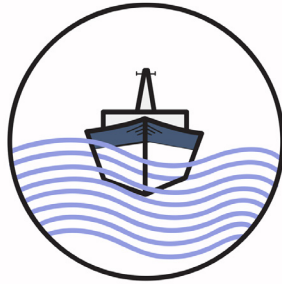


Contact: Marc De Villers  
Phone: (514) 404-6008  
Email: marcdevillers@icloud.com  
Social Media:  
twitter.com/cetasinksships  
instagram.com/cetasinksships  
www.cetasinksships.com



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## **After Senate Approval, C.E.T.A. can lift suspension without Assent from the Parliament of Canada.**

**MONTREAL, QC, APRIL 25** - After Senate Approval, C.E.T.A. can lift suspension (on low wage European ships trading in all of Canada's waters) without Assent from the Parliament of Canada.

"I'm surprised Canada made such a fuss of protecting Cabotage for our own Domestic Airlines that they've kind of thrown you away to the wolves." Senator Nicole Eaton, (6/4/17, 1100 am, abbreviated quote from video testimony), Conservative, Ontario, to Senate-Committee Maritime witnesses on Bill C-30.

The Senate Committee on Foreign Affairs and International Trade is currently holding Hearings on Bill C-30, Implementing Legislation for the Canada-Europe Comprehensive and Economic Agreement (C.E.T.A.).

C.E.T.A. is expected to begin Provisional Implementation on July 1st, 2017.

The Senate of Canada is expected to vote on the Approval of C.E.T.A. sometime before then.

C.E.T.A.'s Maritime Transport Chapter grants Maritime Cabotage Rights, or the right to load and discharge cargo between the ports of a State), to European registered ships in all of Canada's Coastal waters (Chapter 14, Article 3, Paragraph 2: " A Party shall permit... the other Party to supply feeder services between the ports of that Party.), a trade until now reserved for Canadian registered ships and their Canadian crews.

Because European registered ships are mostly operated by low wage, Flag of Convenience crews (paid at between 1/10 and 1/3 the wages of a Canadian crew and benefitting from often lower working and safety standards), they enjoy overwhelming economic advantages compared to Canadian ships, which will be in immediate difficulty on those Routes where C.E.T.A. grants Maritime Cabotage Rights and may eventually disappear as well as thousands of Canadian seafaring jobs.

However, many of these Maritime Cabotage Rights are, for the time being, merely suspended by Reservation II-C-14, except, among other things, to transport International Cargo between Montreal and Halifax.

"Thank you all, thank you all again for your presentations. I think each one of you, the Canadian Labour Congress, Unifor and the Seafarers' Union have expressed a fair degree of concern with C.E.T.A. and the

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lack of consultation which I find, actually, surprising and baffling that you could get here 8 years later and not have extensive consultations...” Senator Sarabjit S. Marwah, (ISG), Ontario (13/4/17,12:31 pm, abbreviated quote from video testimony.).

Due to the legal nature of Reservations in International Treaties, which can be included unilaterally in an Agreement by any one Party and do not require the assent of any other contracting Party to be withdrawn, Reservation II-C-14 could be withdrawn at any time after C.E.T.A. is approved by the Senate and cause the disappearance of the Canadian Merchant Marine and its’ thousands of Canadian seafaring jobs.

Though many think that C.E.T.A.’s Maritime Provisions only permit European ships to transport International cargo between Montreal and Halifax, removal of Reservation II-C-14 would restore Maritime Cabotage Rights, granted to low wage European ships in C.E.T.A.’s Maritime Transport Chapter, to all of Canada’s territorial waters without further Debate or Approval from the Parliament of Canada.

Muriel Usher, Chief Executive Officer of the Port of Sydney Development Corporation, in answering Senator Jane Cordy’s question (6/4/17, 11:24 am, abbreviated quotes from video testimony): “... what effects is C.E.T.A. going to have on... ports in Atlantic Canada, but likely... ports across the country? Will you benefit from it?...”

“ We believe that we will benefit from it. There’s been a lot of of research and study by the Atlantic Canada Opportunities Agency into... how export and import will be affected by C.E.T.A. and we see a lot of incremental new traffic that will come to our ports both for cargo and container and therefore Port Hawkesbury and Saint-John and Yarmouth and all of the smaller ports...”.

The Committee Chairman, Senator Percy E. Downs, then says (6/4/17, 11:27 am, abbreviated quote from video testimony): “... Senator Woo and Senator Pratte still have questions. I will ask them to ask their questions and we’ll have answers in writing from the panel sent to the clerk and we’ll distribute them to everyone.”

Senator Yuen Pau Woo ( 6/4/17, 11:28 am) then asks: “...my question is principally for the Shipping Federation and the Port of Sydney and it has to do with your plea to make modifications to the C.E.T.A. Agreement, essentially, as I understand it, by further Unilateral Liberalization because these are... concessions that we would give without asking Europeans for anything else, in the case of... adding Sydney to the list of designated Ports... it’s really an internal debate in Canada, we wouldn’t have to reopen negotiations with the E.U.... my question is the feasibility of further Unilateral Liberalisation on C.E.T.A., which would not affect our counterparts in negotiations but would have some domestic ratifications. Could this be done? How could it be done?”

Written answers to Senator Woo’s and Senator Pratte’s questions are not in the on-line official Hearing Transcripts, though they may appear in a later publication.

“It’s a ghost Industry that... could have created over 2,100 jobs in Canada last year... if that Legislation had been enforced. James Given, President of the Seafarers International Union of Canada, (13/4/17,12:14 pm, abbreviated quote from video testimony).

