of economic integration defined by B. Balassa and the EU experience in an attempt to answer the question whether this agreement should rather be referred to as an integration agreement.

The official purpose of the agreement is to create a free trade area between the European Union and Canada (Ministry of Development, 2016: 3), which means the entry into the first and easiest possible stage of economic integration. This agreement covers not only the mutual liberalisation of the trade in goods, as the Balassa model envisages, but also the liberalisation of the provision of services, which is a natural phenomenon at the present stage of economic development of both parties, and the overwhelming role of services in their economic growth and employment. However, this agreement also covers many other areas of socio-economic life more or less directly linked to trade, such as e.g.: the liberalisation of public services, the mutual recognition of professional qualifications, the deregulation and liberalisation of financial markets, the protection of intellectual property rights, the cooperation in creating new rules or protecting mutual investment.

In the CETA, both parties undertook to progressively and reciprocally liberalise the trade in goods so that most customs duties on trade in agricultural, industrial and fishery products would be eliminated. However, the liberalisation of trade under the CETA is not only connected with the abolition of already relatively low tariffs but also with the elimination of non-tariff barriers which involve different national regulations concerning the standards and quality of goods and services that impede their free movement. As Stiglitz (2014) points out, even if they are not perfect, they exist to protect consumers, workers, the economy and the environment. In the case of the EU, joint regulations are one of the greatest achievements of this organisation,

and the current standards of quality and safety of products and services, sanitary and phytosanitary controls, working conditions and environmental protection that these regulations provide have been developed over several decades, and constitute an important element of building the internal market, which is the equivalent of the third stage of economic integration as defined by B. Balassa – a common market.

For example, the CETA introduces the principle of the mutual recognition of the sanitary and phytosanitary controls. This is important because it could lead to a reduction in quality standards developed by the EU over many years, as Canada has less stringent animal welfare standards than the ones in the EU and its supervision of meat producers is negligible, contrary to market pressure for the lowest possible cost (National Chamber of Agriculture, 2016). In addition, if the EU control proves the non-conformity of Canadian-imported products with European requirements, this will not mean that they are automatically withdrawn from the EU market, but that the EU must prove that the products imported from Canada are harmful to health. This may lead to the gradual giving up of the so-called precautionary principle applied in the EU for both agricultural and industrial products, imposing the burden of proof on all enterprises using potentially dangerous chemicals in their business, especially when there is no proper anchoring of the precautionary principle in the text of the agreement (Foodwatch, 2016).

As mentioned above, the CETA also introduces the liberalisation of trade in services. Article 9.3 of the agreement (Council of the EU, 2016) introduces the principle of national treatment and provides that each party shall accord to service suppliers and services of the other party treatment no less favourable than that it accords, in like situations, to its own service suppliers and services. Article 9.5 establishes the principle of the most-favoured-nation treatment. This means that each party shall accord to service suppliers and services of the other party treatment no less favourable than that it accords, in like situations, to service suppliers and services of a third country. Another important element of the agreement is the liberalisation of public services and the introduction of the “negative list” approach for services commitments. This means that if some kinds of services are not explicitly mentioned as not covered by the agreement, then the provisions of the agreement shall apply to them. Given the pace of technological progress, it is difficult to predict at this moment what new services will appear in the future and what their significance will be for the economy and society. Public services are important elements of the economic policies of states, and their rules have also been harmonised at the stage of strengthening the common market. From a theoretical point of view, they can even be included in the areas of economic union, as they are important elements of the economic policy of the state, going beyond the freedom of movement of products and the factors of production.

It is worth pointing out that the service sector, mainly due to the extremely dynamic development and importance for economic growth of individual coun-

tries, is an area of the common European market which has not yet been fully liberalised. This is only proof that even for such an advanced integration group as the EU, which is already in other areas at more advanced stages of integration, the free movement of services is a sensitive area. However, the provisions of the CETA in this respect are clearly moving both parties towards regulations that the European Union created at the stage of the implementation of the common market.

The agreement also introduces some regulations to facilitate the flow of services, but directly affecting labour markets. For the first time, a free trade agreement signed by Canada will include important provisions on the mutual recognition of professional qualifications – with the recognition of licences and professional qualifications of professional service providers. Canada and the EU have also committed themselves to allowing companies to post their employees within the enterprise for up to three years regardless of the industry. In addition, the CETA guarantees the possibility of accompanying spouses and families to temporary employees seconded to subsidiaries abroad. Therefore, as a consequence of the liberalisation of the services market, the agreement introduces certain elements of the free movement of workers, which can be an important step towards establishing this freedom in the future.

