



Council of the  
European Union

Brussels, 21 September 2016  
(OR. en)

10975/16

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**2016/0205 (NLE)**

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## **LEGISLATIVE ACTS AND OTHER INSTRUMENTS**

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Subject: COUNCIL DECISION on the conclusion of the Comprehensive Economic and Trade Agreement (CETA) between Canada, of the one part, and the European Union and its Member States, of the other part

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**COUNCIL DECISION (EU) 2016/...**

**of ...**

**on the conclusion  
of the Comprehensive Economic and Trade Agreement (CETA)  
between Canada, of the one part,  
and the European Union and its Member States, of the other part**

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on the Functioning of the European Union, and in particular Article 43(2), Article 91, Article 100(2), Article 153(2), Article 192(1) and the first subparagraph of Article 207(4), in conjunction with Article 218(6)(a)(v) and Article 218(7), thereof,

Having regard to the proposal from the European Commission,

Having regard to the consent of the European Parliament<sup>1</sup>,

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<sup>1</sup> Consent of ... (not yet published in the *Official Journal*).

Whereas:

- (1) In accordance with Council Decision (EU) 2016/...<sup>1\*</sup>, the Comprehensive Economic and Trade Agreement (CETA) between Canada, of the one part, and the European Union and its Member States, of the other part, (the 'Agreement') was signed on ...<sup>+</sup>, subject to its conclusion at a later date.
- (2) The Agreement should be approved on behalf of the European Union.
- (3) In accordance with Article 30.6(1) of the Agreement, the Agreement does not confer rights or obligations which can be directly invoked before Union or Member State courts or tribunals.
- (4) Pursuant to Article 218(7) of the Treaty on the Functioning of the European Union, it is appropriate for the Council to authorise the Commission to approve modifications to Annex 20-A of the Agreement to be adopted by the CETA Joint Committee, as set out in Article 26.1 of the Agreement, on a recommendation by the CETA Committee on Geographical Indications pursuant to Article 20.22 of the Agreement,

HAS ADOPTED THIS DECISION:

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<sup>1</sup> Council Decision (EU) 2016/... of ... on the signing on behalf of the European Union of the Comprehensive Economic and Trade Agreement (CETA ) between Canada, of the one part, and the European Union and its Member States, of the other part (OJ L ...).

\* OJ: please insert the number and date of the Decision contained in Council document ST10972/16 and complete the publication reference.

+ OJ: please insert the date of signature [27 October 2016].

### *Article 1*

The Comprehensive Economic and Trade Agreement (CETA) between Canada, of the one part, and the European Union and its Member States, of the other part, is hereby approved on behalf of the Union.<sup>1\*</sup>

### *Article 2*

The President of the Council shall designate the person(s) empowered to proceed, on behalf of the European Union, with the notification provided for in Article 30.7 of the Agreement, in order to express the consent of the European Union to be bound by the Agreement.<sup>2</sup>

### *Article 3*

For the purposes of Article 20.22 of the Agreement, modifications to Annex 20-A of the Agreement through decisions of the CETA Joint Committee shall be approved by the Commission on behalf of the Union.

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<sup>1</sup> The Agreement is published in OJ L ....

\* OJ: please complete the publication reference of the text of the Agreement published together with the Decision contained in Council document ST10972/16, indicating the page number of the attached text of the Agreement, not that of the signing decision.

<sup>2</sup> The date of entry into force of the Agreement will be published in the *Official Journal of the European Union* by the General Secretariat of the Council.

If an opposition is received in the framework of the examination of geographical indications carried out under paragraph 1 of Article 20.19 of the Agreement, and no agreement can be reached between the interested parties, the Commission shall adopt its position in accordance with the procedure laid down in Article 57(2) of Regulation (EU) No 1151/2012 of the European Parliament and of the Council<sup>1</sup>.

*Article 4*

This Decision shall enter into force on the day of its adoption.

Done at ...,

*For the Council*

*The President*

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<sup>1</sup> Regulation (EU) No 1151/2012 of the European Parliament and of the Council of 21 November 2012 on quality schemes for agricultural products and foodstuffs (OJ L 343, 14.12.2012, p. 1).