James Given is the President of the Seafarers International Union of Canada (representing most unlicensed, or non-officer, personnel in the country), Chairman of the International Transport Workers

Federation Worldwide Cabotage Task Force and who may also hold a Brief from Canadian Ship-owners with regard to Cabotage in Canada (e-mail from President to S.I.U. of Canada member, 21/11/16, "... We are also working closely with the Canadian Ship-owners who have given us the lead role in strengthening Cabotage in Canada...").

At the quarterly meeting of the Montreal Chapter of the S.I.U. of Canada on Monday, 5/3/17, President Given told seafarers that Canadian sailors would be employed on European registry vessels granted Cabotage Rights in Canadian waters, which, it was understood then, was limited to between Montreal and Halifax and that Canadian wages would be paid to Canadian and/or foreign seafarers employed on such ships.

However, in testifying before the Senate-Committee and referring to the S.I.U. of Canada Lawsuit against the Canadian Government over Transport Canada awarding waivers to foreign-registry ships to engage in Cabotage in Canadian waters, without verifying whether Canadian registry ships were available and that the Temporary Foreign Worker Law, which would have permitted Canadian sailors to work on such ships and grant median Canadian wages to all foreign crewmembers, was not enforced, President Given stated (13/4/17, 12:13 pm, abbreviated quote from video testimony):

"The basis of our Lawsuit was that it was not enforced. There was no enforcement of that Legislation... There was no M.L.I.A. done to see that there were no Canadians available, which as of last year, there was, at 15% unemployment and the wages paid to crewmembers were the wages under their existing employment contracts which were...\$3.24: No one inspected the vessels to make sure that they were being done."

"It's a ghost Industry that everyone has ignored and that's been a major, major problem."

"It could have created 2,100 jobs in Canada last year, good paying middle-class jobs, if that Legislation had been enforced."

When Senator Andre Pratte asked (12:15 pm, abbreviated quote from video testimony):

"... under C.E.T.A., that will not happen again and seafarers on European ships in Canadian waters will be paid the prevailing wage?"

President Given: "That is our hoped outcome of that process but that is not a guaranteed outcome...so, yes, in a perfect world, the outcome would be that..."

Senator Pratte then asks (12:16 pm, abbreviated quotes from video testimony):

"And, if that doesn't happen, you could sue again?"

President Given: "We could if we can find an extra 2 or 3 million dollars, correct."

When Senator Jane Cordy asked (12:19 pm, abbreviated quote from video testimony)

"... You did say that you've won the case...that while they're in Canadian waters they'd be treated as foreign workers so that they'd get the prevailing wage but neither of you sounded extremely optimistic that that would be the case, so is there a way to actually enforce it or monitor it...? President Given answers (abbreviated quote from video testimony):

“I don’t want to say “won”: We “settled” the case... The problem is inspections of the vessels and these are few and far between. They haven’t been done and there’s not enough people to do them... but if the Legislation is there then we have to try and enforce it as best we can.”

“...Je note que... pour tout l’expertise et l’importance financiere de votre Industrie aurait justifie une consultation prealable et je suis tres decue d’apprendre que ca n’a pas ete le cas avant que l’Accord ne soit conclusion...”

Translation: “... I note that... for all the expertise and financial importance of your Industry would have justified prior consultations and I am very disappointed that that hasn’t been the case prior to the Agreement being finalized...”

Senator Raymonde Saint-Germain, (ISG), Quebec-De La Valliere, addressing Maritime witnesses (6/4/17, 11:19 am, abbreviated quote and translation from video testimony.).

Should, under C.E.T.A., the Temporary Foreign Worker Legislation again fail to be enforced, and a lawsuit filed, a settlement or Legal Decision could take years.

In the case that should C.E.T.A. come into Application unrevised and Reservation II-C-14 be revoked, Maritime Cabotage Rights, already granted in the Maritime Transport Chapter, would come into force and permit low wage European ships to trade in Canada, not only between Montreal and Halifax, but throughout Canada’s territorial waters and, through their economic and other advantages, cause the Canadian merchant Marine to disappear as well as its’ thousands of Canadian seafaring jobs, particularly should the Temporary Foreign Worker Legislation fail to be enforced.

In the case that should C.E.T.A. come into Application unrevised and Reservation II-C-14 remain, wages and benefits on Canadian ships could drop to very low levels due to seafarers’ fear of triggering the Reservation’s removal by requesting higher ones and flooding Canada with low wage foreign ships and crews, as well as causing Canadian ships to be reregistered European, their Canadian crews dismissed and Flag of Convenience crews retained.

In this case, many Maritime shipping companies may also fear triggering Reservation II-C-14’s removal and, because of the inexperience of foreign, low wage crews, increase liabilities due to higher risk of groundings, collisions and possibly blocking the Saint-Lawrence Seaway, risks concurrent with the long pilotages, extended narrow channels, heavy traffic and, possibly, frequent moorings in the locks characteristic of Canada’s Maritime landscape.

Though some have argued that C.E.T.A.’s Maritime Provisions only cover international cargo and not domestic, because Canada has an export driven economy of mostly raw materials, there would be very little marine cargo that is not covered by the Agreement.

“... last week we had a witness who said that we cannot give up our Values for a Trade Deal and I think all of you agree with that today.”

Senator Jane Cordy, Liberal, Nova Scotia (13/4/17,12:16 pm, abbreviated quote from video testimony.).

Marc de Villers,

Helmsman, “Camilla Desgagnes”,

CDN63142X,

514-404-6008.

Marc de Villers,  
CDN 63142X,  
Helmsman,  
M.V. "Camilla Desgagnes"

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