The CETA also assumes the deregulation and liberalisation of financial markets. It restricts, for example, the use of non-discriminatory instruments by the state such as the imposing of limits on the size of financial institutions or the rise of risky financial instruments. Chapter 13 of the agreement contains, among others, the principles of national treatment or the most-favoured-nation treatment. Within the framework of providing access to the market, the parties should not adopt or maintain any restrictions on the number of financial institutions, the total value of financial services transactions or assets, the total number of financial services operations or the share of foreign capital. The free movement of services is a fundamental part of the creation of a single market, but financial services are particularly important for the stability of economies, and therefore they are governed by separate rules in the EU, which are essential for the economic and monetary union.

The agreement envisages far-reaching restrictions on the introduction of new national legislation in the EU and Canada. Firstly, it requires them to create licensing procedures that are “as simple as possible” and which do not “unduly complicate or delay” business activities, which may have a negative impact on society and the environment, particularly in the case of extractive industries. Secondly, it provides the other party and interested investors with the opportunity to participate in creating new legislation related to trade (Sinclair, Trew, Mertins-Kirkwood, 2014: 10). The agreement envisages co-operation in the field of technical barriers to trade. The process will be housed in a new body, the Regulatory Cooperation Forum. Moreover, regarding technical issues, the parties have committed

themselves to strengthening cooperation at the level of constituting laws as well as testing and certifying authorities. Creating such structures means far-reaching cooperation on the harmonisation and creation of new regulations, which is typical for the EU's single market stage.

The agreement covers also the protection of intellectual property rights. It extends the patent protection for drugs, which may delay access to cheaper medicines and raise the overall cost of treatment, and for the seed produced by international corporations, which may increase their costs and limit the independence of agricultural producers. This field is thus linked to trade, but in a very specific way, directly affecting important areas of social and economic life and the economic policies of the participating countries. From the point of view of the stages of economic integration, it should therefore be considered as a part of the creation of the single market or even because of its significant impact on important areas of socio-economic life such as health and agriculture – a component of economic union.

Canada is one of the largest investors in the EU, so it is important that an essential part of the CETA constitutes provisions on investment protection and the accompanying investor-state dispute settlement mechanism (ISDS), which together give foreign investors the right to seek compensation from governments, outside of the regular court system. Article 8.4. provides mutual market access for investors of both parties and prohibits any restrictions on, among others, the number of enterprises that may conduct business, the total value of transactions or assets, the total number of operations or the total quantity of output or the share of foreign capital. Article 8.6 introduces the principle of national treatment and grants the investors of the other party and the investments covered by the agreement treatment no less favourable than the treatment it accords, in like situations, to its own investors and to their investments with respect to the establishment, acquisition, expansion, conduct, operation, management, maintenance, use, enjoyment and sale or disposal of their investments in its territory. These are very advanced regulations which aim to ensure the freedom of movement of the production factor (capital) and the freedom of establishment – the essential elements of economic integration at the stage of the single market. Article 8.1 of the agreement expressly defines every kind of asset that an investor owns or controls, directly or indirectly, which may include, among others, an enterprise, shares, stocks and other forms of equity, participation in an enterprise as well as bonds, debentures, loans or credits granted to the company.

The agreement also introduces in Article 8.7. the principle of the most-favoured-nation treatment, which means that “each Party shall accord to an investor of the other Party and to a covered investment, treatment no less favourable than the treatment it accords in like situations, to investors of a third country and to their investments [...]”. Thus, in the case of a hypothetical change in the geopolitical situation of one of the parties and the desire to strengthen economic and

political cooperation with a certain group of countries, investors covered by the CETA will automatically acquire the same rights. It is important in this context that Article 30.9 guarantees that “[...] in the event that this Agreement is terminated, the provisions of Chapter Eight (Investment) shall continue to be effective for a period of 20 years after the date of termination of this Agreement in respect of investments made before that date”. These provisions serve not only the lifting of barriers to the free movement of investment but the provision of a particularly privileged position to investors of both parties, limiting the possibility to pursue its own policy in this field towards third countries. They are therefore more specific for the stage of economic or even political union than the common market.

5. Conclusions

The purpose of this article was to assess whether the naming the CETA signed in 2016 by the European Union and Canada as a trade agreement is justified. The analysis of its scope and important provisions in the context of Balassa’s stages of the economic integration and the integration experience of the EU leads to the conclusion that this agreement should rather be included in the category of integration agreements. While trade liberalisation is the first stage of economic integration, the agreement deals with much more than just the liberalisation of the trade in goods or services.

Most of the provisions of the agreement are at such a level of sophistication as was achieved by the EU countries at the stage of the forming of the single market, that is, at the stage of implementation of the common market in Balassa’s nomenclature, and some of them at the stage of economic, monetary and even political union. The scope of the CETA, i.e. the number of areas of social and economic life regulated by it and their advancement and complexity, goes far beyond the commonly understood ideas of a trade agreement and beyond the official purpose of the CETA – the creation of a free trade area between the European Union and Canada. Although it does not create a common customs tariff for third countries, which is characteristic of the next phase of economic integration according to Balassa, many of its provisions lead to economic integration at higher levels than the customs union.

