

 Council of the European Union General Secretariat	
Trade Policy Committee	
m.d. :	194/16 REV 2
source :	SK Presidency
for :	Endorsement
date :	28 - 09 - 2016

NOTE TO THE TRADE POLICY COMMITTEE

Subject: Draft Council statements in relation to the Comprehensive Economic and Trade Agreement between Canada of the one part, and the European Union and its Member States, of the other part

The Presidency proposes that at the time of adoption of the draft Council Decision on signature of the Comprehensive Economic and Trade Agreement between Canada of the one part, and the European Union and its Member States, of the other part, the following statements are entered in the Council minutes:

(Changes to the previous version are in **bold** and ~~strikethrough~~/**underlined**).

**STATEMENT FROM THE COUNCIL ON ~~CRIMINAL ENFORCEMENT OF~~
INTELLECTUAL PROPERTY RIGHTS ARTICLE 20.12:**

“The Council declares that the agreement reached by member states on the criminal enforcement of intellectual property rights will not constitute a precedent for future agreements between the European Union and third countries”.

STATEMENT FROM THE COUNCIL RELEVANT TO THE PROVISIONAL APPLICATION OF ARTICLE 20.7:

”The Council declares that its decision, to the extent that it provides for provisional application by the EU of article 20.7 does not prejudice the allocation of competences between the EU and the Member States insofar it concerns moral rights protected by the Berne Convention”.

STATEMENT FROM THE COUNCIL RELEVANT TO THE PROVISIONAL APPLICATION OF TRANSPORT AND TRANSPORT SERVICES

The Council of the European Union declares that its decision, to the extent that it provides for provisional application by the EU of provisions in the field of transport services, falling within the scope of shared competences between the EU and the Member States, does not prejudice the allocation of competences between them in this field and does not prevent the Member States from exercising their competences with Canada for matters not covered by this Agreement, or with another third country in the field of transport services falling within the said scope.

STATEMENT FROM THE COUNCIL RELEVANT TO THE PROVISIONAL APPLICATION OF SUSTAINABLE DEVELOPMENT PROVISIONS

The Council of the European Union declares that its decision, to the extent that it provides for provisional application by the EU of provisions in the field of sustainable development, falling within the scope of shared competences between the EU and the Member States, does not prejudice the allocation of competences between them in this field and does not prevent the Member States from exercising their competences with Canada for matters not covered by this Agreement, or with another third country.

STATEMENT FROM THE COUNCIL ON ARTICLES 8.19 (7) AND 8.21 ON THE APPLICATION OF REGULATION (EU) NO 912/2014:

The Council notes that ~~the Commission, when it receives a communication or request received under Articles 8.19(7) or 8.21 in respect of an alleged breach of CETA by a Member State, will forward the communication or request to the Member State concerned, in accordance with Articles 7(1) and 8(1) of Regulation (EU) No 912/2014 of 23 July 2014 establishing a~~

~~framework for managing financial responsibility linked to investor-to-state dispute settlement tribunals established by international agreements to which the European Union is party"~~
Regulation (EU) No 912/2014 of 23 July 2014 establishing a framework for managing financial responsibility linked to investor-to-state dispute settlement tribunals established by international agreements to which the European Union is party applies to all claims and disputes directed against the EU or any of its member states pursuant to Section F (Resolution of investment disputes between investors and states) of Chapter 8 of CETA.