From the dynamics of the deepening of integration processes and from the experiences of the EU member states, it follows that the process of economic integration is, in a sense, a “self-invoking mechanism”. In order to achieve the full benefits of economic integration at a single stage, it is necessary to gradually move on to the next stages of integration and to deepen them. Thus, one should expect that the implementation of the CETA will lead in the future to next stages of economic integration. This is due, among others, to the intensification of economic

progress, the technological advancement of products, the complexity of services and, as a result, the complexity of economic regulations. Therefore, in the present day, in times of dynamic economic development, trade agreements, to be effective, must contain elements of the coordination of many more or less directly trade-related policies, interfering deeply in the socio-economic life of participating states and limiting their freedom to pursue independent economic policies. Nowadays a simple “free trade” agreement will interfere in many areas of economic and social life, which did not take place several decades ago. The above-mentioned conclusions also point out clearly that in the present day Balassa’s model can only be considered as a starting point and a determinant of the possible levels of economic integration between states, and not as a pathway which the integrating states are precisely following.

Thus, agreements such as the CETA are a natural answer to the above-mentioned phenomena and to the progress of economic globalisation. However, it seems to be abusive to call them trade agreements, even if they are enriched with the term “new generation”. They fully deserve to be named integration agreements because they take a step further and lead to economic integration at a level far deeper than the free trade area in its classic and common sense. The term economic integration “denotes a state of affairs or a process which involves the amalgamation of separate economies into larger free trading regions” (El-Agraa, 2007: 1). The analysis of the scope of the CETA leads to the conclusion that its aim is to achieve a certain level of economic integration.

This is important not only from the theoretical but also from practical point of view. For example, each integration process is characterised by economic benefits and costs of adjustments, therefore in order to avoid their uneven distribution, the liberalisation process should be supplemented by some corrective mechanisms. In the case of the integration within the EU, these are the Regional Policy and the Common Agricultural Policy (Kundera, 2013: 9). The CETA, however, does not provide such a mechanism. Moreover, many market participants, especially entrepreneurs, could feel misled by the current naming and categorising of these agreements. The fair and open definition of the goals and scope of the agreements negotiated and signed by the EU is a fundamental prerequisite for preparing for and taking full advantage of opportunities and avoiding risks or minimising the costs of introducing them. Full openness could also reduce the anxiety surrounding such agreements and stimulate a fair debate, not only at the political level but above all at the scientific and social levels.

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Integracyjny charakter porozumienia CETA

Streszczenie: Jednym z przejawów globalizacji gospodarczej jest w ostatnich latach powstawanie tzw. umów handlowych nowej generacji, takich jak TPP, CETA i TTIP. Ich celem jest liberalizacja handlu, jednak ich zakres jest szerszy i obejmuje również inne sfery życia społeczno-gospodarczego, bezpośrednio lub pośrednio związane z handlem, jak np. liberalizacja usług o charakterze publicznym, wzajemne uznawanie kwalifikacji zawodowych, deregulacja i liberalizacja rynków finansowych, ochrona praw własności intelektualnej, współpraca w tworzeniu nowych przepisów czy ochrona wzajemnych inwestycji. Z powyższych względów w niniejszym artykule przeprowadzona została analiza zakresu i treści podpisanego przez Unię Europejską i Kanadę w 2016 r. porozumienia CETA z punktu widzenia etapów integracji gospodarczej zdefiniowanych przez B. Balassę oraz dotychczasowego doświadczenia UE – w celu podjęcia próby odpowiedzi na pytanie, czy nazywanie tego typu umów umowami handlowymi, nawet wzbogaconymi o określenie „nowej generacji”, jest uzasadnione. Przeprowadzona analiza prowadzi do wniosku, że umowa CETA powinna zostać raczej uznana za porozumienie o charakterze integracyjnym. Większość jej ustaleń charakteryzuje się bowiem podobnym stopniem złożoności, jaki był osiąganym przez państwa członkowskie UE na etapie budowy jednolitego rynku, a więc etapie integracji zdefiniowanym przez B. Balassę jako wspólny rynek, a niektóre z nich na etapie tworzenia unii gospodarczej czy monetarnej. Zakres omawianego porozumienia, tzn. liczba obszarów życia społeczno-gospodarczego przez nie regulowanego oraz poziom zaawansowania i kompleksowość zapisów, wykracza daleko ponad powszechne rozumienie umowy handlowej oraz ponad jej oficjalny cel – utworzenie strefy wolnego handlu między UE i Kanadą. Prowadzi bowiem do znacznie głębszej integracji gospodarczej niż strefa wolnego handlu w klasycznym ujęciu i potocznym znaczeniu.

Słowa kluczowe: integracja gospodarcza, integracja europejska, liberalizacja handlu, umowy handlowe, etapy integracji gospodarczej, strefa wolnego handlu, wspólny rynek, unia gospodarcza, regionalne porozumienia handlowe, regionalne procesy integracyjne

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